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: **Cedars East Subdivision Review/SEPA (LUDIII21-0001 | PR 33:2020)**

Report Date: June 30, 2021

Hearing Date: July 7, 2021 @ 2:00 p.m. via Zoom

Proposal: This proposal consists of subdividing two contiguous parcels totaling 18.04 acres into approximately 37 single family residential lots. The proposed Cedars East Subdivision consists of parcels 986051252 and 986051253, and comprises of approximately 18.04 acres, all of which is zoned R3. Wetland mitigation is also proposed with the proposal.

Location: Address: *not yet assigned* | Parcel #: 986051252 & 986051253 | Location: NE 180th St. & NE 183rd St.

Owner: Cedars Golf, LLC
c/o William Saunders
4111 Black Point Rd.
Honolulu, HI 96816

Applicant: Robertson Engineering, PC
c/o Jeremy Fick
1101 Broadway St. #201
Vancouver, WA 98660

Staff: James A. Cramer, Assistant Planner
Kelly Uhacz, Engineering Technician II
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.



June 30, 2021

James Cramer **Date**

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I. BACKGROUND

A. General Site Information

Size of Site:	Approximately 18.04 acres
Existing Vegetation:	Mature trees, grasses and shrubs
Existing Structures:	No structures
Adjacent Land Uses:	Residential (N, E, S & W)
Adjacent Zoning:	R1-20 (N & W), R-5 (E & S)
Slope:	To the SW
Landslide Hazards:	No mapping indicators
Geological Hazards:	No mapping indicators
Slope Stability:	No mapping indicators
Wetlands:	No mapping indicators (application indicates presence)
Flood Plain:	Outside Flood Area
Archaeology:	High
Priority Habitat:	No mapping indicators
Soils:	DoB, HIC & MIA

B. Land Use Processing

Pre-Application Meeting	November 17, 2021
Date Application Submitted:	February 9, 2021
Application Technically Incomplete:	March 1, 2021
Additional Information Submitted:	May 3, 2021
Application Technically Complete:	May 3, 2021
Notice of Application:	May 17, 2021
Site Posted:	May 17, 2021
Reflector Publication:	May 19, 2021
Public Hearing:	July 7, 2021

Figure 1. Location

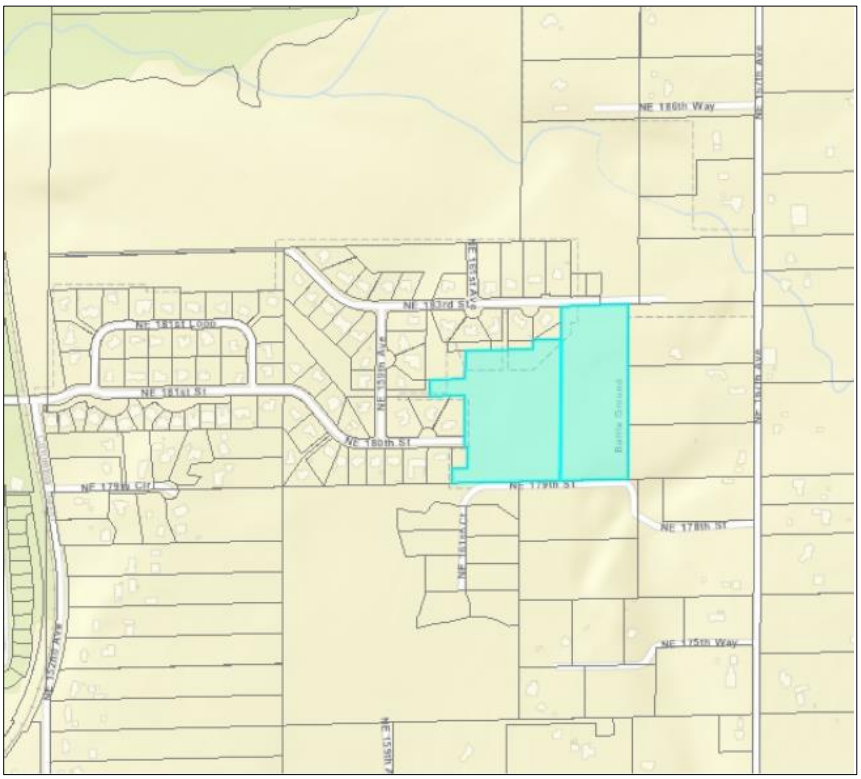


Figure 2. Site – 201* Imagery



II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	Title 12 Streets and Sidewalks
12.116 Transportation Standards	**Compliance:** Conditionally

Finding: The proposed 37-single-family residence subdivision, is located on two parcels at the east end of NE 180th Street and south of NE 183rd Street. Access to the development will be from the creation of a new intersection at NE 183rd Street and the "to be named" extension of NE 180th Street.

The applicant is showing two new public streets to be constructed with this development. NE 180th Street and the loop road between NE 180th Street and NE 183rd Street shall be constructed to "Neighborhood Collector" standards.

NE 183rd St. shall be built along the northern property line to "Neighborhood Collector" half-width standards that include a 34-foot right-of-way, 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

The southern side of NE 183rd Street in the northwest corner will require "Neighborhood Collector" half width frontage improvements that include 16-feet paved width from centerline to face of curb, 4-foot planter strip and a 5-foot sidewalk.

BGMC 12.116.180(B) requires pavement testing in order to determine the life left in the pavement. If the design life of NE 183rd St is less than five years, the half-street improvements will need to be to the centerline of the applicable street. A Pavement Condition Index number shall be calculated by City staff. If the number is less than 70 then road improvements shall go to centerline.

The loop connecting NE 180th St and NE 183rd St shall built to "Neighborhood Collector" full-width standards that include a 50-foot right-of-way: 32-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

The street serving lots 32-36 shall be privately owned and maintained, and constructed to Private Street Standards per BGMC 12.116.140 for a street serving 5 or more lots. Improvements shall be to Local "A" Standards that includes a 48-foot right-of-way, 30-feet of roadway, 4-foot sidewalks and 5-foot sidewalks.

The streets serving lots 1 and 3, and 6 and 7 shall be privately owned and maintained, and constructed to Private Street Standards per BGMC 12.116.140 for a street serving 1-2 lots. Improvements shall include a 24-foot easement and a 22-foot roadway.

Centerline curves for all new streets shall be designed to meet the requirements of AASHTO's *A Policy on Geometric Design of Highways and Streets*, aka The Green Book. Future submittals of engineering plans shall include, but not limited to, centerline radius, curve data, and any pertinent information that shows new streets meet the design requirements.

The applicant is required to provide landscaping in the planter strips in the right-of-way. Per BGMC 12.116.050(F) the applicant shall submit a landscaping plan with the engineering plans that provides the required landscaping.

The applicant is required to submit as part of the engineering plans, per BGMC 12.116.050(G), a driveway

location plan that specifies proposed driveway curb cuts, where required, for all lots within the plat. If possible, the landscape and driveway plan should be on the same page in order to show possible conflicts.

The applicant is required to provide a signing, striping, and street lighting plan per BGMC 12.116.050(H). The plan shall be submitted with the final engineering plans. A photometric plan shall be done for all access points, intersections, frontage roads out to centerline and should include existing lights to ensure that proposed lights meet IES RP-8-00 standards. Streetlights shall be LED acorn type units for all streets.

Per BGMC 12.116.080(B), traffic-calming devices are required for all residential streets. Traffic calming requirements for this subdivision will be determined during the final engineering review process using the options shown in Figure 12.116.080(A).

BGMC 12.116.130(A)(3) requires the final plat have the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets, including streetlights and signs, contained within, or private streets providing access to, the property designed in this development."

BGMC 12.116.130(A)(5) requires a private road maintenance agreement.

12.116.130(A)(6) requires private street identification signs to be installed at the intersection with the public street.

The developer/contractor shall provide certification per BGMC 12.116.130(A)(7) that the private streets were constructed meeting the requirements of 12.116.140.

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

The applicant's traffic engineer has indicated that 349 daily, 27 new a.m. peak trips and 37 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. Two of the 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 drawings. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary drawings show the development being approximately 970-feet (north/south) by 1,100-feet (east/west) at its widest point. Based on the dimensions the preliminary drawings would have to provide, at a minimum, one north/south cross-circulation street and one east/west cross-circulation street. The preliminary plat shows one north/south street and one east/west street. Engineering staff have determined that the applicant has provided all necessary cross-circulation for this portion of the development.

