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: B & G Subdivision (PR 17:2021 | LUDIII 21-0008)

Rev. Report Date: November 10, 2021

Continued Hearing Date: October 28, 2021 @ 11:00 a.m. via Zoom Meetings

Proposal: The B & G Subdivision project proposes to subdivide parcels 228982-000, 228990-000, 91051-024,228957-000, and 229000-252 (approximately 67.63 acres total) into 424 single-family detached and attached residential lots in up to 7 phases. The future homes will have access off the proposed interior roadways. No lots will take direct access onto NE Onsdorff Blvd. or NE Grace Avenue (NE 142nd Avenue). Additional site improvements include public road and pedestrian access improvements, stormwater facilities, and open spaces to protect critical areas.

Location: 702 NE 8th Way, Battle Ground, WA 98604 and 1102 NE Grace Avenue, Battle Ground, WA 98604 | Parcel Numbers: 228982000, 228990000, 91051024, 228957000, 229000252

Consultant:
SGA Engineering and Design
Attn: Scott Taylor
2005 Broadway Street
Vancouver, WA 98663

Applicant:
Hinton Development
Attn: Nikole Duke
14010-A NE 3rd Ct #106
Vancouver, WA 98685

Owner:
B&G Properties, LLC.
815 NE 123rd Avenue
Lake Stevens, WA 98258

Staff: Emily Lutz, Planning Supervisor
Ryan Jeynes, P.E., City Engineer
Chris Drone, Fire Marshal and Building Official

SEPA: Recommending a Final Determination of Mitigated Non-significance (MDNS)

Recommendation: **Preliminary Approval** subject to conditions listed at the conclusion of this report.

Emily Lutz — November 10, 2021

Emily Lutz, Planning Supervisor **Date**

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A. BACKGROUND

A. General Site Information

Size of Site:	Approximately 67.63 acres per the applicant's surveyor
Existing Vegetation:	Various trees, grass, shrubs, and wetlands
Existing Structures:	Single family home
Adjacent Zoning:	R7 to the south, east, and west; Clark County R1-20 to the north.
Topography:	No mapping indicators
Wetlands:	Wetlands are on site.
Flood Plain:	No mapping indicators
Archaeology:	High and Moderate-High Probability
Access Roads:	Access to the development will be from the NE Grace Avenue and the extension of NE Onsdorff Blvd. The subdivision also has an internal street network.

B. Land Use Processing

Date Application Submitted:	June 14, 2021
Application Technically Complete:	July 16, 2021
Notice of Application:	July 28, 2021
Site Posted:	July 28, 2021
Reflector Publication:	July 28, 2021
Comments Due:	August 11, 2021
Public Hearing:	October 1, 2021
Continued Public Hearing	October 28, 2021

Figure 1. Location

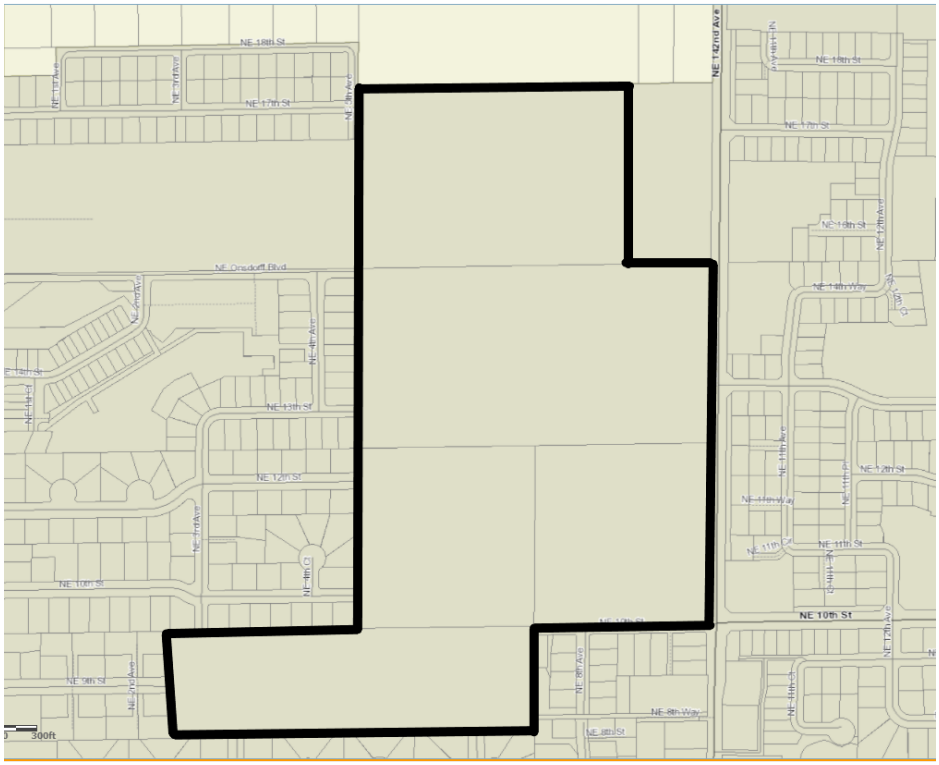


Figure 2. Site – 2020 Imagery



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:** Conditionally
Finding: Staff will review street names during engineering review. **Prior to engineering approval, revise any applicable street names per staff's review of this section of the code.**	
12.116 Transportation Standards	**Compliance:** Conditionally
Finding: The proposed 424-lot subdivision is located on several parcels west of NE Grace Avenue. Access to the development will be from the creation of new intersections at NE 10th Street and NE Grace Avenue, ~~at NE 13th Street and NE Grace Avenue,~~ at NE Onsdorff Boulevard and NE Clark Avenue, NE 5th Avenue and NE 16th Street, and at NE Onsdorff Boulevard and NE 9th Avenue. Additionally, several existing streets will be extended: NE 9th Street, NE 12th Street, NE 13th Street, NE 17th Street, NE 3rd Avenue, NE Clark Avenue, and NE 8th Avenue. NE Grace Avenue shall be improved to "Minor Arterial" standards that include a 70-foot right-of-way (35-foot half width); 23-feet of roadway to centerline (includes 5-foot bike lane), 6-foot landscape strip and 6-foot sidewalk. Current right-of-way is 65-feet; therefore, 5-feet will need to be dedicated in order to meet the half right-of-way width. Extension of NE Onsdorff Boulevard shall be built to "Major Collector - Option 1" standards by that includes 64-feet of right-of-way that includes 46-feet of roadway, 4-foot landscape strip, 5-foot sidewalk (west end), and having a minimum half-width right-of-way of 34-feet; 25-foot asphalt roadway, 4-foot landscape strip, a 5-foot sidewalk (east end). For reference, eastern property line of parcel 228922-000 is being used as the dividing line between western and eastern end. Extension of NE Clark Avenue shall be built to "Neighborhood Collector" standards that include a 50-foot right-of-way, 32-feet of roadway width, 4-foot landscape strip, and 5-foot sidewalk. NE 5th Avenue built to half-width "Neighborhood Collector" standards that include 34-foot right of way, 25-feet of roadway width, 4-foot landscape strip, and 5-foot sidewalk. As it approaches the existing section built with Parkway Terrace, NE 5th Avenue shall be constructed to complete "Neighborhood Collector" standards that include 15-foot right of way, 7-feet of roadway width, 4-foot landscape strip, and 5-foot sidewalk. Extensions of NE 9th Street and NE 10th Street shall be built to "Neighborhood Collector" standards that include a 50-foot right-of-way, 32-feet of roadway width, 4-foot landscape strip, and 5-foot sidewalk. Extension of NE 12th Street shall be built to "Neighborhood Collector" standards that include a 50-foot right-of-way, 32-feet of roadway width, 4-foot landscape strip, and 5-foot sidewalk from current terminus to NE Clark Avenue. Extension of NE 13th Street, ~~both sides of wetland,~~ shall be built to "Local A" standards that include 48-foot right-of-way: 30-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk from current	

terminus to NE Clark Avenue.

Extension NE 17th Street shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk. In order to provide cross circulation and reduce the number of access points at NE Grace Avenue, it shall align with the existing terminus at the western property line of parcel 2289820-000 and then have the ability to provide an extension through parcel 2290000-253 so that it can align with NE 17th Street on the east side of NE Grace Avenue.

Extension of NE ~~13th~~ 3rd Avenue shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk.

Extension of NE 8th Avenue shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk.

All other streets shall be built to "Local A" standards that include 48-foot right-of-way: 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

There is a pedestrian path in Oak Meadow Ph III between lots 2 and 3. This path shall be extended into the proposed development.

Intersection spacing for Neighborhood Collectors is 250-feet minimum per BGMC 12.116.040(B)(2). Spacing is not being met at the following locations along NE Clark Avenue: between NE 9th Street and NE 10th Street; between NE 10th Street and NE 11th Street; between NE 16th Street and NE 17th Street. The applicant did submit a road modification request; see below for more information.

Intersection spacing for Local A's is 240-feet minimum per BGMC 12.116.040(C). Spacing is not being met at the following locations: ~~between NE Clark Avenue & NE 6th Avenue at NE 15th Street and NE 16th Street;~~ between NE 10th Street and NE 11th Street at NE 8th Avenue; and between NE 14th Street and NE Onsdorff Boulevard at NE 9th Avenue. The applicant did submit a road modification request; see below for more information.

