City of Battle Ground

Community Development Department
109 SW 1st Street, Suite 127, Battle Ground, WA 98604
(360) 342-5047

Preliminary Review Staff Report and Decision
Cook Subdivision (PR:21-2020|LUDIII 23-0008)

Project Name:	**Cook Subdivision (PR:21-2020|LUDIII 23-0008)**
Report Date:	June 16, 2023
Proposal:	**The applicant, MLR Investment LLC, is proposing a 30-lot Subdivision on parcel #194570000 located at 19314 NE 157th Avenue, Battle Ground, WA 98604. The parcel is currently zoned R3. The proposed 30 lots will be developed on a 9.95-acre parcel. The site is 9.95 acres (433,422 sf) according to Olson Engineering, Inc.**
Location:	19314 NE 157th Avenue, Battle Ground, WA 98604
Parcel #:	Parcel # 194570000
Zoning:	Residential(R3)
Applicant/Owner:	MLR Investment, LLC. Lucas Ralston 735 SW 20th Place, Unit 220 Portland, OR 97205
Consultant:	PLS Engineering Travis Johnson 604 W Evergreen Blvd. Vancouver, WA 98660
Staff:	Emily Lutz, Planning Supervisor Chris Drone, Building Inspector/Fire Marshal Ryan Jeynes, PE, City Engineer Dominic Maiello, Associate Planner
Staff Decision:	**Preliminary site plan approval with conditions.**

June 16, 2023

Dominic Maiello — **Date**
Associate Planner

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I. Background

A. General Site Information

Size of Site:	Approximately 430,373 sq. ft. / 9.88 acres, per GIS
Existing Vegetation:	Grass
Existing Structures:	Single Family Home and Detached Garage
Adjacent Land Uses:	North, south, east, and west is single family residential.
Adjacent Zoning:	North is Airpark - Airport/Residential (A). South, east, and west is Residential 3(R3)
Slope:	Flat
Geological Hazards:	No mapping indicators
Slope Stability:	No mapping indicators
Wetlands:	No mapping indicators on site; potential wetlands presence 75 feet north.
Flood Plain:	Outside Flood Area
Archaeology:	High Probability
Priority Habitat:	No Mapping Indicators
Soils:	Non-Hydric / HlA Hydric / HtA

B. Processing

Date Application Submitted:	December 2, 2022
Application Technically Complete:	April 17, 2023
Notice of Application:	May 10, 2023
Site Posted:	May 10, 2023
2nd Notice due to scrivener's error	June 13, 2023
Staff Report & Decision:	June 16, 2023

C. Map Figures

Figure 1. Location

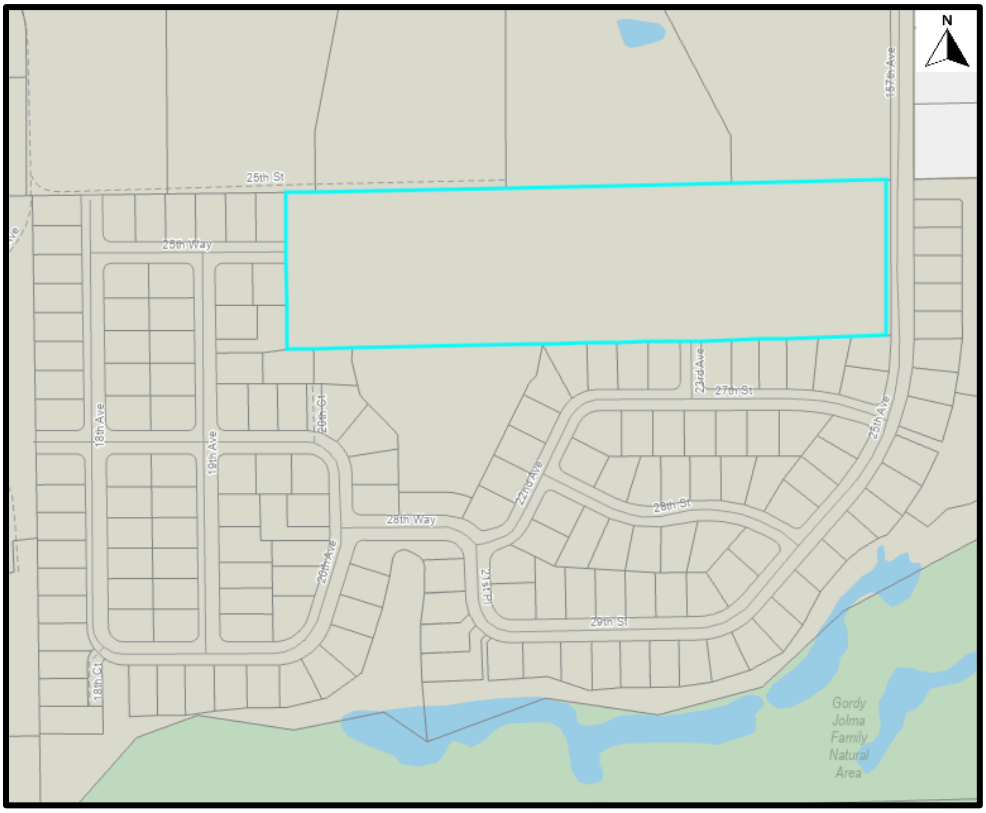


Figure 2. Site – 2023 Imagery



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 30-lot subdivision is located on a parcel south of SE Eaton Boulevard, west of SE 25th Avenue, and north of SE 27th Street. Access to the development will be from extensions of SE 25th Way and SE 23rd Avenue.

