



# City of Battle Ground

Community Development Department  
109 SW 1<sup>st</sup> Street, Suite 127, Battle Ground, WA 98604  
360.342.5047

## STAFF REPORT AND DECISION

- Project Name:** Stonehill (SP2:06-16)
- Report Date:** August 17, 2017
- Proposal:** The applicant is seeking phased site plan approval. Phase 1 will consist of a 3,600 square foot, one-story convenience store with an 8 pump gas station with associated parking and infrastructural improvements. Phase 2 will consist of a 4,950 square foot, one-story single or multi-tenant retail building and associated infrastructural improvements. A boundary line adjustment is also proposed to adjust the property lines of the two existing parcels.
- Location:** 17702 NE 122<sup>nd</sup> Avenue  
Parcel #'s: 195261-000 & 195264-000
- Applicant/Owner:** Stonehill, LLC  
PO Box 908  
Ridgefield, WA 98642
- Representative:** Stacy Hickman  
Olson Engineering, Inc.  
222 E. Evergreen Boulevard  
Vancouver, WA 98660
- Staff:** Johnnie Hildreth, Community Development Technician  
Ryan Jeynes, PE, Associate Civil Engineer  
Chris Drone, Fire Marshal/Plans Examiner
- SEPA Determination:** Final determination of Non-significance (DNS)
- Staff Decision:** Preliminary site plan and boundary line adjustment approval with conditions.

*Johnnie Hildreth*

Johnnie Hildreth  
Community Development Technician

8-17-17  
Date

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### I. BACKGROUND

#### A. General Site Information

Zoning District:	RC (Regional Commercial)
Comp Plan:	RC
Parcel Size:	2.16 acres per survey by Olson Engineering
Critical Areas:	None

#### B. Procedural History

Date Application Submitted:	August 12, 2016
Application Technically Complete:	August 15, 2016
First Notice of Application:	August 24, 2016
Site Posted:	August 24, 2016
Reflector Publication:	August 24, 2016
*Project on Hold:	September 27, 2016
Project off Hold:	July 6, 2017
Second Notice of Application:	July 12, 2017
Site Posted:	July 12, 2017
Reflector Publication:	July 12, 2017

\*Due to septic system design limitations, the applicant requested the application be placed on hold September 27, 2016. Submittal of revised plans was received July 6, 2017, taking the project off hold.

## II. APPLICABLE REGULATIONS/ANALYSIS

1. Title 12 STREETS AND SIDEWALKS	
<b>12.116 Public and Private Street Standards</b>	<b>Compliance:</b> Conditionally
<p><b>Finding:</b> The proposed development has frontage along NE 122<sup>nd</sup> Avenue and SW 40<sup>th</sup> Street. Both streets are not improved to current City standards. Frontage improvements will be required for both streets.</p> <p>NE 122<sup>nd</sup> Avenue shall be improved to meet improvements for a 'Minor Arterial' street. The minimum half-street for this classification is 35-feet. The applicant will be required to construct the 6-foot landscape strip and 6-foot sidewalk that abuts the property.</p> <p>SW 40<sup>th</sup> Street is required to be a 'Major Collector' per the Transportation Master Plan. The minimum half-width for the classification is 30-feet. The applicant will be required to construct the 5-foot landscape strip and 5-foot sidewalk that abuts the property.</p> <p>The applicant is required to provide landscaping 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.</p> <p>The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G) a driveway location plan that specifies proposed driveway curb cuts. If possible the landscape and driveway plan should be on the same page in order to show possible conflicts.</p> <p>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 and should include existing lights to ensure that proposed lights meet IES RP-8-00 standards. Street lights shall be LED and use a decorative cobra type unit.</p> <p>The applicant's traffic engineer has indicated that 30 new a.m. peak trips and 70 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 p.m. peak trips. A traffic study has been submitted. There were no Level of Service (LOS) issues with the proposed development. However, three failing intersections are receiving new trips; see below under the <i>Concurrency Management</i> section for more information.</p> <p>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 122<sup>nd</sup> Avenue and SW 40<sup>th</sup> Street where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years, then the half-street improvements will need to extend to the centerline of the street.</p> <p>Public streets shall comply with Sight Distances per BGMC 12.116.220 unless modified through the road modification process as outlined in BGMC 12.116.290.</p> <p>Nonresidential driveways shall be designed and constructed per BGMC 12.116.246.</p> <p>It should be noted that final engineering plans pertaining to transportation for the proposed</p>	

project shall be submitted for staff review and approval prior to final plan approval and construction. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

<b>12.118 Construction in Public Right-of-Way</b>	<b>Compliance:</b> Conditionally
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**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.

<b>12.120 Concurrency Management</b>	<b>Compliance:</b> Conditionally
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**Finding:** Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 70 new p.m. peak trips, which is more than the 10 p.m. peak hour trips the code cites as a threshold amount. The City has three intersections which are failing: SW Eaton Boulevard & SR 503 (during the p.m. peak); SW Eaton Boulevard & SW 20<sup>th</sup> Avenue (during the p.m. peak); NW Onsdorff Boulevard & SR 503 (during the a.m. peak). The proposed development effects all three intersections. The City has established a proportionate share mitigation program for these intersections. The mitigation fee for SW Eaton Boulevard & SR 503 is \$1,533.33 per new p.m. peak trip, for SW Eaton Boulevard & SW 20<sup>th</sup> Avenue the mitigation is \$2,291.40 per new p.m. peak trip and for NW Onsdorff Boulevard & SR 503 the mitigation is \$4,576.23 per a.m. peak trip. From the applicant's traffic engineer trip distribution letter, this project will generate 29 trips to SW Eaton Boulevard & SR 503, 2 trips to SW Eaton Boulevard & SW 20<sup>th</sup> Avenue and 2 trips to NW Onsdorff Boulevard & SR 503; therefore the mitigation fee is \$44,466.57, \$4,582.80 and \$9,152.46 respectively. This fee shall be paid at building permit issuance.