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.

Driveway locations and sizes shall be per the requirements of per BGMC 12.116.243 and 12.116.246.

Staff received comments from the following citizens regarding transportation:

1. Cathy Steiger: Questions about traffic study.
2. Cathy Steiger: Concerns about traffic and maintenance on NE 152nd Avenue, emergency access and fire danger.
3. Julie Weikel: Concerns about traffic congestion and pollution.
4. Jean Marie Glazer: Concerns about additional pedestrian and vehicular traffic and lack of sidewalks and bike lanes in the existing neighborhood. Concerns about having one access into the neighborhood and loss of the neighborhood's "spirit".
5. Dr. Michael Glanzer: Concerns about safety with the increased traffic generated by the project.
6. Marc Martin: Concerns about lack of street infrastructure to handle a rapid evacuation of the neighborhood.
7. Lynda Ann Johnson: Concerns about construction activity in the neighborhood, too much traffic on NE 152nd Avenue and safe ingress and egress and concerns about not having a secondary exit in the event of an emergency.
8. Tim and Kris Peters: Concerns about level of traffic and only one ingress/egress from neighborhood.
9. Richard L. Brady: Concerns about increased traffic and only one access to the development.
10. Andrew Christiansen: Concerns about traffic impacts and one point of ingress/egress.
11. Anne Brock: Concerns about traffic and one egress route.
12. Mary Torjusen and the Greater Brush Prairie Neighborhood Association: Concerns about traffic impacts and NE 152nd Avenue as the only point of ingress/egress.
13. Kathryn Saba: Concerns about pedestrian safety and the character of the neighborhood.
14. Nancy Vincent: Concerns about pedestrian safety, additional traffic and one exit from neighborhood.
15. Mark Gawecki: Concerns about increased traffic, only one entrance/exit from neighborhood and trash and debris generated by construction.
16. Janet Martin: Concerns about having only one entrance/exit from the neighborhood and construction traffic.
17. John and Sally Savona: Concerns about traffic and safety.

Responses to citizen comments:

1. The map does not correctly identify the project location. However, the calculations are for the Cedars East Subdivision. The study does not address the condition of roads, it only studies traffic volume and level of service.
2. Typically, when a property is developed, the streets that abut the property are improved to current standards. The improvements include sidewalks, landscape strips, curb/gutter, and a widened street. The property does not directly abut NE 152nd Avenue, therefore the project is not required to make improvements to NE 152nd Avenue. The City cannot require a developer to create an entrance into the subdivision across property that is not a part of the development. A traffic study has been completed and showed that safety levels were not exceeded.
3. See #2 above.
4. See #2 above.
5. See #2 above.
6. See #2 above.
7. See #2 above.
8. See #2 above.
9. See #2 above.
10. See #2 above.
11. See #2 above.

12. See #2 above.
13. The property does not directly abut NE 152nd Avenue, therefore the project is not required to make improvements to NE 152nd Avenue.
14. See #2 above.
15. See #2 above.
16. See #2 above.
17. See #2 above.

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.

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 the 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 & SR 503 include addition of a second southbound left turn lane and receiving lane on SW Eaton Boulevard.
- 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
- East Main Street & Grace Avenue 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-Tear TIP, or (2) will be available and complete no later than six years after development approval, as provided with a voluntary financial commitment (where appropriate) that is in place at development approval. Based on the applicant's traffic study the Development does not meet (A). In order to meet concurrency via (B) the City has come up with 2 possible strategies as follows:

1. The applicant can construct the aforementioned mitigation measures for the failing intersections to meet concurrency requirements.
2. The applicant can pay a proportionate share of the costs to construct the aforementioned mitigation measures. Proportionate share, on a per trip basis, would be based upon the cost to do the mitigation measure divided by the number of trips created over the next six-year time frame. The number of trips generated by the proposed development going to the intersections during the failing peak period would be multiplied by the per trip cost to generate the proportionate share of construction cost. The mitigation fees are as follows:

Intersection	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard	AM	0	n/a	$4,576.23	$0.00
Grace Avenue & E Main Street	PM	n/a	2	$1,721.77	$3,443.54
SR 503 & SW Eaton Boulevard*	PM	n/a	4	$1,533.33	$6,133.32
SR 503 & SW Eaton Boulevard**	PM	n/a	4	$1,463.61	$5,854.44
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	0	$2,291.40	$0.00

*100-foot eastbound right turn lane and a second westbound left turn lane

** second southbound left turn lane

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

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. However, this development is within Clark Public Utilities (CPU) service boundary. Therefore, the development shall meet the requirements of CPU for water approval.

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

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

Finding: Sewer service is required for this project. The City of Battle Ground is the public sanitary sewer purveyor for properties within City limits.

Although capacity for sewer is available at this time, the City does not guarantee or set aside of service capacity with this preliminary approval, as it is the city's policy that service commitment occurs when it is paid for at the time building permits are issued.

The proposed site is located within Basin CED-10 of the City's Sewer Master Plan.

Sewer Connection

1. Sewer connection would be made to the existing sewer line in NE 183rd Street.
2. Single-family residences require a 4-inch lateral.
3. Construction of FE-33 will be required. FE-33 is not creditable.

Project #	Project Name	Total	Creditable	% Creditable
FE-33	Cedars East Trunk	$443,000.00	$0.00	0.00

Per BGMC 13.120.020(B), sewer lines shall be located within the City's ROW where feasible. Lines located outside the City ROW shall be privately owned and maintained unless accepted by City Engineer. Easements shall be provided for City maintained sanitary sewer lines constructed outside City right-of-way per BGMC 13.120.070.

Easements shall be provided for City maintained sanitary sewer lines constructed outside City right-of-way per BGMC 13.120.070.

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

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

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

General

The City of Battle Ground has adopted by reference the 2018 International Building Code (IBC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). All building permit applications will be reviewed based on those codes.

The following separate permits may be required:

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

All permits must be secured prior to any construction and all applicable impact and permit fees shall be paid prior to the issuance of the permits.

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:** Conditional

Finding: All designated fire apparatus access roads are to be designed and maintained to provide access for fire apparatus. Required fire lanes shall be kept clear at all times and shall be marked with signs, striping, or painted curbs stating "No Parking- Fire Lane".

Fire apparatus access roads shall have be a minimum paved width of 20 feet. Revisions are required for the following fire access road driveways:

- **Driveway serving lots 1 and 3.**
- **Driveway serving lots 6 and 7.**

Provide "No Parking-Fire Lane" signage at the following locations:

- **Both sides of driveway serving lots 1 and 3**
- **Both sides of driveway serving lots 6 and 7**
- **One side of proposed new private road.**

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

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. Specifically, at the extension of NE 180th St:

- **Sheet C101 contains a note that an existing hydrant is located approximately 225 feet west of new development. GIS records indicate that this existing hydrant is further west (approximately 514 feet). If the 700 foot spacing is exceeded, an additional hydrant shall be required.**

4.	**Title 16 Land Divisions**
16.115 Preliminary Plats	
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The applicant is proposing 37 lots; therefore, this application shall be processed as a Type III land use action.	
16.125.010. Conformance to Comprehensive Plan	**Compliance:** Yes
Finding: All aspects of the subdivision conform to the City's Comprehensive Plan.	
16.125.030. Continuation of existing streets	**Compliance:** Yes

Is should be noted that Clark County Fire District 3's Chief Scott Sorenson provided the following comments:

> *"Our concern is response-related. This will create a bottleneck. During a large-scale event, we would likely have difficulty gaining ingress and egress from 159 St and 152 Ave as general access to the area is a single way in and a single way out.*
>
> *A second location for ingress and egress, to include emergency access only, would ease the concern."*

Staff received comments from the various citizens regarding concerns the proposed development does not have a second point of entrance. The concerns are regarding traffic and emergency response for residents in the area with only one access point. Agency /Public Comments can be further examined within Sec. II, SubSec. C of this report as well as within Exhibits F-ZF.

