City of Battle Ground

Community Development Department
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(360) 342-5047

Staff Report and Recommendation to the Hearings Examiner

Project Name:	Cedar Heights Subdivision, Road Mod., SEPA, and CAR Review (LUDIII 19-0006)
Report Date:	April 22, 2019
Hearing Date:	April 30, 2019 @ 5:00 p.m. City Hall
Proposal:	The applicant is proposing 139 single-family homes on approximately 33 acres within the residential five units per acre district. The project includes open space for critical areas, two parks, and two stormwater detention ponds. The development will gain access from SE 40th Street, SE 37th Street, and SE 35th street, each of which connect to SE Grace Avenue.
Location:	At the intersection of SE Grace and NE Cedar Drive Parcel: 194327-000
Owner:	Cedar Heights Subdivision, LLC. 1440 SW Taylor Street Portland, OR 97205
Applicant:	Ingrid Friedberg Olson Engineering, Inc. 222 E. Evergreen Avenue Vancouver, WA 98660
Staff:	Emily Lutz, Assistant Planner Ryan Jeynes, PE, Associate Civil Engineer Chris Drone, Fire Marshal and Building Official
SEPA:	Recommending a Final Determination of Mitigated Non-significance (MDNS)
Recommendation:	**Preliminary Approval** subject to conditions listed at the conclusion of this report.

April 22, 2019

Emily Lutz
Assistant Planner

Date

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I. BACKGROUND

A. General Site Information

Size of Site:	32.6 acres
Existing Vegetation:	Field with mature trees, wetlands, grass, and shrubs
Existing Structures:	None
Adjacent Land Uses:	Large lot residential and Cedars Golf Course
Adjacent Zoning:	R-5, Clark County Urban Holding (R1-20, R-20), Clark County Residential, and Mixed-Use Residential
Slope:	Relatively flat except near ravine and southeastern portion of site
Geological Hazards:	Areas of Potential Instability, per Clark County GIS
Wetlands:	Presence
Flood Plain:	Outside Flood Area
Archaeology:	Mod-High & High Probability
Priority Habitat:	No Mapping Indicators
Soils:	Non-Hydric/DoB, Non-Hydric/HlA, Non-Hydric/HlD, Non-Hydric/HuB

B. Land Use Processing

Date Application Submitted:	January 22, 2019
Application Technically Complete:	February 14, 2019
Notice of Application:	February 20, 2019
Site Posted:	February 20, 2019
Reflector Publication:	February 20, 2019
Staff Report Issuance:	April 22, 2019
Public Hearing:	April 30, 2019
Decision:	Within two weeks of public hearing