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, and frontage roads out to centerline. The plans should also include existing lights to ensure that proposed lights meet IES RP-8-00 standards and be designed by a licensed electrical engineer. Streetlights will be required for this project. Those along NE Grace Avenue and NE Onsdorff Boulevard 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.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NE Grace Avenue where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street.

The applicant's traffic engineer has indicated that 4,003 daily, 314 new a.m. peak trips and 420 new p.m. peak trips will be generated by the proposed development. Per BGMC 12.116.175(C), a new traffic study is required when there is an increase of 10 new a.m. and p.m. peak trips. A traffic study has been submitted. All four failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

The applicant is showing some cross-circulation streets on the preliminary plat. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary plat is approximately 2,400-feet deep and approximately 2,000-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, four north-south cross-circulation streets and five east-west cross-circulation streets. The preliminary plat shows four north-south streets and five east-west streets. East-west streets do not go through the development or provide the possibility of future extensions due to wetlands on-site. 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 at 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 driveway with neighboring lot per BGMC 12.116.243.

The applicant has requested several road modifications related to intersection spacing requirements:

1. On NE 9th Avenue, between NE Onsdorff Boulevard and NE 14th Street (240' required, 156' proposed).
2. On NE 8th Avenue, between NE 10th Street and NE 11th Street (240' required, 228' proposed).
3. On NE Clark Avenue, between NE 10th Street and NE 11th Street (250' required, 208' originally proposed, 228' proposed with new layout).

~~4. On NE 15th Street between NE Clark Avenue and NE 6th Avenue (240' required, 181' proposed).~~

~~5. On NE 16th Street between NE Clark Avenue and NE 6th Avenue (240' required, 181' proposed).~~

6. On NE Clark Avenue, between NE 9th Street and NE 10th Street (250' required, 187' proposed).
7. On NE Clark Avenue between NE 16th Street and NE 17th Street (250' required, 242' proposed)

Per BGMC 12.116.290(A), the City Engineer shall only approve a road modification when the following criteria are each met:

1) There are topographical or physical condition such as steep slopes, wetlands, water area, structures, streets, utilities, lot patterns, street patterns, or other conditions that justify departure from strict adherence to the standard to be modified;
2) That the modification is consistent with sound engineering principles and it will be safe, practical, and efficient;
3) That the proposed modification is consistent with the intent and purpose of the standard being modified; and
4) That the proposed modification is consistent with the goals and policies of the comprehensive plan.

In responding to each of the above listed seven (7) modifications, the above criteria will be applied to each specific requested modification.

Response to Road Modification Request:

1. On NE 9th Avenue, between NE Onsdorff Boulevard and NE 14th Street (240' required, 156' proposed).

   BGMC 12.116.290(A) Criteria #1: Physical conditions, lot patterns and wetland, exist in the location where NE 9th Avenue is to be constructed.

   BGMC 12.116.290(A) Criteria #2: Reducing the intersection spacing on NE 9th Avenue may not be a safe, practical or efficient option. However, the installation of stop signs on NE 14th Street will assist in ensuring modification request will be safe, practical, and efficient. Therefore, stop signs shall be installed for westbound and eastbound directions on NE 14th Street.

   BGMC 12.116.290(A) Criteria #3: Reducing the intersection significantly does meet the intent and purpose of the standard being modified.

   BGMC 12.116.290(A) Criteria #4: The proposed modification is consistent with the City's Comprehensive Plan.

   Engineer Decision: Therefore, the request to reduce the intersection spacing on NE 9th Avenue between NE Onsdorff Boulevard and NE 14th Street is APPROVED. However, as

a condition of the road modification approval, NE 14th Street shall be stop control in both the westbound and eastbound directions at the intersection of NE 9th Avenue.

2. On NE 8th Avenue, between NE 10th Street and NE 11th Street (240' required, 228' proposed).

   Engineer Decision: The difference between the requested 228-feet and the minimum of 240-feet of 12-feet is De Minimis; therefore, the request to reduce intersection spacing between on NE 8th Avenue between NE 10th Street and NE 11th Street is **APPROVED**. However, as a condition of road modification approval, NE 11th Street shall be extended to NE Clark Avenue ~~without the reverse curves as shown~~.

3. On NE Clark Avenue, between NE 10th Street and NE 11th Street (250' required, 208' originally proposed, 228' proposed with new layout).

   Engineer Decision: The difference between the requested 208-feet and the minimum of 250-feet of 42-feet is significant. However, with the required realignment of NE 11th Street, as discussed above, the difference becomes 12-feet, which is DE Minimis; therefore, the request to reduce intersection spacing on NE Clark Avenue between NE 10th Street and NE 11th Street is **APPROVED**.

~~4. On NE 15th Street between NE Clark Avenue and NE 6th Avenue (240' required, 181' proposed).~~

~~**Engineer Decision:** The curve between NE 15th Street and NE 6th Avenue is not considered an intersection. Therefore, the request to reduce the intersection spacing is not required and the intersection spacing is **APPROVED.**~~

~~5. On NE 16th Street between NE Clark Avenue and NE 6th Avenue (240' required, 181' proposed).~~

~~**Engineer Decision:** The curve between NE 15th Street and NE 6th Avenue is not considered an intersection. Therefore, the request to reduce the intersection spacing is not required and the intersection spacing is **APPROVED.**~~

6. On NE Clark Avenue, between NE 9th Street and NE 10th Street (250' required, 187' proposed).

   Engineer Decision: A road modification is not necessary as the reduction request in this location meets an offset intersection traffic calming measure of BGMC 12.116.080.

7. On NE Clark Avenue between NE 16th Street and NE 17th Street (250' required, 242' proposed)

   Engineer Decision: The difference between the requested 242-feet and the minimum of 250-feet of 8-feet is De Minimis; therefore, the request to reduce intersection spacing on Clark Avenue between NE 16th Street and NE 17th Street is **APPROVED**.

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.
Per BGMC 16.125.100, double and reverse frontage lots require a landscaped parkway. Lots 68-76 and 209-270 are currently shown as double fronted. The applicant has proposed a landscape parkway along the double fronted lots. The landscape parkway shall be placed in a tract and be privately owned and maintained.

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 are not limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements.

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

The sliver area of land of parcel 91051024 that separates the Cedars Estates and Grace Meadows shall be dedicated to the City of Battle Ground. This is so the City can do necessary construction activities to connect the sections of NE 8th Avenue.

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.

Staff received comments from the following citizens regarding transportation:

1. Miller Family: request to have signals installed at several intersections; reduction of speed on NE Grace Avenue; speed bumps installed, and creation of 4-way stop controlled intersections.
2. Ms. Sullivan: access from NE 7th St
3. Mr. Parker: width of NE 10th Street; street parking
4. Mr. & Mrs. Shepard: alignment of NE 17th Street
5. Mr. & Mrs. Anderson: alignment of NE 17th Street; configuration of N Parkway Avenue & N Onsdorff Boulevard
6. Ms. Dickinson: use of NE 17th Street
7. Ms. Hoss: alignment of NE 17th Street; construction access on NE 17th Street; improvements to intersection of N Parkway Avenue & N Onsdorff Boulevard; width of streets
8. Mr. Schell: concern of speed on NE Grace Avenue
9. Mr. Sperling: alignment of NE 17th Street; street parking; traffic calming; sight distance
10. Ms. Koistenen: lack of access onto NE Grace Avenue or NE Onsdorff Boulevard
11. Ms. Bankston: improving NE 3rd Avenue in front of her property
12. Ms. Tucker: speed on NE Grace Avenue
13. Ms. Trost: connection to NE 3rd Avenue

Responses to citizen comments:

1. The submitted traffic study showed that new signals are not required with the proposed development. Traffic calming will be required within the proposed development. The City

will collect data to determine if there is a need to create a 4-way stop intersection as well as reducing the speed on NE Grace Avenue.

2. There is no proposed access from NE 7th Street
3. NE 10th Street is classified as a "Neighborhood Collector". When built it will have 32-feet of roadway. Street parking is allowed by Code unless otherwise signed No Parking.
4. The proposed development has provided a revised layout that shows NE 17th Street going to and through NE Clark Avenue. Additionally, a condition has been placed on it for its alignment to be revised so it connects directly with the existing terminus.
5. Regarding NE 17th Street, please see response #4. The City cannot require the construction of any infrastructure on property not owned by the developer unless there are situations where improvements are needed due to impacts directly connected to the development. A condition has been placed on the intersection of N Parkway Avenue & N Onsdorff Boulevard; see below for more information.
6. Please see response #4. Additionally, there will be several ingress/egress locations throughout the proposed development.
7. Regarding NE 17th Street, please see response #4. Regarding intersection of N Parkway Avenue & N Onsdorff Boulevard, please see response #5. Regarding construction access the City will work with the contractor to determine construction access that is the least impactful to the surrounding neighborhoods. NE 17th Street is classified as a Local "A" street. When built it will have 30-feet of roadway. Regarding street parking, please see response #3.
8. Please response #1.
9. Regarding NE 17th Street, please see response #4. Regarding street parking, please see response #3. The City's Operations Department does trim down/back vegetation at N Onsdorff Boulevard & NE 17th Street where they intersect with N Parkway Avenue in order to help see oncoming vehicles. Unfortunately, both locations have physical conditions outside of the right-of-way. A bump out is a traffic calming measure. Installation of traffic calming is a requirement of new developments
10. The proposed development has 2 ingress/egress locations on NE Onsdorff Boulevard and 3 onto NE Grace Avenue.
11. No, improvements to the existing NE 3rd Avenue will not be required for this development. The City cannot require the construction of any infrastructure on property not owned by the developer.
12. Regarding speed of NE Grace Avenue, please see response #1.
13. NE 3rd Avenue will be extended from its current terminus into the proposed development.

