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

Project Name: Chelatchie Meadows Subdivision, SEPA & Critical Area Review (LUDIII21-0007)

Report Date: August 10, 2021

Hearing Date: August 17, 2021 @ 10:00 p.m. via Zoom

Proposal: Approval of preliminary subdivision plat from four parcels into 63 buildable residential lots and 6 tracts, including road modification request.

Location: Parcel # 194382-000, 194355-000, 194338-000, 194357-000

Owner: Chelatchie Meadows LLC
c/o Roland Haertl
632 NW View Ridge Lane
Camas, WA 98607

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

Staff: James A. Cramer, Assistant Planner
Kelly Uhacz, Engineering Technician II
Chris Drone, Fire Marshal and Building Official



8/10/2021

James Cramer **Date**
Assistant Planner

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I. BACKGROUND

A. General Site Information

Size of Site:	16.46 acres
Existing Vegetation:	Category II and III wetlands, grass, and trees
Existing Structures:	Single-family homes
Adjacent Land Uses:	Single-family homes to the north, south, and west, and rail road track and single-family homes to the east
Adjacent Zoning:	MU-R - west, R3-east, and R5 north and south
Landslide Hazards:	No mapping indicators
Geological Hazards:	None
Slope Stability:	No mapping indicators
Priority Habitat:	No mapping indicators
Topography:	The site is relatively flat
Wetlands:	Presence
Flood Plain:	Outside Flood Area
Archaeology:	Moderate-High Probability and High Probability
Soils:	Non-Hydric DoB, Non-Hydric HlA, Non-Hydric HuB, and Hydric Hta
Access Roads:	SE Grace Avenue

B. Land Use Processing

Date Application Submitted:	May 21, 2021
Application Technically Complete:	June 11, 2021
Notice of Application:	June 23, 2021
Site Posted:	June 23, 2021
Reflector Publication:	June 23, 2021
First Round of Redlines:	July 13, 2021
Public Hearing:	August 17, 2021 @ 10 AM

Figure 1. Location

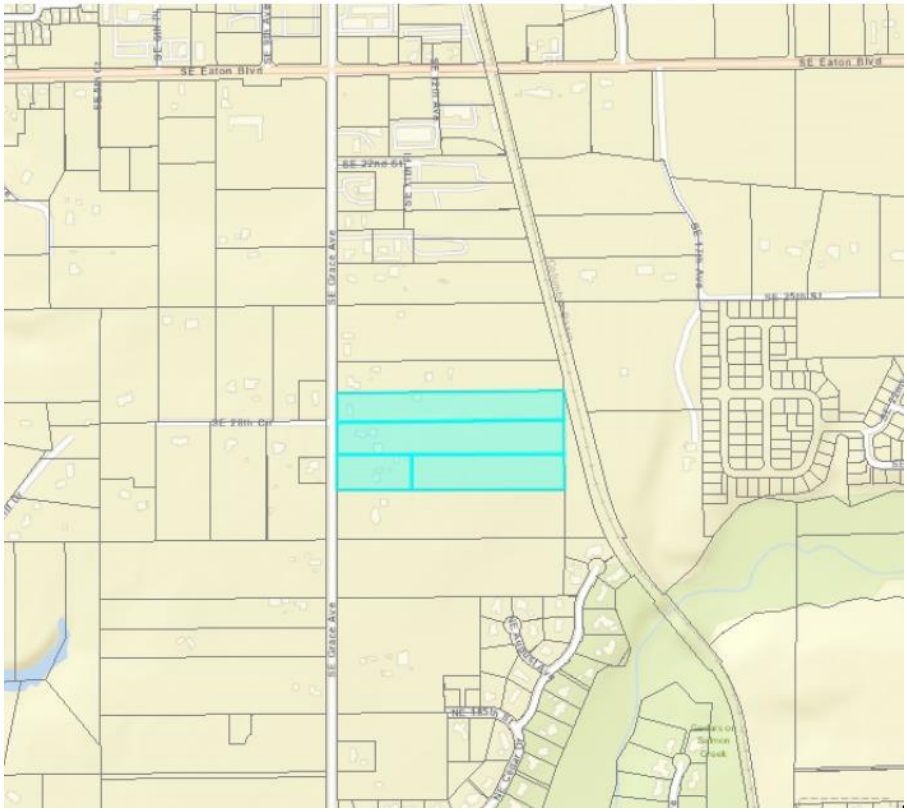
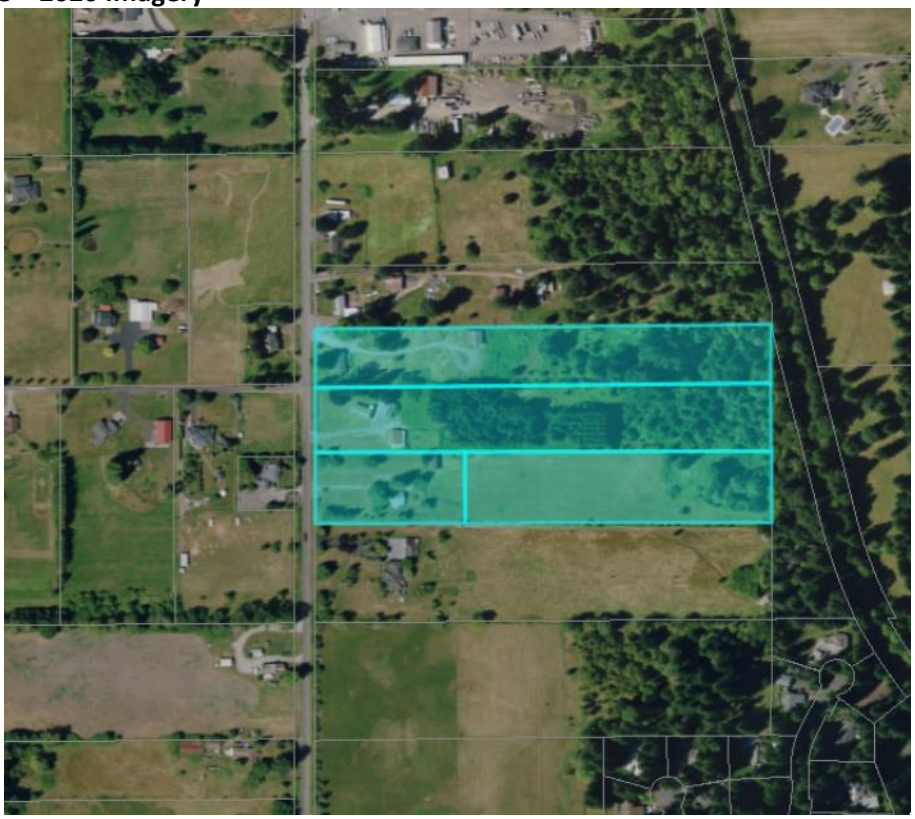