Figure 1. Location

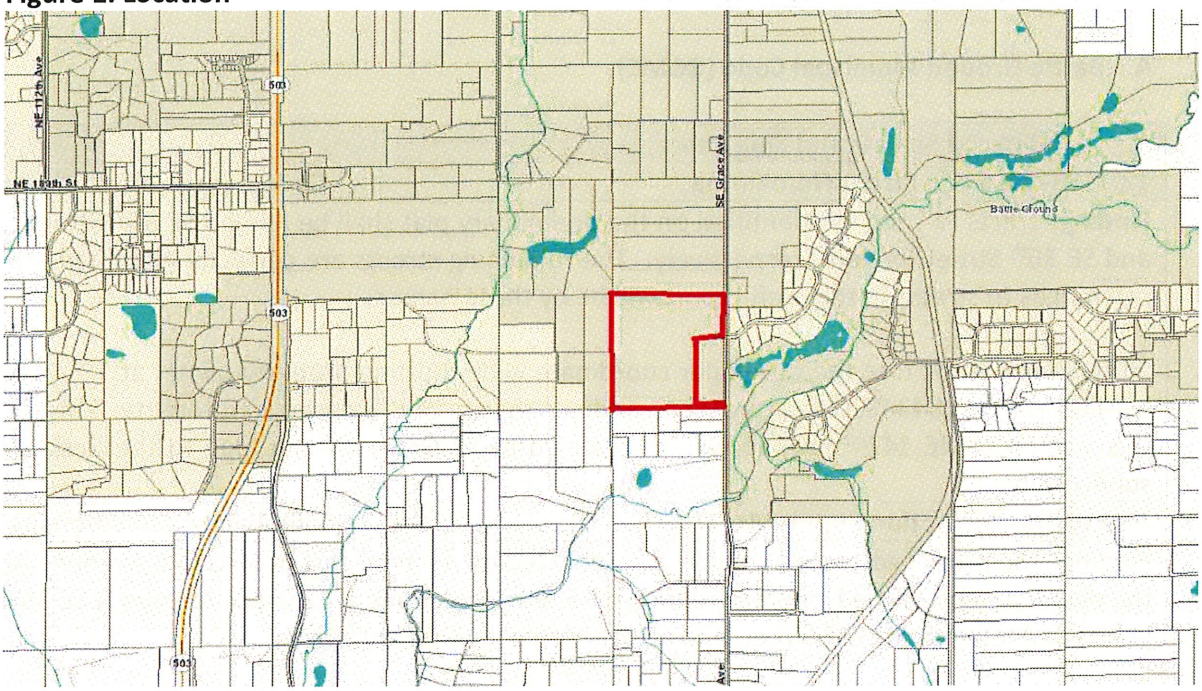
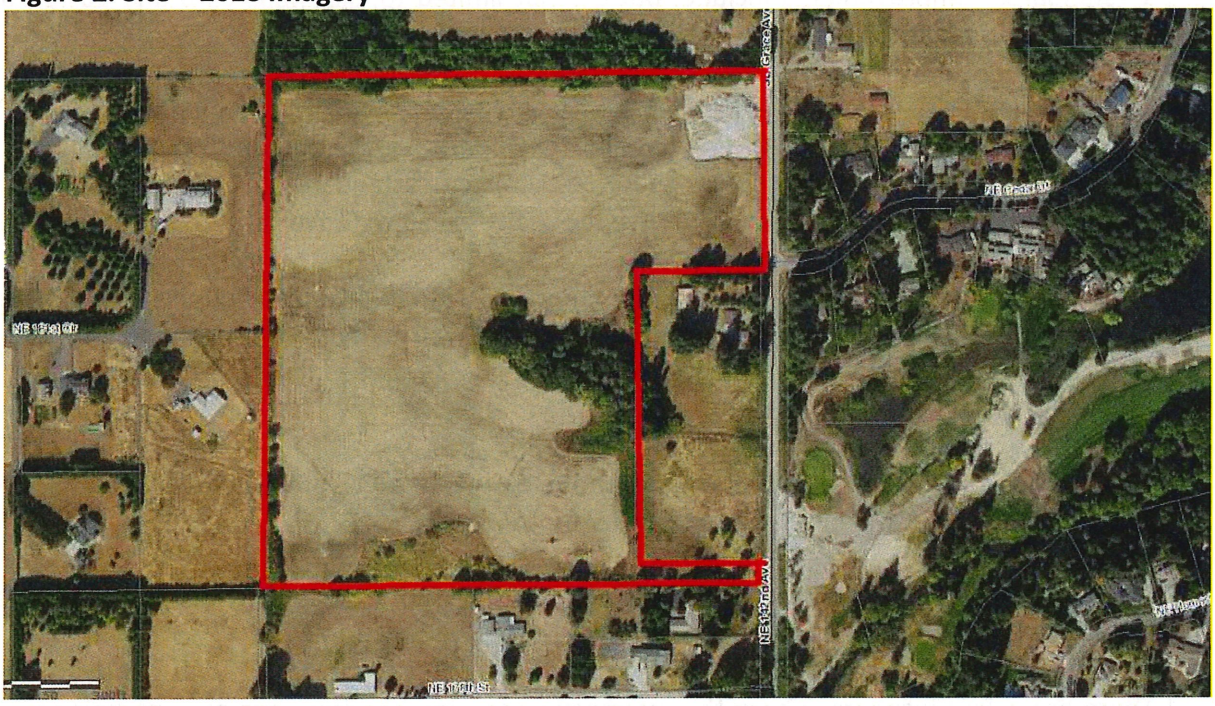


Figure 2. Site – 2018 Imagery



II. APPLICABLE REGULATIONS/ANALYSIS

A. Battle Ground Municipal Code (BGMC)

1.	Title 12 Streets and Sidewalks
12.112 House and Street Numbering	**Compliance:** Conditionally
Finding: Tracts "F" and "I" identified on the preliminary plat shall be named SE 39th Street (private) and SE 36th Street (private) respectively. The remaining streets are correctly identified. All further references to streets in this staff report will be by these names. Staff recommends that the developer coordinate with abutting property owner at 18104 NE 142nd Avenue (parcel 194349000) regarding an address change to this particular property. This is because this section of NE 142nd Avenue will be changed to SE Grace Avenue due to the Cedars Heights subdivision.	
12.116 Transportation Standards	**Compliance:** Conditionally
Finding: The proposed 139-lot subdivision is located on a parcel east of SE Grace Avenue. Access to the development will be from the creation of new intersections at SE Grace Avenue & SE 35th Street, SE Grace Avenue & SE 37th Street, and SE Grace Avenue & SE 40th Street. Half-street improvements are required for SE Grace Avenue consistent with "Major Collector Option 1" standards. Improvements include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping, and streetlights. The applicant is showing several new public streets to be built with this development: SE 39th Street and SE 40th Street shall be built to "Major Collector Option 1" standards; SE 35th Street, SE 37th Street, and SE 6th Avenue shall be built to "Neighborhood Collector" standards; SE 36th Street, SE 38th Street, SE 7th Avenue, SE 8th Avenue, and SE 9th Avenue shall be built to "Local A" standards. Regarding SE 40th Street, it shall have a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk. City staff has reviewed the submitted plans that show a half-width right-of-way of 38-feet: 26-feet of roadway, 5-foot landscape, and 5-foot sidewalk. The additional width is acceptable to the City. Regarding SE 35th Street, it shall have a minimum half-width right-of-way dimension of 34-feet: 25-feet of roadway, 4-foot landscape strip, and 5-foot sidewalk. **SE 7th Avenue shall be configured to be a right-in/right-out intersection via the installation of a median in SE 37th Street.** There are a few locations where the intersection spacing requirements are not being met. The applicant's engineer submitted a road modification; see below for more information. SE 9th Avenue was not part of the road modification. Therefore, the final engineering plans shall be revised showing SE 9th Avenue meeting the intersection spacing of 250-feet per Table 12.116.040(B)(2). 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 decorative cobra type units for SE Grace Avenue and LED acorn type units for other streets.