Extension of SE 25th Way shall be built to "Local A" standards that include a 48-foot right-of-way; 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

Extension of SE 23rd Avenue shall be built to "Local A" standards that include a 48-foot right-of-way; 30-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

The submitted plans show SE 25th Way creating an intersection with SE 25th Avenue. However, there is a strip of land, Tract "I" that is not owned by the applicant. Tract "I" was granted to the HOA of the Cedars Landing subdivision via the recorded plat for Cedars Landing. Per the plat, Tract "I" is for natural open space, wetland, and trail. Documentation in the form of a duly issued subdivision guarantee or equivalent shall be provided that demonstrates to the City's satisfaction that the only party having any record title interest in said land whose signature is necessary to offer for dedication the streets, roads, avenues, and other easements offered for dedication by the proposed subdivision is the applicant. If ownership cannot be so demonstrated, then the intersection as shown shall be removed. SE 25th Way, east of SE 23rd Avenue, shall then be built to private streets standards per 12.116.140 for five or more lots/units that also includes a dead-end mechanism, either a cul-de-sac or hammerhead that meets City 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 and be designed by a licensed electrical engineer. Streetlights will be required for this project. Those along SE 25th Way and SE 22nd Avenue shall be LED acorn type units.

Per BGMC 12.116.080, traffic-calming measures are required and shall be shown on preliminary plans.

The applicant's traffic engineer has indicated that 273 daily, 20 new a.m. peak trips and 27 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. Five of the eight failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

The applicant is showing cross-circulation streets on the preliminary plat. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary plat is approximately 1,292-feet deep and approximately 337-feet wide. Based on the dimensions the preliminary plat would have to provide, at a minimum, three north-south cross-circulation streets and zero east-west cross-circulation streets. The preliminary plat shows two north-south streets and one east-west street. Due to the layout of an existing subdivision to the south, Cedars Landing, as well as the presence of a wetland, it is not possible to construct the third needed north-south street or a pedestrian path in lieu of a street. Therefore, engineering staff has determined what is shown is sufficient.

Public and private streets shall comply with sight distances per BGMC 12.116.220 and BGMC 17.135.088 unless modified through the road modification process as outlined in BGMC 12.116.290.

Per BGMC 12.116.243(A-C), driveways must be spaced a minimum of five feet from the property line; corner lots shall have their driveways be as far away from intersections as this code section allows; maximum width is twenty-five feet for a two-car garage and thirty-five feet for a three-car garage or fifty percent of lot frontage, whichever is less; and single-family residences are allowed one driveway.

Per BGMC 12.116.243, all corner lots shall have their driveways placed as far away from the intersection as possible.

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

Staff received comments from the following citizens regarding transportation:

1. Kori Byler: concerns with increased traffic volume & safety especially at SE Eaton Blvd & NE 157th Ave and lack of a secondary outlet.
2. Vito Carbonaro and Verna Damico: concern with construction equipment increasing congestion.

Responses to citizen comments:

1. The City of Battle Ground has conducted engineering studies at the intersection of SE Eaton Blvd and NE 157th Ave with the most recent being in February 2023. Data collected did not meet warrants to convert to a three-way stop controlled intersection. Regarding the lack of a secondary outlet, the City cannot require the developer to construct improvements on or across properties that are not owned by the developer.
2. See response #1 above regarding the intersection of SE Eaton Blvd & NE 157th Ave.

The preliminary plat complies with all other criteria listed in BGMC 12.116. The final engineering plans and final plat shall comply with these criteria at the time of approval or recording.

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

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

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

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

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

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

A Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120 when construction activities occur within the City's ROW or in an easement.

12.120 Concurrency Management	**Compliance:** Conditionally

Finding: Per BGMC 12.120.050(B) the subject development is not exempt from Concurrency. At full build out, this development will generate 20 new a.m. and 27 new p.m. peak trips, which is more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount.