Finding: Streets are designed per City Transportation standards, or conditioned as such.	
16.125.040. Street jogs	**Compliance:** Yes
Finding: Streets are designed per City Transportation standards, or conditioned as such.	
16.125.050. General street design requirements	**Compliance:** Yes
Finding: Streets are conditioned to meet all applicable public and private street standards specified in Chapter 12.116 BGMC.	
16.125.060. Blocks	**Compliance:** Yes
Finding: See 12.116 Transportation Standards	
16.125.070. Lot Access Requirements and Restrictions	**Compliance:** Conditionally
Finding: The R3 zoning district requires a minimum lot frontage of 30 feet. Every lot, with the exception of Lots 1 & 3 as well as Lots 6 & 7, will contain the minimum frontage on a public or private street. Lots 1 & 7 are proposed as flag lots to provide access to lots 3 & 6. As such these 4 lots are required to meet the standards of BGMC 16.125.110. Additional analysis and conditions of approval are detailed within Sec. 16.125.110 of this report.	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: Lot line angles are satisfied.	
16.125.090 Lot Size and Width Requirements	**Compliance:** Conditionally
Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 6,300 square feet; however, the applicant proposes a density transfer therefore is required to have a minimum average lot area of 8,000 square feet. The Average Lot Area proposed is 8,412 square feet therefore the proposal meets the minimum square footage for density transfer consideration. Additional analysis regarding the proposed density transfer is found within Sec. 17.106.035 of this report. With the exception of the permitted reduced flag lot frontage, the 30-foot-wide minimum lot frontage standard is met. Staff received comments from the various citizens regarding concerns the proposed lot sizes will not be in keeping with the surrounding development. These homes have been developed with larger lot sizes (many around the 20,000 SF area) which differ from the proposed average 8,412 square foot lot size; however, with approximately 8.83 acres of the subject property remaining undeveloped in efforts to preserve critical areas found within the subject it is reasonable to conclude the proposed development will remain in keeping with the surrounding development.	
16.125.110 Flag lots	**Compliance:** Conditionally
Proposed flag lots are required to meet the dimensional requirements of the underlining zone district and the lot access shall not be more than two hundred feet long. Not more than two flag lots shall abut each other. Two abutting flags may reduce their street frontage by up to fifty percent if a shared driveway access easement is in place. **Finding:** Lots 1 & 7 are proposed as flag lots to provide access to lots 3 & 6. This results in two sets of proposed flag lots (Lots 1&3, Lots 6&7) which meets the maximum number of two adjacent flag lots. The "pole" portion of the lots fronting right-of-way both exceed the minimum 15-feet therefore conditionally meeting the requirements of Sec. 16.125.070 of this report. Additionally, the "pole' portion on both proposed flag lots does not exceed 250 feet. **The applicant shall be responsible for recording an easement within the "pole" portion of Lots 1 and 7 to benefit Lots 3 and 6 respectively.**	
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 Clark Public Utilities and gets approval from them for the water distribution system.
- Water lines shall be 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 provide a preliminary street lighting plan. Per BGMC 16.130.035 lighting plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting plan shall be included with the engineering plans to be approved by the city.

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

The applicant has provided on the preliminary drawings the roads, which will be dedicated to the city. BGMC 12.116.060 requires this dedication, which will be satisfied with the dedication of the final plat. On-site roads shall be consistent with standards found in BGMC 12.116.040.

The preliminary plat complies with all other criteria listed in BGMC 16.130. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

It should be noted that final engineering plans pertaining to transportation, sewer, water, and street lighting for the proposed project shall be submitted for staff review and approval prior to final plat approval. Final engineering plans shall be prepared and stamped by a professional engineer registered in the State of Washington.

5.	**Title 17 Zoning**
17.106-2 Dimensional and Density Standards	**Compliance:** Conditionally
Residential Lot Development Standards	***R-3***
Minimum average lot area (square feet)	10,500
Minimum average lot area for density transfer (square feet)	8,000
Minimum lot area (square feet)	6,300
Maximum density (units per gross acre)	3

Minimum density (units per net acre)[1]		N/A
Minimum lot frontage (feet)		30
Minimum setbacks (feet)	Residence front yard[3]	Minimum 10'
	Garage (minimum)[4]	20
	Side yard[5]	5
	Street side yard	10
	Rear yard[4]	20[6]
Maximum lot coverage (%)		50
Maximum height (feet)		35
Refer to Table 17.131-1 for landscaping requirements		

1 Net acres shall be based on the total area of the site minus public-private road rights-of-way, stormwater facilities, and land voluntarily or required to be set aside for parks, open space or environmental protection.

2 Lots may be approved without any frontage where they are part of a cottage development where appropriate easements are granted to gain access to the public or private street and the shared parking areas.

3 Attached front porches may intrude into required minimum front yard setbacks up to six feet.

4 Garages accessed via alleys may be located zero lot line to the edge of alley right-of-way if side entry and five feet from edge of alley right-of-way if front entry.

5 Where a permitted use by the code, townhouses are not required to meet the side yard setback on the attached side(s).

6 Structures such as patio covers, decks, and bay windows are permitted to be set back ten feet. A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.

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

Finding: The subject property is zoned Residential 3 units/acre (R). Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.

Maximum density for the overall site is 3 units per gross acre with no minimum density requirement. The subject property (986051252 & 986051253) is approximately 18.04 gross acres which permits a maximum density of 54 units. Of the approximate 18.04 acres of gross area, approximately 8.83 acres will remain undeveloped with separate tracts (Tracts C and D) in efforts to preserve critical areas found within the subject property. As such, the remaining approximate 9.21 acres would permit a total of 28 lots. With approximately 48% of the properties being proposed as open space, the applicant is seeking density transfer to allow 37 units in within the developable land, as determined by the applicant. Further analysis of density transfer compliance can be found in the following section of this report.

The proposal meets the absolute minimum lot area of 6,300 square feet with the smallest lot measuring at 6,716 square feet. The average proposed lot size is 8,412 square feet, satisfying the minimum average lot area for density transfer (8,000 square feet).

All other dimensional standards including setbacks, lot coverage, and building height will be determined at the time of building permit issuance. A **condition will require** all new structures to comply with the setbacks and building height of the R3 zoning district prior to building construction and that a note of such shall be included on the plat to be recorded.

17.106.035 Density Transfer Provisions	**Compliance:** Conditionally

To provide for the protection of natural resources and to meet the density goals of the comprehensive plan, density may be transferred from one portion of a site due to wetland, greenway or critical area regulations to other buildable portions of the site consistent with the requirements of this section.

Finding: The subject property is zoned R3 and the average lot size for the overall proposal is 8,412 square feet therefore the proposal is eligible for density transfer.

The subject property (986051252 & 986051253) is approximately 18.04 gross acres of which approximately 8.83 acres will remain undeveloped within separate tracts (Tracts C and D) in efforts to preserve critical areas found within the subject property. As such, the remaining approximate 9.21 acres would permit a total of 28 lots. The standards of this section states,

> *"In no case shall any portion of a residential development exceed one hundred twenty percent of the density permitted by the underlying zone."*

As such, the applicant would be limited to 120 percent of the maximum density permitted within the developable area which is 28 lots as previously calculated. In this case they would be permitted to increase the density to 34 units (28 x 1.20). **The applicant shall reduce the number of proposed lots to a total of 34 lots, update plans as needed and submit for final review/acceptance.**

17.106.040 Neighborhood Design standards	**Compliance:** Conditionally

Finding: The City of Battle Ground contains minimum architectural requirements for new home construction. A **condition** will require all future homes to comply with the requirements of BGMC 17.106.040 at building permit issuance and that a note of such shall be included on the plat to be recorded.

17.128.010 Park and Open Space Purpose and Applicability **17.128.030 Determination of Park and Open Space Needed**	**Compliance:** Yes

The proposed project is located in Neighborhood Service Area (NSA) #S12 of the parks plan. Per the Battle Ground Comprehensive Parks, Recreation & Open Space Plan, *"This neighborhood is generally characterized by low-density residential development. Salmon Creek is a prominent natural feature in the area. No school or park facilities are located in this neighborhood. A three-acre neighborhood park or one-acre pocket park likely will be needed to serve this area as it grows over the next 20 years. Strategic acquisition of lands along Salmon Creek to provide passive recreation opportunities to NSAs 11 and 12 should be pursued as part of the 20-year park plan."*

Finding: Approximately 48% of the project area is proposed as open space inside two Tracts dedicated to the HOA. Although there was interest from the City in exploring pathways through this space, the environmental consultant advised against it, as it would create additional impact on the critical areas. With existing nearby recreational opportunities, and dedication of open space on site due to the sensitive nature of the critical areas on site, staff finds the proposal reasonably complies with the goals of these sections.