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

Finding: The proposed development will be doing construction type work within the City's Right-Of-Way.

Per BGMC 12.118.020, any type of construction, alteration, maintenance, or repair shall not occur within City Right-Of-Way (ROW) or easement without a written permit.

Any construction activity within the City Right-Of-Way shall require a traffic control plan per BGMC 12.118.060(C). The traffic control plan shall be submitted for review and approval prior to the commencement of construction.

Per BGMC 12.118.110, a surety bond or other approved surety is required when work will be within the City's ROW or within an easement. Said bond shall meet the monetary requirements of this code section and shall cover all work associated with the construction, alteration, maintenance, or repair of any infrastructure within the City's Right-Of-Way or easement.
A Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120 when construction activities occur within the City's ROW or in an easement.

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 314 new a.m. and 420 new p.m. peak trips, which is more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount.

The City has four intersections in concurrency failure: SW Eaton Boulevard & SR 503 (during the p.m. peak); SW Eaton Boulevard & SW 20th Avenue (during the p.m. peak); NW Onsdorff Boulevard & SR 503 (during the a.m. peak) and East Main Street & Grace Avenue (during p.m. peak).

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of a 100-foot eastbound right turn lane and a second westbound left turn lane
- SW Eaton Boulevard & SW 20th Avenue construction of northbound, southbound, and westbound left-turn lanes and traffic signal
- NW Onsdorff Boulevard & SR 503 the addition of a second southbound through lane at the intersection
- Grace Avenue & E Main Street a traffic signal and realignment of intersection.

Consistent with State law, "Concurrent" is defined in BGMC 12.120.030 as (A) that there is the existing capacity in the affected intersection to accommodate the projected transportation impacts of a proposed development, or (B) transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the intersection is (1) planned, funded, and scheduled for completion no later than six years after development approval as reflected in the Six-Year 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	25	n/a	$4,576.23	$114,405.75
Grace Avenue & E Main Street	PM	n/a	94	$1,721.77	$161,846.38
SR 503 & SW Eaton Boulevard	PM	n/a	65	$1,533.33	$99,666.45
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	8	$2,291.40	$18,331.20

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

Regarding the failure at NW 29th Avenue & W Main Street (SR 502), the mitigation measure is not included in the City of Battle Ground's in the Six-Year Transportation Improvement Program (TIP). Therefore, the following options are available to the Applicant:

1. City Council has the authority to add projects to the Six-Year TIP. The first option is City staff would approach City Council and ask them to add this mitigation measure project once a proportionate share cost per trip is determined. If City Council approves the mitigation, then the mitigation measure is considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The additional mitigation plan/design and six-year trip counts will need to be submitted to the City for review and approval.
2. ~~A second option would be for the Applicant to construct the traffic signal.~~
2. A ~~third~~ second option is additional information is provided that shows the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Option #1 ~~or #2~~ above for the updated mitigation measure.

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

Regarding the failure at N Parkway Avenue & N Onsdorff Boulevard, the mitigation measure is not included in the City of Battle Ground's in the Six-Year Transportation Improvement Program (TIP). Therefore, the following options are available to the Applicant:

1. Model the intersection as a 4-way Stop in order to determine if unsignalized LOS standards can be met. If modeling intersection as a 4-way stop meets unsignalized LOS standards, then the applicant shall install stop signs for northbound and southbound direction of travel on N Parkway Avenue. If modeling intersection as a 4-way stop, then below options will need to occur.
2. City Council has the authority to add projects to the Six-Year TIP. Should the first option show that unsignalized LOS standards are not met, City staff would approach City Council and ask them to add this mitigation measure project once a proportionate share cost per trip is determined. If City Council approves the mitigation, then the mitigation measure is considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The additional mitigation plan/design and six-year trip counts will need to be submitted to the City for review and approval.

~~3. A third option would be for the Applicant to construct the roundabout.~~

3. A ~~fourth~~ third option is additional information is provided that shows the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Option ~~#1 or~~ #2 above for the updated mitigation measure.

   The applicant will need to meet one of the ~~four~~ three options for N Parkway Avenue & N Onsdorff Boulevard prior to engineering approval in order to construct the proposed project.

Regarding the failure at S Parkway Avenue & S Rasmussen Boulevard, the mitigation measure is not included in the City of Battle Ground's Transportation System Plan (TSP) or in the Six-Year Transportation Improvement Program (TIP). Therefore, the following options are available to the Applicant:

1. City Council has the authority to add projects to the TSP as well as the Six-Year TIP. The first option is City staff would approach City Council and ask them to add this mitigation measure project once a proportionate share cost per trip is determined. If City Council approves the mitigation, then the mitigation measure is considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The additional mitigation plan/design and six-year trip counts will need to be submitted to the City for review and approval.

~~2. A second option would be for the Applicant to construct the traffic signal.~~

2. A ~~third~~ second option is additional information is provided that shows the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Option #1 ~~or #2~~ above for the updated mitigation measure.

   The applicant will need to meet one of the ~~three~~ two options for S Parkway Avenue & S Rasmussen Boulevard prior to engineering approval in order to construct the proposed project.

Regarding the failure at S Parkway Avenue & S Scotton Way, the mitigation measure as mentioned in the traffic study, install stop signs for northbound and southbound directions of travel, shall be shown on the final engineering plans and installed prior to final plat approval. ~~not included in the City of Battle Ground's Transportation System Plan (TSP) or in the Six-Year Transportation Improvement Program (TIP). Therefore, the following options are available to the Applicant:~~

~~1. City Council has the authority to add projects to the TSP as well as the Six-Year TIP. The first option is City staff would approach City Council and ask them to add this mitigation measure project once a proportionate share cost per trip is determined. If City Council approves the mitigation, then the mitigation measure is considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The additional mitigation plan/design and six-year trip counts will need to be submitted to the City for review and approval.~~

~~2. A second option would be for the Applicant to install stop signs for both northbound and southbound directions on S Parkway Avenue.~~

~~3. A third option is additional information is provided that shows the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Options #1 or #2 above for the updated mitigation measure.~~

~~The applicant will need to meet one of the three options for S Parkway Avenue & S Scotton Way prior to engineering approval in order to construct the proposed project.~~

Regarding the failure at SR 503 & NW Onsdorff Boulevard, the additional mitigation measures are not included in the City of Battle Ground's Transportation System Plan (TSP) or in the Six-Year Transportation Improvement Program (TIP). Therefore, the following options are available to the Applicant:

1. City Council has the authority to add projects to the TSP as well as the Six-Year TIP. The first option is City staff would approach City Council and ask them to add these additional mitigation measures project once a proportionate share cost per trip is determined. If City Council approves the mitigation, then the mitigation measures are considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The additional mitigation plan/design and six-year trip counts will need to be submitted to the City for review and approval.

~~2. A second option would be for the Applicant to construct the eastbound right turn lane, second westbound left turn lane, second southbound through lane, and updates to signal operations to allow westbound protected left turn.~~

2. A ~~third~~ second option is additional information is provided that shows the mitigation measures are not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Option #1 ~~or #2~~ above for the updated mitigation measure.

The applicant will need to meet one of the ~~three~~ two options for SR 503 & NW Onsdorff Boulevard 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.

There are multiple connection points for water:

- NE 17th Street: 8-inch
- NE Onsdorff Boulevard: 12-inch
- NE 13th Street: 8-inch
- NE 12th Street: 6-inch

- NE 10th Street: 8-inch
- NE 9th Street: 6-inch
- NE 3rd Avenue: 6-inch
- NE Clark Avenue: 6-inch
- NE Grace Avenue: 12-inch

Connection shall be made at these locations. 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 the 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 of the water meters on the preliminary utility plan. All water meters including their sizes shall be shown on the final engineering plans.

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

Staff received comments from the following citizens regarding water:

1. Ms. Tucker: water capacity; where water comes from
2. Ms. Sullivan: water supply; buy from Clark Public Utilities.

Responses to citizen comments:

1. For the moment, water capacity is sufficient. Besides several water wells, the City also gets water from Clark Public Utilities via the Intertie Pump Station located at the intersection of W Main Street and NW 92nd Avenue. Additionally, in the next few years the City will connect to the Paradise Point Water Field
2. See response #1.

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

Finding: The proposed site is located within Basins GAR-08 and PS1A-04 of the City's Sewer Master Plan. The applicant will be required to extend an 8-inch sanitary sewer line to serve the proposed developments from existing stubs, manholes, or main lines at the following locations:

- NE Onsdorff Boulevard: 12-inch
- NE 10th Street: 8-inch
- NE 3rd Avenue: 8-inch
- NE Clark Avenue: 8-inch

Sewer Connection

1. Single-family residences require a 4-inch lateral.
2. There are no downstream pipe capacity issues based on the proposed layout. If anything changes during final design, downstream improvements may be required.

The applicant is proposing the following connections and tributary lots:

Connection	Lots	Total Lots	Size
NE Clark Avenue	276-279 421-424	8	8-inch
NE 10th Street	353-370	18	8-inch
NE 3rd Avenue	117-132 147-149 218-223 241-275 280-299 343-352 371-420	140	8-inch
NE Onsdorff Bvld.	1-116 133-146 150-217 224-240 300-342	258	12-inch

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 the 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.