Figure 2. Site – 2020 Imagery



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 63-lot subdivision is located on 3 parcels east of SE Grace Avenue. Access to the development will be from the creation of a new intersection at SE Grace Avenue and SE 28th Way.

Per BGMC 16.125.100, double and reverse frontage lots require a landscaped parkway. Lots 1-5, 8 and 9 are currently shown as double fronted. The landscape tract shall be privately owned and maintained.

Half-street improvements are required for SE Grace Avenue consistent with "Major Collector Option 1" standards. Improvements shall include, but are not limited to, sidewalk, curb and gutter, asphalt, landscaping and streetlights. Two (2) feet will need to be dedicated in order to meet the right-of-way width.

The applicant is showing several new public streets to be built with this development:

SE 28th Way shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, a 4-foot landscape strip and 5-foot sidewalk.

SE 29th Way shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, a 4-foot landscape strip and 5-foot sidewalk.

SE 29th Street shall be built to "Local A" half-width standards that include a 34-foot right-of-way: 25-feet of roadway, 4-foot landscape strip and 5-foot sidewalk.

SE 10th Place shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, a 4-foot landscape strip and 5-foot sidewalk.

SE 11th Place shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, a 4-foot landscape strip and 5-foot sidewalk.

SE 12th Place shall be built to "Local A" standards that include a 48-foot right-of-way: 30-feet of roadway, a 4-foot landscape strip and 5-foot sidewalk.

Access to lots 8-10 shall be a private street built to the standards of 3-4 lots/units per BGMC 12.116.140 including a 32-foot easement and 30-foot roadway.

Access to lots 6 and 7 shall be a shared driveway off of SE 29th Way or SE 10th Place.

Intersection spacing requirements are not being met between SE 28th Way and SE 29th Way, SE 29th Way and SE 29th Street, and SE 10th Place and SE 12th Place. The applicant's engineer submitted a road modification; see below for more information.

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 have the following note: "The City of Battle Ground has no responsibility to improve or maintain the private streets, including streetlights and signs, contained within, or private streets providing access to, the property designed in this development."

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

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

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

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

The applicant's traffic engineer has indicated that 567 daily, 45 new a.m. peak trips and 59 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. Three 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 SE Grace 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 PCI number is 66. Therefore, improvements shall go to the centerline.

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 550-feet (north/south) by 1,333-feet (east/west). Based on the dimensions the preliminary plat would have to provide, at a minimum, three north/south cross-circulation streets and two east/west cross-circulation streets. The preliminary plat shows two north/south streets and no east/west streets. The applicant has submitted a road modification requesting intersection spacing to be a). increased to a maximum of 550 feet and b). decreased to a minimum of 215 feet. See road modification below.

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 per BGMC 12.116.243 and 12.116.246.

One (1) road modification was submitted:

1. a). To increase the maximum intersection spacing from 500 feet to 550 feet and
   b). To reduce the minimum intersection spacing from 250 feet to 215 feet.

   BGMC 12.116.200 contains the City's cross-circulation requirements, which require connections every 500-feet. The submitted plat has cross-circulation not meeting spacing requirements. Several reasons were given for why cross-circulation spacing cannot be met: location of the wetland onsite and the original parcel width of the parent parcels. Given that a physical condition (wetlands) will stay in its current location and the project layout is meeting the goals/requirements of the City, staff agrees with the applicant and approves the road modification to increase the maximum cross-circulation spacing to the dimensions mentioned above.

   Table 12.116.040(C) sets the intersection spacing requirements for Local A street classifications. SE 28th Way, SE 29th Way, SE 29th Street, SE 10th Place, SE 11th Place and SE 12th Place are classified as a "Local A". Therefore, the minimum intersection spacing along those streets shall be 240-feet and the maximum spacing shall be 500 feet. The submitted plat has the above-mentioned intersections not meeting spacing requirements. Several reasons were given for why intersection spacing cannot be met: location of the wetland onsite and the original parcel width of the parent parcels. Given that a physical condition (wetlands) will stay in its current location and the project layout is meeting the goals/requirements of the City, staff agrees with the applicant and approves the road modification to reduce the minimum intersection spacing and increase the maximum intersection spacing to the dimensions mentioned above.

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 45 new a.m. and 59 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 (during the p.m. peak).

Mitigation measures are as follows:

- SW Eaton Boulevard & SR 503 include addition of a 100-foot eastbound right turn lane and a second westbound left turn lane
- SW Eaton Boulevard & SR 503 include addition of a second southbound left turn lane and receiving lane on SW Eaton Boulevard.
- SW Eaton Boulevard & SW 20th Avenue construction of northbound, southbound, and westbound left-turn lanes and traffic signal
- NW Onsdorff Boulevard & SR 503 the addition of a second southbound through lane at the intersection
- East Main Street & Grace Avenue a traffic signal and realignment of intersection.

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

1. The applicant can construct the aforementioned mitigation measures for the failing intersections to meet concurrency requirements.