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

Finding: Table 17.133-1 identifies the required minimum vehicular parking requirements. The proposal indicates the single family lot. **All future homes shall demonstrate compliance with the required parking minimum of Table 17.133-1 prior to building permit issuance.**

6.	**Title 18 Environmental Protection**
18.100-185 SEPA Review	**Compliance:** Conditionally

Finding: Title 18 of the Battle Ground Municipal Code establishes procedures and policies for implementing the State Environmental Policy Act. In order to be approved, the proposal must meet the

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

1. EARTH: The development portion of the property slopes approximately 2% from the SW to NE. The NRCS Soil Survey identifies the soils for this site as Dollar and McBee Loam. Grading and fill of approximately 3,700 cubic yards of cut and fill will be required. An erosion will be designed and reviewed for approval prior to any activity. Approximately 28% of the site is covered with impervious cover.

2. AIR: Typical construction dust and vehicle emissions during construction are expected during the overall development of the subdivision

3. WATER: The project is not within a 100-year floodplain. The subject property consists of nine wetlands, as depicted on the Existing Conditions plan which are proposed to use off-site wetland bank and fill (approx. 21,175 sq.ft.) as mitigation measures. Stormwater is the only source of runoff for this project. Runoff from the public and private streets via bioretention cells located in the planter strip, where the water will be treated. Most of the site's runoff will be collected and conveyed to an on-site stormwater detention pond where the flow will be metered as it releases back into the roadside ditch at NE 183rd Street. Runoff from approximately 14 proposed lot's yards will be dispersed back into the wetlands in order to maintain the required hydroperiod volumes for the wetlands. Temporary erosion control measures will be in place during construction to prevent sediment-laden stormwater from leaving the site.

4. PLANTS: The site is home of various deciduous and evergreen trees, shrubs, grasses, pastures and wet soil plantings including Himalayan Blackberry which is a noxious weed. Existing grass, shrubs and trees within the project disturbed area will be removed or replaced with this project. New landscaping plantings will be installed along the roadway per city standards. All disturbed areas in the project area that are not proposed for impervious surface or ornamental landscaping will be seeded for lawn or prairie grass.

5. ANIMALS: The site has the potential for the presence of hawks, eagles, American crow, and Songbirds as well as deer and small mammals. Coho salmon can be found in the nearby Morgan Creek. The Canadian Goose migration has been observed in the surrounding areas. Over 8.8 acres of the existing landscape is to remain providing sanctuary for any potentially displaced wildlife.

6. ENERGY AND NATURAL RESOURCES: Electric and natural gas are expected to be implemented for the proposed residential use. No additional energy conservation features are expected other than that of the State of Washington Energy Code requirements.

7. ENVIRONMENTAL HEALTH: No known long-term environmental health concerns have been noted for the subject property. **Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends. The contractor will be required to prepare a Spill Prevention, Control and Countermeasure (SPCC) plan to be used for the duration of the construction project.**

8. LAND AND SHORELINE USE: The property is not within a shoreline. The site is currently vacant, zoned R3 and proposes 37 residential lots. The subject property currently has nine identified wetlands within its boundaries.

9. HOUSING: the proposal includes subdividing the subject property into 37 single family lots.

10. AESTETICS: Any development within the subject property will be required to include architectural and landscape elements identified within the Battle Ground Municipal Code in order to maintain the aesthetic stablished within the community.

    If site disturbance is over an acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required.

11. LIGHT AND GLARE: Future development shall meet the requirements of the Battle Ground Municipal Code.

12. RECREATION: the subject property is in close proximity to the Cedars Golf Course and Salmon-Morgan Creek's Natural Area for hiking.

13. HISTORIC AND CULTURAL PRESERVATION: An archeological predetermination was performed by Archaeological Services of Clark County LLC (ASCC), and recommended no further exploration. **If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation (DAHP) in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.**

14. TRANSPORTATION: The project site will create a connection from the NE 180th Street dead end to the NE 183rd Street dead end. Both those streets continue west to connect to NE 152nd Ave and then on to Ne 159th Street which continues on to highway 503. The closest public transit route is along SR-503, approximately 3.6 miles to the west. The project will add on-street parking along the proposed road as well as driveway parking for each household. A trip generation report dated January 21, 2021 by Global Transportation Engineering states that approximately 349 daily trips will be generated by the project. Peak volume is estimated to be 37 pm trips. A percentage of trucks or non-passenger vehicles are not given in the report and is not anticipated to be on a daily bases. Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition and ITE Land Use Code 210 – Single Family Dwelling were used for transportation modeling.

15. PUBLIC SERVICES: School Impact fees and increased tax base will accommodate for impacts on public services.

16. UTILITIES: Standard utilities such as: electricity, natural gas, water, sanitary, phone and sewer are expected.

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

DECISION:
Based on the information provided, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350. This determination was made utilizing the provisions of WAC 197-11-355, which authorizes an optional process for SEPA with a 14-day comment period to allow for public comments on the determination.

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

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

The proposed project meets these requirements and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250. The applicant shall submit final engineering plans and a 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* will be required for this project.

As this is a single-family residential subdivision, the stormwater pond shall be publicly owned and maintain as described in BGMC 18.250.300(F). Bioretention cells and proprietary filter BMPs shall be privately owned and maintained.

The applicant is, per BGMC 18.250.310(A), required that in order to insure satisfactory operation of new stormwater facilities 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. Cathy Steiger: Concerns about stormwater.
2. Tim and Kris Peters: Concerns about water quality.
3. Kathryn Saba: Concerns about stormwater runoff.
4. Pete Barber: Concerns about water quality.

Responses to citizen comments:

1. The development will be required to meet Washington State Department of Ecology and City of Battle Ground stormwater requirements.
2. See #1 above.
3. See #1 above.
4. See #1 above.

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 conformance with applicable City standards including the City's Standard Construction Details.

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

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

18.260 General Provisions

Findings: The applicant submitted a Critical Areas Report (CAR) and includes a Wetland Delineation Report which was prepared December 21, 2020 by Olson Environmental LLC (OE). OE used the methodology of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (USACE, 2010).

Nine wetlands were identified on the subject property totaling approximately 3.64 acres of the overall 18.04 acres of property. The applicant provided a wetland delineation and mitigation plan for the subject property. Further analysis of these elements can be found within Sec. 18.270.040, 18.270.090, 18.270.100 and 17.270.120 of this report.

The applicant submitted a revised Critical Areas Report (February 2021) and Mitigation Plan for review. The mitigation plan describes the project's avoidance and minimization efforts. The proposed development will avoid direct impacts to six of the nine wetlands identified within the project area, which will result in the avoidance of impact to approximately 3.16 acres of the total 3.64 acres of wetland area occurring within the project area. Impacts to wetlands will be minimized by concentrating development into clusters within existing upland areas within the western and eastern portions of the site. In addition, the applicant is proposing to minimize land use impacts to the buffer areas by implementing Land Use Impact Reduction measures that are relevant to the proposed development activities, in accordance with BGMC 18.270.090.C. Detailed review of the existing critical areas found on the subject property are found within this section (Sec. 6 - Title 18 Environmental Protection) of the staff report.

The Department of Ecology submitted comments including,

> *"Ecology has advised the applicant to reduce indirect impacts to the wetlands in the center of the property by leaving a sufficient buffers to protect water*

quality and other functions provided by the buffers. This means reducing the number of proposed lots. In response, the applicant's agent suggested that they are not willing to reduce the number of lots in order to provide the required avoidance and minimization of impacts to the resource. Ecology then asked the applicant to clarify where in the City's critical areas ordinances they believe such excessive buffer reductions are allowed, but a response was not provided. Ecology does not believe buffer reductions of this magnitude are allowed under the code, nor are such buffer reductions supported by science.

It's not appropriate to remove existing forested and scrub-shrub buffers only to replace them with a narrow hedgerow of densely planted shrubs, as proposed by the applicant. In fact, if the City were to grant a buffer reduction strategy such as this, it will likely lead to degradation of the wetlands, which are waters of the state. Therefore, Ecology advises that the plans be updated to address these concerns or the applicant risks having the project denied."

Staff proceeded with their review as proposed with the information received. **The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals. Should any modification to the preliminary plans be required it is the responsibility of the applicant to modify the preliminary plans accordingly prior to engineering approval.**

The applicant shall be responsible for supplying the City with a copy of the final wetland delineation report and mitigation plan prior to Engineering Approval. See sections below for specific requirements for each critical area.