The City has eight intersections in concurrency failure:

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

Mitigation measures are as follows:

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

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

- N Parkway Ave & N Onsdorff Boulevard; construct roundabout
- SR 503 & SW Eaton Boulevard include addition of a 100-foot eastbound right turn lane and a second westbound left turn lane.
- SW 20th Avenue & SW Eaton Boulevard construction of northbound, southbound, and westbound left-turn lanes and traffic signal.
- Grace Avenue & E Main Street a traffic signal and realignment of intersection.
- S Parkway Ave & S Eaton Blvd; westbound right turn lane
- S Parkway Ave & S Rasmussen Boulevard; install traffic signal
- NW 29th Ave & W Main Street (SR 502); install traffic signal.

Consistent with State law, "Concurrent" is defined in BGMC 12.120.030 as (A) that there is the existing capacity in the affected intersection to accommodate the projected transportation impacts of a proposed development, or (B) transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the intersection is (1) planned, funded, and scheduled for completion no later than six years after development approval as reflected in the Six-Tear TIP, or (2) will be available and complete no later than six years after development approval, as provided with a voluntary financial commitment (where appropriate) that is in place at development approval. Based on the applicant's traffic study the Development does not meet (A). In order to meet concurrency via (B) the applicant shall pay the proportionate share of mitigation costs at the failing intersections as shown in the table below.

Intersection	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard (original mitigation)	AM	0	n/a	$4,576.23	$0.00
SR 503 & NW Onsdorff Boulevard (additional mitigation)	AM	0	n/a	$5,164.93	$0.00
N Parkway Avenue & N Onsdorff Boulevard	AM	0	n/a	$3,239.44	$0.00
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	5	$2,291.40	$11,457.00
Grace Avenue & E Main Street	PM	n/a	0	$1,721.77	$0.00
S Parkway Avenue & S Eaton Boulevard	PM	n/a	11	$930.62	$10,236.82
NW 29th Avenue & W Main Street (SR 502)	PM	n/a	2	$1,496.28	$2,992.56
S Parkway Avenue & S Rasmussen Boulevard	PM	n/a	1	$3,102.10	$3,102.10
SR 503 & SW Eaton Boulevard*	PM	n/a	8	$1,533.33	$0.00

*While still considered to be In concurrency failure the City has received all required funds for it to be considered fully funded, therefore funds will not be collected for this intersection.

2.	Title 13 Water and Sewer
13.110/112 Water Service and Water Use Regulations	**Compliance:** Conditionally

Finding: Potable water will be required for this project. The City of Battle Ground is the public water purveyor for properties within the city limits. 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 the City.

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.

Sewer Connection

1. Connection shall be to existing sewer systems located with SE 23rd Ave and SE 25th Way.
2. Single-family residences require a 4-inch lateral.

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

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

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. In accordance with IBC 107.3.4 and per RCW 18.08, an Architect shall act as the design professional in responsible charge and shall be responsible for reviewing and coordinating the submittal documents.

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

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 stating, “No Parking - Fire Lane”.

“No Parking – Fire Lane” signs are required on both sides of the (2) proposed shared driveways.

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.

The new hydrants shall meet the flow requirements of appendix B of the International Fire Code for the type of construction (VB) and occupancy (R-3) of the structure (1,500 Gallons Per Minute). Prior to occupancy the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow required.

The (2) new hydrants shown appear to meet the above spacing requirements.

FIRE SPRINKLER REQUIREMENTS:

Per IFC Appendix B, all single-family homes need to show compliance with Table B105.1(1):

TABLE B105.1(1) REQUIRED FIRE FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
0–3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0–3,600	Section 903.3.1.3 of the *International Fire Code* or Section P2904 of the *International Residential Code*	500	1/2
3,601 and greater	Section 903.3.1.3 of the *International Fire Code* or Section P2904 of the *International Residential Code*	1/2 value in Table B105.1(2)	1

If the area of the house (including attached garage) exceeds 3,600 SF, then IFC Table B105.1(2) is used:

TABLE B105.1(2) REFERENCE TABLE FOR TABLES B105.1(1) **AND** B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE FLOW
Type IA and IB[a]	Type IIA and IIIA[a]	Type IV and V-A[a]	Type IIB and IIIB[a]	Type V-B[a]	(gallons per minute)[b]
0–22,700	0–12,700	0–8,200	0–5,900	0–3,600	1,500
22,701–30,200	12,701–17,000	8,201–10,900	5,901–7,900	3,601–4,800	1,750
30,201–38,700	17,001–21,800	10,901–12,900	7,901–9,800	4,801–6,200	2,000

After applying these tables to determine required fire flow, BGMC 15.105.100(C) and (H) is applied which states:

C – The number of fire hydrants required shall be one fire hydrant for the first one thousand gallons and one hydrant for each subsequent one thousand gallons per minute of required fire flow or portion thereof.

H - Fire hydrants serving one- or two-family dwellings shall have a maximum lateral spacing of seven hundred feet with no lot or parcel in excess of five hundred feet from a fire hydrant as a condition of approval for residential subdivision or short subdivision, except that where the buildings are protected by an approved automatic sprinkler system, the spacing requirements may be modified if in the opinion of the fire marshal or authorized agent the level of fire protection is not reduced.