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

Intersection	Failure	AM Site Trips	PM Site Trips	Proportionate Mitigation Share per Trip	Mitigation Cost per Intersection
SR 503 & NW Onsdorff Boulevard	AM	0	n/a	$4,576.23	$0.00
Grace Avenue & E Main Street	PM	n/a	15	$1,721.77	$25,826.55
SR 503 & SW Eaton Boulevard*	PM	n/a	18	$1,533.33	$27,599.94
SR 503 & SW Eaton Boulevard**	PM	n/a	18	$1,463.61	$26,344.98
SW 20th Avenue & SW Eaton Boulevard	PM	n/a	7	$2,291.40	$16,039.80

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

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

Regarding the failure at S. Parkway Avenue and SW Eaton Boulevard, the additional mitigation measure is not included in the City of Battle Ground's Transportation System Plan (TSP) or in the Six-Year Transportation Improvement Program (TIP). Therefore the following options are available to the Applicant:

1. City Council has the authority to add projects to the TSP as well as the Six-Year TIP. The first option is City staff would approach City Council and ask them to add this project to the TSP once a proportionate share cost per trip is determined. If City Council approves the mitigation, then the mitigation measure is considered planned and thus subject to proportionate share costs of which the applicant would be responsible for contributing. The mitigation plan/design and six-year trip counts will need to be submitted to the City for review and approval.
2. A second option would be for the Applicant to construct either a westbound or southbound right-turn pocket.
3. A third option is for the Applicant to provide additional information that shows that the mitigation measure is not necessary or that another measure would suffice. If information is provided that shows that measure is not necessary, and the City concurs with this, then nothing more is necessary. If another mitigation measure will suffice then the Applicant can follow Options #1 or #2 above for the updated mitigation measure.

The applicant will need to meet one of the three options for S. Parkway Avenue and SW Eaton Blvd. prior to engineering approval in order to construct the proposed project.

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 building permits are issued.

Sewer connection will be one of the two options below:

a. Construct the entire portions of 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. Upgrades to PS #4 may be necessary depending on its current capacity and needed capacity to serve the proposed development.

b. Construct an 8-inch sewer line along the back half of parcels 194351-000, 194348-000, 194397-000 and 194362-000 in order to connect to an existing sewer system in NE 185th Street. Upgrades to PS #4 may be necessary depending on its current capacity and needed capacity to serve the proposed development.

Project #	Project Name	Total	Creditable	% Creditable
FE-26	Grace Interceptor	$133,000	$58,000	43.61
FE-27	Grace Interceptor	$636,000	$636,000	100.00
FE-28	Grace Interceptor	$1,518,000	$1,518,000	100.00

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'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 laterals shall be 4-inch for single-family residences.

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

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

	Title 16 Subdivisions	
16.130 Required Improvements and Dedications		**Compliance:** Conditionally

Finding: BGMC 16.130.010 requires that all utility lines be installed underground. A condition should be established to require that all utilities be installed underground and that a note on the face of the plat be provided stating that all public and private utilities serving the development should be underground.

The applicant has provided a preliminary utility plan. BGMC 16.130.030 requires that water and sanitary sewer service within or along the frontage of a development shall be extended to the extreme property lines of the development unless the applicant demonstrates to the decision body that such extension is undesirable, impractical or unfeasible. The Battle Ground Engineering Department has determined that the extension of water and sanitary sewer service within or along the frontage of a development to the extreme property lines of the development is desirable, practical and feasible and shall be required. BGMC 16.130.030, along with BGMC 13.110 and 13.120 requires water and sanitary service throughout the subdivision. The applicant shall submit engineering plans meeting the following conditions:

- Showing that the water design meets the requirements of Clark Public Utilities and gets approval from them for the water distribution system.
- Water lines shall be extended to the extreme property lines of the subdivision.
- Fire hydrant requirements shall be per City of Battle Ground standards and criteria.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter, unless modified by the City, and extend to the extreme property lines of the subdivision.
- Showing sanitary sewer infrastructure as conditioned previously in this staff report.

The applicant did not provide a preliminary street lighting plan. Per BGMC 16.130.035 lighting plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting plan shall be included with the engineering plans to be approved by the city.

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

The applicant has provided on the preliminary 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.

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 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 permit (City of Battle Ground)
- Demolition permit (City of Battle Ground)
- Electrical (Washington State Department of Labor and Industries)
- Irrigation (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 Access Road Requirements	**Compliance:** Conditional

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

The drive lane through this development is required as a fire access lane and should be designed and maintained to provide access for fire apparatus. The fire lane shall be kept clear at all times, be a minimum 20 feet wide, and shall be marked with signs, striping, or painted curbs stating “No Parking-Fire Lane”.

The proposed island at the west entrance does not appear to allow for the 20 foot required fire lane width.

Provide the location of “No-Parking-Fire Lane” signs along one side of the proposed Local A Half Street.

Provide the location of “No-Parking-Fire Lane” at reduced roadways in front of proposed storm water collection and treatments vaults.

15.105.100 Fire Hydrants	**Compliance:** Conditional

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

Hydrants 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 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 location of the (4) proposed onsite hydrants meet these requirements.

4.	**Title 16 Land Divisions**
16.115 Preliminary Plats	
16.115.040 Preliminary Plats	**Compliance:** Yes
Finding: The applicant is proposing 63 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 shall conform to the City's Comprehensive Plan and Transportation standards.	
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 as specified in Title 12 Streets and Sidewalks of this report.	
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 are proposed to have a single residential driveway off the adjacent public street with the exception of Lot 9, which will access via an easement on Lot 10. Lot 10 is proposed as a flag lot which will also provide access to the Lot 9. Additional analysis and conditions of approval are detailed within Sec. 16.125.110 of this report. "Lot frontage" means the width in linear feet of a lot where it abuts the right-of-way of any street. Submitted Sheet C-104 Public Road Plan identifies an intersection (SE 10th Pl. and SE 29th Way) which results in Lots 5 and 6 not having the required frontage required by the R5 zone district. **The applicant shall be responsible for redesigning these two lots to meet the frontage requirements of the R5 zone district.**	
16.125.080. Lot Line Angles	**Compliance:** Yes
Finding: Lot line angles are satisfied.	
16.125.090 Lot Size and Width Requirements	**Compliance:** Conditionally

Finding: As referenced in 17.106-2 Dimensional and Density Standards, the absolute minimum lot area is 6,300 square feet; however, the applicant proposes a density transfer therefore is required to have a minimum average lot area of 6,400 square feet. The Average Lot Area proposed is 4,612 square feet therefore the proposal meets the minimum square footage for density transfer consideration. Additional analysis regarding the proposed density transfer is found within Sec. 17.106.035 of this report. With the exception of lots 9 and 10, additional analysis detailed within Sec. 16.125.110 of this report.