18.260.130 Mitigation Plan Requirements	**Compliance:** Conditionally

The applicant has submitted a mitigation plan with their submittal for consideration. Mitigation analysis for compliance is analyzed within Sec. 18.270.090, 18.270.100 and 17.270.120 of this report. Prior to engineering approval, the applicant shall submit a Final Mitigation Plan.

18.260.180 Critical area tracts	**Compliance:** Yes

Critical area tracts shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers that total five thousand or more square feet.

Findings: As a result of the critical areas found on site the proposal includes two tracts greater than 5,000 square feet to encompass the wetland critical areas and buffers. Tract C is identified as Northern Natural Area on the preliminary plat and encompasses 291,687 square feet while Tract C is identified as Southern Natural Area and encompasses 92,835 square feet.

18.270.040 Wetland Delineation	**Compliance:** Conditionally

Findings: Over the course of the field study, nine (9) wetland units were identified within the study area. They are as follow:

Wetland Identifier	HGM Class	Surface Area		Wetland Category
A	Depressional	6,640 sq. ft.	0.15 ac.	II
B	Depressional	3,630 sq. ft.	0.08 ac.	II
C	Depressional	15,105 sq. ft.	0.35 ac.	II
D	Slope	18,000 sq. ft.	0.41 ac.	III

E	Slope	61,831 sq. ft.	1.42 ac.	III
F	Depressional/Slope	17,777 sq. ft.	0.41 ac.	III
G	Depressional	1,348 sq. ft.	0.03 ac.	III
H	Depressional/Slope	32,238 sq. ft.	0.74 ac.	II
I	Slope	2,308 sq. ft.	0.05 ac.	III
Total Wetland Area:		**158,877 sq. ft.**	**3.64 ac.**	

The Department of Ecology submitted comments including,

> *"Ecology has advised the applicant to reduce indirect impacts to the wetlands in the center of the property by leaving a sufficient buffers to protect water quality and other functions provided by the buffers. This means reducing the number of proposed lots. In response, the applicant's agent suggested that they are not willing to reduce the number of lots in order to provide the required avoidance and minimization of impacts to the resource. Ecology then asked the applicant to clarify where in the City's critical areas ordinances they believe such excessive buffer reductions are allowed, but a response was not provided. Ecology does not believe buffer reductions of this magnitude are allowed under the code, nor are such buffer reductions supported by science.*
>
> *It's not appropriate to remove existing forested and scrub-shrub buffers only to replace them with a narrow hedgerow of densely planted shrubs, as proposed by the applicant. In fact, if the City were to grant a buffer reduction strategy such as this, it will likely lead to degradation of the wetlands, which are waters of the state. Therefore, Ecology advises that the plans be updated to address these concerns or the applicant risks having the project denied."*

Staff proceeded with their review as proposed with the information received. **The applicant shall finalize the wetland boundaries and provide a final critical areas report to the Department of Ecology and provide the City prior to Engineering Approval or grading, whichever happens first.**

18.270.050 Standard Requirements	**Compliance:** Conditionally

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 included in the final engineering plans and installed prior to any land alteration or construction.

The critical areas tracts shall be maintained and owned by either the developer or HOA.

18.270.090 Buffer requirements	**Compliance:** Conditionally

This is a three-part section which includes the following:

A. Determining Buffer Widths,
B. Buffer Width Modifications. and
C. Land Use Impact Reduction

18.270.090.A&B

Section A determines the base buffer associated with the determined wetland category (IE I, II, III or IV) and then Section B adjusts those base buffer dimensions based on additional factors such as land use intensity and habitat scores. The following ratings were supplied within the submitted wetland mitigation plan:

Wetland Function Ratings						
Wetland Identifier	**HGM Class used for Rating**	**Water Quality Score**	**Hydrologic Score**	**Habitat Score**	**Total Score**	**Wetland Category**
A	Depressional	6	7	7	20	II
B	Depressional	7	6	7	20	II
C	Depressional	7	6	7	20	II
D	Slope	6	4	6	16	III
E	Slope	6	4	7	17	III
F	Depressional	7	6	5	18	III
G	Depressional	7	6	6	19	III
H	Depressional	7	6	8	21	II
I	Slope	6	4	8	18	III

Based on the rating supplied and tables within BGMC 18.270.090 the proposal is required to implement the following buffer widths:

Wetland Buffers – High Land Use Intensity				
Wetland Identifier	**Jurisdiction**	**Wetland Category**	**Habitat Score (level of function)**	**Buffer Width (feet)**
A	City of Battle Ground	II	7 (mod.)	150 ft.
B	City of Battle Ground	II	7 (mod.)	150 ft.
C	City of Battle Ground	II	7 (mod.)	150 ft.
D	City of Battle Ground	III	6 (mod.)	150 ft.
E	City of Battle Ground	III	7 (mod.)	150 ft.
F	City of Battle Ground	III	5 (low)	80 ft.
G	City of Battle Ground	III	6 (mod.)	150 ft.
H	City of Battle Ground	II	8 (high)	300 ft.
I	City of Battle Ground	III	8 (high)	150 ft.

Finding: Per the submitted wetland delineation, the applicant is required to meet the wetland buffers within the above table unless Conditions 1 & 2 of Sec. 17.270.090.C are met.

18.270.090.C

This section states that buffer widths for high impact land uses may be reduced to those for moderate impacts under specific conditions.

The submitted wetland mitigation report states, *"As a requirement of this provision for wetlands that score moderate to high for habitat, the proposed development will maintain a relatively undisturbed vegetated corridor at least one hundred (100) feet wide that is protected which connects the wetland with another wetland or other priority habitat as defined by the Washington State Department of Fish and Wildlife, including priority snags and mature forest (Fig. 5). As a result, the unimpacted wetland and buffer areas will be protected from the high land use intensity of adjacent proposed development."*

In addition, the applicant responded to the minimizing measures of Table 18.270.090-8 of the BGMC as follow:

Measures to Minimize Land Use Impacts		
Disturbance	**Uses and Activities Cause the Disturbance**	**Measures to Minimize Impacts**
Lights	Residential	Direct lights away from wetland.
Noise	Residential	Locate activity that generates noiseaway from wetland.
Toxic runoff	Residential, application of agricultural and/or landscapingchemicals	Route only treated runoff to a wetland. Establish covenants limiting use of toxic chemicals within150' of wetland. Apply integrated pest management.
Change in water regime	Impervious surfaces and/or lawns	Infiltrate or treat, detain, and disperse new runoff into buffer.
Pets	Residential	Plant dense vegetation around buffer, such as rose or hawthorn.
Human disturbance	Residential	Plant dense vegetation around buffer, such as rose or hawthorn.

As a result, the applicant proposes to reduce the buffer widths to those found in the following table:

Buffer Width Modifications – Land Use Impact Reduction				
Wetland Identifier	**Wetland Category**	**Habitat Score (level of function)**	**Standard Buffer Width (High LUI)**	**Reduced Buffer Width (Mod. (LUI)**
A	II	7 (mod.)	150 ft.	110 ft.
B	II	7 (mod.)	150 ft.	110 ft.
C	II	7 (mod.)	150 ft.	110 ft.
D	III	6 (mod.)	150 ft.	110 ft.

E	III	7 (mod.)	150 ft.	110 ft.
F	III	5 (low)	80 ft.	60 ft.
G	III	6 (mod.)	150 ft.	110 ft.
H	II	8 (high)	300 ft.	225 ft.
I	III	8 (high)	150 ft.	110 ft.

Finding: The applicant has made a statement to the effect that BGMC 18.270.090.C.1.a will be accomplished; however, staff will need to review the following prior to engineering approval:

The applicant shall finalize the wetland boundaries and provide a final critical areas report to the Department of Ecology and provide the City prior to Engineering Approval or grading, whichever happens first.

Applicant is responsible for creating an exhibit identifying all wetlands and their required buffer along with an exhibit identifying the proposed buffer widths demonstrating the required undisturbed vegetated corridor of at least one hundred feet in width is protected prior to engineering approval.