Code requirements are listed for the following scenario for reference:

1. If the area of the house (including garage) is less than 3,601 SF: (1) hydrant capable of flowing 1,000 gpm at 20 psi within 500 feet of property line is required.

2. For homes between 3,601 and 4,800 SF: 1,500 gpm is required by (2) hydrants each within 500 feet of property line.

3. For homes between 3,601 and 4,800: 1,750 gpm is required by (2) hydrants each within 500 feet of property line.

4. For homes between 4,801 and 6,200 SF: 2,000 gpm is required by (2) hydrants each within 500 feet of property line.

If scenarios 1-4 above are not met, then the home shall be required to have an automatic sprinkler system installed.

4.	**Title 16 Land Divisions**
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The request involves subdividing parcels into 30 lots; therefore, this application shall be processed as a Type III land use action.	
16.125.010. Conformance to Comprehensive Plan	**Compliance:** Yes

Finding: The land use element in the City's Comprehensive Plan states low density residential designations shall accommodate 1.5 to 10 units per acre. The Battle Ground Municipal Code states the purpose of low-density zones are intended for predominately detached residential with a flexibility of attached units. The proposed plan has provided single family detached housing like the existing neighborhood of Cedars Landing. All aspects of the subdivision conform to the City's Comprehensive Plan.	
16.125.030. Continuation of existing streets	**Compliance:** Yes
Finding: The proposed plan shows the continuation of SE 25th Way and SE 23rd Avenue.	
16.125.040. Street jogs	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.050. General street design requirements	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.060. Blocks	**Compliance:** Yes
Finding: See 12.116 Transportation Standards.	
16.125.070. Lot Access Requirements and Restrictions	**Compliance:** Conditionally
Finding: Residential 3 units per acre (R3) requires at least 30' of frontage. All lots meet the minimum 30' frontage requirement, except for lots 18, 23, and 24. **See conditions for lots 18, 23, and 24 in the flag lot section below.** All proposed lots have access from a public street. **If the applicant needs to re-design the SE 25th Way as a private street, then the applicant shall provide a revised plat showing lots have adequate access and frontage.**	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: The subdivision meets this section of code for all lots except for the lots following the curvature of onsite wetlands. Staff finds the lot lines are acceptable for lots 18, 20, 21 and 30 because of the protection of the critical areas and their buffers. This section is met.	
16.125.090. Lot Size and Width Requirements	**Compliance** Conditionally
Finding: As referenced below in section 17.106.030 - Dimensional and Density Standards, the R3 district has an absolute minimum lot area is 6,300 square feet (sf), a minimum average lot area of 10,500 sf, and a minimum average lot area of 8,000 sf after a density transfer. All lots located within the R3 zone meet the minimum requirement of 6,300 sf. The average minimum lot area proposed within this portion of the site is 8,807 sf. See zoning section below for an additional analysis for density transfers. As mentioned above, all lots meet the minimum 30' frontage requirement, except for lots 18, 23, and 24. **See conditions for lots 18, 23, and 24 in the flag lot section below.** All proposed lots have access from a public street. **If the applicant needs to re-design the SE 25th Way as a private street, then the applicant shall provide a revised plat showing lots have adequate dimensional requirements.**	
16.125.110. Flag lots	**Compliance:** Conditionally
Finding: Flag lots are generally discouraged but are allowed where topography makes sense. The municipal code calls out the continuation of existing streets. The development to the west was also approved flag lots due to critical areas on site. This development is required to continue	

the street put in from Cedars Landing which the applicant has cited as constraining the site design.

Staff concurs with the applicant regarding design constraints due to the requirement of continuing existing streets and critical areas on site.

Where such flag lots are allowed, the street frontage of each lot shall be as required by BGMC 17.106.030, Table 17.106-2, 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.

The proposed flag access does not exceed more than two hundred feet long and there are no more than two flag lots abutting each other. The frontage for these lots does not meet the 30' requirement. **Prior to engineering approval, provide a revised preliminary plat that shows lot 18 with 30' of frontage and lots 32 and 24 with 30' of frontage.**

Prior to final plat approval, record shared access easements for lots 23 and 24.

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 a minimum of 8-inches in diameter and extended to the extreme property lines of the subdivision.
- Fire hydrant requirements shall be per City of Battle Ground standards and criteria.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter, unless modified by the City, and extend to the extreme property lines of the subdivision.
- Showing sanitary sewer infrastructure as conditioned previously in this staff report.

The applicant submitted 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 final engineering plans to be approved by the city.

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

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

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

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

5.	**Title 17 Zoning**
17.106.020 Permitted uses	**Compliance:** Yes
Detached single family residences are permitted out right within the R3 zone.	
17.106.030 Dimensional requirements	**Compliance:** Conditionally

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

Residential Lot Development Standards		**R3**
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
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.