Lot widths vary from 25' to 138' with an average of 62'.

16.125.100 Double and reverse frontage lots	**Compliance:** Conditionally

Finding: As proposed there are a number of lots along the west property line that result in a double and reverse frontage lots therefore the **applicant shall be required to include at least twenty feet in width between the street and property line for each resulting parcel.** Staff has made the determination that the required and/or installed sidewalks and landscaping strip(s) to be incorporated parallel to SE Grace Ave. may be included in the overall twenty-foot-wide requirement (IE should those two elements result be 10 feet wide the applicant shall be responsible for incorporating an additional 10 feet in landscape width for a total of 20 feet).

Parkways shall be placed in a tract that is to be owned by the HOA or the abutting property owners. Landscape plantings shall include a combination of trees and evergreen shrubs which, upon maturity, adequately screen the fencing. Landscaping shall be low maintenance and after establishment shall not require irrigation. A landscape plan shall be required, in compliance with this section, for all double- and reverse-frontage lots that are approved. All required plantings and irrigation, as required, shall be installed prior to occupancy of the structures they are providing screening for. Parkways are to be maintained by the HOA or the abutting property owners, when a HOA does not exist. A note to that effect shall be placed on the plat.

16.125.110 Flag lots	**Compliance:** Conditionally

Proposed flag lots are required to meet the dimensional requirements of the underlining zone district and the lot access shall not be more than two hundred feet long. Not more than two flag lots shall abut each other. Two abutting flags may reduce their street frontage by up to fifty percent if a shared driveway access easement is in place.

Finding: Staff previously interpreted *"Two abutting flags may reduce their street frontage by up to fifty percent if a shared driveway access easement is in place"* as allowing two parcels to share one "pole" access at 15 feet wide provided an easement be recorded providing access to both parcels benefiting from access. Upon further analysis of the code, Hearing Examiner interpretation, previous approvals and discussion among staff, it has been determined that abutting flag lot parcel must have an individual "pole" portions adjacent to one another and each "pole" portion is allowed to reduce the width to 15 feet. **The applicant shall redesign Lots 9 and 10 to meet this interpretation of the code or be prepared to justify the layout to the Hearing Examiner at time of hearing for consideration.**

Additionally, as mentioned in Sec. 16.125.070. Lot Access Requirements and Restrictions of this report, Lots 5 and 6 do not have the required frontage required by the R5 zone district. Should the applicant choose to create flag lots the same interpretation as being required for Lots 9 and 10.

It is reasonable to conclude the "pole' portion of the flag lots will not exceed 250 feet. **The applicant shall be responsible for recording an easement within the "pole" portion of Lots 1 and 7 to benefit Lots 3 and 6 respectively.**

16.125.120. Easements	**Compliance:** Conditionally

Finding: All necessary easements shall be conditioned as part of the final plat.	
16.130 Required Improvements and Dedications	**Compliance:** Conditionally

Finding: BGMC 16.130.010 requires that all utility lines be installed underground. A condition should be established to require that all utilities be installed underground and that a note on the face of the plat be provided stating that all public and private utilities serving the development should be underground.

The applicant has provided a preliminary utility plan. BGMC 16.130.030 requires that water and sanitary sewer service within or along the frontage of a development shall be extended to the extreme property lines of the development unless the applicant demonstrates to the decision body that such extension is undesirable, impractical or unfeasible. The Battle Ground Engineering Department has determined that the extension of water and sanitary sewer service within or along the frontage of a development to the extreme property lines of the development is desirable, practical and feasible and shall be required. BGMC 16.130.030, along with BGMC 13.110 and 13.120 requires water and sanitary service throughout the subdivision. The applicant shall submit engineering plans meeting the following conditions:

- Showing that the water design meets the requirements of Clark Public Utilities and gets approval from them for the water distribution system.
- Water lines shall be extended to the extreme property lines of the subdivision.
- Fire hydrant requirements shall be per City of Battle Ground standards and criteria.
- All sewer lines throughout the subdivision shall be a minimum of 8-inches in diameter, unless modified by the City, and extend to the extreme property lines of the subdivision.
- Showing sanitary sewer infrastructure as conditioned previously in this staff report.

The applicant did not provide a preliminary street lighting plan. Per BGMC 16.130.035 lighting plans shall be prepared by a licensed electrical engineer and shall show the necessary minimum lighting levels. A street lighting plan shall be included with the engineering plans to be approved by the city.

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

The applicant has provided on the preliminary 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[6]
Maximum lot coverage (%)		50
Maximum height (feet)		35

Refer to Table 17.131-1 for landscaping requirements

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

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

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

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

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

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

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

Finding: The subject property is zoned Residential 5 units/acre (R). Dimensional requirements within residential districts shall be in accordance with Table 17.106-2 above.

Maximum density for the overall site is 5 units per gross acre with no minimum density requirement. The subject property (Parcel # 194382-000, 194355-000, 194338-000, 194357-000) is approximately 16.46 gross acres which permits a maximum density of 82 units. Of the approximate 16.46 acres of gross acres. Per the submitted Proposed Lot Layout Information, approximately 10 acres have been identified as developable after the remainder of the subject property (approx. 6.46 acres) is proposed to be as a separate tract to preserve critical areas located on the subject property. With approximately 39% of the subject property being proposed as open space, the applicant is seeking density transfer to allow 63 units within the developable 10 acres of land, as determined by the applicant. Further analysis of density transfer compliance can be found in the following section of this report.

The proposal meets the absolute minimum lot area of 4,000 square feet with the smallest lot measuring at 4,152 square feet. The average proposed lot size is 4,612 square feet, satisfying the minimum average lot area for density transfer (4,600 square feet).