<b>2. Title 13 WATER AND SEWER</b>	
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<b>13.110/112 Water Service and Water Use Regulations</b>	<b>Compliance:</b> Yes
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**Finding:** A new potable water system will required for this project. The City of Battle Ground is the public water purveyor for properties within the City. However, this development is within Clark Public Utilities (CPU) service boundary.

The applicant shall show CPU approval for water design prior to receiving engineering approval from the City of Battle Ground.

<b>13.120 Sewer System Connection</b>	<b>Compliance:</b> Yes
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**Finding:** Sewer service is required for this project. The City of Battle Ground is the public sanitary sewer purveyor for properties within the City.

City sewer service is greater than 600-feet away from the site and therefore, this project is not required to connect per BGMC 13.120.010(A). As such, the applicant shall seek approval

from the Southwest Washington Health District (SWHD) on the use of the septic system. When City sewer service becomes available, there will be the expectation that the applicant/property owner connect to the City sewer system and pay the necessary fees.

The applicant shall show approval from SWHD on the design of the septic system prior to receiving engineering approval from the City of Battle Ground.

Per BGMC 13.137.280(A) a sampling manhole for monitoring and testing is required for commercial and industrial type uses. The proposed site is a commercial type use therefore engineering staff has determined that this site would need to meet this requirement. Each lateral will require a monitoring manhole. All monitoring manholes require a sewer easement for inspection. As the proposed development will be utilizing a septic system a sampling manhole is not requirement at this time. However, when the development connects to the City sewer system a sampling manhole will be required to be installed

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

3. Title 15 BUILDING, CONSTRUCTION AND FIRE	
<b>15.104 Building Code</b>	<b>Compliance:</b> Conditionally
<b>General</b>	
The City of Battle Ground has adopted by reference the 2015 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 will be required:	
<ul style="list-style-type: none"><li>• Commercial building permit (City of Battle Ground)</li><li>• Plumbing permit (City of Battle Ground)</li><li>• Mechanical permit (City of Battle Ground)</li><li>• Electrical (Washington State Department of Labor and Industries)</li><li>• Irrigation (City of Battle Ground)</li><li>• Underground Gasoline Tanks (Clark County Fire Marshal and City of Battle Ground)</li></ul>	
All permits must be secured prior to any construction and all applicable impact and permit fees shall be paid prior to the issuance of the permits. In accordance with IBC 107.3.4 and per RCW 18.08, an Architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.	
The applicant shall be responsible for coordinating with private utility companies to provide service to the project. Please be aware that utility providers may have specific requirements for utility placement, easements, or clearances and the applicant shall coordinate with the utilities to ensure all requirements have been met.	

<b>15.105.090 Fire Access Road Requirements</b>	<b>Compliance:</b> Conditionally
<b>Finding:</b> Fire access to both sites is by way of NE 122 <sup>nd</sup> Avenue. <b>Provide location of required "No Parking – Fire Lane" signage/striping at the southern portion of both parking lots.</b>	

<b>15.105.100 Fire Hydrants</b>	<b>Compliance:</b> Yes
<b>Finding:</b> There are two hydrants shown on the revised drawings that will be accessible for firefighting purposes, which is adequate for this project. Hydrants shall be maintained and remain accessible for fire department use at all times (six foot clearance). Areas adjacent to hydrants shall be marked as "No Parking- Fire Lane" and shall be provided with bollards when subject to vehicle impact. Hydrants shall be provided with a Storz type adapter for firefighting connection.	
<b>15.105.120 Fire Alarm Equipment</b>	<b>Compliance:</b> Yes
<b>Finding:</b> Retail structures under 5,000 square feet are not required to be provided with a monitored fire alarm per BGMC 15.105.120.	
<b>15.105.180 Minimum Required Fire Flow</b>	
<b>Finding:</b> Based on the square footage and type of construction for the buildings, two hydrants will be required to be installed with this project. The hydrants shall be located along an approved fire access lane and shall be located within 350' of the most remote part of the structures. The hydrants shall meet the flow requirements of appendix B of the International Fire Code for the type of construction and occupancy of the structures (2,000 gallons per minute at 20 psi for 2 hours). In addition, the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow for the required duration.	
<b>Accessibility – (Chapter 11 of the International Building Code)</b>	
<b>Finding:</b> The site and building will be required to meet the requirements for accessibility found in chapter 11 of the IBC and the 2009 ANSI Standard for Accessible and Usable Buildings and Facilities. The site is located on a parcel with all public roadways already constructed. There are two pedestrian paths from the right of way to accessible parking and the building entrances that meet the requirements for an accessible route. Per IBC 1105.1, at least 60 percent of the building entrances shall be accessible. Per IBC 1106, at least three accessible parking spaces shall be provided. <b>Clearly indicate the location of the ADA van parking access aisle for the north parking lot. Show any curb ramps and detectable warnings at this location. The drawings shall provide information showing how changes in elevation will meet the accessible route requirements (spot elevations, ramp details, etc.). An accessible route will also be required from accessible parking to the accessible entrances.</b>	

<b>4. Title 16 Land Divisions</b>	
<b>16.112 Boundary Line Adjustments</b>	<b>Compliance:</b> Yes
<b>Finding:</b> As shown on the boundary line adjustment plan, no additional parcels are proposed. Each of the lots being adjusted exceeds the minimum 3,000 square foot lot size requirement and both lots have frontage that exceeds the 70 feet minimum requirement. Two new driveways will provide access to each lot. As proposed, this application complies with this section of code. <b>Prior to final site plan approval, provide a copy of recorded boundary line adjustment</b>	

<b>5. Title 17 ZONING</b>	
<b>17.118 Non-residential Zoning Districts: Regional Commercial (RC)</b>	<b>Compliance:</b> Yes
<b>Finding:</b> The applicant is proposing to construct a convenience store with a gas station and a retail/office building. Both uses are permitted outright in the RC zoning district.	
<b>17.1118-2 Dimensional Standards</b>	<b>Compliance:</b> Yes

**Finding:** 17.135.020 requires that gasoline pump islands shall be setback at least 25' from public rights-of-way. As proposed, the gasoline pump islands meet this requirement. Per BGMC 17.200.040.A.2. Deviations, "In reviewing and approving project permit applications, the planning director may approve administrative deviations from the standards in the BGMC." In this case, the convenience store is located 15 feet back from the property line rather than the required maximum of 10 feet. This deviation is acceptable given the elongated

configuration of the land that has street frontage on three sides, to the east, north, and west. The applicant is locating the convenience store in the center of this location to provide ample landscaping on all sides in effort to mitigate neighborhood concerns of overall impact of the building.