Density

- Maximum density at 3 units per gross acreage (x 9.95 acres) is 29.85 units. The city does not round up to reach density and therefore the maximum density is 29 units.
    - The gross acreage is 9.95 acres per applicant's land surveyor.
- Minimum density requirements do not apply in the R3 zone.

The proposed project density in the R3 portion of this site is 30 lots, which is not in compliance with the maximum density allowed. **Prior to engineering approval, remove one lot to meet maximum density requirements. Staff suggests removing lot 21 to meet Title 18's avoidance criteria.**

All lots located within the R3 zone meet the minimum requirement of 6,300 sf. The average minimum lot area proposed within this portion of the site is 8,807 sf. See zoning section below for an additional analysis for density transfers. The proposed flag access does not exceed more than two hundred feet long and there are no more than two flag lots abutting each other. The frontage for these lots does not meet the 30' requirement. **Prior to engineering approval, provide a revised preliminary plat that shows lot 18 with 30' of frontage and lots 32 and 24 with 30' of frontage.**

A condition will require all buildings to meet setback, lot coverage, and height requirements of the underlying zone prior to building permit issuance.

17.106.035 Density transfer provisions.	**Compliance:** Conditionally

Finding: This provision of the code allows density to be transferred from one portion of a site due to wetlands. The applicant is utilizing this provision of the code to avoid Wetland BC (0.23 acres).

A. There are critical areas on site and therefore the applicant may utilize this section of the code.

B. The proposed density of the entire R3 zone exceeds the maximum density permitted by the base zone (29 units). See maximum density allowed within section 17.106.030 dimensional requirements.

C. Development is occurring in the R3 zone.

D. The wetlands on site are eligible for density transfer.

E. The site minus the area set aside in criteria D (land set aside for wetlands):
   - 9.95 acres - 0.23 acres = 9.72 acres

   The maximum density allowed is calculated on the remaining gross site (9.72 acres) minus any public rights-of-ways:
   - 9. 72 acres – 1.62 acres = 8.1 acres
   - 8.1 acres * 3 units = 24.3 units

   Density transfers allow a density bonus of 120%; therefore, the total number of units permitted in the remaining area is:
   - 24.3 units * 1.2 = 29.16 units → 29 units.

   The calculated 29 units does not exceed that permitted by the base zone.

At 30 units, the applicant has not satisfied the density per this section of code; however, this project has been conditioned to remove a lot in section 17.106.030. **Prior to engineering approval, remove one lot to meet maximum density requirements. Staff suggests removing lot 21 to meet Title 18's avoidance criteria.**

17.106.040 Neighborhood Design standards	**Compliance:** Conditionally

Finding: The City of Battle Ground contains minimum architectural requirements for new home construction. **A condition will require all future homes to comply with the design requirements of BGMC 17.106.040 prior to building permit issuance.**

17.128.010 Purpose and applicability	**Compliance:** NA

Finding: The site is less than ten acres, has less than 50 housing units, and is not located on a parent parcel with any dimension of one-quarter mile or greater. Therefore, this project is not subject to this chapter.

17.133.040 Minimum number of parking spaces required	**Compliance:** Conditionally

Finding: Single-family homes are required to have 2-off street parking spaces per unit. **Prior to building permit issuance, submit a plot plan that shows the site can accommodate 2 off-street parking spaces.** This can usually be met through a driveway and garage.

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

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

13. HISTORIC AND CULTURAL PRESERVATION
An archaeological predetermination report was completed by Applied Archaeological Research, Inc., dated March 22, 2022. The report was submitted to the Washington State Department of Archaeology & Historic Preservation (DAHP). The report, based upon field reconnaissance and other investigation, concludes that no further archaeological work is recommended for the project area.

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

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

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

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

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

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

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

LID BMPs shall be used as applicable per BGMC 18.250.130, 18.250.170 and 18.250.200. Depending on which requirement is chosen by the applicant, LID Performance Standard or List #2, *BMP T5.13 Post Construction Soil Quality and Depth* may be required for this project. Generally, stormwater facilities built for single-family residential subdivisions are publicly owned and maintained. However, as noted in the submitted hydrology report the stormwater facility bult for the proposed development will be privately owned and maintained by the Homeowner's Association. Bioretention BMPs and proprietary filter cartridge treatment BMPs are proposed. As such, these items shall also be privately owned and maintained.

The final plat shall include a note specifying the party(s) responsible for long-term maintenance of the stormwater facilities per BGMC 18.250.310(B)(1).

Per BGMC 18.250.310(B)(2), a maintenance covenant is required for facilities that will be maintained by private parties. The covenant shall include an agreement to transfer maintenance responsibilities to future occupants/owners. Prior to engineering acceptance, the covenant shall be recorded.