Per BGMC 12.116.080, traffic-calming devices are required for all residential streets. Traffic calming devices for this subdivision shall be selected from BGMC Figure 12.116.080(A).

BGMC 12.116.130(A)(3) requires the final plat to 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.

SE 36th Street (Tract "I") and SE 39th Street (Tract "F") shall be private streets built to the standards of 1-2 lots/units per BGMC 12.116.140.

Per BGMC 12.116.130(A)(7), the applicant shall provide certification that private streets were built in accordance with 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 said street.

The applicant's traffic engineer has indicated that 1,416 daily, 111 new a.m. peak trips, and 149 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. The traffic study did not include City of Battle Ground crash data. A revised traffic study shall be submitted to the City for review, prior to engineering plan approval that includes City crash data. **In the event that any other mitigation measures are identified from the crash data**

analysis, these mitigation measures will required to be constructed. Two of the four failing intersections within the City are receiving new trips; see below under the *Concurrency Management* section for more information.

Per BGMC 12.116.180(B), the applicant is required to perform pavement deflection testing, to determine the adequacy of the existing pavement on NE 132nd Avenue where half-street improvements will occur if the existing portion of the asphalt section is to remain. Additionally, the applicant will need to demonstrate that the existing street geometrics are compatible with the proposed road section. If the remaining life of the pavement is less than five years and has a Pavement Condition Index number less than 70 as calculated by City Staff, then the half-street improvements will need to extend to the centerline of the street.

The applicant is showing some cross-circulation streets on the preliminary plat. BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The preliminary plat shows the parcel being approximately 1,655-feet (north/south) by 1,292-feet (east/west). Based on the dimensions in the preliminary plat the applicant would have to provide, at a minimum, three north/south cross-circulation streets and three east/west cross-circulation streets. The preliminary plat shows three north/south streets and three east/west streets. Therefore, engineering staff has determined that the applicant has provided all necessary cross-circulation.

Public and private streets shall comply with sight distances per BGMC 12.116.220 and BGMC 17.135.088 unless modified through the road modification process as outlined in BGMC 12.116.290. Final engineering plans shall show sight distance and vision clearance triangles.

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

One (1) road modification was submitted:

1. To reduce intersection spacing at four locations: between SE 36th Street & SE 37th Street on SE 9th Avenue (232-feet instead of 240-feet); between SE 7th Avenue & SE 8th Avenue on SE 37th Street (213-feet instead of 250-feet); between SE 35th Street & SE 36th Street on SE 6th Avenue (241-feet instead of 250-feet); and between SE 36th Street & SE 37th Street on SE 6th Avenue (245-feet instead of 250-feet).

Tables 12.116.040(B)(2) and 12.116.040(C) set forth the intersection spacing requirements for various street classifications. SE 6th Avenue and SE 37th Street are classified as a "Neighborhood Collector" and SE 9th Avenue is classified as a "Local A". Therefore, the spacing of intersections along those streets shall be 250-feet and 240-feet respectively. The submitted plat has the four above-mentioned intersections not meeting spacing requirements. Several reasons were given for why intersection spacing cannot be met: location of a Category IV wetland, location of deep ravine/Type N stream, location of an existing street across SE Grace Avenue, and goals & requirements of the City's Comprehensive Plan & Municipal Code. Given that natural resources will be protected and the proposed layout meets the goals/requirements of the City, staff agrees with the applicant and approves the road modification to reduce intersection spacing to the locations and dimensions mentioned above.

Staff received comments from the following citizens regarding transportation:

1. Mr. & Mrs. Sherlock: safety concerns of a new intersection: SE Grace Avenue & SE 37th Street

(NE Cedar Drive)

2. Mr. & Mrs. Aull: safety concerns of a new intersection: SE Grace Avenue & SE 40th Street; geologic/drainage concern of the new SE 40th Street;

Responses to citizen comments:

1. A four-way stop or a signal is not being installed at the intersection. SE Grace Avenue will continue to be free flowing. SE 37th Street and NE Cedar Drive will be stop controlled. A traffic study was submitted that utilized Washington State Department of Transportation (WSDOT) crash data. The analysis showed no accidents at the intersection. A revised traffic study is to be submitted prior to engineering plan approval that includes City crash data in the analysis.
2. A traffic study was submitted that utilized Washington State Department of Transportation (WSDOT) crash data. The analysis showed 0.08 accidents per million entering vehicles; anything less than 1.00 is considered acceptable. A revised traffic study is to be submitted prior to engineering approval that includes City crash data in the analysis. The developer and contractor will be required to comply with all applicable erosion and drainage requirements set forth by the City and other agencies.

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 111 new a.m. and 149 new p.m. peak trips, which is more than the 10 a.m. and p.m. peak hour trips the code cites as a threshold amount.