<b>Standards:</b>	<b>RC</b>	<b>Proposed</b>
Front and street side yard building setbacks	10' maximum	Convenience Store 15' Retail Building 10'
Rear building setback in feet	None	N/A
Side yard building setback	None	N/A
Minimum distance between principal buildings	None	N/A
Maximum building coverage	Maximum determined by compliance with development standards	9%

#### **17.118.040 Design Standards**

**Compliance:** Conditionally

**Finding:** A. *Automotive circulation and Parking Requirements:* The parking lot for the gas station and convenience store (Phase 1) is located between the gas station and convenience store. The parking lot for the retail/office building (Phase 2) will be located to the west and south of the building from NE 122<sup>nd</sup> Avenue. Access to the site will be from two newly constructed driveways. Phase 1 will provide access to the gas station and convenience store. Phase 2, once completed, will provide access south of the retail/office building. **A shared access and parking agreement shall be recorded for both lots prior to final site plan approval.**

B. *Pedestrian Infrastructure Requirements:* Sidewalks are proposed from each building to access new sidewalks along NE 122<sup>nd</sup> Avenue and SW 40<sup>th</sup> Street that will connect to the existing sidewalk along SR 503. SR 503 is within WSDOT's jurisdiction and classified as Limited Access Highway and the pedestrian connection from the site to SR 503 will not be permitted. This access restriction also extends along NE 122<sup>nd</sup> Avenue to a point approximately 130' south of the centerline of SW 40<sup>th</sup> Street. A pedestrian plaza with seating and tables is provided.

C. *Site Design Requirements:* The primary entrance for the convenience store is located on the southeast side of the building along NE 122<sup>nd</sup> Avenue. Entrance to the retail building is provided on the south side of the building. The retail building is located at the maximum setback and the convenience store is located 15' from east property line. Per BGMC 17.200.040.A.2. Deviations, "In reviewing and approving project permit applications, the planning director may approve administrative deviations from the standards in the BGMC." In this case, the convenience store is located 15 feet back from the property line rather than the required maximum of 10 feet. This deviation is acceptable given the elongated configuration of the land that has street frontage on three sides, to the east, north, and west. The applicant is locating the convenience store in the center of this location to provide ample landscaping on all sides in effort to mitigate neighborhood concerns of overall impact of the building.

D. *Architectural and Building Design Requirements:* The elevation drawings for street facing buildings meet the fifty percent requirement of the wall area being in glass, pedestrian entrances or open shops, with no reflective surface or film permitted. The applicant's original

submittal did not meet the 50% glazing requirements, but has since modified the architectural plans to meet this standard. Overhangs are provided abutting the pedestrian amenities. This standard shall not apply to ground floor building elevations fronting SR 503. All other building elevations provide at least fifty percent of the total wall area in permeable surfaces or permanent architectural surfaces.

As proposed, these requirements are met.

#### **17.131 Aesthetics, Buffers, Compatibility and Landscaping**

A landscape plan has been provided. Per Table 17.131-1, property located within the RC zone is required to provide landscaping equivalent to a minimum of 20% of the site area. The proposed development provides 20% in soft landscape areas, pedestrian plazas and widened sidewalks. As proposed, this requirement is met.

##### **17.131.020 Outdoor storage screening and other standards**

**Compliance:** Conditionally

**Finding:** Outdoor storage is not proposed with this application. The site plan shows a trash enclosure on the northwest side of the parking lot of the retail building. The landscape plan shows a B3 buffer around the trash enclosure. **Prior to final site plan approval, provide details for the trash enclosure.**

##### **17.131.030 Location and Screening of Loading Bays**

**Compliance:** Yes

**Finding:** Loading bays shall not face public streets and shall be located to the rear of buildings. A B3 buffer or equivalent must screen the loading bay. The site plan indicates one loading bay located in the northwest area of the parking lot of the retail building not facing a public. The site plan indicates the landscape plan shows a B3 buffer on the north side of the loading bay. The landscape plan shows a B3 buffer screening the loading bay. As proposed, this requirement is met.

##### **17.131.040 Screening of Mechanical and Other Equipment**

**Compliance:** Conditionally

**Finding:** The plans do not show any mechanical or other equipment. Any equipment must be screened from the street and any abutting residential lots with a B2 buffer. **Prior to final site plan approval, indicate on plans all proposed equipment screened with a B2 buffer.**

##### **17.131.050 Landscape Strips Required**

**Compliance:** Yes

**Finding:** The landscape plan shows a 10' front yard landscape strip along SR 503, SW 40<sup>th</sup> Street and NE 122<sup>nd</sup> Avenue. As proposed, this requirement is met.

##### **17.131.060 Buffers Required**

**Compliance:** Conditionally

**Finding:** B3 – high screen buffers are required to provide a high degree of visual screening between potentially incompatible zones. This buffer consists of a six-foot-high fully sight-obscuring fence with a landscape strip on the interior of the fence along the perimeter of the rear yard. **Prior to final site plan approval, revise the landscape plan showing a six-foot-high sight-obscuring fence and a landscape strip with B3 plantings along the south property line.**

##### **17.131.090 Off-site Noise Impacts**

**Compliance:** Yes

**Finding:** No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds sixty DBA in any residential district. Specifically exempted from this requirement are the following: emergency signaling devices, domestic power tools, air conditioning equipment for residential purposes, operating motor vehicles and lawnmowers, railroads, aircraft, church bells or chimes and normal sounds from agricultural or domestic animals. The applicant should be aware of this subsection.