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

3.	Title 15 Building and Construction/Fire
General	**Compliance:** Conditionally

Finding: 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)
- Fire sprinkler permits (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.

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

15.105.090 Fire Access Road Requirements	**Compliance:** 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. Fire apparatus access roads shall have a minimum paved width of 20 feet.

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 clearly identify the location of required "No-Parking-Fire Lane" signs at the following locations:

- NE Onsdorff Blvd half street
- NE 5th Avenue half street
- Shared driveway serving lots 67 and 68
- Shared driveway serving lots 75 and 76
- Shared driveway serving lots 102 and 103
- Private road servicing lots 209-212
- Shared driveway serving lots 377 and 378
- Shared driveway serving lots 383 and 384
- Shared driveway serving lots 389 and 390
- Shared driveway serving lots 397 and 398
- Shared driveway serving lots 403 and 404
- Shared driveway serving lots 409 and 410

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 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. As proposed, the location of the hydrants do not appear to meet the 700-foot lateral spacing. Clearly show the locations of required additional hydrants to meet spacing requirements.
15.105.120/130 Fire Protection Systems — **Compliance:** Conditionally
Finding: 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.

4.	Title 16 Land Divisions
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The request involves subdividing parcels into 424 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 housing element in the City's Comprehensive Plan encourages a range of housing types to meet the needs of all citizens. The Battle Ground Municipal Code also requires a variety of housing types for higher density zones. The applicant has provided two types of housing types to meet these criteria. All aspects of the subdivision conform to the City's Comprehensive Plan.	
16.125.020. Protective improvements for topographical hazards.	**Compliance:** NA
Finding: Not applicable for the project site.	
16.125.030. Continuation of existing streets	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.040. Street jogs	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.050. General street design requirements	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.060. Blocks	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.070. Lot Access Requirements and Restrictions	**Compliance:** Yes
Finding: Residential 7 units per acre (R7) requires at least 20' of frontage. Residential 12 units per acre (R12) requires at least 16' of frontage. All lots located in the R7 district have a minimum of 20' on a public street, with the exception of the proposed flag lots (see section 16.125.110 for additional findings). All lots located in the R12 district have a minimum of 16' of frontage along a public street.	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: The subdivision meets this section of code for all lots except for the lots following the curvature of the onsite wetland. Staff finds the lot lines are acceptable for lots along the curve of NE 14th St and NE 10th Ave, NE 10th Ave and NE 11th St, and NE 13th St and NE 8th Ave because of the protection of the critical areas and their buffers. This section is met.	
16.125.090. Lot Size and Width Requirements	**Compliance** Yes

Finding: As referenced below in section 17.106.030 - Dimensional and Density Standards, the R7 district has an absolute minimum lot area is 3,000 square feet (sf), a minimum average lot area of 4,500 sf, and a minimum average lot area of 3,300 sf after a density transfer. The R12 zone has a minimum lot area of 2,000 sf and does not have an average lot area requirement.

All lots located within the R12 zone of this subdivision meet the minimum 2,000 sf requirement.

All~~ot~~ lots located within the R7 zone meet the minimum requirement of 3,000 sf. The average minimum lot area proposed within this portion of the site is 3,904 sf. See zoning section below for an additional analysis for density transfers.

All lots satisfy residential dimensional size and frontage standards.

16.125.095 Narrow Lot Standards	**Compliance:** Conditionally

Narrow lots are defined as any lot with less than fifty feet of frontage. Narrow lot developments shall submit a development plan meeting this section of code at the time of preliminary plat submittal and this plan shall also be incorporated into the civil engineering plan set for engineering approval. The applicant is not proposing any alleys; therefore, all lots that are less than 50' will need to meet the standards in this section.

The applicant submitted narrow lot development plans for review (sheets 5.0-5.7). For items 1-5 see engineering comments regarding utilities.

Of the 424 lots proposed, 383 lots need to meet the narrow lot standards. The narrow lot development plans show 385 ~~on-street~~ parking spaces either on-street or in a common parking area for each narrow lot. All lots with less than 40' show shared driveways and no common parking areas are proposed.

The latest proposal shows parking lots and on-street parking to accommodate this section of code. Prior to engineering approval, provide plans showing parking lots meet BGMC 17.133 and 16.125.095.

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

Finding: Lots along NE Onsdorff Blvd and NE Grave Ave are classified as double frontage lots or corner lots next to double frontage lots and therefore need to meet this section of code. There are numerous streets adjacent to this project that have limited access. The applicant has provided landscape parkways adjacent to these double frontage lots meeting the 20' width and has a combination of trees and shrubs adequately screening the fencing. **Prior to final plat approval, show the landscape parkways in a tract and specify who will maintain this area (either the HOA, developer, or abutting property owners).**

16.125.110. Flag lots	**Compliance:** Yes

Finding: Flag lots are generally discouraged, but are allowed where topography makes sense. The municipal code calls out the continuation of existing streets. The development to the west is an older subdivision that was platted when the city had larger lot regulations. The applicant has noted the continuation of existing streets and dimensional constraints of the surrounding older developments as one justification for the number of flag lots proposed. The applicant also noted access limitations and critical area presence, which resulted in a few additional flag lots proposed.

Staff concurs with the applicant regarding design constraints due to the requirement of continuing existing streets and the old dimensional constraints from the adjacent subdivisions (flag lots along NE 9th Street are acceptable). Flag lots adjacent to NE Onsdorff Blvd are acceptable because of limited access on NE Onsdorff Blvd. **Flag lots adjacent to NE Onsdorff Blvd should each have frontage along a private or public street (similar to flag lots along NE 9th St). Prior to final plat approval, record shared access easements for all flag lots.**

The applicant has revised their plans to reduce the number of flag lots and has accommodated a desirable street connection with NE 17th Street. Staff agrees that this new configuration meets this section of code. **The two remaining flag lots (102 and 103) should each have frontage along a public or private street (similar to flag lots shown along NE 9th St). Prior to final plat approval, record shared access easements for all flag lots**

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 – Attached and Detached Residences
17.106.020 Permitted uses	**Compliance:** Yes
Attached and detached single family residences are permitted out right within R7 and R12 zones.	
17.106.030 Dimensional requirements	**Compliance:** Conditionally

Dimensional requirements within residential districts shall be in accordance with Table 17.106-1.

Residential Lot Development Standards		R7	R12
Minimum average lot area (square feet)		4,500	N/A
Minimum average lot area for density transfer (square feet)		3,300	N/A
Minimum lot area (square feet)		3,000	2,000
Maximum density (units per gross acre)		7	12
Minimum density (units per net acre) [1]		N/A	6
Minimum lot frontage (feet)		20 [2]	16 [2]
Minimum setbacks (feet)	Residence front yard [3]	Minimum 10	Minimum 10
	Garage (minimum) [4]	20	20
	Side yard [5]	5	5
	Street side yard	10	10
	Rear yard [4]	10	10
Maximum lot coverage (%)		50	60
Maximum height (feet)		35	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 for R12 Portion of Site

- Maximum density at 12 units per gross acreage (x 19.4) is 233 units.
    - The gross acreage is approximately 19.4 acres per applicant's land surveyor.
- Minimum density at 6 units per net acreage (x 15.9) is 95 units.
    - The total net buildable area is 15.9 acres per applicant's land surveyor.

The proposed project density is 121 units in the R12 zone, which is in compliance with the density range.

Density for R7 Portion of Site

- Maximum density at 7 units per gross acreage (x 48.23) is 338 units.
    - The gross acreage is 48.23 acres per applicant's land surveyor.
- Minimum density requirements do not apply in the R7 zone.

The proposed project density in the R7 portion of this site is 305 lots, which is in compliance with the maximum density allowed.

As stated earlier, the R7 district has an absolute minimum lot area is 3,000 square feet (sf), a minimum average lot area of 4,500 sf, and a minimum average lot area of 3,300 sf after a density transfer. The R12 zone has a minimum lot area of 2,000 sf and does not have an average lot area requirement.

All lots located within the R12 zone of this subdivision meet the minimum 2,000 sf requirement.

All lots located within the R7 zone meet the minimum requirement of 3,000 sf. The average minimum lot area proposed within this portion of the site is 3,904 sf. See zoning section below for an additional analysis regarding density transfers.

A condition will require all buildings to meet setback and height requirements prior to building permit issuance.

The plat will result in a few split zoned parcels. Prior to final plat approval, work with city staff in its annual comprehensive plan updates to update the comp plan and zoning map so that the platting of B & G does not result in 3-4 split zoned parcels.