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

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of a 100-foot eastbound right turn lane and a second westbound left turn lane
- SW Eaton Boulevard & SW 20th Avenue construction of northbound, southbound, and westbound left-turn lanes and traffic signal
- NW Onsdorff Boulevard & SR 503 the addition of a second southbound through lane at the intersection
- 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 per trip cost is $1,533.33, $2,291.40, $4,576.23, $1,721.77 for SW Eaton Boulevard & SR 503, SW Eaton Boulevard & SW 20th Avenue, NW Onsdorff Boulevard & SR 503, and East Main Street & Grace Avenue, respectively. 37 p.m. trips are going through SW Eaton Boulevard & SR 503, 21 trips through SW Eaton Boulevard & SW 20th Avenue, 0 a.m. trips through the NW Onsdorff Boulevard & SR 503 intersection, and 0 p.m. trips through East Main Street & Grace Avenue. Thus, the mitigation fees are as follows: $56,733.21 for SW Eaton Boulevard & SR 503, $48,119.40 for SW Eaton Boulevard & SW 20th Avenue, $0.00 for NW Onsdorff Boulevard & SR 503, and $0.00 for East Main Street & Grace Avenue. **Trip distribution counts seem to be inconsistent with the Regional Transportation Council (RTC) data. The applicant's traffic engineer shall provide justification on the difference of data. If justification is not provided, then RTC data will be used to determine trips going to the failing intersections and mitigation fees will be adjusted accordingly.**

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 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 of building permits issuance.

The applicant shall be required to install the following sanitary sewer gravity lines: FE-26 (30-inch) and FE-27 (27-inch). Depending on the northern end location of FE-27, a portion of FE-28 (15-inch) may need to be constructed.

The current General Sewer Plan (GSP) shows FM-D (12-inch) to be located within the proposed development. As such, the applicant will be required to install the portion of the force main as shown in the GSP that lays within the proposed development.

Upgrades to PS #4 maybe necessary depending on its current capacity and needed capacity to serve the proposed development. Additionally, the applicant is responsible for these sanitary sewer improvements per the current General Sewer Plan or future modifications to the General Sewer Plan that will define service to this area of Battle Ground.

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

Per BGMC 13.120.020(B), sewer lines shall be located within the City' ROW where feasible. Lines located outside the City ROW shall be privately owned and maintained unless accepted by the City Engineer.

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

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

3.	Title 15 Building and Construction/Fire

General	Compliance: Conditionally

The City of Battle Ground has adopted by reference the 2015 International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC), and International Fire Code (IFC). All building permit applications will be reviewed based on those codes.

The following separate permits will be required:

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

15.105.090 Fire Apparatus Access Roads	Compliance: Conditionally

Findings: All designated fire apparatus access roads are to be designed and maintained to provide access for fire apparatus.

For final plat approval:

1. **Clearly show the location of all required "No Parking – Fire Lane" signage for this development.**
2. **Note that such signage shall be required on both sides of tracts I and F.**

15.105.100 Fire Hydrant Requirements	Compliance: Conditionally

Finding: Fire hydrants serving one- or two-family dwellings shall have a maximum lateral spacing of seven hundred feet (measured along fire apparatus access roads) with no lot or parcel in excess of five hundred feet from a fire hydrant.

Hydrants and the water mains serving them shall be installed in accordance with City of Battle Ground requirements and the city's standard construction details. Per IFC 501.4, hydrants shall be installed and operational prior to construction.

The hydrants shall meet 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.**

Fire hydrants as shown on preliminary utility and stormwater plans meet the above spacing requirements.

4.	Title 16 Land Divisions	
16.115.040 Preliminary Plats		**Compliance:** Yes
Finding: The applicant is proposing 139 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 and Transportation standards.		
16.125.020. Protective improvements required for topographical hazards		**Compliance:** Yes
Finding: No topographical hazard improvements are required for this plat. See Title 18 for protective easements.		
16.125.030. Continuation of existing streets		**Compliance:** Yes
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: All lots have frontage on a public or private street. The R5 zoning district requires a minimum lot frontage of 25 feet. Lot 1 does not meet the minimum frontage requirements. This requirement can be met by widening Tract F by 1 foot or extending Tract F slightly to the east. **Redesign of lot 1 is required prior to final plat approval.**		
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 4,000 square feet and the minimum average lot area after a density transfer is 4,600 within the R5 district. Lots range from 4,399 square feet to 7,279 square feet, which satisfies the minimum lot area. The proposed plat has an average lot size of 5,400 square feet, which is below the minimum average lot area of 6,300, but exceeds the minimum lot area average per a density transfer. See title 17 for more information on density transfers. Maximum density is 5 units per gross acre and there is no minimum density requirement within this zone. The parcel on which the property is being developed is approximately 33 acres. The maximum allowed density is 165 units. At 139 proposed units, the project does not exceed the maximum density and meets minimum density requirements. As mentioned before, lots have adequate frontage on a public or private street with the exception of lot 1. A **condition** will require the applicant to redesign lot 1 to meet the 25-foot frontage requirement for final plat approval.		
16.125.100. Double and reverse frontage lots		**Compliance:** NA
Finding: The applicant has not proposed double frontage or reverse frontage lots.		