##### **17.131.100 Off-site Glare Impacts**

**Compliance:** Yes

**Finding:** Glare shall not directly or indirectly from reflection cause illumination on other properties or on public streets or private streets with permitted public access in excess of a measurement of one foot-candle of illumination. A photometric lighting plan was submitted meeting this requirement.

##### **17.131.110 Off-site vibration impacts**

**Compliance:** Yes

**Finding:** Continuous, frequent or repetitive vibrations that can be detected by a person of normal sensitivities at a property line shall not be produced. Vibrations from temporary construction and vehicles are exempt. Vibrations lasting less than five minutes per day are also exempt. Seismic or electronic vibration equipment may be used for measurements when there are doubts about the level of vibration. The applicant should be aware of this subsection.

**17.131.120 Off-site odor impacts**

**Compliance:** Yes

**Finding:** Continuous, frequent or repetitive odors that exceed centimeter No. zero may not be produced. The odor threshold is the point at which an odor may just be detected. The centimeter reading is based on the number of clean air dilutions required to reduce the odorous air to the threshold level. Centimeter No. zero is one to two dilutions of clean air. An odor detected for less than fifteen minutes per day is exempt. The applicant should be aware that the proposed project cannot cause any undue odor violations as listed in this subsection. The applicant should be aware of this subsection.

**17.131.130 Measurement of off-site impacts**

**Compliance:** Yes

**Finding:** Measurement for compliance with the standards specified in BGMC [17.131.070](#) through [17.131.100](#) are to be made from the property line or within the property of the affected site. If the city does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The city may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the city contracts to have measurements made and no violation is found, the city will bear the expense. If a violation is found, city expenses will be charged to the violator.

**17.133 Parking and Loading Requirements**

**Compliance:** Conditionally

**Finding:** Table 17.133-1 lists the minimum vehicular parking requirements based on use and square footage. Minimum parking requirements for a gasoline service station with convenience store is one space per pump plus one space per 200 square feet of gross floor area and commercial retail one space per 200 square feet of gross floor area. Phase 1 would require 26 spaces including one ADA space. The applicant has provided 27 spaces including one ADA space meeting this requirement. Phase 2 would require 25 parking spaces including two ADA spaces. The applicant has provided 29 spaces including two ADA spaces meeting this requirement.

**17.133.070 Parking Lot Design Standards**

**Compliance:** Conditionally

**Finding:** Parking lots containing three or more spaces shall be surfaced with concrete or asphalt and maintained in good condition free of obstructions. As proposed, this requirement is met.

All lighting facilities shall be arranged to prevent the direct illumination of adjacent properties or public streets in conformance of 17.131.100.

All parking spaces abutting interior landscape areas are contained with curbs. The submitted site plan provides a concrete curb at the edge of all parking and maneuvering areas. As proposed, this requirement is met.

Parking areas that contain a minimum of seven spaces shall contain landscape islands at a ratio of one island for every seven parking spaces. The landscape plan submitted indicates landscape island with trees to be planted within the islands meeting this requirement.

Parking spaces shall not be located in a required front yard setback or landscape buffer. The plans submitted indicate parking spaces not located setbacks or buffer areas.

Screening is required in parking areas along all property lines and along public streets.

Screening along public streets shall be a minimum three feet in height. The landscape plan submitted indicates shrubs along parking areas 16"-21" at planting. **Prior to final site plan approval, submit a revised landscape plan that assures a mature height of 3 feet.**

**A joint access and parking agreement will be required to be recorded prior to final site plan approval of Phase 2 to allow access to both Phases.**

<b>17.133-2 Vehicle Queueing Standards</b>	<b>Compliance:</b> Yes
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**Finding:** Gasoline service stations are required to provide three queuing spaces for each serviceable side of each pump island. The site plan provided meets this requirement.

<b>17.133.080 Off-street Loading Requirements</b>	<b>Compliance:</b> Yes
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**Finding:** Commercial buildings that have a floor area of 5,000 square feet or more shall provide truck loading or unloading spaces in accordance with Table 17.133.080-1. This proposal does not require a loading space. However, the site plan indicates a loading space to be located in the parking area for the retail building and will not obstruct pedestrian or vehicle travel and screened with a B3 buffer. As proposed, this requirement is met.

<b>17.133.100 Parking Space and Cross Aisle Design Standards</b>	<b>Compliance:</b> Yes
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**Finding:** The plan submitted complies with this section of code.

<b>17.135.020 Automotive Service Stations and Gasoline Sales</b>	<b>Compliance:</b> Yes
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**Finding:** The minimum lot area for such use shall be ten thousand square feet, with at least one hundred feet of frontage on a public street. Gasoline pump islands shall be set back at least twenty feet from public rights-of-way. As proposed, this application complies with this section of code.

<b>17.139 Signs</b>	<b>Compliance:</b> Yes
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**Finding:** No signage is proposed with this application. **A sign permit application and approval for future signs is required prior to installing.**

<b>17.143 Site Plan Approval</b>	<b>Compliance:</b> Yes
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**Finding:** Per 17.143.030. C, this application has been reviewed as a Type II site plan land use development action.

All new development and modifications to existing developments shall require site plan review approval prior to the issuance of any building permits or commencement of any site work. As proposed, this application complies with this section of code. To gain approval of a site plan the applicant must show:

- The proposal complies with all applicable development standards contained in Title 17 and other applicable regulations.
- Adequate public services showing compliance with all applicable city engineering standards.

The applicant has demonstrated compliance with the above criteria.

