



# City of Battle Ground

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

## Cedars Village Staff Report and Recommendation (SUB: 02: 15)

**Project:** A 117-lot single-family residential subdivision on approximately 39 acres. Lot sizes will range from 6,300 to 13,600 square feet. The project would preserve wetlands and other critical areas and provide territorial views of the golf course. Access to the subdivision would be from NE 181<sup>st</sup> Street by way of 152<sup>nd</sup> Avenue. The project is proposed in the following phases: Phase 1, 54 lots; Phase 2, 31 lots; and Phase 3, 32 lots.

**Report Date:** June 1, 2016

**Location:** Three parcels, located on a small part of the southern portion of the Cedars Golf course and some adjacent property, all located on the west side of NE 152<sup>nd</sup> Avenue, south of NE 181<sup>st</sup> Street; located in the NE & SE ¼ of Section 11 & 14, T3N, R2E Parcels 195019-000, 195101-000 & portion of 194329-000.

**Representative:** Olson Engineering, Inc.  
Attn: Stacy Hickman  
222 E. Evergreen Boulevard  
Vancouver, WA 98660

**Applicant/Owner:** Votum Holdings CGC, LLC  
14810 SE Lea Street  
Happy Valley, OR 97086

J & A Property Holdings, LLC  
15001 NE 181<sup>st</sup> Street  
Brush Prairie, WA 98606

**Staff:** Sam Crummett, AICP, Planning Supervisor  
Ryan Jeynes, PE, Associate Civil Engineer

**Recommendation:** Preliminary subdivision approval subject to conditions listed throughout and in the conclusions of this report.

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Sam Crummett  
Planning Supervisor

\_\_\_\_\_  
JUNE 1, 2016

Date

EXHIBIT

# A

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**I. GENERAL SITE INFORMATION**

<b>Zoning District:</b>	Residential R3 (3 units/acre)
<b>Comp Plan:</b>	Low Density Residential
<b>Size of Site:</b>	39 acres
<b>Critical Areas:</b>	The following critical areas have been identified on site: wetlands, fish and wildlife habitat, geologic hazardous areas.
<b>Land Use History</b>	This area was annexed into the City on December 21, 2011.

Date Application Submitted:	March 11, 2015
Application Technically Complete:	April 8, 2015
Notice of Application and Public Hearing:	April 15, 2015
Site Posted:	April 15, 2015
Reflector Publication:	April 15, 2015
Application Placed on Hold:	August 4, 2015
Additional Items Received/Taken Off Hold:	April 22, 2016
Re-Notice of Public Hearing:	May 25, 2016
Site Posted:	May 25, 2016
Reflector Publication	May 25, 2016
Hearing Date:	June 8, 2016

**Project Update**

This subdivision application was placed on hold on August 4, 2015 at the request of the applicant to further address some wetland and traffic issues raised by City staff. On April 22, 2016, the applicant submitted new material addressing these items, as well as making other amendments. These changes are summarized in the supplemental narrative (Exhibit 37). Staff has reviewed and incorporated these changes into the applicable sections of this report.

The updates are summarized as follows:

1. A revised Traffic Impact Study is submitted that addresses staff’s initial concerns. A signal warrant analysis and pro rata share analysis are also submitted.
2. A revised Wetland Delineation and Mitigation Plan are updated to include the new rating system in conformance with the Department of Ecology.
3. The project boundary is slightly modified. A Boundary Line Adjustment was approved (BLA-03-15) that modifies the west side of the project, the “pan handle,” involving an equal trade of land with the adjacent property.
4. The applicants are proposing a widened sidewalk at 12 feet in width through the project that will serve as a link to the future Chelatchie Prairie Rails with Trails corridor.
5. Finally, the phasing plan is modified to include 54 units to be built in phase one.