16.125.110 Flag lots	**Compliance:** Yes
Finding: There are two proposed flag lots: lots 7 and 8. Both lots meet the minimum frontage requirement of 25 feet, do not have a proposed access of more than two hundred meet, and no more than two flag lots abut each other. This requirement is satisfied.	
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 therefore shall be required. BGMC 16.130.030, 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 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 provided 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 plat 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-5***
Minimum average lot area (square feet)		6,300
Minimum average lot area for density transfer (square feet)		4,600
Minimum lot area (square feet)		4,000
Maximum density (units per gross acre)		5
Minimum density (units per net acre)[1]		N/A
Minimum lot frontage (feet)		25[2]
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 (%)		45
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.

Finding: Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.

Maximum density is 5 units per gross acre and there is no minimum density requirement within this zone. The parcel on which the property is being developed is approximately 33 acres. The maximum allowed density is 165 units. At 139 proposed units, the project does not exceed the maximum density.

As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 4,000 square feet and the minimum average lot area after a density transfer is 4,600 within the R5 district. Lots range from 4,399 square feet to 7,279 square feet which satisfies the minimum lot area. The

proposed plat has an average lot size of 5,400 square feet, which is below the minimum average lot area of 6,300, but exceeds the minimum lot area average per a density transfer. As mentioned before, lots have adequate frontage on a public or private street with the exception of lot 1. A **condition** will require the applicant to redesign lot 1 to meet the 25-foot frontage requirement for final plat approval. 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 R5 zoning district prior to building construction.

17.106.035 Density Transfer Provisions	**Compliance:** Yes
Finding: The applicant is utilizing the City's density transfer previsions due to the wetland, habitat, and natural gas pipeline buffers on site and is therefore authorized a reduction in average lot size from 6,300 square feet to 5,400 square feet.	
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.	
17.128.010 Park and Open Space Purpose and Applicability	
Finding: The proposed development is greater than ten acres and has more than 50 housing units; therefore, this project is subject to this chapter.	
17.128.030 Determination of Park and Open Space Needed	
Finding: The parcel is located in Special Study Area 1, which does not allocate a specific acreage for parks. Therefore this section is not applicable.	
17.133 Parking and Loading Requirements	**Compliance:** Conditionally
Finding: Single-family residential developments are required to provide a minimum of 2 off street parking spaces per dwelling unit. **All future homes shall comply with this section at 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: 7. ENVIRONMENTAL HEALTH a) There is an existing 75' easement for an existing natural gas transmission pipeline. Staff submitted the application to NW Natural during the Notice of Application period, but did not receive comments. The applicant notes using BMPs to avert the potential for ramifications associated with the gas pipeline. **The applicant is required to obtain any necessary approvals from NW Natural or any other applicable state agencies.**	

b) Noise impacts are anticipated from construction activities. **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.**

13. HISTORIC AND CULTURAL PRESERVATION
An archeological assessment and report were completed in October of 2018. No historical, archeological, or cultural resources were found to exist on site.

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

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

DECISION:
As part of this land use decision, a Final Determination of Mitigated Non-significance (MDNS) is issued pursuant to WAC 197-11-350. This determination 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.

Generally, stormwater facilities built for single-family residential subdivisions are publicly owned and maintained. The proposed stormwater system consists of several treatment structures located within the City's Right-Of-Way and aboveground detention facilities. The treatment structures are to be privately owned and maintained while the aboveground detention facilities will be owned and maintained by the City via placing the detention facilities within public storm tracts.

The applicant is, per BGMC 18.250.310(A), required that in order to insure satisfactory operation of the new detention facilities to maintain them for two years after completion of the project. Prior to final City acceptance of the aboveground detention facilities, the applicant shall submit a two-year maintenance contract 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, both private and public, per BGMC 18.250.310(B)(1). Since the City will be providing long-term maintenance of the detention facilities, conditions of BGMC 18.250.310(B)(3) shall be met.

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.

The detention facilities maintained by the City shall be in tracts per BGMC 18.250.320.

Per BGMC 18.250.350(A), detention facilities 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.

18.255 Erosion Control	**Compliance:** Conditionally

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

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

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

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

18.260 General Provisions	

Findings: A category III wetland, category IV wetland, slopes exceeding forty percent, and two perennial non-fish bearing streams have been identified on site. The applicant is required to meet this section of the code.