<b>17.200 General Procedures</b>	<b>Compliance:</b> Yes
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**Finding:** As noted in the procedural history section above, staff followed the required notification procedures and review timelines for a Type II development action.

## **6. Title 18 ENVIRONMENTAL PROTECTION**

<b>18.145 SEPA</b>	<b>Compliance:</b> Yes
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**Finding:** The applicant submitted a revised environmental checklist for review. Staff issued a 2<sup>nd</sup> notice of application and optional SEPA determination of Non-significance (DNS) July 12, 2017. The comment period ended July 26, 2017. 26 comments were received. A final determination of Non-significance is issued with this report.

**Archeological Review:**

The applicant submitted a Clark County Archaeological Predetermination Report dated August 9, 2016. Based on this report, no resources were found and no further archeological review or work is required. However, if any cultural or historical resources are discovered during construction activity, construction shall cease until a qualified archaeologist assess the find.

<b>18.250 Stormwater Control and Drainage</b>	<b>Compliance:</b> Conditionally
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**Finding:** BGMC 18.250.020 specifies when stormwater control and drainage provisions are applicable. Specifically, it identifies the following development activities as requiring stormwater control and drainage per applicable standards:

A. Projects that disturb one acre or more, or projects that are part of a larger common plan of development or sale that will disturb one acre or more, shall comply with the following requirements:

1. Projects that add five thousand square feet or more of new impervious surface, convert three-quarters of an acre or more of native vegetation to lawn or landscape areas, or convert two and a half acres or more of native vegetation to pasture shall comply with Minimum Requirements Nos. 1 through 9 as specified in BGMC 18.250.050

The proposed project meets these requirements and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250.

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

The proposed stormwater facility shall be privately owned and maintained as it will be serving private properties. A maintenance covenant shall be submitted meeting the requirements of BGMC 18.250.310(B)(2).

BGMC 18.250.320(E) requires that for privately maintained stormwater facilities that an easement or covenant acceptable to the City Engineer be provided for the purposes of inspection of privately maintained facilities. The applicant will be required, prior to the issuance of the occupancy permit, to submit a recorded covenant running with the land for the project site for the purpose of City inspection of the privately maintained facilities.

BGMC 18.250.160 requires an American Petroleum Institute (API) or Coalescing Plate Separator (CPS) type oil / water separators for fueling stations. Oil / water separators shall be designed in accordance with Chapter 11 of Vol V of the Stormwater Management Manual of Western Washington.

As this project discharges stormwater runoff to a WSDOT roadside ditch along SR 503, the applicant will need to coordinate with WSDOT staff and may be required to meet the requirements of WSDOT stormwater design standards. See Section IV for WSDOT comment relating to discharging runoff to ditch.

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.

<b>18.255 Erosion Control</b>	<b>Compliance:</b> Conditionally
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**Finding:** The applicant's engineer shall provide erosion control plans meeting the requirements of BGMC 18.255. These plans will be required to incorporate all of the applicable elements required in BGMC 18.255.060 through BGMC 18.255.090. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction.

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

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

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

### **III. SYSTEM DEVELOPMENT CHARGES, IMPACT FEES, AND CREDITS**

Fees will be calculated at the time of building permit issuance based on the adopted Fee Schedule at that time.

This project doesn't address any creditable capital infrastructure therefore no credits are available for this project.

### **IV. PUBLIC/AGENCY COMMENTS**

#### Comments Received During First Comment Period

1. Letter from Battle Ground Public Schools dated August 25, 2016.
2. Letter from Dick Rylander dated August 29, 2016. 11416 NE 177<sup>th</sup> Circle.
3. Email from Rich Schafer dated August 31, 2016. 12218 NE 176<sup>th</sup> Street.
4. Letter from Kim Fox and Grant LeMeur dated September 5, 2016. 12401 NE 176<sup>th</sup> Street.
5. Email from James Carsner, US Army Corps dated September 6, 2016.
6. Email from Jill and Todd Schiller dated September 7, 2016. 17807 NE 122<sup>nd</sup> Avenue.
7. Letter from Department of Ecology dated September 7, 2016.
8. Letter from Washington State Department of Transportation dated September 7, 2016.
9. Letter from John and Kelly Fletcher dated September 6, 2016. 12215 NE 176<sup>th</sup> Street.
10. Letter from Monica and Ali Houdroge dated September 6, 2016. 12409 NE 179<sup>th</sup> Street.
11. Letter from Tom and Pamela Ottman received September 7, 2016. 12409 NE 176<sup>th</sup> Street.
12. Email from Linda Lambrecht dated September 7, 2016. 12510 NE 176<sup>th</sup> Street.
13. Letter from Douglas and Roberta Pfingsten dated September 7, 2016. 12519 NE 176<sup>th</sup> Street.
14. Email from Lisa Stump dated September 7, 2016. 12404 NE 176<sup>th</sup> Street.
15. Email from Jack Stump dated September 7, 2016. 12404 NE 176<sup>th</sup> Street.

## Comments Received During Second Comment Period

1. Email from Lee Moon dated July 19, 2017. 11814 NE 177<sup>th</sup> Circle.
2. Email from Debora Fresch dated July 19, 2017. 11612 NE 177<sup>th</sup> Circle.
3. Email from Dick Rylander dated July 20, 2017. 11416 NE 177<sup>th</sup> Circle.
4. Email from Brian Ford dated July 20, 2017. 11511 NE 177<sup>th</sup> Circle.
5. Email from Jill and Todd Schiller dated July 24, 2017. 17807 NE 122<sup>nd</sup> Avenue.
6. Letter from Pavel Volovik received July 24, 2017. 11509 NE 177<sup>th</sup> Circle.
7. Letter from BGPS received July 24, 2017.
8. Letter from John and Kelly Fletcher received July 24, 2017. 12215 NE 176<sup>th</sup> Street.
9. Letter from Chris Swanson received July 24, 2017. 12219 NE 180<sup>th</sup> Street.
10. Letter from Department of Ecology received July 24, 2017.
11. Letter from Southwest Clean Air Agency received July 24, 2017.