17.106.035 Density transfer provisions.	**Compliance:** Conditionally
Finding: This provision of the code allows density to be transferred from one portion of a site due to wetlands. The applicant is utilizing this provision of the code in the R7 portion of their site to avoid Wetlands B and C (0.52 acres). The proposed density of the entire R7 zone does not exceed the maximum density allowed permitted by the base zone (338 units). See maximum density allowed within in section 17.106.030 dimensional requirements. The remaining R7 site (48.23 - 0.52 = 47.71) minus the dedicated public rights-of-ways (10.17) is 37.54 acres. The maximum density allowed is calculated on the remaining gross site minus any public rights-of-ways (37.54 * 7 = 262.78). Density transfers allow a density bonus of 120%; therefore, the total number of units permitted in the remaining area is (262.78 * 1.2 =) 315 units. At 305 units, the applicant has satisfied the density and lot area per this section of code.	
7.106.040 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. Additionally, the final plat will be required to state that all households will need to meet the design standards listed in this section.**	
17.106.080 Townhouse development standards	**Compliance:** Conditionally
In addition to the standards required through this chapter or other chapters of this title, the following provisions shall apply to townhouse development: A. Each townhouse shall be located on its own lot of record created through a land division process. B. No more than six townhouses shall be allowed in a single building. C. Townhouses shall comply with the design standards for single-family residences pursuant to BGMC 17.106.040. **Finding: Prior to engineering approval, provide a preliminary plat that shows the building envelopes for the townhomes on site. There should be no more than 6 in a single building.** **Prior to building permit issuance, townhomes will need to meet the residential design standards listed in BGMC 17.106.040.**	
17.128.010 Purpose and applicability	
Finding: The purpose of this chapter is to assure implementation of the comprehensive parks and open space plan in new development. The project is more than 10 acres in size and is subject to this chapter.	
17.128.030 Determination of park and open space need	
Finding: This area is located within "Neighborhood Service Area 5" of the City's Parks Plan. This service area calls for a three (3) to five (5) acre park. There are two existing parks within this boundary: Oak Meadows Park and Whispering Pines Park. These parks total to approximately 1.2 acres; therefore, **this subdivision is required to provide parks and open space.**	
17.128.040 Park location and design standards	**Compliance:** Conditionally

If a development proposal meets the applicability criteria of BGMC 17.128.010 and there is a need determined pursuant to BGMC 17.128.030, new development shall provide parks and open space. Finding: The applicant is proposing to utilize 17.128.040.1b, which establishes a series of smaller pocket park, natural areas, and trail systems. The larger park is located on a public street. The smaller park is located by a pedestrian pathway due to the preservation of the onsite critical areas. In order to ensure public accessibility, a condition will require the trail to be overlaid with a public access easement and the developer shall establish a mechanism to assure perpetual care and maintenance of the trail. The play areas call out play equipment, picnic tables, and benches. The development also has proposed over 5,000 feet of a new trail network. **A condition will require all trails to be built to BGMC standards specified in 12.116.070.** The applicant has also combined active open spaces while protecting other environmentally sensitive areas. This project satisfies the on-site recreational requirements.	
17.128.045 Facility maintenance and liability.	Compliance: Conditionally
Finding: All open space, trails, and facilities are required to be privately owned and maintained. As stated earlier in this report, this project is conditioned to have a public easement over the trail system and provide a note on the plat stating maintenance responsibilities for these amenities.	
17.128.050 Impact fee credits.	Compliance: Conditionally
Finding: This project does not qualify for park impact fee credits.	
17.133.040 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.	
17.133.070 Parking lot design standards	Compliance: Conditionally

All parking lots containing three or more spaces shall meet the following requirements:

A. The lot shall be surfaced with pavers, concrete or asphalt and maintained in good condition free of obstructions.
B. Stormwater facilities shall be installed pursuant to Chapter 18.250 BGMC.
C. All lighting facilities shall be so arranged to prevent the direct illumination of adjacent properties or public streets in conformance with BGMC 17.131.100.
D. Any off-street parking area other than for one-family or two-family dwelling units shall be screened with a B2 buffer or equivalent on each side that abuts residentially zoned properties.
E. Parking spaces on the perimeter of a parking lot or abutting interior landscape areas or sidewalks shall be contained by a curb so placed to prevent a motor vehicle from extending into any required setback area or over an abutting property line or a street right-of-way, and to protect buildings and landscaping other than ground cover. Curbs shall be a minimum of four inches high and shall be located no more than three feet back from the front of the parking space.
F. Except when provided for neighborhood retail pursuant to BGMC 17.106.050, parking areas that contain a minimum of seven spaces shall contain landscape islands at a ratio of one island for every seven parking spaces. Landscape islands shall be distributed throughout the parking lot area. A landscape island shall be at least twenty-five square feet in total size, shall be a minimum of four feet wide, and shall be designed to prevent damage to landscaping within the island, such as by using a curb or wheel stop. Parking area landscaping shall be indicated on a landscape plan indicating the location, common and botanical name of the vegetation, initial planting size and mature planting size.
G. At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a minimum mature height of thirty feet, cast moderate to dense shade in the summer, live a minimum of sixty years, require little maintenance and be suited for use in the proposed location.
H. Parking spaces shall not be located in a required front yard or required landscape buffers except in the case of single- or two-family dwellings. Access drives and maneuvering areas shall not be located in a required yard or landscape buffer, except to the minimum extent practicable for access to the site.
I. All parking areas shall comply with all applicable local, state and federal standards regarding parking and access for disabled persons.
J. A site plan shall be submitted for review pursuant to Chapter 17.143 BGMC.
K. Screening is required in parking areas along all property lines and along all public streets. The planning director may waive or reduce the requirement for screening along property lines in those instances where it can be shown that such screening limits the ability to conform to other requirements of this title. Screening along public streets shall be a minimum three feet in height. Screening along property lines shall be a minimum six feet in height.
L. Natural Vegetation and Preservation. The preservation of native vegetation and mature trees such as conifers or Oregon white oaks is encouraged as part of parking lot design. The planning director may waive or reduce the requirements of this chapter to encourage the preservation of native vegetation and mature trees.

Finding: The new proposal shows parking lots and on-street parking to accommodate this section of code. Prior to engineering approval, provide plans showing parking lots meet BGMC 17.133 and 16.125.095.

17.139 Signs.	**Compliance:** Conditionally

Finding: If the applicant intends to add monument signs within the subdivision, then they will need to submit a sign application subject to review under BGMC 17.139.

6.	Title 18 Environmental Protection

18.100-185 SEPA Review	**Compliance:** Conditionally

Finding: Title 18 of the Battle Ground Municipal Code establishes procedures and policies for implementing the State Environmental Policy Act. In order to be approved, the proposal must meet the requirements of Title 18, SEPA Procedures and Provisions. The applicant submitted a SEPA checklist with the preliminary application. Staff has reviewed the checklist and noted the following mitigating measures:

13. HISTORIC AND CULTURAL PRESERVATION
An archaeological predetermination report was completed by Applied Archaeological Research, Inc., dated June 23, 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.

A **condition** is imposed stating that if any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation (OAHP) in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.

All other environmental impacts identified in the SEPA checklist can be fully mitigated by adhering to the City's code, as conditioned for in this report.

Decision:
As part of this land use decision, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350. This determination is made utilizing the provisions of WAC 197-11-355, which authorizes an optional process for SEPA with a 14-day comment period to allow for public comments on the determination.

18.250 Stormwater Control and Drainage	**Compliance:** Conditionally

Finding: Based upon the amount of new impervious surface being generated, the proposed project meets the threshold limits of Minimum Requirements #1-9.

The proposed project meets these requirements and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250. The applicant shall submit final engineering plans and a hydrology report that addresses the requirements as outlined in Section 4-7 of the City of Battle Ground's Stormwater Design and Construction Requirements manual.

The applicant has submitted a preliminary stormwater plan and preliminary hydrology report for review. It appears that the layout shown on the preliminary plans/report is adequate for the project.

LID BMPs shall be used as applicable per BGMC 18.250.130, 18.250.170, and 18.250.200.

Depending on which requirement is chosen by the applicant, LID Performance Standard or List #2, *BMP T5.13 Post Construction Soil Quality and Depth* may be required for this project.

As this is a single-family residential subdivision, the stormwater facility(s) shall be publicly owned and maintained as described in BGMC 18.250.300(F) with the exception of bioretention BMPs and proprietary filter cartridge treatment BMPs. Bioretention and proprietary filter cartridge treatment BMPs shall be privately owned and maintained.

The applicant is required, per BGMC 18.250.310(A), to insure satisfactory operation of new stormwater facilities and therefore to maintain it for two years after completion of the project. Prior to final City acceptance of the stormwater facility, the applicant shall submit a two-year maintenance contract for the required stormwater facility for review and approval. As a condition of final plat approval, this two-year agreement shall be recorded with the final plat.

The final plat shall include a note specifying the party(s) responsible for long-term maintenance of the stormwater facilities per BGMC 18.250.310(B)(1). Since the City will be providing long-term maintenance of the stormwater facility, conditions of BGMC 18.250.310(B)(3) shall be met.

All stormwater facilities maintained by the City shall be in a tract per BGMC 18.250.320.

Per BGMC 18.25.350(A), stormwater ponds dedicated to the City shall be fenced. The final engineering plans shall meet this requirement.