18.260.115 General Approval Criteria	**Compliance:** Yes
Finding: Applicant submitted a Wetland Delineation and Assessment, Preliminary Wetland Mitigation Plan, Fish and Wildlife Habitat Conservation Areas Assessment, and Geotechnical Site Investigation Report that demonstrates avoidance in addition to other applicable criteria referenced in this section. The applicant has designed the subdivision avoiding the natural gas pipeline easement, proposed lots are away from steeper slopes located on site, avoids the two perennial streams, and avoids direct impacts to the two wetlands on site.	
18.260.130 Mitigation Plan Requirements	**Compliance:** Conditionally
Prior to engineering approval, the applicant shall work with the Army Corps of Engineers and the State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan.	
18.270.040 Wetland Delineation	**Compliance:** Conditionally
Findings: Olson Environmental LLC (OE) delineated two wetlands on site. Wetland A is 0.7 acres per and identified as a category III wetland. Wetland B is 0.08 acres and is identified as a category IV wetland. The applicant is **required** to update tract B's and A's square footage under density calculations to reflect the acreage shown in the Wetland Delineation Report prior to final plat approval. OE also delineated three wetlands to the north of the project site, which will be referred to as Wetland C, Wetland D, and Wetland E. While these three wetlands are not located within the study area, SE 35th Street will impact the wetlands' buffers and is therefore included in their mitigation plan.	
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 installed prior to any land alteration or construction.** **The critical areas tracts shall be maintained and owned by either the developer or HOA.**	
18.270.070 Standards—Buffer Activities	**Compliance:** Conditionally
The applicant has shown stormwater facilities and road and utility crossings within wetland buffers and therefore must provide appropriate mitigation. See buffer requirements and mitigation section below.	
18.270.090 Buffer Requirements	**Compliance:** Conditionally
OE provided a habitat score of 5 for both wetlands on site. Per Table 18.270.090-3, a low habitat score and high land use intensity for a Category III wetland requires an 80-foot buffer. Category IV wetlands with high land use intensity requires a 50-foot buffer. Therefore, Wetland A requires an 80' buffer and Wetland B requires a 50' buffer. **The applicant is required to submit a revised**	

mitigation plan meeting the new buffer ratings per the July 2018 Modifications for Habitat Score Ranges update.[1]	
18.270.115-120 Wetland Compensatory Mitigation	**Compliance:** Conditionally
The Preliminary Wetland Mitigation Plan dated November 27, 2018 states the proposed project will indirectly impact 28,175 square feet to Wetland A's buffer and will also indirectly impact 3,360 square feet to Wetland B's buffer. The applicant proposes purchasing credits for indirect impacts to wetlands A and B. **Findings:** Prior to engineering approval, the applicant shall work with the Army Corps of Engineers and the Washington State Department of Ecology in finalizing the Wetland Delineation and Mitigation Plan. **Applicant is required to provide an updated mitigation plan and evidence of credits prior to final plat approval.**	
18.280 Fish and Wildlife Habitat Conservation Areas	
Three perennial streams have been identified on site and the applicant is required to meet this section of the code.	
18.280.040 Fish and Wildlife Habitat Designations	**Compliance:** Conditionally
Findings: Olson Engineering identified seasonal, non-fish bearing streams in the ravine along the east-central portion of the study area. Per table 18.280.050, the streams are classified as "other riparian corridors for waterways" which requires a 50-foot buffer. The preliminary plat shows lots outside of the 50'foot riparian habitat. This criterion is met.	
18.300.030 Geological Hazards Designation & Mapping	**Compliance:** Yes
The applicant submitted a Geotechnical Site Investigation Report, which documented localized steeper grades of 10-50% along the ravine and southeastern boundary. The applicant is required to meet this chapter of the code.	
18.300.050 Permanent Protection for Geologic Hazards Areas & Buffers	**Compliance:** Conditionally
The Geotechnical Site Investigation Report located slopes with grades of 10-50% along the ravine in the center of the property and along the southeastern boundary. **Findings:** Per the Geotechnical Site Investigation Report, the applicant submitted a revised site plan that shows a 20-foot buffer from the Type N streams. Lots 21 and 8 are located within the geotechnical buffer. **Applicant shall redesign lots 21 and 8 to be outside the geotechnical buffer. The geotechnical and habitat buffer plus the three Type N streams shall be placed in a single tract for final plat approval. All aspects of this project shall adhere to Columbia West Geotechnical Study.**	

B.	**Service Development Charges, Impact Fees, Credits**
FE-26, FE-27, FE-28 and FM-D are Sanitary Sewer System Development Charge (SDC) credit eligible projects. The General Sewer Plan states the following: FE-26 is estimated to cost $133,000.00 and is 43.61% creditable; FE-27 is estimated to cost $636,000.00 and is 100% creditable; FE-28 is estimated to cost $1,518,000.00 and is 100% creditable; FM-D is estimated to cost $1,290,000.00 and is 39.40% creditable. Should the project construct FE-26 and FE-27, then $694,001.30 is the maximum available as SDC credits. SDC credits for FE-28 and FM-D will be based upon length of pipe installed. The applicant will need to provide all receipts and all other information prior to receiving any credits.	

[1] According to a recent update from the Washington Department of Ecology on their rating guidance, a habitat score of 3 to 5 points constitutes a wetland of low habitat function (Ecology 2018).