26 comment letters were received during both comment periods. The concerns raised are summarized below along with staff's responses in italics:

**Timeliness of notice of application and posting:**

*Pursuant to BGMC 17.200.065, the second notice of application was published in the Reflector, mailed to parties of record and property owner's within 500' of the project and posted in two places on site on July 12, 2017. The fourteen-day comment period began on this date, meeting City and State regulations.*

**Septic:** Allowed to use a septic system? Does the City allow commercial properties to use septic systems? Will septic system impact surrounding properties and wells?

*Yes, they are allowed to use a septic system and the City does allow commercial properties to use septic systems. The proposed septic system will need to meet the requirements of the Southwest Washington Health District for the protection of surrounding properties and wells.*

**Stormwater:** Stormwater runoff being discharged to existing roadside ditch along SR 503. What is going to happen to stormwater?

*WSDOT was given the submittal package to review and provide comments. One of the comments was that the development will not be allowed to discharge stormwater runoff into the existing ditch along SR 503. Stormwater will be treated and detained onsite and discharged at rates equal to predeveloped conditions.*

**Traffic:** Traffic count information, prior to and after development? Accident history at SR 503 and SE 40<sup>th</sup> Street (NE 179<sup>th</sup> Street)? Are 179<sup>th</sup> & 122<sup>nd</sup> able to handle the traffic loads and weight? Will developer fund necessary changes? Is the stop sign at the intersection of 179<sup>th</sup> & 122<sup>nd</sup> adequate? If not what will be the change and is developer required to fund change? Has future development been accounted for in the traffic study: future Saddle Club; existing Dialysis Center; future improvements to SR 503 & 179<sup>th</sup>? Right turn lane at SR 503 & NE 179<sup>th</sup> Street? Access to site/development? How much traffic will be allowed? Improvements to be done at 122<sup>nd</sup> Avenue and 40<sup>th</sup> Street? Improvements to east side of 122<sup>nd</sup> Avenue? Increase in vehicle and pedestrian traffic to 122<sup>nd</sup> Avenue?

*The developer's traffic engineer did submit a traffic study that included information on pre/post traffic counts as well as accident history; the traffic study also included recommendations on*

*what, if any, mitigation measures would be required to be completed due to development and no mitigation measures are necessary; a future growth rate (2%) was utilized to determine future volumes, but not future developments that fall outside City of Battle Ground city limits; frontage improvements to 122<sup>nd</sup> Avenue and 40<sup>th</sup> Street will be completed to meet respective street classification; improvements to 122<sup>nd</sup> Avenue will only occur along the side of the street the property abuts; access to site/development will be from 122<sup>nd</sup> Avenue; the development does not have a restriction on number of new traffic it generates; there will be an increased vehicle/pedestrian traffic to 122<sup>nd</sup> Avenue*

**Entrance from SR 503:** Can you put an entrance/exit from SR 503?

*Washington State Department of Transportation has the authority to approve a direct entrance/exit from site to SR 503.*

**Turning lane from SR 503:** Lack of a dedicated northbound right-turn lane and lack of adequate queueing area for southbound left-turns from SR 503 onto SE 40<sup>th</sup> Street/NE 179<sup>th</sup> Street.

*Per the traffic study, mitigation measures are not necessary for this development.*

**Sight Distance:** Not adequate sight distance from northern ingress/egress location on NE 122<sup>nd</sup> Avenue.

*Sight distance from access on 122<sup>nd</sup> Avenue will need to meet City of Battle Ground requirements.*

**Vehicle queuing:**

*A queuing analysis was included in the developer's traffic engineer traffic study.*

**Buffers:** Buffer zone between the commercial development and existing residential housing? Will the development require a visual break from property to the south and east given their residential nature? What landscape or wall requirements? Will this also be required on the SR 503 side?

*There are buffer requirements between uses found in BGMC 17.131-1. The applicant will be required to provide a 20' landscape strip and a B3 buffer along the south property line. A 10' landscape strip is required and provided along NE 122<sup>nd</sup>. The applicant has also proposed landscaping along SR 503.*

**Privacy barrier/sound barrier:** Will the developer be willing to help with a barrier in front of 17807 NE 122<sup>nd</sup> Avenue?

*The City's municipal code does not require a privacy/sound barrier. Any additional screening must be privately negotiated. However, any privately negotiated screening shall not violate a code requirement.*

**Crime statics for rural convenience stores:** Safety concerns for families in the area.

*This decision does not require a crime survey or analysis. Neither is there a requirement to consider the potential for crime resulting from an allowed use in the commercial district.*

**High water table:** Does the high water table in the area affect the sinking of gasoline/diesel tanks (will they stay down)?

*The applicant will be required to meet the requirements of Washington State Department of Ecology for underground storage tanks.*

**Hours of operation:** What are hours of operation are permitted for the convenience store and fueling station?

*The applicant has indicated the hours of operation of the convenience store would be daily, approximately 5:00 am to 11:00 pm. The retail building would likely be from 8:00 am to 7:00 pm. The fueling station will be available to customers 24 hours per day.*

**Vision glass requirement:** Approval of 36% vision glass requirement vs. the 50% standard. Why deviate from this standard?

*The applicant revised the elevation drawings meeting the requirements of 17.118.040.D.2.*

**Loading zone:** There is no loading zone in Phase 1. The neighbors are concerned as to how large delivery trucks will get in and out of the site without substantial traffic congestion.

*Per 17.133.080-1 loading spaces are only required for buildings over 5,000 square feet. Therefore, a loading space is not required for either phase. However, a loading space for Phase 2 is located to not obstruct pedestrian and vehicle traffic.*

**Lighting:** The neighbors are concerned about the lighting from the project will impact their quality of life. What provisions are in place to mitigate the escape of high intensity lighting after dark?