The preliminary plat complies with all other criteria listed in BGMC 18.250. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

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

Staff received comments from the following citizens regarding stormwater:

1. Ms. Tucker: location of ponding at current termination of NE Onsdorff Boulevard
2. Mr. Points: current drainage conditions onto adjacent properties
3. Ms. Bankston: flooding caused by stormwater runoff
4. Ms. Mahder: standing water on a parcel south of NE 10th Street.
5. Ms. Trost: stormwater maintenance; groundwater maintenance

Responses to citizen comments:

1. The extension of NE Onsdorff Boulevard and required stormwater improvements will eliminate the ponding.
2. The developer is responsible to meet City of Battle Ground and Department of Ecology requirements, which involves water quality and water quantity mechanisms.
3. Please see response #2.
4. Please see response #2.
5. Regarding stormwater maintenance, please see response #2. Not sure, what affect houses have on groundwater displacement. However, if necessary and required by the City's

Building Department, the new houses may have to use some kind of system to get groundwater out to the stormwater system.	
18.255 Erosion Control	**Compliance:** Conditionally
Finding: The applicant's engineer will need to provide erosion control plans meeting the requirements of BGMC 18.255. These plans will be required to incorporate all of the applicable elements required in BGMC 18.255.060 through BGMC 18.255.090. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction. The final grading and erosion control plans shall be 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.	
18.260.115 General Approval Criteria	**Compliance:** Yes
Finding: The applicant submitted a Critical Areas Report (July 2021) for review. The preliminary plans show avoidance to the on-site wetlands and their buffers, with the exception of a trail network which is permitted per BGMC 18.260.090 and street roadways which are also permitted with appropriate mitigation. The applicant achieves this avoidance criteria by ~~also~~ utilizing buffer reductions and buffer averaging, see 18.270 for further analysis.	
~~18.260.120-130 Mitigation and Plan Requirements~~	~~**Compliance:** Conditionally~~
~~**Finding: Prior to engineering approval, submit a mitigation plan for review, which meets the standards listed in this section or provide a buffer averaging plan per BGMC 18.270.100.**~~	
18.260.180 Critical Area Tracts	**Compliance:** Conditionally
Finding: Critical area tracts shall be used in development proposals for subdivisions to delineate and protect those contiguous critical areas and buffers that total five thousand or more square feet: 1. All wetlands and buffers; 2. All habitat conservation areas; and 3. All other lands to be protected from alterations as conditioned by project approval. **The onsite wetlands and fish and wildlife habitat is required to be in a separate tract for final plat approval. The final plat should also have a note specifying private maintenance and ownership responsibilities.**	
18.270 Wetlands	
18.270.040 Wetland Delineation	**Compliance:** Conditionally
Finding: The Critical Areas Report delineates three (3) wetlands on site. These wetlands will be referred to as Wetland A-C. ~~**Prior to engineering approval, the applicant shall work with the Army Corps of Engineers (CORPS) and the State Department of Ecology (ECY) in finalizing the Wetland Delineation and Mitigation Plan, if applicable.**~~	

A detailed description of size, category, habitat score, and buffer is listed in 18.270.090.

18.270.050 Standard requirements | **Compliance:** Conditionally

Finding: A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing made only of wood, or other prominent physical marking approved by the director. In addition, signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the director, and worded substantially as follows:

—Wetland Buffer—
Please retain in a natural state
BGMC 18.270.050

The signage and fencing shall be installed prior to any land alteration or construction.

Finding: Include a signage plan meeting the requirements above and 18.270.050 prior to engineering approval.

18.270.070 Standards—Buffer Activities | **Compliance:** Conditionally

Finding: Crossing buffers with new roads and utilities are allowed, but must be appropriately mitigated for. **Prior to engineering approval, submit a final buffer averaging plan meeting BGMC 18.270.100.**

18.270.090 Buffer requirements. | **Compliance:** Yes

Finding: The following is a summary of the on-site wetlands from the Critical Areas Report. Staff concurs with the buffers listed in the table meets BGMC 18.270.090-B2.

Wetland	Size (ac.)	Category	Habitat	Land Use	Buffer
A	2.41	III	4	High	80’
B	0.34	IV	4	High	50’
C	0.18	IV	4	High	50’

The applicant is proposing a buffer modification per BGMC 18.270.090-C2, whereas the buffer width can be reduced to those for moderate land uses if measures to minimize the impacts of different land uses are applied as indicated in Table 18.270.090-7. **Prior to engineering approval, submit a buffer averaging plan meeting BGMC 18.270.100 and minimization measure plan meeting Table 18.270.090-7.**

18.270.100 Buffer modifications | **Compliance:** Conditionally

A. Wetland Buffer Width Averaging. The director may allow modification of the standard wetland buffer width in accordance with an approved critical area report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may be allowed only where a qualified wetlands professional demonstrates that all the following criteria are met:
   1. It will not reduce wetland functions or values;
   2. The wetland contains variations in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would

benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

3. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
4. The buffer width is not reduced to less than seventy-five percent of the width established by BGMC 18.270.090;
5. The averaging is accomplished on the project site or through an off-site conservation easement, covenant, or tract approved by the community development director.

Finding: The applicant submitted a buffer averaging conceptual plan. **Prior to engineering approval, submit a final buffer averaging plan for review and approval meeting items 1-5 listed above.**

18.280 Fish and Wildlife Habitat Conservation Areas	
18.280.040 Fish and Wildlife Habitat Designations	**Compliance:** Yes
Finding: The site contains 7 Oregon White Oaks which are designated as critical areas under this title. The current proposal shows all seven Oregon White Oaks remaining on site.	
18.280.070 Standard requirements	**Compliance:** Conditionally
Finding: Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or woodlike fencing, or other prominent physical marking approved by the director. In addition, signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director worded substantially as follows: —Habitat Buffer— Please retain in a natural state **Include a signage plan meeting the requirements above and 18.280.070 prior to engineering approval.** **Prior to final plat approval, add a note specifying maintenance and ownership responsibility for the tract adjacent to lots 395 and 397.**	

B.	**Service Development Charges, Impact Fees, Credits**
Fees will be calculated at the time of building permit issuance based on the adopted Fee Schedule at that time.	

C.	Public/Agency Comments
1	M Trost – Citizen Comment Letter – e-mails dated July 31 and August 9, 2021
Staff received a comment stating concerns stating groundwater maintenance, stormwater maintenance and future street connections. See Title 12 and 18 of the report for staff comments. See exhibit 25.	
2	S Trost – Citizen Comment Letter – email dated July 31, 2021

Staff sent application packet for review. Ms. Trost did not provide a list of concerns at a later date. **See exhibit 26.**	
3	**Eichelberger** — Citizen Comment Letter – e-mail dated August 1, 2021
The e-mail had questions about the notice of application process and mailing information in Clark County GIS. Staff responded via e-mail. **See exhibit 27.**	
4	**Mahder** – Citizen Comment Letter – email dated August 1, 2021
The e-mail had questions about building height, units versus buildings, road access, and groundwater. **See exhibit 28** for staff's answers to questions 1 and 2. See Title 18 for groundwater/stormwater comments.	
5	**Tucker –** Citizen Comment Letter – e-mails dated August 1 - 10, 2021
This letter asked for a larger map (map e-mailed to them on August 2nd). They also had questions regarding traffic safety, speed limits, school capacity, open space maintenance, homeless encampments, and recreation. See Title 12 for traffic concerns and **Exhibits 29 a-c** for staff responses to the other concerns listed.	
6	**Johnson –** Citizen Voicemail – Voicemail dated August 2, 2021
Staff received a voicemail requesting a larger map. He was given a larger copy of the plan on August 3, 2021.	
7	**Steigman** — Citizen Comment Letter – e-mails dated August 3, 2021
Staff received a voicemail requesting a larger map (sent on August 3rd). She followed up with questions regarding street improvements to Onsdorff and NE 17th Street. See Title 12 for staff's responses and **Exhibit 31** for general inquiry correspondence.	
8	**Bankston** – Citizen Comment Letter – email dated August 1, 2021
This comment letter had questions regarding flooding and street improvements. See Titles 12 and 18 for staff responses. General correspondence is available as **Exhibit 32.**	
9	**Mathews –** Citizen Comment Letter – e-mail dated August 1, 2021
This letter had questions regarding housing type, parking, vistas and views, and changing zoning. **Staff's response:** The BGMC does not regulate viewsheds. The site is allowed to build homes that meet the height requirements listed in Title 17. The site is zoned for medium residential density and the developer must follow the dimensional requirements of the R12 and R7 zone. The City's long range planning page has more information on land use densities throughout city limits. The applicant is required to provide parking per the minimum standards in the Battle Ground Municipal Code. Staff cannot require them to provide more than what is required. See **Exhibits 33 a-b** for the submitted comment letter and general correspondence. https://www.cityofbg.org/832/Land-Use-Transportation-Plan	
10	**Mikailenko –** Citizen Comment Letter – email dated August 1, 2021
This letter had concerns regarding adverse environmental impacts, livability, walkability, green space, number of lots proposed, lot sizes, and street parking. **Staff's response:** The site is zoned for medium residential density and the developer must follow the dimensional requirements of the R7 and R12 zone. See section 17.106.030 for this analysis. The applicant has proposed a trail network to encourage walkability throughout the subdivision and also connects to existing subdivisions. See Section 17.128 for information on how the applicant meets the parks requirement per the Battle Ground Municipal Code.	