BGMC 18.270.090.C.2

With regards to the proposed measure to minimize land use impact the applicant states, *"It should be noted, only the planting of dense vegetation around the wetland buffer is specifically detailed within this mitigation plan, as described below. All other applicable impact reduction measures will be reflected within the design of the proposed development area, as approved by the City planning official."* **As such, the applicant will be responsible to including the following notes on the final plat for recording:**

- **Under not circumstances shall any exterior lighting associated with residential development be directed towards an existing wetland.**
- **It shall be the responsibility of the HOA to ensure dense vegetation, such as rose or hawthorn, are planted and maintained around buffer.**
- **Development is required to meet Washington State Department of Ecology and City of Battle Ground stormwater requirements.**

In addition, **the applicant shall be responsible for establishing, recording and supplying the City with a copy of a covenant limiting use of toxic chemicals within 150 feet of wetland should approval be granted.**

18.270.100 Buffer Modifications	**Compliance:** N/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.

Finding: The applicant did not request buffer averaging.

18.270.120 Wetland banking	**Compliance:** Conditionally

Findings: Based on the proposed site plan, Wetlands E & F will be partially impacted by the continuation of the collector road, and G will be filled entirely, resulting in approximately 0.48 acres of direct wetland impact. Following buffer modifications, the majority of the site remains encumbered by wetlands and buffer areas. As a result, the buffers of Wetlands B, C, D, E, H & I will be impacted by the development of the adjacent area, resulting in indirect impacts to these wetlands areas. The impacts to the wetlands and buffers as follow:

Impact Area and Credit Calculations

Wetland Identifier	Wetland Category	Total Area (ac.)	Direct Impact Area(ac.)	Indirect Impact Area (ac.)	Applicable Credit Ratio	Proposed Mitigation Credit (ac.)
A	II	0.15 ac.	0	0	n/a	0
B	II	0.08	0	0.03	0.6:1	0.018
C	II	0.35	0	0.33	0.6:1	0.198
D	III	0.41	0	0.39	0.5:1	0.195
E	III	1.42	0.06	-	1:1	0.06
			-	1.36	0.5:1	0.68
F	III	0.41	0.39	-	1:1	0.39
			-	0.02	0.5:1	0.01
G	III	0.03	0.03	n/a	1:1	0.03
H	II	0.74	0	0.74	0.6:1	0.444
I	III	0.05	0	0.05	0.5:1	0.025
Total Credits						**2.05 ac.**

The Applicant is proposing to purchase of mitigation bank credits as a means of compensation for the proposed wetland impacts associated with the proposed project, as provided by BGMC 18.270.120.D. Direct impacts to Wetlands E, F & G, as well as associated impacts to buffer areas, will be compensated by purchasing mitigation bank credits from the Terrace Mitigation Bank (TMB), which is located within the Salmon Creek Watershed (Fig. 7).

It is reasonable to conclude that any development on the subject properties would require some level of wetland mitigation. **As such, the applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals. A final wetland delineation report, as conditioned above, should be provided to the Department of Ecology and the City.**

The applicant is required to provide an updated mitigation plan prior to final engineering approval to include the following items:

a. **Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130.**
b. **Submit a buffer averaging proposal that complies with 18.270.080, which includes showing that no buffer is reduced by more than 75% of its standard.**
c. **Submit a wetland mitigation plan showing that the stormwater facility located in the wetland buffer meets criteria listed in 18.270.070.**
d. **Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.**
e. **Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan.**
f. **Adhere to all recommendations of the final Wetland Delineation and Mitigation Plan.**

Prior to grading or engineering approval, the applicant shall submit evidence of purchased credits.

Staff received comments from the various citizens regarding the potential effects the proposal has on existing wetlands on site. Agency /Public Comments can be further examined within Sec. II, SubSec. C of this report as well as within Exhibits F-Z.

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

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

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

Findings: Per Clark County records the subject properties are not located within a Habitat and Species Impacts area therefore a critical area report was not required for the proposal. As with any development, it is reasonable to conclude existing wildlife will be displaced approximately 8.83 acres will remain undeveloped with separate tracts (Tracts C and D) in efforts to preserve critical areas offering sanctuary for any potentially displaced wildlife.

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

FE-33 is not a Sanitary Sewer System Development Charge (SDC) credit eligible project. The General Sewer Plan states the following: FE-33 is estimated to cost $443,000.00 and is 0.00% creditable.

C.	**Public/Agency Comments**

1. **Department of Ecology** – letter dated May 28, 2021

This letter provides input on three various disciplines (Shorelines & Enviormental Assistance, Solid Waste Management, Water Quality/Watershed Resources) which indicate various measures and recommendations for the proposal to take.

Findings: Staff has created a general condition of approval associated with the response letter and it's findings as well as a specific condition the applicant provide a final wetland delineation report and a revised mitigation plan for review and approval prior to site disturbance or engineering approval, which ever happens first.

2. Cathy Steiger – emails received 5/20th, 26th & 29th(3) of 2021

Respondent requested whole development packet, inquired about the traffic analysis of 152nd Ave., inquired about wetland mitigation and storm water detention pond. Additionally, inquired about rumored trucks associated with fill as well as the name of "Cedars East" and some information on pg 15 of the TIA.

Finding: The respondent was provided a link to the applicant's submitted material. Staff identified the proposed wetland banking mitigation measures being proposed along with reassurance that storm water retention was being reviewed and analysis would be within the final report for review. Staff explained that the traffic engineer used the existing development's traffic count data and applied a growth
rate to it to account for the time differential between when the counts were taken to now. Page 15 is that data which also happens to include the location of the older development. At this time staff is unaware of the name "Cedars East" being used interchangeably.

3. Andy Hopkins – email received 5/21/2021 and 6/14/21

Respondent requested the environmental documents, plat sizes and public improvement documents for the proposal. The respondent then submitted additional items for the record which included a request for the City of Battleground to consider rejecting the development of lots 1, 3, 6, and 7 to allow for unimpeded water flow into Wetland G and H, as described in the Wetland Delineation and Assessment report. They also provided testimony regarding lot sizes stating, "The average lot size in the existing Cedars neighborhood is approximately 0.5 acres, or 22,000 square feet, whereas

the proposed subdivision directly adjacent has an average lot size of 8,400 square feet." Indicating the intent of the code is not met with regards to recognizing established neighborhoods.

Findings: The respondent was provided a link to the applicant's submitted material. The applicant has submitted a preliminary stormwater plan and preliminary hydrology report for review which was preliminarily looked at and determined that the layout shown is adequate for the project. Prior to city acceptance the applicant will be responsible for submitting a final stormwater plan for staff approval. The proposal meets the City standards with regards to the lot sizes and therefore the overall intent of City code.

4. Anne Brock – email received 5/21/21

Respondent expressed concerns regarding traffic associated with the development and its effects on the existing 152nd street as well as environmental concerns to underground streams and Morgan Creek/Salmon Natural Space.

Finding: Staff expressed to the respondent that fire department access was verified to comply with fire code and that the FD# would be notified of the concerns to offer the opportunity for comment. Additionally, staff let them know an environmental review would be completed and was referred to the appropriate environmental agencies for review as well and that the report with the above analysis would be provided prior to the hearing for their review.

5. Timothy Peters – online form submission received 5/25/21

Request for information about development of property referred to a Cedars East Subdivision made.

Finding: The respondent was provided a link to the applicant's submitted material.

6. Pete Barber – email received 5/27/21 and 5/28/21

Respondent requested the following information: SEPA, Wetland Delineation, Archaeological Report, Geotechnical Report and Traffic Study for the proposed development. The respondent then submitted additional testimony objecting to the proposal not following the BGMC – Title 18 Environmental Protection ordinances noted in Chapter 18.270 – Wetlands.

Finding: The respondent was provided a link to the applicant's submitted material. Staff added a condition that the applicant shall provide a final wetland delineation report and mitigation plan prior to Engineering Approval. In addition, the applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals associated with the wetland and associated mitigation in order to ensure the integrity of the code is met.

7. Karen Sharples – email received 5/28/21

Respondent stated "Wetlands are fragile ecosystems and cannot be replaced." In addition, stated "The City of Battleground needs to follow its own Critical Areas Ordinance, and this is area is NOT suitable for building."

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. They were also notified that the report would be made available to them prior to the hearing.