*To mitigate potential lighting impacts to adjacent properties downward facing and shielded exterior lighting will be required. In addition, the applicant submitted a photometric lighting plan that is in compliance with BGMC 17.131.100, addressing off-site glare impacts.*

**Noise:** Concerns about increased noise from any music from the gas station/store, traffic noise, and delivery vehicle noise so close to the neighborhood. Is there a noise ordinance for overnight deliveries to these businesses? What are the hours deliveries will be allowed? Semi-trucks and delivery trucks should have restricted delivery hours so as not to disturb sleeping neighbors. Requirements to mitigate noise during "quiet hours"?

*Short term noise impacts are anticipated from construction activities.*

*Typical noise from a commercial use may result on the property, such as starting of cars, idling vehicles, car doors closing, on-site conversation, etc. Noise is regulated in the City under BGMC, Chapter 9.42. Any noise that is considered a public nuisance could be subject to enforcement and fines. The City does not regulate the hours of delivery drivers, but this could potentially be negotiated privately with the manager and the nearby properties.*

**Phasing:** What is the timing of each phase and is there a time limit in which phases beyond #1 must be completed to retain the approvals or can the applicant delay Phase 2?

*The applicant hasn't indicated the timing of each phase. However, states the phases will not necessarily be developed in order of phasing numbers and may be built concurrently. Preliminary site plan approval is valid for five years with the ability to request one year extensions. The planning director may approve up to two one-year extensions if applicable criteria is met.*

**Smell from fumes:** Concerns about smelling fumes with living so close to the proposed fueling station.

*The applicant is required to follow all Department of Ecology and the city of Battle Ground requirements in regards to vapor recovery and odor.*

**Decreased privacy with additional vehicular and foot traffic:**

*With the new commercial use, vehicular traffic and the potential for foot traffic will increase. The previous findings in this report the anticipated vehicular traffic complies, or can comply with the City's level of service standards, and all traffic impacts can be mitigated as conditioned. There is no municipal code that regulates person's freedom to walk to a commercial use.*

**Trash enclosure:** There is no trash enclosure in Phase 1 on the site plan.

*Phase 2 illustrates a trash enclosure west of the parking lot of the retail building. This project is conditioned to screen the trash enclosure area with a one-hundred percent sight-obscuring fence or wall and supplemental landscaping per BGMC 17.131.020.A.*

**SEPA and SEPA checklist:**

- **Using the optional DNS as allowed by WAC 197-11-355 for this project. Why and what is the justification?**

*The potential environmental issues can be adequately mitigated through the City's existing environmental regulations contained in the municipal code. Many of these regulations are in Title 18, "Environmental Protection," of the municipal code, dealing with such things as stormwater control, erosion, grading, etc.*

- **The SEPA checklist failed to list several wild life animals.**

*The types of animals listed on the SEPA checklists are animals that are known to exist by the Applicant and its biologists. The checklist (SEPA) is a state document and is intended to address any issues that jurisdictions have not included in their local codes and ordinances. Mapping indicators do not show the site being a priority habit or having a habitat buffer. No comments were received from the Washington State Department of Fish and Wildlife in response to the SEPA Determination of Non-significance.*

**Environmental hazard to the ground and air quality:**

*The applicant is required to follow all Department of Ecology (DOE) requirements of installation of underground storage tanks.*

**What types of retail stores are allowed?**

*Uses in the Regional Commercial (RC) district are located in 17.118-1.*

**Could a pot shop open there?**

*No. The city of Battle Ground currently allows only one retail marijuana retail establishment within the city limits.*

**Is it necessary that the gas station gets put in this location when there are 7 gas stations in a 6 mile radius? Why can't the gas station be located at the intersection near Walmart?**

*The proposed development of this site is consistent with the Comprehensive Plan and zoning designation of the property. The City does not decide where gas stations are to be located. The property owner has rights to develop their property while complying with regulations that have been adopted by the City Council.*

## **Issues that deal with compatibility**

### **How is this type of business compatible with surrounding properties?**

*The question of “compatibility” is not an explicit criterion that is used to make this decision. Implicitly, the applicable criteria address many concerns of compatibility to assure to a reasonable extent that the use will not have a detrimental impact to the immediate neighborhood and outlying areas. This includes transportation and traffic standards, water and sewer standards, as well as, zoning, fire, and building standards.*

*The question of whether this property should be zoned commercial and allowed to have commercial uses, was determined at the time the City’s Comprehensive Plan and Zoning Map were adopted. Given the property is zoned commercial; the applicable standards are the only measures to regulate the potential for conflict between differing land uses.*

### **Devalue of home and property:**

*The impact of this proposed use to nearby property values is not a criterion of this decision or any other site plan approval processes within the City.*

### **Has a public impact statement been created?**

*An “Environmental Impact Statement” (EIS) is not required for this project. The Responsible Official issued a Determination of Non-Significance (DNS) for this project. The DNS determination is based on the evidence in the record that indicates the project has the ability to mitigate all potential environmental concerns with the existing codes and regulations, as conditioned.*

### **Who are the officials that have decided they will likely approve this project even prior to hearing from and responding to the neighborhood residents who will be impacted?**

*An “anticipated” DNS, is a statement that indicates the Responsible Official, will likely issue a DNS based on the material submitted by the applicant. Public Comment is then solicited to invite additional testimony or evidence that may influence whether to proceed with a DNS.*

*In this case, the Responsible Official weighed all of the public testimony and agency comments and made the determination after the 14-day comment period concluded.*

*The Responsible Official is the Community Development Director, Erin Erdman. The case manager is Johnnie Hildreth. Other staff are involved in this decision as it is relates to the administration of their respective disciplines, such as, engineering, zoning, fire, building, etc.*

### **Light pollution, noise pollution, toxins (airborne and those seeping in the water table), crime, and diminished property values.**

*Previous comments have addressed lighting, noise, the potential for air and water pollution, crime and property values.*

### **What additional rights/recourse do the effected parties have to challenge this project?**

*Any party of record has a standing to appeal the decision. Requests to appeal the decision must be made in writing within 14 calendar days after the date the decision is mailed along with the applicable appeal fee. The letter of appeal shall state the case number designated by the City, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under BGMC Chapter 17.200.140, the specific*

*aspect(s) of the decision or issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error(s).*

### **Fire suppression for fueling station**

Currently gas stations do not require active fire suppression or fire sprinklers in accordance with IFC 903 unless the covered footprint is over 12,000 square feet. However, fuel dispensing operations shall comply with all applicable sections of IFC Chapter 23 for location, dispensing, operational requirements, and flammable/combustible liquid provisions.