The Battle Ground Municipal Code requires each house to have two off-street parking stalls. Additionally, lots that have less than 50' of frontage are also required to have one on street parking space. The applicant is required to meet street standards outlined in Title 12 of the report, which allows for on-street parking. **See Exhibit 34** for the submitted comment letter and general correspondence.	
11	**Hamann**— Citizen Comment Letter – e-mail dated August 7, 2021
This was a letter of support for the proposal and noted a question regarding lack of street connectivity. See Title 12 for street connectivity responses. See **Exhibit 35.**	
12	**Koistinen** — Citizen Comment Letter – e-mail dated August 7, 2021
This letter addresses concerns about walkability safety and access. See **Exhibit 36** for the submitted comment letter and Title 12 for staff's response.	
13	**Darchuk** — Citizen Comment Letter – e-mail dated August 9, 2021
This letter asks about street connections, phasing, applicant information, lot sizes, density, and timeline for construction. See Title 12 for street responses and **Exhibit 37** for the comment letter and staff responses.	
14	**Sperling** — Citizen Comment Letter – Letter dated August 9, 2021
This letter addresses street connection/jog concerns, street design, and safety. See **Exhibit 38** for the full comment letter and Title 12 for staff's response.	
15	**Huddleston** — Citizen Comment Letter – e-mail dated August 9, 2021
This letter addresses concerns over street width/design and traffic. See **Exhibit 39** for the full comment letter and Title 12 for staff's response.	
16	**J Points** — Citizen Comment Letter – e-mail dated August 10, 2021
This letter had questions regarding the NOA received in the mail, protections to ensure affordable housing is not sold to large investors, maximum percentage of affordable housing properties allowed to sell to corporate investors, and incentives for developers to sell to local buyers. See **Exhibit 40** for the entire comment letter and research. Staff looked into the mailing labels submitted and the citizen's address was included as part of the mailing. It is possible the letter was lost during transit. The City does not have regulations to prevent home sales to corporate investors or incentives to sell to local buyers. The City recently went through a housing study to understand housing affordability within BG limits. You can find more information on our website. Staff suggests speaking at City Council meetings to bring these policy ideas to their attention. Policies will need to be adopted by City Council for staff to enforce the ideas mentioned above. For more information on the recent housing plan see: https://www.cityofbg.org/849/Housing For City Council's meeting schedule see: https://www.cityofbg.org/96/City-Council	
17	**R Points** — Citizen Comment Letter – e-mail dated August 10, 2021
The letter and submitted pictures addressed concerns regarding water table levels and run-off. See Title 18 for staff responses regarding stormwater and **Exhibit 41** for the full letter and images.	
18	**Schell** — Citizen Comment Letter – e-mail dated August 10, 2021
This letter addresses increased traffic concerns and speed limits. See **Exhibit 42** for the full comment letter and Title 12 for staff's response.	
19	**Hoss** — Citizen Comment Letter – e-mail dated August 10, 2021

This letter notes the following concerns and comments: extension of 17th Street, additional traffic congestion, street design, street access, construction vehicles, and traffic pattern changes. See **Exhibit 43** for the full comment letter and Title 12 for staff's response.	
20	**Dickinson** — Citizen Comment Letter – e-mail dated August 10, 2021
This comment letter addresses concerns on increased traffic on NE 17th, traffic safety, and dead-end streets. See **Exhibit 44** for the full comment letter and Title 12 for staff's response.	
21	**Anderson** — Citizen Comment Letter – e-mail dated August 11, 2021
This letter addressed concerns that the plat provided did not show existing homes, street jog at 17th, increased traffic, and street access. The applicant was required to provide plats as defined in BGMC 16.115.040. Staff looks at surrounding homes and subdivisions as part of their review since a plat focuses on just the parcels proposed for development. See **Exhibit 45** for the full comment letter and Title 12 for staff's response.	
22	**Shepard** — Citizen Comment Letter – e-mail dated August 11, 2021
This letter outlined concerns about overcrowding in schools and the street jog design of 17th Street. The City of Battle Ground collects impact fees from developments and residents who apply for a new single family home permit also pay impact fees. One of the impact fees they pay is a school impact fee. The school district collects these fees to help off-set future expansions needed for a growing population. The portables are a temporary solution until they have the funds and approvals needed for a site expansion or re-location. The school district may be able to provide you with additional information. See **Exhibit 46** for the full comment letter and Title 12 for staff's response.	
23	**Parker** — Citizen Comment Letter – e-mail dated August 11, 2021
This comment letter address concerns regarding construction traffic, general traffic increase, and on-street parking. There are some restrictions for on-street parking listed in the fire code, but for the most part city streets can accommodate on-street parking. See Title 12 for street design criteria and traffic responses. See **Exhibit 47** for the full comment letter.	
24	**Smith** — Citizen Comment Letter – e-mail dated August 11, 2021
This comment letter addresses concerns regarding increased traffic, traffic safety, and traffic enforcement. See **Exhibit 48** for the full comment letter and Title 12 for staff's response.	
25	**Eierdam** — Citizen Comment Letter – e-mail dated August 11, 2021
This comment letter addresses population growth, housing type, development size, social impact study, traffic congestion, and school capacity. Battle Ground is bound legally and also bound at a policy level to accommodate housing. RCW 36.70A.070 requires counties and cities, to make adequate housing provisions for existing and projected needs for all economic segments of the community. Comprehensive Planning (happens statewide, countywide, and locally) allocates anticipated population growth that the City of Battle Ground has to plan for and accommodate. The applicant has not mentioned condominiums in their proposal and instead propose both detached homes and townhomes. Higher density zones encourage a mix of housing types to help provide housing for all stages of the life cycle. This proposal was designed to meet the density requirements of the underlying zone. Social Impact Studies are not required to make decisions for development proposals. Projects can be approved if they meet the municipal code.	

The City of Battle Ground collects impact fees from developments and residents who apply for a new single family home permit also pay impact fees. One of the impact fees they pay is a school impact fee. The school district collects these fees to help off-set future expansions needed for a growing population. The portables are a temporary solution until they have the funds and approvals needed for a site expansion or re-location. The school district may be able to provide you with additional information. If you are interested in learning more about the Growth Management Act and the City's long range planning efforts, then I would suggest visiting our website: https://www.cityofbg.org/149/Long-Range-Planning See **Exhibit 49** for the full comment letter and Title 12 for staff's response regarding traffic.	
26	**Mullins** — Citizen Comment Letter – e-mail dated August 11, 2021
This comment letter addressed concerns over density calculations. See Title 17 for calculations and **Exhibit 50** for the full comment letter.	
27	**BG School District** —Comment Letter – letter dated August 10, 2021
This letter addresses how the school will accommodate the additional students from this proposal. This project is conditioned to add a final note on the plat stating **"Building permits and impact fees will be calculated and shall be paid at the time of permit issuance."** See **Exhibit 51** for the entire letter.	
28	**Department of Ecology** —Comment Letter – e-mail dated August 13, 2021
This letter addresses solid waste management and water quality/watershed resources. This project is conditioned to the conditions listed below. See **Exhibit 52** for the full comment letter. Other: **All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.** **Coordinate any water quality recommendations from Ecology for any necessary reviews or approvals.**	
Comments Received After NOA Comment Period	
29	Sullivan — Citizen Comment Letter – e-mail dated August 12, 2021
Exhibit 53	
30	Tucker — Citizen Comment Letter – e-mail dated September 2, 2021
Exhibit 54	
31	Miller — Citizen Comment Letter – e-mail dated August 29, 2021
Exhibit 55	

III. RECOMMENDATION

Staff recommends **preliminary approval** of the B & G Subdivision's multi-phased development, and final SEPA 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

Prior to Engineering Approval:

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

2. Submit final engineering plans:
   a. Showing adequate half-street improvements, based on pavement testing, for NE Grace Avenue, a "Minor Arterial", including sidewalk, landscape strip, curb and gutter and asphalt and additional right-of-way dedications as necessary.

   b. Showing extension of NE Onsdorff Boulevard built to "Major Collector – Option 1" standards including sidewalk, landscape strip, curb/gutter and asphalt as described above in the findings section.

   c. Showing extension of NE Clark Avenue, NE 9th Street, NE 10th Street, and NE 12th Street built to "Neighborhood Collector" standards, including sidewalk, landscape strip, curb & gutter, and asphalt.

   d. Showing NE 5th Avenue built to "Neighborhood Collector" standards including sidewalk, landscape strip, curb & gutter, and asphalt as described above in the findings section.

   e. Showing extension of NE 13th Street (both sides of wetland), NE 3rd Avenue, and NE 8th Avenue built to Local "A" standards, including sidewalk, landscape strip, curb & gutter, and asphalt.

   f. Showing extension of NE 17th Street built to Local "A" standards including sidewalk, landscape strip, curb & gutter, and asphalt as described above in the findings section.

   g. Showing full width improvements to all other streets to "Local A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.

   h. Showing the path from Oak Meadows Phase III between Lots 2 and 3 extended into the development.

   i. Showing an additional 5 feet of ROW dedicated to the City for NE Grace Avenue.

   j. Containing a combined landscaping and driveway plan.

   k. Showing sight distance and vision clearance triangles.

   l. Containing a signing and striping plan.

m. Showing LED decorative cobra type units for NE Grace Avenue and NE Onsdorff Boulevard and LED acorn units for the other streets.

n. Showing traffic calming devices on all public streets.

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

p. Showing traffic mitigation at SW Eaton Boulevard & SR 503; NW Onsdorff Boulevard & SR 503; Grace Avenue & E. Main Street; and SW 20th Avenue and SW Eaton Boulevard; or indicating that mitigation fees will be paid in lieu of the improvements.

q. Showing the traffic mitigation at NW 29th Avenue & W Main Street (SR 502) or meeting one of the other options in lieu of the improvements.

r. Showing the traffic mitigation at N Parkway Avenue & N Onsdorff Boulevard or meeting one of the other options in lieu of the improvements.

s. Showing the traffic mitigation at S Parkway Avenue & S Rasmussen Boulevard or meeting one of the other options in lieu of the improvements.

~~t.~~ Showing the traffic mitigation at ~~N Parkway Avenue & N Onsdorff Boulevard~~ S Parkway Avenue & SW Scotton Way. ~~or meeting one of the other options in lieu of the improvements.~~

u. Showing the additional traffic mitigation at SR 503 & NW Onsdorff Boulevard or meeting one of the other options in lieu of the improvements.