The changes are documented by the following exhibits:

#	Exhibits
37	Supplemental Narrative
38	Memorandum – Pro-rata Share Contribution Methodology from Hann Lee dated January 18, 2016
39	Memorandum – Signal Warrant Analysis at SW Eaton Boulevard/SW 20 <sup>th</sup> Avenue from Hann Lee dated April 15, 2016
40	Revised Traffic Impact Study dated April 20, 2016
41	Revised Preliminary Wetland Mitigation Plan dated March 21, 2016
42	Revised Wetland Delineation and Assessment dated March 16, 2016
43	Revised Development Plans

**II. APPLICABLE REGULATIONS/ANALYSIS**

<b>1.</b>	<b>Title 12 STREETS AND SIDEWALKS</b>
<b>12.116 Transportation Standards</b>	<b>Compliance:</b> Conditional
<p>The proposed 117-lot subdivision is located on several parcels west of NE 152<sup>nd</sup> Avenue and south of NE 181<sup>st</sup> Street. Access to the development will be from the creation of an intersection at NE 181<sup>st</sup> Street and SE 19<sup>th</sup> Avenue.</p> <p>The applicant is showing several new public streets to be built with this development. SE 17<sup>th</sup> Avenue, SE 19<sup>th</sup> Avenue, SE 40<sup>th</sup> Street, SE 43<sup>rd</sup> Way, and SE 17<sup>th</sup> Court shall be built to</p>	

Neighborhood Collector standards per BGMC 12.116.040. SE 18<sup>th</sup> Avenue and SE 42<sup>nd</sup> Street shall be built to Local "A" standards per BGMC 12.116.040.

SE 43<sup>rd</sup> Circle (Tract "C") and SE 44<sup>th</sup> Circle (Tract "D") shall be Private Streets built to the standards of 5-8 lots/units per BGMC 12.116.140.

SE 47<sup>th</sup> Circle (Tract "F") shall be a Private Street built to the standards of 3-4 lots/units per BGMC 12.116.140.

On the preliminary plans SE 45<sup>th</sup> Circle is shown as being a public street. However, since it will be serving 8 units/lots, and provides no cross-circulation benefit to the City, SE 45<sup>th</sup> Circle shall be a private street built to the standards of 5-8 units/lots per BGMC 12.116.140.

The applicant shall dedicate a 50-foot wide right-of-way from the terminus of SE 17<sup>th</sup> Court where Tract "G" is shown that aligns with the easement in the Prairie Meadows subdivision on the preliminary plat to the eastern property line. This dedication is to provide the necessary section of road should a railroad crossing be available in the future.

When developing properties within the City of Battle Ground, street improvements are required when the abutting streets do not meet current standards. These improvements can be measured by a linear foot per lot (lf/lot) basis when comparing projects having different requirements when trying to determine rough proportionality. Two recent subdivisions, Cedars Landing and Creekside Heights, have 56.25 and 81.13 (option A) & 66.91 (option B) (lf/lot) respectively. Both frontage and internal streets were measured then divided by the number of lots to determine the lf/lot amount. Cedars Village is not required to improve NE 152<sup>nd</sup> Avenue as it does not directly abut the street; a property, not owned by the developer, is located between the proposed development and NE 152<sup>nd</sup> Avenue. Therefore, in lieu of constructing improvements on NE 152<sup>nd</sup> Avenue, the developer shall coordinate with the City of Battle Ground and Clark County to construct a section of the Chelatchie Rails With Trails (CRWT) or construct a shared path within the subdivision. In the preliminary plans, the applicant is proposing to construct a 12-foot shared path within the subdivision from SE 17<sup>th</sup> Court in the south to the northern property line of Lot 54. The path is shown to be along SE 43<sup>rd</sup> Way and SE 19<sup>th</sup> Avenue. Two connection points from the path to the future CRWT are shown on the preliminary plans; one along SE 17<sup>th</sup> Court via Tract 'G' and the other north of Lot 54 via Tract 'A'. This is acceptable to City staff. The applicant shall provide the appropriate easements for this path.

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.

The applicant shall provide a pedestrian connection from SE 17<sup>th</sup> Court to the Chelatchie Rails With Trails trail meeting requirements of BGMC 12.116.070.

Per BGMC 12.116.080(B), traffic calming devices are required for all residential streets. The applicant is proposing to utilize a couple of traffic calming devices: bulbouts and chicanes. Both devices are incorporating stormwater bioretention cells.

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

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 the street.

The site will generate approximately 1,114 net new daily, 88 net new a.m. peak, and 117 net new p.m. trips. Per BGMC 12.116.175(C) a new traffic study is required when there is an increase of 10 new p.m. and a.m. peak trips. A traffic study was submitted with the subdivision application.