Per BGMC 18.250.320(C) a covenant for access and inspection of the facility shall be dedicated to the City.

Per BGMC 18.25.350, private stormwater ponds that abut the public right-of-way shall be fenced. The final engineering plans shall meet this requirement.

An NPDES permit shall be obtained and submitted prior to final engineering approval.

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

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

18.255 Erosion Control	**Compliance:** Conditionally

Finding: The applicant's engineer will need to provide erosion control plans meeting the requirements of BGMC 18.255. These plans will be required to incorporate all of the applicable elements required in BGMC 18.255.060 through BGMC 18.255.090. The plans will provide for erosion control around 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.

18.260.060 Applicability	
Findings: Four wetlands have been delineated on site. The site is subject to review under BGMC 18.260 and 18.270.	
18.260.100 and 18.1260.130 Critical Area and Mitigation Reports	**Compliance:** Yes
Finding: The applicant submitted a Wetland Delineation Report (November 2022) and mitigation plan (March 2023) for review.	
18.260.115 General Approval Criteria	**Compliance:** Yes
Finding: Staff worked with the applicant on redesigning their original plan to further avoid the on site wetlands. The resulting plan avoids two of the four wetlands through design and buffer reduction (see analysis in section 18.270.090 below). Wetland A is unavoidable due to the requirement of continuing existing streets (SE 25th Way). The report is conditioned to remove a lot and staff believes that further avoidance can be achieved with this condition. The applicant is proposing to purchase mitigation credits for the wetland impacts. Mitigation requirements are discussed further below.	
18.260.180 Critical Area Tracts	**Compliance:** Conditionally
Finding: This section of code requires critical areas greater than 5,000 sf to be placed in critical tracts. Wetlands BC and E are shown to be in a separate tract to meet this requirement. **Prior to final plat approval the following will be required:** **C. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the city attorney. The designation shall include the following restriction:** **1. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and** **2. The right of the city to enforce the terms of the restriction.**	
18.270.040 Wetland Delineation	**Compliance:** Yes
The applicant submitted a Wetland Delineation Report (November 2022) meeting the criteria listed in this section of the municipal code.	
18.270.050 Standard Requirements	**Compliance:** Conditionally
A permanent physical demarcation along the upland boundary shall be installed and thereafter maintained. **Fencing or similar demarcation is conditioned for this project around critical areas. Additionally, signage shall be required meeting the below requirement. Prior to engineering approval, provide a fencing plan and sign detail.**	

Prior to final plat approval, schedule an inspection with the Planning Department to verify.

Signs 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

18.270.080 Standards – Buffer activities	**Compliance:** Conditionally

Storm facilities are allowed in buffers if they do not degrade the wetland or it's buffer. **Part of the storm facility is located within Wetland E's buffer and will need to show how the storm pond meets this requirement or shall be properly mitigated for, prior to engineering approval**.

18.270.090 Buffer Requirements	**Compliance:** Conditionally

A category III wetland with a high land use intensity and habitat score of 4 is required to have an 80 ft buffer. A category IV wetland with a high land use intensity is required to have a buffer width of 50'.

The applicant is proposing a buffer reduction per Table 18.270.090-7. **Prior to engineering approval, update the mitigation plan or provide a memo on the mitigation measures taken to meet Table 18.270.090-7.**

18.270.110 Wetland buffer maintenance and monitoring	**Compliance:** Conditionally

Prior to final plat approval, provide a note stating that the tracts are to be maintained in their natural state and the owner shall be responsible for monitoring and maintenance. Prior to final plat approval, provide a copy of the service contract for the maintenance of the wetland buffer.

18.270.115 Wetland compensatory mitigation	**Compliance:** Conditionally

Mitigation shall be located on site or in the same local watershed as impacted wetlands. The mitigation plan proposes to purchase credits from the Terrace Wetland Bank, which is located in the Burnt Bridge Creek watershed. Battle Ground is located in the Salmon Creek and East Fork Lewis River watershed. **Prior to engineering approval, revise mitigation plan to purchase credits within the Salmon Creek watershed.**

18.270.120 Wetland banking	**Compliance:** Conditionally

As sated above, mitigation shall be located on site or in the same local watershed as impacted wetlands. The mitigation plan proposes to purchase credits from the Terrace Wetland Bank, which is located in the Burnt Bridge Creek watershed. Battle Ground is located in the Salmon Creek and East Fork Lewis River watershed. **Prior to engineering approval, revise mitigation plan to purchase credits within the Salmon Creek watershed.**

The proposed use of credits shall be consistent with the terms and conditions of the certified mitigation bank. Prior to engineering approval, update Table 5 for typical credit-debit rations for a mitigation bank in the Salmon Creek watershed.

Prior to engineering approval, provide proof of purchased credits.