Frontage requirements for lots 5, 6, 9 and 10 shall be addressed by the applicant in a redesign or justification to the Hearing examiner at time of hearing.

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

17.106.035 Density Transfer Provisions	**Compliance:** Conditionally

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

Finding: The subject property is zoned R5 and the average lot size for the overall proposal is 4,612 square feet therefore the proposal is eligible for density transfer.

The subject property (Parcel # 194382-000, 194355-000, 194338-000, 194357-000) is approximate 16.46 acres of gross acres. Per the submitted Proposed Lot Layout Information, approximately 10 acres have been identified as developable after the remainder of the subject property (approx. 6.46 acres) is proposed to be as a separate tract to preserve critical areas located on the subject property. As such, the maximum density allowed for the developable property is 50 units.

> *BGMC 17.106.035.B*
> *"In no case shall any portion of a residential development exceed one hundred twenty percent of the density permitted by the underlying zone."*

As such, the applicant would be limited to 120 percent of the maximum density permitted within the developable area which is 50 lots as previously calculated. In this case they would be permitted to increase the density to 60 units (50 x 1.20). **The applicant shall reduce the number of proposed lots to a total of 60 lots, update plans as needed and submit for final review/acceptance.**

17.106.040 Neighborhood Design standards	**Compliance:** Conditionally

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

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

Finding: Finding: Battle Ground's Service Area Map shows the parcels are located in Special Service Area 1. The City's Parks and Recreation Plan says the existing open spaces mitigate the need for park facilities, but shall be monitored in the future. Approximately 37% of the project area is proposed as open space inside a tract dedicated to the HOA; therefore, this development is not required to provide public parks.

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

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

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

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

1. EARTH: The site is generally flat with 1% slope from the west to east with the steepest slope at 6%. Grading and fill of approximately 500 cubic yards of cut and 36,000 cubic yards of fill will occur on the 10 acres to be developed, avoiding the wetlands/buffer. Temporary erosion will be designed and reviewed for approval prior to any activity.

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

3. WATER: The existing site consists of four wetlands that overflow to the east and then toward the southeast along the railroad tracks. One of the existing wetlands will be filled with the project in accordance with the approved DOE and Corps permits. In order to optimize the use of land that coincides with zoning, the applicant proposes off-site wetland bank mitigation for direct and indirect impacts and on-site density transfer via smaller lot sizes. The estimated fill to be placed in the wetlands is 1,050 cubic yards over an area of approximately 7,580 square feet. The project does not lie within a 100-year floodplain. Runoff from nearly the entire developed site will receive Basic or Enhanced treatment from Ecology approved devices.

4. PLANTS: The site is home of various deciduous and evergreen trees, shrubs, grasses, pastures and wet soil plantings including Himalayan Blackberry which is a noxious weed. Oregon White Oaks are known to be on-site, but located in the eastern portion of the site that will be preserved as natural area. New landscaping plantings will be installed along the roadway per city standards.

5. ANIMALS: The site has the potential for the presence of hawks, eagles, American crow, and Songbirds as well as deer and small mammals. Coho salmon can be found in the nearby Morgan Creek. Various fish types are found within the site as well. The Canadian Goose migration has been observed in the surrounding areas as well as throughout North America. Approximately 37% of the site will remain as preserved open space.

6. ENERGY AND NATURAL RESOURCES: Expansion of existing electrical and natural gas underground utilities shall be provided to serve the proposed lots.

7. ENVIRONMENTAL HEALTH: There are no known long-term environmental health hazards associated with the project. During construction, there is a temporary potential for hazardous fluids from spills or leaks from construction equipment. **The contractor will be required to prepare a Spill Prevention, Control and Countermeasure (SPCC) plan to be used for the duration of the construction project. Applicant shall limit construction hours per BGMC, which states construction activity for commercial development may occur from 7 am to 9 pm Monday through Friday, 8 am to 9 pm on weekends. The contractor will be required to prepare a Spill Prevention, Control and Countermeasure (SPCC) plan to be used for the duration of the construction project.**

8. LAND AND SHORELINE USE: The property is not within a shoreline. The site is currently vacant, zoned R5 and proposes 63 residential lots. The subject property currently has four identified wetlands within its boundaries.

9. HOUSING: The proposal includes subdividing the subject property into 63 single family lots.

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

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

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

12. RECREATION: The project is in close vicinity to Cedars Golf Course and Salmon-Morgan Creeks Natural Area for hiking. Approximately 37% of the project area is proposed as open space inside a tract dedicated to the HOA;

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

14. TRANSPORTATION: The project gains access via SE Grace Avenue. The closest public transit route is along SR-503, approximately 1 mile to the west. The project will add on-street parking along the proposed road as well as driveway parking for each household. A trip generation report dated May 2021 by Global Transportation Engineering states that approximately 382 daily trips will be generated by the project. Peak volume is estimated to be 41 pm trips. A percentage of trucks or non-passenger vehicles are not given in the report and is not anticipated to be on a daily bases. Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition and ITE Land Use Code 210 – Single Family Dwelling were used for transportation modeling.

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

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

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

DECISION:
Based on the information provided, a Final Determination of Mitigated Non-significance (MDNS) is predicted 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 buffers, if applicable, which shall be flagged prior to construction.

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

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

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

18.260 General Provisions

Findings: The applicant submitted a Critical Areas Report (CAR) and includes a Wetland Delineation Report which was prepared July 7, 2016 by Olson Environmental LLC (OE). OE used the methodology of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (USACE, 2010).

Four wetlands were identified on the subject property and total approximately 2.66 acres of the approximate 16-acre property. The applicant provided a wetland delineation and mitigation plan for the subject property. Further analysis of these elements can be found within Sec. 18.270.040, 18.270.090, 18.270.100 and 17.270.120 of this report.