8. Janet Martin – email received 5/27/21

The respondent commented on the presence of Category II and III Wetlands as well as a Clark County identified Category II Critical Aquifer Recharge area and urged the review follow applicable Critical Areas ordinance. Additionally, concerns regarding the proposal not having a secondary means of egress.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

9. Brent Roberts – email received 5/27/21

The respondent commented on the presence of Category II and III Wetlands as well as a Clark County identified Category II Critical Aquifer Recharge area and urged the review follow applicable Critical Areas ordinance. Additionally, concerns regarding the proposal not having a secondary means of egress.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

10. Lindsay Roberts – email received 5/27/21

The respondent commented on the presence of Category II and III Wetlands as well as a Clark County identified Category II Critical Aquifer Recharge area and urged the review follow applicable Critical Areas ordinance. Additionally, concerns regarding the proposal not having a secondary means of egress.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

11. Richard Brady – email received 5/31/21

Respondent objected to the proposal based on the presence of existing wetlands and eco systems as well as expressed objections to the increase in traffic on 152nd Avenue.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

12. Tim and Kris Peters- email received 5/31/21

The respondents sent in their opposition to the proposal on the grounds that there are concerns with the level of traffic on the single ingress/egress road (152nd Ave.) and that no variances or expceptions should be granted to the BGMC – Title 18 Environmental Protection ordiannces as well as buffer requirements should be upheld.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the

FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

13. Nancy Vincent – email received 5/31/21

The respondent expressed concerns regarding wetlands as well as traffic in the neighborhood. They expressed that their neighborhood has no sidewalks and the development will bring new traffic through their neighbors which isn't safe. They expressed the need for an additional exit.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

14. Marc Martin – email received 5/30/21

The respondent opposes the proposed development based on the known designated wetlands onsite. Additionally, they noted the existing street infrastructure would not be capable of handling a rapid evacuation of residents should there be an emergency. Respondent asked to be notified of upcoming hearings.

Finding: Staff identified the pending hearing for the respondent. The respondent also received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

15. Lynda Johnson

The respondent sent their objection to the proposal based on the impact of construction activity to the neighborhood and streets, existence of wetlands on the site, heavy burden to 152nd Avenue and lack of an additional way in/out of the existing housing.

Finding: The respondent also received a reply stating that during the development review, fire department access was verified to comply with current fire codes. Our Fire Marshal will also pass the review on to our Fire Chief to see if FD3 has offered any other comments about access. The proposal is going through an environmental review looking at the critical areas mentioned to determine compliance with code to ensure the preservation and/or appropriate mitigation measures are taken. The proposal has also been referred to state environmental agencies for review. They were also notified that the report would be made available to them prior to the hearing.

16. Emily Linares – email received 5/28/21

The respondent sent their opposition to the proposal based on the infringement to the Category II and III wetlands and buffer zones as well as the disturbance to critical aquifer.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. They were also notified that the report would be made available to them prior to the hearing.

17. John Meindersee – email received 6/2/21

The respondent urges staff to consider larger lot sizes to complement the existing lots to help preserve wildlife.

Finding: Lots sizes are greater than the zone district minimum as well as above the average lot size associated with density transfer. They were also notified that the report would be made available to them prior to the hearing.

18. Mark and Susan Gawecki – email received 6/1/21

The respondents expressed concerns on the loss of wetlands, the diminished wildlife, the increased traffic flow and the danger of having only one entrance and exit to the neighborhoods. Additionally, they express concerns regarding debris and trash generated by development and urge for tight enforcement to protect surrounding neighborhoods.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. Staff informed the respondent that there are regulations associated with public disturbance noise and please note noise from construction equipment, power tools and hammering between seven a.m. and nine p.m. on weekdays and eight a.m. and nine p.m. on weekends shall also be exempt. Directed the respondents that, if in the future, there are any issues/concerns with noise please contact Code Enforcement and/or Community Development. They were also notified that the report would be made available to them prior to the hearing.

19. Kathryn Saba – email received 6/2/21

The respondent submitted comments regarding the lot sizes expressing concern that such lot sizes are out of character to the surrounding neighborhood. Identifies risk for residents who walk. Respondents speaks to wetland disturbance as a result to the proposal which results in surface water flow without filter, devastation to natural habitat, contaminated water flow through Salmon-Morgan creek trail and Salmon Creek River. Respondent states The wetlands/creeks and animals will be negatively affected by any sort of construction. The 80-300 foot buffers leave no space for housing. For this reason, it shouldn't be built.

Finding: The respondent received a reply stating that additional analysis for the hearing examiner's consideration regarding lot size will be included in the staff report. Lots sizes are greater than the zone district minimum as well as above the average lot size associated with density transfer. The reply included that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place and that those documents were also referred to the State of Washington Department of Ecology for review. They were also notified that the report would be made available to them prior to the hearing.

20. Prairie Glen Homeowners Association – email received 6/2/21

The respondent submitted comments regarding potential drainage issues pertaining to the proposed subdivision and offered some insight to the existing wetlands. They expressed concerns to the loss of trees and privacy and its impacts on wildlife and existing residents.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, it was noted that the applications and materials were referred to the State of Washington Department of Ecology for review. In addition, the proposal was sent to the FD3 chief for comment with regards to the secondary access. They were also notified that the report would be made available to them prior to the hearing.

21. Andrew Christensen – email received 6/2/21

Respondent noted traffic and safety concerns regarding the possible addition to of Cedars community.

Finding: The respondent received a reply stating that staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, the applications and materials have been referred to the State of Washington Department of Ecology for review. The staff report will also have engineering/fire analysis of the proposed traffic generation and ROW plans.

22. Julie Ann Weikel – email received 6/1/21

Respondent expressed concerns of traffic congestion and pollution as well as the potential for the wetlands and water integrity to be compromised. They also shared information regarding a large stand of cottonwood trees inhabiting a variety of birds.

Finding: The respondent received a reply stating that sta=ff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, the applications and materials have been referred to the State of Washington Department of Ecology for review. Per Clark County records the subject properties are not located within a Habitat and Species Impacts area therefore a critical area report was not required for the proposal.

23. Coalition for Sustainable Land Management – emails received 6/2/21 and 6/11/21

Respondent submitted a package of letters from multiple individuals expressing concerns regarding the proposal not following the BGMC – Title 18 Environmental Protection ordinances. In addition, they requested a 60 day public comment extension due to the large amount of fill this project proposes into moderate and high value wetlands. In addition, we have many more community members who have reached out to us and would like to comment but were not notified directly of this project prior to June 2, 2021. We are concerned the MDNS does not adequately mitigate the significant adverse impacts to the high value wetlands in this area.

Finding: The respondent received a reply stating that staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, the applications and materials have been referred to the State of Washington Department of Ecology for review. Staff expressed that the proposal was noticed per the requirements of the Battle Ground Municipal Code Sec. 17.200.070 Type III application and as a result of the initial notice of application a large number of comments from interested parties were received. Based on the expectation of the July 7th hearing identified in the noticed the city will be continuing with the hearing as scheduled. Staff informed the respondent that all responses received are added as exhibits for the Hearing Examiner's consideration and the request will be known to them. Staff encouraged their participation at the pending hearing.

24. Greater Brush Prairie Neighborhood Association – email received 6/7/21

Respondent expressed concern that the county continues to give approval to multiple housing developments without consideration of the existing infrastructure and the long-term impacts to livability. The respondent expressed concerns of traffic due to the increase in residential development.

Finding: The respondent received a reply stating that Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report to determine compliance with the existing development/mitigation requirements that are in place. Additionally, the applications and materials have been referred to the State of Washington Department of Ecology and Clark County for review. The staff report will also have engineering/fire analysis of the proposed traffic generation and ROW plans.

25. John and Sally Savona

The respondent inquired about Clark County's plans to establish a greenway and trail within the existing land associated with the Cedars Golf course. Additionally, they requested the submitted traffic analysis.

Finding: Staff responded by stating that After a quick cursory look at the attachment they shared, it appears the document is a request by the Clark County Public Works, Parks and Lands Division to Clark County for funding to make the project happen. As such, the City is not involved with their proposed development at this time. Should they (Clark County) choose to move forward they would need to work with the City of Battle Ground to make it happen. Specific questions regarding their proposal should be made to them at this time as we (The City) are not currently involved. Staff is completing a review of the submitted SEPA Checklist and Critical Areas Report (submitted documents in link below) to determine compliance with the existing development/mitigation requirements that are in place. Additionally, the applications and materials have been referred to the State of Washington Department of Ecology and Clark County for review. The staff report will also have engineering/fire analysis of the proposed traffic generation and ROW plans.