B.	**Service Development Charges, Impact Fees, Credits**
Fees will be calculated at the time of building permit issuance based on the adopted Fee Schedule at that time.	
C.	**Public/Agency Comments**
1	**Kori Byler –** Citizen Comment Letter – e-mail dated May 21, 2023
Staff received a comment stating concerns regarding traffic, access, street width, unsafe Eaton intersection, reduction in property value, and crammed housing. See Title 12 for transportation responses and see **Exhibit 33** for the full letter. The site is zoned for the lowest density zoning allowed within the city. The application either meets or has been conditioned to meet the zoning requirements of their property.	
2	**Vito Carbonaro and Verna Damico –** Citizen Comment Letter – email dated May 22, 2023
Staff received a comment letter stating concerns regarding construction congestion, unsafe Eaton intersection, access, and off-site street improvements. See Title 12 for transportation responses and see **Exhibit 34** for the full letter.	
3	**Department of Ecology** —Comment Letter – e-mail dated May 24, 2023
The comment letter received asked for further clarification on how the project meets Table 18.270.090-7. Staff had the same comment and conditioned the project in Title 18 to revise the mitigation plan or submit a supplemental memo for how a buffer reduction requirement is met. The letter also states that if it is not feasible to meet the items in the table, that the applicant should explore buffer averaging. Staff concurs with ECY and adds a condition that **if the applicant cannot comply with Table 18.270.090-7, then the applicant may submit a buffer averaging plan in its stead prior to engineering approval.** Additionally, ECY added a comment regarding calculating impacts to Wetland E. This project is conditioned to **coordinate with the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan and acquiring the necessary approvals or permits, prior to engineering approval.** This letter also addresses solid waste management and water quality/watershed resources. This project is conditioned to the conditions listed below. See **Exhibit 35** for the full comment letter. Other: **All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of**	

at an approved site. Contact the local jurisdictional health department for proper management of these materials.

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

III. RECOMMENDATION

Staff recommends preliminary approval of the Cook Subdivision development, and final SEPA approval. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

CONDITIONS OF APPROVAL

A. Prior To Engineering Approval:

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

2. Submit final engineering plans:
   a. Showing extension of SE 25th Way and SE 23rd Ave built to "Local A" standards, including sidewalk, landscape strip, curb & gutter, and asphalt.

   b. Containing a combined landscaping and driveway plan.

   c. Showing sight distance and vision clearance triangles.

   d. Containing a signing and striping plan.

   e. Containing a street lighting plan having LED acorn units for all streets.

   f. Showing traffic calming devices on all public streets.

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

   h. Showing water lines extending to extreme property lines.

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

   j. Showing existing and new hydrant locations.

   k. Showing an 8-inch gravity sewer line throughout the subdivision and extending to

extreme property lines.

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

m. Showing easements over all sanitary lines located outside of the City's ROW.

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

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

p. Showing lot 18 with 30' of frontage.

q. Showing lots 32 and 24 with a combined 30' of frontage.

r. Remove a lot to meet maximum density requirements. Staff suggests the removal of lot 21 to further meet the avoidance and minimization criteria.

s. Sowing a fencing or demarcation plan and sign detail sheet meeting the criteria listed in 18.270.050.

t. Provide location of "No Parking – Fire Lane" signage on both sides of the (2) proposed shared driveways. Provide corresponding sign details.

u. If SE 25th Way, east of 23rd Avenue, is required to be a private street then plans shall also have the following:

    a. If applicable, showing SE 25th Way, east of SE 23rd Avenue meeting the applicable private street requirements in BGMC 12.116.140 based on 5 or more lots/units.

    b. If applicable, showing SE 25th Way, east of SE 23rd Ave, with a dead-end street measure, cul-de-sac or hammerhead, that meets City requirements.

    c. Showing lots have adequate access and frontage off private road.

    d. Showing lots meet the dimensional requirements of the R3 zone.

3. Provide documentation in the form of a duly issued subdivision guarantee or equivalent demonstrating to the City's satisfaction that the only party having any record title interest in said land, including Tract "I" of the Cedars Landing subdivision, whose signature is necessary to offer for dedication the streets, roads, avenues, and other easements offered for dedication by the proposed subdivision is the applicant. If documentation cannot be provided, then the intersection of SE 25th Way & SE 25th Avenue shall be removed and improvements to SE 25th Way shall be per requirements described above in the finding sections.

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

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

6. Provide a revised mitigation plan with the following amendments:

    a. Showing the storm pond either meets the requirements listed in 18.270.080 or is being mitigated for being in the wetland's buffer.

    b. Showing the plan meets mitigation measures listed in Table 18.270.090-7.

    c. If the applicant cannot meet mitigation measures listed in Table 18.270.090-7, then the mitigation plan may submit a buffer averaging plan with updated wetland impacts.

    d. With a maintenance and monitoring plan.

    e. Showing proposed purchased credits are from a bank within the Salmon Creek watershed.

    f. Showing a revised mitigation ratio consistent with the terms and conditions of the certified mitigation bank.

