

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on November 12, 2018. All exhibits and records of testimony are filed at the City of Battle Ground. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Sam Crummett summarized the Staff Report.

a. He noted that the applicant requested a road modification, Exhibit 13, to waive the buffer requirement for the proposed double frontage lots abutting NE 249th Street in order to be consistent with prior subdivisions to the east of the site - Parkway Heights and Whispering Pines – and the existing cemetery to the west. He recommended the examiner approve the proposed modification in order to provide a consistent street frontage on NE 249th Street.

b. He corrected two typographical errors in the Staff Report.

i. The finding on p. 10 regarding BGMC 16.125.110 should state:

There are four proposed flag lots: lots 7, 10, 12, and 4. Lots 7, 10, and 12 do not meet frontage requirements. The applicant driveways appears to not exceed more than two hundred feet, but the applicant has not labelled the length of driveways on the driveway and landscape plan. Prior to final plat approval, the applicant shall provide the lengths of the driveways on their driveway plan. If the applicant turns lot 2 into a flag lot then their street frontage may be reduced by up to 50% if a shared driveway access easement is in place.

ii. The finding on p. 11 regarding BGMC 16.125.130 should state that the applicant has provided a preliminary street lighting plan.

3. City engineer Ryan Jaynes testified that the applicant is not required to provide a north-south pedestrian connection, because the west boundary of the site abutting NE 249th Street is located less than 500 feet from the centerline of NE 4th Avenue.

4. The applicant, Joel Stirling, accepted the findings and conditions in the Staff Report, as modified at the hearing, without objections. He noted that the west boundary of the site abutting NE 249th Street is located 455 feet from the centerline of NE 4th Avenue. Therefore, the Code does not require a pedestrian connection on this site.

5. No one else appeared at the public hearing. The examiner closed the record at the end of the hearing and announced his intention to approve the application subject to the conditions in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those findings and conditions, as modified, without exceptions.

2. The examiner concludes that the affirmative findings in the Staff Report show that the proposed preliminary plat does or can comply with the applicable standards of the Battle Ground Municipal Code (the "BGMC") and the Revised Code of Washington (the "RCW"), provided that the applicant complies with recommended conditions of approval as modified at the hearing. The examiner adopts as his own the affirmative findings in the Staff Report, as modified.

3. The examiner finds that the proposed road modification complies with the applicable approval criteria, based in the findings in Exhibit 13. The examiner adopts those findings as his own and approves the modification.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that PR 55-2019 (Meadows at 249th Subdivision) should be approved, because it does or can comply with the applicable standards of the BGMC and the RCW, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves PR 55-2019 (Meadows at 249th Subdivision), subject to the following conditions of approval:

Conditions of Approval

A. 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 249th Street, a Neighborhood Collector, including sidewalk, planter strip, curb and gutter and asphalt.
 - b. Showing full width improvements to NE 3rd Avenue cul-de-sac, to Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
 - c. Containing a combined landscaping and driveway plan.
 - d. Showing sight distance triangles.
 - e. Containing a signing and striping plan.
 - f. Containing a street lighting plan.
 - g. Showing traffic calming devices on all public streets.
 - h. Showing driveways that meet the requirements of BGMC 12.116.243
 - i. Showing traffic mitigation at SW Eaton Boulevard & SR 503 and at SR 503 & NW Onsdorff Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.
 - j. Showing an 8-inch water line from NE 3rd Avenue extended to the extreme northern property lines of the site.
 - k. Showing water lines extending to the extreme property lines of the site.
 - l. Showing each residential lot having its own individual water service
 - m. Showing an 8-inch gravity sewer line throughout the subdivision and extending to the extreme property lines of the site.
 - n. Showing each residential lot having its own sanitary lateral.
 - o. Showing fire hydrants meeting spacing requirements throughout the subdivision.
 - p. Showing a stormwater facility that meets the requirements of BGMC 18.250.
 - q. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
3. Provide a revised traffic study that incorporates City of Battle Ground crash data and potential mitigations.
 4. Provide a photometric plan for all access points, intersections, frontage roads out to centerline, and any existing lights demonstrating that proposed lights meet IES RP-8-00 standards.
 5. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
 6. Submit a SWPPP that meets the requirements of BGMC 18.250.050(B).
 7. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department

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

B. 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 Planning Customer Service Clerk at (360) 342-5047 to schedule an appointment.

C. Prior to Creation of Impervious Surface:

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

D. 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. Submit a letter shall 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 complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

E. 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 \$6,887.08.
3. Construct the mitigation measures for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of \$3,066.66.
4. Submit a final plat:
 - a. That shows easements for public utilities not located in the right-of-way.
 - b. With the following note: "No fences are allowed in the sight distance triangle."
 - c. With the following note: "All utilities are to be located outside of the sidewalk section and to be underground where possible."
 - d. With a note specifying the party/ies responsible for long-term maintenance of stormwater facilities.
 - e. That shows where any control monuments have been placed.
 - f. That shows the dedication of any public roads or alleys.
 - g. That shows lot 2, 7, 10, and 12 to have 25 feet of frontage. Alternatively, lot 2 can be a shared flag lot with lot 4 and the two combined would need 25 feet of frontage.
 - h. That shows a dedicated landscape tract for lots 7, 8, 9, and 10 meeting the City's double frontage lot standards.
 - i. With the following note: "All new structures shall conform to the setback and building heights of the R5 Zoning District."
 - j. With the following note: "All households shall conform to the neighborhood design standards as listed in BGMC 17.106.040."
 - k. With the following note: "Building permits and impact fees will be calculated and shall be paid at the time of permit issuance."
5. Submit a two-year stormwater maintenance contract for review and/or approval.
6. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
7. Submit a signed Bill of Sale for sewer, stormwater, and water systems.
8. Submit recorded stormwater easements after being reviewed by City Engineering Staff.

F. Prior to Building Construction:

1. Acquire the required permits as outlined in Title 15 above.
2. Provide documentation that the required fire hydrants have been installed, tested, and approved in accordance with City of Battle Ground engineering standards.

3. All new structures shall conform to setbacks, design, parking, and building height requirements of the R5 zoning district and BGMC's residential chapter.

G. Prior to Certificate of Occupancy:

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

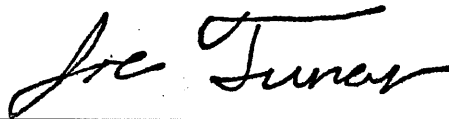
H. Other

1. If any cultural resources are discovered in the course of undertaking the development activity, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.
2. Coordinate any water quality recommendations in reference to Ecology's e-mail dated October 9, 2019.
3. Coordinate any air quality recommendations and receive applicable permits in reference to SWCAA's e-mail received October 1, 2019.

APPEAL

This Final order may be appealed to the Washington Superior Court per RCW 36.70C within 21 calendar days after the issuance of the decision.

DATED this 15th day of November 2019.



Joe Turner, AICP
City of Battle Ground Land Use Hearing Examiner