26. Scott Sorenson – email received 6/17/21

Fire District Chief, Scott Sorenson, sent the following comment:

"Our concern is response-related. This will create a bottleneck. During a large-scale event, we would likely have difficulty gaining ingress and egress from 159 St and 152 Ave as general access to the area is a single
way in and a single way out.

A second location for ingress and egress, to include emergency access only, would ease the concern."

III. RECOMMENDATION

Staff recommends Preliminary Subdivision and Final SEPA Review approval with the condition **the applicant be responsible for coordinating with the Department of Ecology to obtain their wetland delineation approval, update plans accordingly and provide the City with the updated wetland delineation and mitigation plan for the record**. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

CONDITIONS OF APPROVAL

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

1. The applicant shall reduce the number of proposed lots to a total of 34 lots, update plans as needed and submit for final review/acceptance.
2. Revise plans to show 20 feet paved width at shared driveways.
3. Provide "No Parking-Fire Lane" signage at shared driveways and private road.
4. Clearly show the location of additional fire hydrant in accordance with the above requirements.
5. Submit final engineering plans, for review and approval by staff, pertaining to transportation, sewer, water, grading, erosion control, stormwater, driveways, street lighting, and landscaping prepared and stamped by a registered engineer in the state of Washington.
6. Submit final site and engineering plans:
    a. Showing NE 180th Street and the loop road from NE 180th Street to NE 183rd Street shall be constructed to "Neighborhood Collector" standards including sidewalk, planter strip, curb and gutter, and asphalt.
    b. Showing NE 183rd Street shall be constructed to "Neighborhood Collector" half-width standards along the northern property line, that includes a 34-foot right-of-way, 16-feet of roadway to the centerline, 4-foot landscape strip and 5-foot sidewalk.

c. Showing Tracts serving lots 1 and 3; and 6 and 7, as privately owned, maintained, and constructed to Private Street Standards per BGMC 12.116.140 for private roads serving 1-2 Lots.
d. Showing tract serving lots 32-36 as privately owned and maintained and constructed to Local "A" Standards per BGMC 12.116.140 for private streets serving 5 or more lots, 48-foot easement, 30-foot roadway, 4-foot landscape strip and 5-foot sidewalk.
e. Containing a combined landscaping and driveway plan.
f. Showing sight distance and vision clearance triangles.
g. Containing a signing and striping plan.
h. Containing a street lighting plan having LED acorn units for all streets.
i. Showing traffic calming devices on all public streets.
j. Showing driveways that meet the requirements of BGMC 12.116.243 and 12.116.246.
k. Showing water lines extending to extreme property lines.
l. Showing each residential lot having its own individual water service.
m. Showing sewer line FE-33(8-inch).
n. Showing sewer line extending to extreme property lines.
o. Showing each lot having its own individual sanitary lateral.
p. Showing fire hydrants meeting spacing requirements throughout the subdivision.
q. Showing a stormwater facility that meets the requirements of BGMC 18.250.
r. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
s. Showing required wetland signage and fencing.

7. 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.
8. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
9. Submit a SWPPP that meets Department of Ecology requirements.
10. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department.
11. 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.
12. Submit proof of engineering plan approval by Clark Public Utilities for water improvements.
13. Prior to grading or engineering approval, the applicant shall submit evidence of purchased credits.
14. The applicant shall be responsible for recording an easement within the "pole" portion of Lots 1 and 7 to benefit Lots 3 and 6 respectively.
15. The applicant shall provide a final wetland delineation report and mitigation plan prior to Engineering Approval.
16. The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals associated with the wetland and associated mitigation.
17. Prior to engineering approval, the applicant shall submit a mitigation plan to the City of Battle Ground for review containing:
    a. Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130.
    b. Submit a buffer averaging proposal that complies with 18.270.080, which includes showing that no buffer is reduced by more than 75% of its standard.
    c. Submit a wetland mitigation plan showing that the stormwater facility located in the wetland buffer meets criteria listed in 18.270.070.

d. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
e. Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan.
f. Adhere to all recommendations of the final Wetland Delineation and Mitigation Plan.

B. Prior to Final Plat Approval:

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.
2. Construct the mitigation measures, 100-foot eastbound right turn lane and a second westbound left turn lane, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $6,133.32.
3. Construct the mitigation measures, second southbound left turn lane and receiving lane on SW Eaton Boulevard, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $5,854.44.
4. Construct the mitigation measures for the failing intersection of East Main Street & Grace Avenue or pay the mitigation fees of $3,443.54.
5. Submit a final plat:
   a. That shows easements for public utilities not located in the right-of-way.
   b. With the following note: “Fences higher than 42-inches will not be allowed in the front yards.”
   c. With the following note: “All utilities are to be located outside of the sidewalk section and to be underground where possible.”
   d. With the following note: “The City of Battle Ground has no responsibility to improve or maintain the private streets, including streetlights and signs, contained within, or private streets providing access to, the property designed in this development.”
   e. With a note describing the maintenance responsibilities of each lot owner for the private streets.
   f. With a note specifying the party/s responsible for long-term maintenance of stormwater facilities.
   g. That shows where any control monuments have been placed.
   h. That shows the dedication of any public roads or alleys.

C. 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, 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) 11x17 paper set 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. Submit recorded sewer easement, if applicable, after being reviewed by City Engineering Staff.
7. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
8. Provide certification that private streets were built per BGMC 12.116.140.
9. Submit a private maintenance agreement for private streets.
10. Submit a signed Bill of Sale for sewer and stormwater.

D. 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. Signage and fencing related to the wetlands on site shall be installed prior to any land alteration or construction.
9. The applicant shall submit evidence of purchased credits.

E. 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.

F. 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 15.105.180 of this Staff Report.
3. All new development shall comply with the setbacks and building height of the R3 zoning district.
4. All new development shall comply with the design standards of BGMC 17.106.040.

G. Prior to Certificate of Occupancy:

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

H. Other/General Conditions

1. If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation (DAHP) in Olympia and the City of Battle Ground Planning Department must be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
2. Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends. The contractor will be required to prepare a Spill Prevention, Control and Countermeasure (SPCC) plan to be used for the duration of the construction project.
3. The critical areas tracts shall be maintained and owned by either the developer or HOA.

IV. EXHIBITS

Because of the size of the exhibits, they are not included with this report, but listed below. The documents are available for review at the Planning Department, 109 SW 1st Street, Suite 127, Battle Ground, WA, 98604.

EXHIBIT #	DESCRIPTION	
A	Section 1: APPLICATION FORM AND CHECKLIST Section 2: WRITTEN NARRATIVE Section 3: SEPA CHECKLIST Section 4: PRELIMINARY PROJECT DRAWINGS Section 5: DEED HISTORY Section 6: HYDROLOGY REPORT Section 7: GEOTECHNICAL REPORT Section 8: ARCHAEOLOGICAL PREDETERMINATION REPORT Section 9: TRAFFIC STUDY Section 10: WETLAND DELINEATION REPORT Section 11: WETLAND MITIGATION REPORT Section 12: CLARK PUBLIC UTILITIES-WATER AVAILABILITY LETTER & HYDRANT TEST Section 13: PRE-APPLICATION CONFERENCE REPORT Section 14: LOT SUMMARY TABLE Section 15: QUARTER SECTION MAP AND MAILING LABELS	These Exhibits represent the Applicant's Submittal Materials
B	Land Use Set (plans)	
C	SEPA Check List	
D	TIA dated 4/30/21	
E	TIA dated 5/4/21	
F	Department of Ecology	
G	Cathy Steiger	
H	Andy Hopkins	
I	Anne Brock	
J	Timothy Peters	
K	Peter Barber	
L	Karen Sharples	
M	Janet Martin	
N	Brent Roberts	
O	Lindsay Roberts	
P	Richard Brady	
Q	Tim and Kris Peters	
R	Nancy Vincent	
S	Marc Martin	
T	Lynda Johnson	
U	Emily Linares	
V	John Meindersee	
W	Mark and Susan Gawecki	
X	Kathryn Saba	
Y	Prairie Glen Homeowners Association	
Z	Andrew Christensen	
ZA	Julie Ann Weikel	

ZB	Coalition for Sustainable Land Management
ZC	Coalition for Sustainable Land Management
ZD	Greater Brush Prairie Neighborhood Association
ZE	John and Sally Savona
ZF	Scott Sorenson

V. APPEAL

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

PRELIMINARY PLAT