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

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

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 landscape parkway for lots 68-76 and 209-270.

cc. Provide "No Parking-Fire Lane" signage at shared driveways and half streets.

dd. Clearly show the locations of required additional hydrants to meet lateral spacing

requirements.

ee. Revise any street names per staff's review.

ff. Provide narrow development plans meeting 16.125.090.

gg. Proposed shared parking meeting the requirements in BGMC 17.133 and 16.125.095.

hh. Showing proposed flag lots each have frontage along a private or public street.

ii. Showing building envelopes for all parcels. Townhomes should meet the criteria specified in 17.106.080.

jj. Showing trails meet BGMC 12.116.070.

kk. Showing a critical areas signage plan meeting the requirements of 18.270.050 and 18.280.070.

3. Provide a photometric plan for all access points, intersections, frontage roads out to centerline, and any existing lights to ensure that proposed lights meet IES RP-8-00 standards. Photometric plan shall be prepared by an electrical engineer.

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

7. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction.

~~8. Work with the Army Corps of Engineers (CORPS) and the State Department of Ecology (ECY) in finalizing the wetland delineation.~~

9. Submit a buffer averaging plan meeting BGMC 18.270.100 and minimization measure plan meeting Table 18.270.090-7.

Prior to Construction of the Site:

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

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

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

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

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

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

7. Conduct a pre-construction conference with City engineering and planning staff. Contact the Engineering Department at (360) 342-5069 to schedule an appointment.

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

Prior to the Creation of Impervious Surfaces:

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

Prior to Engineering Acceptance:

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

2. A letter shall be provided by the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.

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

4. Submit to the City of Battle Ground, a recorded Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and/or approval.

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

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

Prior to Final Plat Approval:

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

2. Construct the mitigation measures for the failing intersection of SR 503 & NW Onsdorff Boulevard or pay the mitigation fees of $114,405.75.

3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $99,666.45.

4. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $18,331.20.

5. Construct the mitigation measures for the failing intersection of SE/NE Grace Avenue & E Main Street or pay the mitigation fee of $161,846.38.

6. Construct the mitigation measures for the failing intersection of S Parkway Avenue & SW Scotton Way.

7. Work with planning staff in its annual comprehensive plan and zoning map updates so the resulting parcels do not end up split-zoned.

8. Meet one of the options for the mitigation measure at the intersection of NW 29th Avenue & W Main Street (SR 502).

9. Meet one of the options for the mitigation measure at the intersection of N Parkway Avenue & N Onsdorff Boulevard.

10. Meet one of the options for the mitigation measure at the intersection of S Parkway Avenue & S Rasmussen Boulevard.

11. ~~Meet one of the options for the mitigation measure at the intersection of S Parkway Avenue & SW Scotton Way.~~

12. Meet one of the options for the mitigation measure at the intersection of SR 503 & NW Onsdorff Boulevard.

13. Submit a signed Bill of Sale for sewer, stormwater, and water systems.

14. Submit a final plat:
    a. That shows building envelopes.

    b. That shows easements for public utilities not located in the right-of-way.

    c. That shows where any control monuments have been placed.

    d. That shows the dedication of any public roads.

    e. That shows the dedication the sliver area of land of parcel 91051024 that separates the Cedars Estates and Grace Meadows to the City of Battle Ground.

f. Showing landscape parkways in a dedicated tract(s) for lots 68-76 and 209-270.

g. Showing the trails be overlaid with a public access easement.

h. Showing flag lots with a shared access easement.

i. Showing critical areas in a separate tract.

j. With a note specifying that NE Grace Avenue is access controlled and cannot have direct access from lots.

k. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.

l. With the following note: "Fences higher than 42-inches will not be allowed in the front yards."

m. With the following note: "All utilities are to be located outside of the sidewalk section and to be underground where possible."

n. With the following note: "All households shall conform to the neighborhood design standards as listed in BGMC 17.106.040."

o. With the following note: "All new structures shall conform to the setback and building heights of the underlying zoning district."

p. With the following note: "Building permits and impact fees will be calculated and shall be paid at the time of permit issuance."

q. With a note specifying maintenance responsibilities for the onsite critical area tracts, parks, and open space tracts (it will need to be privately owned and maintained either the HOA, developer, abutting property owners, etc.).

r. With a note specifying perpetual care and maintenance responsibilities for the on-site trails (it will need to be privately owned and maintained either the HOA, developer, abutting property owners, etc.).

s. With a note specifying ownership and perpetual care and maintenance responsibilities for the onsite landscape tracts (it will need to be privately owned and maintained either the HOA, developer, abutting property owners, etc.).

Prior to Building Construction:

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

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

15.105.180 of this Staff Report.

3. All new structures shall conform to setbacks, design, parking, and building height requirements of the underlying zoning district.

Prior to Certificate of Occupancy:

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

Other:

1. The applicant is required in obtaining any applicable approvals from the CORPS and ECY.

2. If any cultural resources are discovered in the course of undertaking the development activity, Washington State Department of Archaeology & Historic Preservation (DAHP) and the City of Battle Ground Planning Department must be notified.

3. Coordinate any water quality recommendations from Ecology for any necessary reviews or approvals.

4. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

5. Apply for a sign permit, if applicable.

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.

Electronic copies: https://cityofbg.box.com/s/ohmjfvdvbxb2y81o6i2lvcmffanxoasx

EXHIBIT #	DESCRIPTION	
1	Working Exhibit List	
2	Staff Report	
3	City Land Use Forms	Applicant's Submittal
4	Narrative	
5	State environmental Policy Act (SEPA) Checklist	
6	Deed History	

7	Archaeological Predetermination Coversheet	
8	Preliminary Stormwater Report (TIR)	
9	Geotechnical Report	
10	Traffic Report	
11	Capacity Analysis	
12	Capacity Analysis – Mitigation	
13	Queuing Analysis	
14	Queuing Analysis - Mitigation	
15	Updated Table 2 – Summary of Capacity Analysis	
16	Updated Traffic Report	
17	Critical Areas Report	
18	Wetland and Habitat Delineation Map	
19	Preliminary Plan Set	
20	Overall Development Plan Sheets	
21	Preliminary Plat – Entire Site	
22	Preliminary Plat – Showing Zoning Boundaries	
23	Pre-Application Report	
24	Requested zoning and lot information	
25	Comment Letter from Trost Residence	Comments Received During NOA Comment Period
26	Comment Letter from Trost Residence	
27	Comment Letter from Eichelberger Residence	
28	Comment Letter from Mahder Residence	
29a	1st Comment Letter from Tucker Residence	
29b	2nd Comment Letter from Tucker Residence	
29c	3rd Comment Letter from Tucker Residence	
30	Voicemail from Johnson – Not included in packet	
31	Comment Letter from Steigman Residence	
32	Comment Letter from Bankston Residence	
33a	1st Comment Letter from Mathews Residence	
33b	2nd Comment Letter from Mathews Residence	
34	Comment Letter from Mikailenko Residence	
35	Comment Letter from Hamann Residence	

36	Comment Letter from Koistinen Residence	
37	Comment Letter from Darchuk Residence	
38	Comment Letter from Sperling Residence	
39	Comment Letter from Huddleston Residence	
40	Comment Letter from J Points Residence	
41	Comment Letter from R Points Residence	
42	Comment Letter from Schell Residence	
43	Comment Letter from Hoss Residence	
44a	Comment Letter from Dickinson Residence	
44b	Photos from Dickinson Residence	
45	Comment Letter from Anderson Residence	
46	Comment Letter from Shepard Residence	
47	Comment Letter from Parker Residence	
48	Comment Letter from Smith Residence	
49	Comment Letter from Eierdman Residence	
50	Comment Letter from Mullins Residence	
51	Comment Letter from BG School District	
52	Comment Letter from Dept. of Ecology	
53	Comment Letter from Sullivan Residence	Comments Received After NOA Comment Period
54	Comment Letter from Tucker Residence	
55	Comment Letter from Miller Residence	
56	Revised Overall Development Plan	Additional submittal items from applicant
57	Revised Preliminary Plan Set	
58	Public Comments Response Letter	
59	Road Modification Request	
60	Bankston Comment Letter Clarification	Comments Received Before Hearing
61	Comment Letter from Fulkerson Residence	
62	Comment from Strickland Residence	
63	Zoom recording of first public hearing	
64	Revised Plan Set After First Hearing	Additional submittal items from applicant
65	Revised Development Calculations	
66	Applicant Response to Staff Report	

67	Letter to Hearings Examiner from Landerholm	
68	Traffic Memo - Response to Staff Report	
69	City Transportation Plan https://www.cityofbg.org/214/Transportation-Improvement-System-Plans	
70	Email from Eierdam Residence	
71	Revised Staff Report	
72	Revised Plans – 2nd Revision	
73	Revised Development Calculations for 2nd Revision	
74	Revised Traffic Memo	
75	Conceptual Buffer Averaging Plan	
76	Revised Staff Report based on plans submitted 10.26.2021 (with markups)	
77	Revised Staff Report based on plans submitted 10.26.2021	
78	Revised Staff Report based on buffer averaging plans submitted	
79	Audio recording of continued public hearing	
80	Timeline clarification	Items submitted into the record between 10/28/2021 and 11/12/2021
81	Eierdam code request	
82	Revised staff report based on public hearing clarifications	

V. APPEAL

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