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

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

The applicant submitted two (2) road modifications:

1. To approve the use of cul-de-sacs.
2. Reduction in intersection spacing

Regarding the use of a cul-de-sac, BGMC Table 12.116.040E states "cul-de-sac...are not allowed, except when necessary for access management or protection of parks and natural resources." Within the narrative of the submittal packet, the applicant requested the approval of cul-de-sacs for several reasons including topographical, wetland protection, and existing physical conditions.

Adjacent to the proposed locations of cul-de-sacs steep slopes (greater than 45%), wetlands, and a railroad track are present. Given that natural resources will be protected and the arduous process to get an access break across railroad tracks, staff agrees with the applicant and approves the road modification for the use of cul-de-sacs. The cul-de-sacs shall have a 45-foot turn-around radius and comply with BGMC 12.116.070.

As for the reduction of intersection spacing, BGMC Table 12.116.040(B)(1) states that intersections shall be spaced apart from each at a minimum of 250-feet. The applicant is requesting that the proposed distance of 184-feet be accepted via a road modification. BGMC 12.116.290(A) lists four (4) criteria that need to be met in under for a road modification to be approved: topographical or physical conditions; consistent with sound engineering principles and is safe, practical, and efficient; consistent with intent and purpose of modification; and is consistent with the City's Comp Plan. The applicant's traffic engineer did provide documentation that justifies the proposed location of the intersection of SE 19<sup>th</sup> Avenue and NE 181<sup>st</sup> Street: the existing golf course clubhouse and parking lot limits how far west NE 19<sup>th</sup> Avenue can be located; analysis of the intersection of NE 152<sup>nd</sup> Avenue & NE 181<sup>st</sup> Street shows that the Level of Service (LOS) level is an "A" before and after development occurs, therefore the intersection should be seen as safe and efficient; and the road modification meets the intent of the modification and the City's Comp plan. However, staff has determined that NE 19<sup>th</sup> Avenue can be shifted an additional 30-feet to the west without having a detrimental impact to the golf course/club house. With this additional shift to the west, the back of sidewalk is approximately 30-feet away from the club house. Given the zoning of the parcel the minimum set back is 10-feet. The additional shift also provides additional parking on the east side of SE 19<sup>th</sup> Avenue. Even with the shifting of SE 19<sup>th</sup> Avenue proposed by staff the intersection spacing requirement is still not met. However, it is greater than the proposal by the applicant; 214-feet versus 184-feet. Therefore, staff does not approve the road modification as presented. The road modification will be approved if the intersection of SE 19<sup>th</sup> Avenue and NE 181<sup>st</sup> Street is moved west 30-feet.

Staff received comments from the following citizens regarding transportation:

1. Carl and Linda Hawker: concern regarding current condition of NE 15nd Avenue and increased traffic from proposed subdivision.
2. Christopher Neveux: existing infrastructure not designed to handle additional traffic.
3. Bob Endresen: concern regarding location proposed entrance to subdivision.
4. Homeowners in Cedars II, III, IV, and East: concern regarding congestion at the following intersections: SE 19<sup>th</sup> Avenue & NE 181<sup>st</sup> Street; NE 152<sup>nd</sup> Avenue & NE 181<sup>st</sup> Street; and NE 152<sup>nd</sup> Avenue & NE 159<sup>th</sup> Street.
5. Kevin Murray: concern regarding current condition of NE 152<sup>nd</sup> Avenue and increased traffic from proposed subdivision; egress from dead end road; proposed fire access gate location.
6. Stephen and Arlene Hee: inadequate traffic infrastructure.
7. Cathy Steiger: traffic routing solutions; street conditions; traffic control/study; ingress/egress easement.
8. Jeff Hansen: concern regarding increased traffic along NE 152<sup>nd</sup> Avenue; improvements to NE 152<sup>nd</sup>; secondary access road.
9. Mark Gawecki: concern regarding intersection spacing between SE 19<sup>th</sup> Avenue and NE

152<sup>nd</sup> Avenue.