The applicant submitted a Mitigation Plan form September 3, 2019 for review which is associated with a 57 lot development rather than the proposed 63 lots. The mitigation plan describes the project's avoidance and minimization efforts for three wetland areas as the remaining wetland is exempt from filling limitation. The proposed development will avoid direct impacts to two of the remaining wetlands (B & C as identified in the mitigation plan) identified within the project area, which will result in the avoidance of impact to approximately 2.49 acres of the total 3.66 acres of wetland area occurring within the project area. In addition, the applicant is proposing to minimize land use impact of these two wetland by preserving the required buffer area. The remaining wetland (A) is proposed to be filled with mitigation credits to be purchased in place of filling it. Detailed review of the existing critical areas found on the subject property are found within this section (Sec. 6 - Title 18 Environmental Protection) of the staff report.

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

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

18.260.130 Mitigation Plan Requirements	**Compliance:** Conditionally

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

18.260.180 Critical area tracts | **Compliance:** Yes

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

Findings: Wetlands B, C and their respective buffers exceed 5,000 square feet therefore **the applicant shall be responsible for identifying a tract for these areas to be located upon the final plat.** Additional criteria within Sec. 18.270.050 Standard Requirements of this report.

18.270.040 Wetland Delineation | **Compliance:** Conditionally

Findings: Over the course of the field study, four (4) wetland units were identified within the study area. They are as follow:

Wetland	Wetland Type	Surface Area		Wetland Category
A	Depressional	7,630 SF	0.18 ac	III
B	Depressional	43,780 SF	1.00 ac	II
C	Depressional	835 SF	0.02 ac	III
*D	Slope	63,750 SF	1.46 ac	III
Total Area:		115,995 SF	2.66 ac	

**Wetland D identified in the submitted Wetland Delineation is identified as Wetland C within the submitted mitigation plan due to the isolation classification.*

Wetland C is a smaller palustrine, emergent, seasonally flooded (PEMC), HGM depressional class wetland is predominately sustained by direct precipitation and ground water. No outlet or evidence of overland flow was observed. Therefore, this wetland may be isolated. Per Table 18.260-1, isolated Category III wetlands of less than 2,500 square feet are exempt from the limitation associated with filing, grading, clearing or other activities in artificial wetlands.

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

18.270.050 Standard Requirements | **Compliance:** Conditionally

A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing made only of wood, or other prominent physical marking approved by the director. In addition, signs measuring no more than six square feet in area and no shorter than four feet nor higher than six feet shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the director, and worded substantially as follows:

"—Wetland Buffer—

Please retain in a natural state

BGMC 18.270.050”

The signage and fencing shall be included in the final engineering plans and installed prior to any land alteration or construction.

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

18.270.070 Standards—Buffer activities	**Compliance:** Conditionally

Stormwater facilities are allowed, provided the facilities will not degrade the wetland or buffer and are designed to blend with the natural landscape. Unless determined otherwise by the community development director, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:

1. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;
2. Disturbance of plant species that are listed as rare, threatened or endangered by the city of Battle Ground or any state or federal management agency;
3. The construction of concrete structures other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
4. The construction of maintenance and access roads;
5. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;
6. The construction of pretreatment facilities such as forebays, sediment traps, and pollution control manholes;
7. The construction of trench drain collection and conveyance facilities;
8. The placement of fencing unless it meets the requirements for fencing below;
9. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced; and
10. Other activities shown through a critical areas report or mitigation plan to degrade the wetland or buffer.

Finding: Per the submitted site plans and stormwater report, the applicant proposes to include a stormwater facility within a portion of Wetland C’s buffer area. The mitigation report does not address the above approval criteria. It is reasonable to conclude the applicant can feasibly design the stormwater facility in a way that will not degrade the wetland or buffer area and be designed to blend with the natural landscape. As such, **the applicant shall be responsible for demonstrating compliance with the above criteria within a final mitigation plan and stormwater plans prior to final plat approval. The applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals. A final wetland delineation report, as conditioned above, should be provided to the Department of Ecology and the City.**

18.270.090 Buffer requirements	**Compliance:** Conditionally

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

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

18.270.090.A&B

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

Wetland Function Rating						
Wetland	**Wetland Type**	**Improving Water Quality**	**Hydrologic Functions**	**Habitat Functions**	**Total Score**	**Wetland Category**
A	Depressional	8	7	4	19	III
B	Depressional	8	7	5	20	II
C	Depressional	7	6	5	18	III
*D	Slope	6	6	5	17	III

**Wetland D identified in the submitted Wetland Delineation is identified as Wetland C within the submitted mitigation plan due to the isolation classification.*

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

Required Wetland Buffers				
Wetland	**Wetland Category**	**Habitat Score**	**Land Use Intensity**	**High Intensity Buffer**
A	III	4 (low)	High	80’
B	II	5 (low)	High	100’
C	*III*	*5 (low)*	*High*	*80’*
*D	III	5 (low)	High	80’

**Wetland D identified in the submitted Wetland Delineation is identified as Wetland C within the submitted mitigation plan due to the isolation classification.*

Finding: As detailed within Sec. 18.270.090 Buffer requirements of this report, Wetland C is a smaller palustrine, emergent, seasonally flooded (PEMC), HGM depressional class wetland is predominately sustained by direct precipitation and ground water. No outlet or evidence of overland flow was observed. Therefore, this wetland may be isolated. Per Table 18.260-1, isolated Category III wetlands of less than 2,500 square feet are exempt from the limitation associated with filing, grading, clearing or other activities in artificial wetlands. The applicant will fill the isolated wetland therefore the buffer does not apply. Additionally, the applicant proposes to purchase mitigation credits to fill in Wetland A, as detailed within Sec. 18.270.120 Wetland banking of this report, therefore the buffer for Wetland A does not apply.

The applicant shall finalize the wetland boundaries and provide a final exhibit identifying Wetlands B, C and their respective buffer areas to be located within a separate tract to be owned and maintained by either the developer or a HOA.

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

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

Wetland Buffer Width Averaging. The director may allow modification of the standard wetland buffer width in accordance with an approved critical area report and the best available science on a case-by-case basis by averaging buffer widths.