*Staff notes, as conditioned, the project will be required to follow all federal, state, and local laws in respect to developing near wetlands and managing stormwater. The zone district authorizes fueling stations with convenience stores and retail/office use at this location, regardless of their effect on nearby property values.*

## **V. DECISION**

Based upon the findings herein, the criteria for approval have been either satisfactorily met, or shall be required to meet with conditions. Staff concludes this request meets the applicable requirements of the zoning district, comprehensive plan and other applicable codes and hereby grants **preliminary site plan and boundary line adjustment approval with conditions** as noted below and throughout this staff report. Be advised that this approval does not grant the right to permits, but only determines that the site can meet the requirements of the applicable ordinances, as described in this report.

### **CONDITIONS OF APPROVAL**

#### **Prior to Engineering/Final Site Plan Approval:**

1. Submit final engineering and site 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.
  - a. Showing improvements to NE 122<sup>nd</sup> Avenue, a Minor Arterial, including but not limited to sidewalk, landscaping, and street lights.
  - b. Showing improvements to SW 40<sup>th</sup> Street, a Major Collector, including but not limited to sidewalk, landscaping, and street lights.
  - c. Containing a combined landscaping and driveway plan.
  - d. Containing a signing, striping, and street lighting plan.
  - e. Showing sight distance triangles.
  - f. Showing locations of nonresidential driveways meeting the requirements of BGMC 12.116.246.
  - g. Showing stop signs and stop bars at ingress and egress points on and abutting the site that are outside the public right-of-way.
  - h. For review and approval by Clark Public Utilities, pertaining to any water

modification prepared and stamped by a registered engineer in the State of Washington. Submit documentation (i.e. approved plans, letter) showing CPU has approved any water modifications.

- i. Showing a 6-inch sewer service connection for each proposed building.
  - j. Showing an American Petroleum Institute (API) or Coalescing Plate Separator (CPS) type oil / water separator for the fueling station.
  - k. Showing and labeling all existing and proposed fire hydrants.
  - l. Showing an adequate number of fire hydrants.
  - m. Showing a stormwater facility which meets the requirements of BGMC 18.250.
  - n. If applicable, meet design requirements of WSDOT to release stormwater runoff into their roadside ditch along SR 503.
  - o. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
  - p. Showing trash enclosure details.
  - q. Showing mechanical equipment screened with a B2 buffer.
  - r. The landscape plan showing a six-foot-high sight-obscuring fence and a landscape strip with B3 plantings along the south property line.
  - s. The landscape plan assures the shrubs mature to three feet in height along public streets.
  - t. Clearly indicate the location of the ADA parking access aisle for the north parking lot. Show any curb ramps and detectable warnings at this location. The drawings shall provide information showing how changes in elevation will meet the accessible route requirements (spot elevations, ramp details, etc.).
  - u. Provide location of required "No Parking – Fire Lane" signage/stripping at the southern portion of both parking lots.
2. Submit a pavement deflection testing report on the adequacy of the existing pavement on NE 122<sup>nd</sup> Avenue and SW 40<sup>th</sup> Street.
  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.
  4. Submit documentation that shows the proposed onsite septic system has been approved by Southwest Washington Health District.
  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 which is two (2) percent of the estimated costs of construction minus the \$500.00 due at engineering plan submittal.
9. Pay \$1,000 site plan fee.
10. Submit a recorded copy of boundary line adjustment.
11. Submit a recorded copy of the joint parking and cross access agreement.

**Prior to Construction of the Site:**

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Received 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.
8. Temporary address signage shall be posted and shall be visible and legible from the street fronting the property.

**Prior to Creation of Impervious Surface:**

1. 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 Final Site Plan Approval:**

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

**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 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) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

**Prior to Building Permit Issuance:**

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Pay all required impact fees, mitigation fees, and system development charges.

**Prior to Building Construction:**

1. Acquire the required Building permits as outlined in Title 15 above.
2. Provide documentation that the required fire hydrants have been installed, tested, and approved in accordance with City of Battle Ground engineering standards and section 15.105.100 of this Staff Report.

**Prior to Issuance of Occupancy:**

1. Must receive engineering acceptance.
2. Complete and have accepted by the City all public improvements, or at the City's discretion provide appropriate bonding meeting requirements of BGMC 12.116.090.
3. Submit a covenant running with the land, for inspection of private on-site stormwater facilities in conformance with BGMC 18.250.320(C) for review by the City of Battle Ground Engineering Department.
4. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all required public improvements after they are inspected and accepted by the City Engineering Department.
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) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.
6. Complete all building permit requirements of the City of Battle Ground building division.
7. Provide fire lane markings and identification in coordination with Fire District 3.

**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. Receive required approvals from Southwest Washington Clean Air Agency.
3. Receive required approvals from State of Washington Department of Ecology.

**VI. EXHIBITS**

1. Proposed Site Plan

**VII. APPEAL**

Requests to appeal this decision must be made in writing within 14 calendar days after the date this decision is mailed along with the applicable appeal fee. The letter of appeal shall state the case number designated by the City, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under BGMC Chapter 17.200.140, the specific aspect(s) of the decision or issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error(s).

For more information on the appeal process, please refer to Battle Ground Municipal Code 17.200.140 or contact the Community Development Department at (360) 342-5047.