C.	Public/Agency Comments
1	**Kevin Jolma – Battle Ground Public Schools** – letter received March 1, 2019
This letter outlines the various ways this development would impact the school district in respect to the additional students that would reside in the development. The letter discusses the school district's plans to serve the students and states that school impact fees will be collected to help off-set the cost associated with serving the additional students.	
2	**Allyson Brooks – DAHP/State Historic Preservation Officer** – received March 5, 2019
The letter states they concur with the results and recommendations made in the survey report entitled Archaeological Predetermination Survey of the Cedar Heights Subdivision Project Area. **Finding: DAHP's e-mail suggested the applicant follow a standard Inadvertent Discovery Plan during ground disturbance. Staff agrees and the application should meet DAHP's recommendation.**	
3	**Southwest Clean Air Agency** — e-mail received February 5, 2019
The Southwest Clean Air Agency (SWCAA) commented stating this project may be regulated by SWCAA. The letter has been added as an exhibit. **Finding: The applicant is required to receive any necessary approvals and/or permits from SWCAA. The applicant may contact SWCAA at (360)574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, regulation, and other information are available on the internet at http://www.swcleanair.org. See exhibit 18 for the entire letter.**	
4	**Mr. Sherlock – Public –** E-mail received March 5, 2019
The e-mail addresses concerns about traffic resulting from the development. Specifically, the citizen requested a four-way stop or traffic light and eliminating the proposed SE 37th Street exit. See exhibit 19 for the Sherlock's e-mail. **Finding: Staff has addressed traffic concerns in section 12.116 of this report.**	
5	**Mr. & Mrs. Aull – Public –** E-mail received March 6, 2019
The letter addresses three main concerns: Traffic – The neighbors mentioned visibility, speed, and accident concerns. **Staff has addressed these concerns in section 12.116 of this report.** Erosion Control due to Geological Hazards – Citizens noted concerns for erosion control and flooding. **Staff has addressed these concerns in sections 12.116 and 18.255 of this report.** Tree Removal – Residents stated concerns about removal of tress and loss of privacy. They requested a wall if the applicant removed trees along proposed SE 40th Street. **The applicant has not provided a tree removal plan. Plan LS.1 shows street trees along the north side of SE 40th Street, which should provide some privacy. Anything beyond this would be discretionary to the applicant, since the City does not have a tree ordinance.** See exhibit 20 for the Aull's e-mail.	
6	**Department of Ecology –** e-mail received March 6, 2019
Ecology's letter states concerns about avoiding wetland buffers due to the placement of SE 35th Street and SE 39th Street.	

Additionally, DOE notes that residential lots are placed directly next to Wetland B, which eliminates the buffer along some portions of the wetland. **The applicant submitted a revised preliminary plat that shows a reduction in lots 126 and 217, which creates a wider buffer around Wetland B.** **Staff has addressed the rest of these concerns in Title 18 of this report.** The attached letter also referenced water quality standards. **The project is conditioned to coordinate with Ecology on any necessary review and approvals.**

	Comments Received after Deadline
1	**Mr. Madson & Ms. Johnson – Public –** E-mail received March 7, 2019
The e-mail is in agreeance with Mr. and Mrs. Sherlock's e-mail about accidents, traffic, and visibility. See exhibit 22. **Finding: Staff has addressed traffic concerns in section 12.116 of this report.**	

III. RECOMMENDATION

Staff recommends Preliminary Subdivision and Final SEPA Review 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. <u>Prior to Engineering Approval:</u>

1. Submit final engineering plans, for review and approval by staff, pertaining to transportation, sewer, water, grading, erosion control, stormwater, driveways, street lighting, and landscaping prepared and stamped by a registered engineer in the state of Washington.
2. Submit final engineering plans:
    a. Showing adequate half-street improvements, based on pavement testing, for SE Grace Avenue, "Major Collector Option 1", including sidewalk, planter strip, curb/gutter and asphalt.
    b. Showing adequate half-street improvements, for SE 40th Street, "Major Collector Option 1", including sidewalk, planter strip, curb/gutter, and asphalt.
    c. Showing adequate half-street improvements, for SE 35th Street, "Neighborhood Collector", including sidewalk, planter strip, curb/gutter, and asphalt.
    d. Showing full width improvements to SE 39th Street to "Major Collector Option 1" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
    e. Showing full width improvements to SE 37th Street and SE 6th Avenue to "Neighborhood Collector" standards, including sidewalk, planter strip, curb/ gutter, and asphalt.
    f. Showing full width improvements to SE 36th Street, SE 38th Street, SE 7th Avenue, SE 8th Avenue and SE 9th Avenue to "Local A" standards, including sidewalk, planter strip, curb/gutter, and asphalt.
    g. Showing SE 36th Street (Tract "I") and SE 39th Street (Tract "F") meeting the applicable private street requirements per BGMC 12.116.140 based on 1-2 lots/units.

h. Showing SE 9th Avenue meeting the intersection spacing of 250-feet from SE Grace Avenue.
i. Showing SE 7th Avenue being a right-in/right-out intersection with SE 37th Street.
j. Containing a combined landscaping and driveway plan.
k. Showing sight distance and vision clearance triangles.
l. Containing a signing and striping plan.
m. Containing a street lighting plan having LED decorative cobra type units for SE Grace Avenue and LED acorn units for the other streets.
n. Showing traffic calming devices on all public streets.
o. Showing driveways that meet the requirements of BGMC 12.116.243
p. Showing traffic mitigation at SW Eaton Boulevard & SR 503, SW Eaton Boulevard & SW 20th Avenue or indicating that mitigation fees will be paid in lieu of the improvements.
q. Showing water lines extending to extreme property lines.
r. Showing each residential lot having its own individual water service
s. Showing FE-26 (30-inch), FE-27 (27-inch), a portion of FE-28 (15-inch), if applicable, depending on northern termination of FE-27 sewer lines being installed in SE Grace Avenue, and a portion of FM-D (12-inch).
t. Showing sewer lines extending to extreme property lines.
u. Showing each residential lot having its own individual sanitary lateral.
v. Showing fire hydrants meeting spacing requirements throughout the subdivision.
w. Showing a stormwater facility that meets the requirements of BGMC 18.250.
x. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