Finding: The submitted mitigation plan identifies the use of buffer averaging. The buffer reduced area identified is 870 square feet with a buffer compensation area of 1,046 square feet. As noted within this report, the submitted wetland mitigation report is associated with a 57 lot proposal. As a result, the proposed 63 lot subdivision extends further east into the buffer area therefore the buffer area extends into the area to be used as a stormwater facility as well as lots 19, 24 and 25.

The buffer area of wetland B and C minimally encroaches Lots 19, 24 and 25. Additionally there is additional land area outside the buffer area not being used for development therefore it is reasonable to conclude the proposal can meet the buffer modification requirements of this section. **The applicant shall finalize the wetland boundaries, their associated buffer areas and provide buffer modification prior to final plat approval. Alternatively, the applicant can record a restrictive covenant on Lots 19, 24 and 25 detailing the allowed uses within the buffer area that is present on the respective lots.**

As detailed in Sec. 18.270.070 Standards—Buffer activities staff has concluded the proposal can feasibly design the stormwater facility to meet the code requirements and have condition approval accordingly.

18.270.120 Wetland banking	**Compliance:** Conditionally

Findings: Based on the proposed site plan, Wetland A is proposed to be filled resulting in approximately 0.18 acres of direct wetland impact. When looking at the proposed site it is observed that the primary entrance to the proposal will create an intersection at SE Grace Ave. with SE 28th Circle to the west. SE Grace Ave. is a major collector therefore intersection spacing shall be as close to five hundred feet as is practical. The subject property extends approximately 160 feet to the north and 375 feet to the south of the proposed intersection therefore staff finds the proposed intersection in keeping with the code requirements.

Summary of Total Impact Area					
Wetland Identifier	**Wetland Category**	**Total Area (ac.)**	**Impact Area (ac.)**		**Total Impacts (ac.)**
			Direct	**Indirect**	
A	III	0.18	0.18	n/a	0.18
B	II	0.99	0	0	0
C	III	1.49	0	0	0
		Total	0.18	0	**0.18 ac.**

Wetland A is characterized as a Category III wetland, as rated by Ecology's updated rating system for Western Washington. Based on the recommended credit ratios for wetland impacts as per the approved TMB bank instrument, Category III wetlands are compensated at a 1:1 ratio (Table 5). Therefore, the Applicant is proposing to purchase 0.18 acres of bank credits to compensate for 0.18 acres of direct impacts to Wetland A. **The applicant shall provide a receipt for the purchase of mitigation credits.**

As such, the applicant shall coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits and approvals. A final wetland delineation report, as conditioned above, should be provided to the Department of Ecology and the City.

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

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

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

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

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

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

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

FE-26, FE-27 and FE-28 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. 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 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.

C.	**Public/Agency Comments**

1. **Department of Ecology** – letter dated July 7, 2021

This letter provides input on the following topics: Hazardous Waste & Toxics Reduction, Solid Waste Management, Water Quality/Watershed Resources) and Water Resources which indicate various measures and recommendations for the proposal to take.

Findings: Staff has created a general condition of approval associated with the response letter and its findings as well as a specific condition the applicant **to coordinate with the Department of Ecology and Army Corps of Engineers for any necessary permits, approvals, and wetland boundaries** prior to the approval of the Engineering Approval. Additional erosion control measures are required as well as standard requirements for grading permitting.

2. **Battle Ground Public Schools** – Letter Dated June 28, 2021

This letter identifies the impact the proposal has on the local school district that will serve the development. The letter includes impact fees associated with the proposal should the application be approved.

The report includes a general condition of approval requiring the applicant to be responsible for obtaining any specific required approvals from the SWCAA.

3. **Southwest Clean Air Agency (SWCAA)** – letter dated July 7, 2021

This letter detailed general types of activities that may be affected by the proposed project which included Demolition/Asbestos as well as Construction Dust management.

Finding: The report includes conditions regarding erosion control to help in the minimization of construction dust as well as a general condition of approval has been added which requires the applicant to be responsible for obtaining any specific required approvals from the SWCAA.

4. **Larry McKinley**– email received June 29, 2021

This communication identified that the materials within the link provided with the notice of application were not available.

Finding: Staff confirmed the materials were available within the link provided, resent the link and advised the respondent to use an alternative browser or to potentially create an account through DropBox to access the information.

5. **Carol Opatrny**– email received June 29, 2021

This communication requested s list of who received the notice of application as well as notified staff that the materials within the link provided with the notice of application were not available.

Finding: Staff shared the list of recipients who received the notice of application as well as confirmed the materials were available within the link provided, resent the link and advised the respondent to use an alternative browser or to potentially create an account through DropBox to access the information.

III. RECOMMENDATION

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

CONDITIONS OF APPROVAL

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

1. The applicant shall reduce the number of proposed lots to a total of 60 lots, update plans as needed and submit for final review/acceptance.
2. Adjust plans so the proposed island at the west entrance allows for 20 feet of fire apparatus access width.
3. Provide the location of “No-Parking-Fire Lane” signs along at the following locations:
    a. (1) side of the proposed Local A Half Street
    b. In front of proposed storm water collection treatment vaults at reduce roadway widths.
4. 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.
5. 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 full-street improvements, for SE 28th Way, "Local A", including sidewalk, planter strip, curb/gutter and asphalt.
c. Showing full-street improvements, for SE 29th Way, "Local A", including sidewalk, planter strip, curb/gutter and asphalt.
d. Showing full-street improvements, for SE 29th Street, "Local A", including sidewalk, planter strip, curb/gutter and asphalt.
e. Showing full-street improvements, for SE 10th Place, "Local A", including sidewalk, planter strip, curb/gutter and asphalt.
f. Showing full-street improvements, for SE 11th Place, "Local A", including sidewalk, planter strip, curb/gutter and asphalt.
g. Showing full-street improvements, for SE 12th Place, "Local A", including sidewalk, planter strip, curb/gutter and asphalt.
h. Showing access to lots 8-10 meeting the applicable private street requirements in BGMC 12.116.140 based on 3-4 lots/units.
i. Showing access to lots 6 and 7 as a shared driveway off of SE 29th Way or SE 10th Place
j. Showing additional 2-feet of ROW dedicated to the City for SE Grace Avenue.
k. Containing a combined landscaping and driveway plan.
l. Showing sight distance and vision clearance triangles.
m. Containing a signing and striping plan.
n. Containing a street lighting plan having LED decorative cobra type units for SE Grace Avenue and LED acorn units for the other streets.
o. Showing traffic calming devices on all public streets.
p. Showing driveways that meet the requirements of BGMC 12.116.243 and 12.116.246.
q. Showing traffic mitigation at Grace Avenue & East Main Street, SR 503 & SW Eaton Boulevard, and SW 20th Avenue & SW Eaton Boulevard or indicating that mitigation fees will be paid in lieu of the improvements.
r. Showing the traffic mitigation at S. Parkway Avenue and SW Eaton Blvd or meeting one of the other options in lieu of the improvements.
s. Showing water lines extending to extreme property lines.
t. Showing each residential lot having its own individual water service
u. 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.
v. Showing sewer lines extending to extreme property lines.
w. Showing each lot having its own individual sanitary lateral.
x. Showing fire hydrants meeting spacing requirements throughout the subdivision.
y. Showing a stormwater facility that meets the requirements of BGMC 18.250.
z. Showing grading and erosion control in conformance with applicable city standards and standard construction details.