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

8. Submit proof of engineering plan approval by Clark Public Utilities for water improvements.

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

10. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is the consultant fee plus 10% plus 1.5% of estimated costs of construction.

11. Provide proof of purchased mitigation credits.

B. <u>Prior To Construction of The Site:</u>

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

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

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

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

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

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

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

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

C. Prior To Creation of Impervious Surface:

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

D. Prior to Engineering Acceptance:

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

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

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

4. Submit to the City of Battle Ground, a recorded stormwater maintenance covenant meeting the requirements of BGMC 18.250.310(B)(2).

5. Submit a signed Bill of Sale for sewer and stormwater systems.

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

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

covenants.

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

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

2. Schedule an inspection with the planning department for permanent demarcation along wetlands.

3. Pay the proportionate mitigation fee for the failing intersection of SW 20th Avenue & SW Eaton Boulevard of $11,547.00.

4. Pay the proportionate mitigation fee for the failing intersection of S Parkway Avenue & S Eaton Boulevard of $10,236.82.

5. Pay the proportionate mitigation fee for the failing intersection of NW 29th Avenue & W Main Street (SR 502) of $2,992.56.

6. Pay the proportionate mitigation fee for the failing intersection of S Parkway Avenue & S Rasmussen Boulevard of $3,102.10.

7. Submit a final plat:
   a. That shows easements for public utilities not located in the right-of-way.

   b. With the following note: “Fences higher than 42-inches will not be allowed in the front yards.”

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

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

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

   f. That shows the dedication of any public roads.

   g. With a note specifying shared access for lots 23 and 24.

   h. With the following note: All future buildings and structures shall conform to the underlying zone’s dimensional requirements.

   i. With the following note: All future buildings shall comply with the design requirements of BGMC 17.106.040.

j. Showing critical area tracts are recorded with the following notes:

I. Native vegetation in critical area tracts will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat.

II. The city has the right to enforce the terms of the plat restrictions and mitigation plan for critical area tracts.

k. If applicable, 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".

l. If applicable, with a note describing the maintenance responsibilities of each lot owner for the private streets; if applicable.

m. If applicable, stating all homes shall have an automatic sprinkler system.

F. **Prior to Building Construction**

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

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

3. Submit building permits that meet BGMC 17.106.020, 17.106.040, and 17.133.040.

G. Prior to Certificate of Occupancy

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

H. Other

1. If any cultural resources are discovered in the course of undertaking the development activity, the 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. Coordinate with the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan and acquiring the necessary approvals or permits, prior to engineering approval.

3. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of

at an approved site. Contact the local jurisdictional health department for proper management of these materials.

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

IV. EXHIBITS

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

Electronic copies: https://cityofbg.box.com/s/v94cxa0w6cfbccj2tiwv0w87j90x0uku

EXHIBIT #	DESCRIPTION	
0	Public Hearing Agenda	
1	Working Exhibit List	
2	Staff Report	
3	Owner Authorization Form	Applicant's Submittal
4	Narrative	
5	State environmental Policy Act (SEPA) Checklist	
6	Signature page for SEPA	
7	Existing Conditions Plan	
8	Preliminary Plat	
9	Preliminary Hydrology Report	
10	Preliminary Utility and Stomwater Plans 1 of 2	
11	Preliminary Utility and Stormwater Plans 2 of 2	
12	Preliminary PrePost Developed Detention Catchments CP1.0 (1)	
13	Preliminary Developed Water Quality Catchment	
14	Deed History	
15	Traffic Impact Study	
16	Wetland Delineation and Assessment	
17	Mailing Labels	
18	Lighting Plan	

19	Lighting Specifications	
20	Clark County Title Tract I	
21	Technically Incomplete - Cook Subdivision	
22	Rev. PrelimUtilitySheets-30Lot-CP1.0	
23	Rev. PrelimUtilitySheets-30Lot-CP1.1	
24	Rev. PrelimUtilitySheets-30Lot-PRELIM 1	
25	Rev. PrelimUtilitySheets-30Lot-PRELIM 2	
26	CONCURRENCY FAILING INTERSECTIONS 02Sept22	
27	Rev. Preliminary Landscape Plan	
28	Rev. Preliminary Plat	
29	Clark County Title Tract I	
30	Wetland Mitigation Bank Use Plan	
31	Archaeological Predetermination Cover Sheet	
32	Rev. Traffic Impact Study	
33	Byler Residence Comments	Comments Received During NOA Comment Period
34	Carbonaro Residence Comments	
35	ECY Comments	
36	SE 25th Way Access Exhibit	Supplemental Application Materials
37	Use of Flag Lots Memo	
38	Wetland D Avoidance & Minimization Memo	
39	ROW Area & Boundary Dimensions	

V. APPEAL

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