3. Provide a revised traffic study that incorporates City of Battle Ground crash data and potential mitigations.
4. Provide a photometric plan for all access points, intersections, frontage roads out to centerline, and any existing lights to ensure that proposed lights meet IES RP-8-00 standards.
5. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
6. Submit a SWPPP that meets the requirements of BGMC 18.250.050(B).
7. Submit proof of engineering plan approval by Clark Public Utilities for the water improvements.
8. Submit documentation that parcel 194349000 has been changed to a SE Grace Avenue address.
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 two (2) percent of the estimated costs of construction minus the $500.00 due at engineering plan submittal.

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

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.
2. Construct the mitigation measures or pay the mitigation fees for the failing intersections.
3. Submit a final plat:

a. That shows easements for public utilities not located in the right-of-way.
b. With the following note: "No fences are allowed in the sight distance triangle."
c. With the following note: "All utilities are to be located outside of the sidewalk section and to be underground where possible."
d. With 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.
i. Clearly show the location of all required "No Parking – Fire Lane" signage for this development.
   - Note that such signage shall be required on both sides of tracts I and F.
j. Re-design lot 1 to meet 25-foot frontage requirement.
k. With the following note: "All new structures shall conform to the setbacks and building height of the R5 zoning district."
l. Update tract B's and A's square footage under density calculations to reflect the acreage shown in the Wetland Delineation Report.
m. With the following note: "Critical areas shall be maintained and owned by either the developer or HOA."
n. Show permanent signage and fencing per 18.270.050 along the outer perimeter of the wetland buffer.
o. Redesign lots 21 and 8 to be outside of geotechnical buffer.
p. Place the geotechnical and habitat buffer plus the three Type N streams in a single tract.

4. Submit a two-year stormwater maintenance contract for review and/or approval.
5. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
6. Provide certification that private streets were built per BGMC 12.116.140.
7. Submit a private maintenance agreement for private streets.
8. Submit an updated Wetland Mitigation Plan addressing Ecology's modified habitat score ranges.
9. Provide evidence of wetland mitigation credits.

C. <u>Prior to Engineering Acceptance:</u>

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 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 Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and approval prior to

recording.

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, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD, PDF, and TIF formats.

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

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

G. Prior to Certificate of Occupancy:

1. Complete all building permit requirements of the City of Battle Ground Building Division.
2. Prior to occupancy the applicants shall provide a letter that states the purveyor can supply the required amount of fire flow required.

H. Other

1. If any cultural resources are discovered in the course of undertaking the development activity, the State of Office of Historic Preservation and Archaeology and the City of Battle Ground Planning Department must be notified.
2. Coordinate with NW Natural and other applicable state agencies to obtain any necessary approvals in regards to the natural gas pipeline located on site.
3. Adhere to all recommendations in the final *Critical Areas Assessment and Mitigation Plan* agreed upon with Department of Ecology and Army Corps of Engineers.
4. Coordinate any water quality recommendations in reference to Ecology's e-mail dated

March 6, 2019.

5. Coordinate any air quality recommendations and receive applicable permits in reference to SWCAA's e-mail received March 5, 2019.
6. 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.
7. Follow a standard Inardvertent Discovery Plan during ground disturbance per DAHP's e-mail correspondence dated March 5, 2019.
8. All aspects of this project shall adhere to Columbia West Geotechnical Study.

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	Staff Report and Recommendation for Cedar Heights Subdivision dated April 22, 2019	
1	Application (Subdivision, Road Modification, SEPA, Critical Areas)	These Exhibits are contained in the Applicant's Submittal Packet
2	Applicant's Narrative	
3	GIS Packet	
4	SEPA Checklist	
5	Reduced Development Plans	
6	Deed History	
7	Traffic Study, November 16, 2018	
8	Preliminary Hydrology Report - Technical Information Report, November, 2018	
9	Geotechnical Report, July 12, 2018	
10	Road Modification Request, January 14, 2019	
11	School District Letter, October 16, 2018	
12	Cultural Resources Coversheet, August 20, 2018	
13	Fish and Wildlife Habitat Conservation, April 2, 2018	
14	Wetland Delineation and Assessment, March 22, 2018	
15	Wetland Mitigation Plan, November 27, 2018	
16	Letter from Battle Ground Public Schools received March 1, 2019	
17	Letter from DAHP + e-mail correspondence, March 5, 2019	
18	E-mail from Southwest Clean Air Agency received March 5, 2019	
19	E-mail from Mr. Sherlock received March 5, 2019	
20	E-mail from Mr. & Mrs. Aull received March 6, 2019	
21	Letter from Department of Ecology – received March, 6, 2019	
22	E-mail from Mr. Madson and Ms. Johnson received – March 7, 2019	
23	Revised Preliminary Plat – Received April 18, 2019	
24	Working Exhibit List dated April 22, 2019	

V. APPEAL

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

VI. PRELIMINARY PLAT