6. 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.
7. Submit a hydrology report that addresses all requirements found in BGMC 18.250.
8. Submit a SWPPP that meets Department of Ecology requirements.
9. Submit proof of engineering plan approval by Clark Public Utilities for the water improvements.
10. Submit a construction cost estimate for required public and applicable private improvements for review and approval by the City Engineering Department

11. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee that is two (2) percent of the estimated costs of construction.
12. The applicant is required to provide an updated mitigation plan prior to final engineering approval to include the following items:
    a. Submit wetland mitigation plan that assures mitigation requirements of BGMC 18.260.120 and 18.260.130.
    b. Submit a buffer averaging proposal that complies with 18.270.080, which includes showing that no buffer is reduced by more than 75% of its standard.
    c. Submit a wetland mitigation plan showing that the stormwater facility located in the wetland buffer meets criteria listed in 18.270.070.
    d. Per BGMC 18.260.180 all wetlands and buffer areas over 5,000 square feet shall be included in critical area tracts.
    e. Coordinate with the State Department of Ecology for the proposed wetland impacts and final mitigation plan.
    f. Adhere to all recommendations of the final Wetland Delineation and Mitigation Plan.

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 for the failing intersection of Grace Avenue & East Main Street or pay the mitigation fees of $25,826.55.
3. Construct the mitigation measures, 100-foot eastbound right turn lane and a second westbound left turn lane, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $27,599.94.
4. Construct the mitigation measures, second southbound left turn lane and receiving lane on SW Eaton Boulevard, for the failing intersection of SR 503 & SW Eaton Boulevard or pay the mitigation fee of $26,344.98.
5. Construct the mitigation measures for the failing intersection of SW 20th Avenue & SW Eaton Boulevard or pay the mitigation fee of $16,039.80.
6. Meet one of the options for the mitigation measure at S. Parkway Avenue and SW Eaton Boulevard
7. 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. With a note identifying the party responsible for the required landscaping/parkway associated with double and reverse frontage lots.
    h. That shows where any control monuments have been placed.
    i. That shows the dedication of any public roads or alleys.
8. Redesign Lots 5, 6 9 and 10 to flag lot standards (BGMC 16.125.110).

C. Prior to Engineering Acceptance:

1. Construct all public improvements, if applicable, and go on a walkthrough with City of Battle Ground Engineering Staff and correct any deficiencies as determined by City staff.
2. Submit a letter provided by the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.
3. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.
4. Submit to the City of Battle Ground a Stormwater Facility Maintenance Agreement meeting requirements of BGMC 18.250.310(A)(1) for review and approval prior to recording.
5. Submit to the City of Battle Ground a Stormwater Maintenance Covenant meeting the requirements of BGMC 18.250.310(B)(2) for the stormwater treatment structures for review and approval prior to recording.
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, (1) 11x17 paper set of As-Built record drawings and one (1) compact disc or USB flash drive version of the as-built drawings in an AutoCAD format and separate/individual TIFF and PDF format files.
7. If LID improvements are incorporated into the project, provide appropriate stormwater covenants.
8. Provide certification that private streets were built per BGMC 12.116.140.
9. Submit a private maintenance agreement for private streets.
10. Submit a signed Bill of Sale for sewer system and stormwater system.

D. Prior to Construction of the Site:

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Receive an approved ROW permit from the City of Battle Ground.
3. Submit a surety bond meeting the requirements of BGMC 12.118.110.
4. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.
5. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.
6. Submit evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the City.
7. Conduct a pre-construction conference with City engineering and planning staff. Contact the Engineering Department at (360) 342-5069 to schedule an appointment.

E. Prior to Creation of Impervious Surface:

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

F. Prior to Building Construction:

1. Acquire the required building permits as outlined in Title 15 above.
2. Provide documentation that the required fire hydrants have been installed, tested, and approved in accordance with City of Battle Ground engineering standards and section 15.105.180 of this Staff Report.
3. All new development shall comply with the setbacks and building height of the R5 zoning

district.

4. All new development shall comply with the design standards of BGMC 17.106.040.

G. Prior to Certificate of Occupancy:

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

H. Other/General Conditions

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

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
1	Report Cover
	Application and Checklist
	Written Narrative
	SEPA Checklist
	Preliminary Drawings
	Deed History
	Hydrology Report
	Geotech Report
	Archeological Report
	Traffic Study
	Wetland Delineation
	Wetland Mitigation
	Clark Public Utilities Request for Utility Review
	Pre-App Findings
	Lot Summary
	Quarter Section Map
2	Department of Ecology Response – letter dated June 28, 2021
3	Battle Ground Public Schools – Letter Dated June 28, 2021
4	Southwest Clean Air Agency (SWCAA) – letter dated July 7, 2021
5	Larry McKinley – email received June 29, 2021

6	Carol Opatrny – email received June 29, 2021

IV. APPEAL

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

PRELIMINARY PLAT