10. Gary and Sandi Burgstahler; emergency access across railroad tracks/additional access to subdivision; vehicular speed; current condition of NE 152<sup>nd</sup> Avenue and its vehicle capacity.
11. Janet Hoppe; road modification for cul-de-sac at end of SE 17<sup>th</sup> Circle and lack of secondary access.
12. Karen Saba; relocating access onto NE 142<sup>nd</sup> Avenue rather than off NE 152<sup>nd</sup> Avenue.
13. Carol Opatrny; utility and their location; emergency access location.
14. Bert Sorio; Stop Sign at NE 152<sup>nd</sup> Avenue & NE 181<sup>st</sup> Street; second access location.
15. Kathy A. Dietrich; extension of NE 183<sup>rd</sup> Street.
16. Rob Pearson; secondary access point.

Responses to citizen comments:

1. Typically when a property is developed the streets that abut the property are improved to current standards. These improvements include sidewalks, landscape strips, curb/gutter, and a widened street. However, in the case of this development, there is a place of land not owned by the developer that is between the property being developed and NE 152<sup>nd</sup> Avenue. Therefore, the property does not directly abut the street and thus not required to make required improvements. Sometimes an offsite street is improved if it clearly does not meet increased traffic volumes. While NE 152<sup>nd</sup> Avenue does not have sidewalks, landscape strips, and curb/gutters, the asphalt width is sufficient for the increased vehicular traffic and the conditioned path improvements accommodate pedestrian and bicycle travel.
2. The developer's traffic engineer provided a traffic study that shows newly constructed and existing intersections, with and without mitigation improvements, will meet LOS standards. Additionally, the added average daily trips generated by the development will not cause a falling LOS grade along NE 152<sup>nd</sup> Avenue.
3. The developer submitted a road modification regarding the location of the main entrance into the subdivision; see above. Entrance to the golf course/club house will be at the existing western entrance; no proposal to create a driveway on SE 19<sup>th</sup> Avenue into the golf course/club house. The City cannot require a developer to create an entrance into the subdivision across property they do not own, i.e. in this case an entrance across the railroad tracks.
4. The developer's traffic engineer provided a traffic study that shows the intersections of concern meet LOS standards and requirements. However, the developer will be required to replace the existing Yield Sign with a Stop Sign and install a Stop Bar at the intersection of NE 152<sup>nd</sup> Avenue & NE 181<sup>st</sup> Street. See below for more information.
5. Regarding improvements to NE 152<sup>nd</sup> Avenue please see response #1 above. The developer is required to construct streets according to the City's standards; these will ensure that the street will handle the number of vehicle trips generated by the subdivision. The developer has removed the proposed emergency access across railroad tracks off of NE Cedars View Drive.
6. Any transportation infrastructure that is determined to be inadequate during the submittal and subsequent review process will be required to be improved to current City of Battle Ground standards.

7. The City cannot require the construction of any infrastructure on property not owned by the developer. Streets and their accessories are designed and constructed based on the classification of street per the City's Transportation System Plan. And depending upon the classification, some streets have on-street parking while others do not. The developer's traffic engineer provided a traffic study that shows the intersections of concern meet LOS standards and requirements. The applicant/developer does not need an easement for ingress/egress to the golf course/club house off SE 19<sup>th</sup> Avenue. An access on SE 19<sup>th</sup> Avenue to golf course/club house is not proposed.
8. The developer's traffic engineer provided a traffic study that shows newly constructed and existing intersections, with and without mitigation improvements, will meet LOS standards. Additionally, the added average daily trips generated by the development will not cause a falling LOS grade along NE 152<sup>nd</sup> Avenue. Regarding improvements to NE 152<sup>nd</sup> Avenue please see response #1 above. The City cannot require the construction of any infrastructure on property not owned by the developer.
9. The applicant submitted a road modification asking to have the intersection spacing between SE 19<sup>th</sup> Avenue and NE 152<sup>nd</sup> Avenue closer than City standards. See above for more information.
10. The developer has removed the proposed emergency access across railroad tracks off of NE Cedars View Drive. The City cannot require a developer to create an entrance into the subdivision across property they do not own. Additionally, the added average daily trips generated by the development will not cause a falling LOS grade along NE 152<sup>nd</sup> Avenue.
11. The road modification to allow the use of cul-de-sacs was submitted because by code, the City does not allow them except under certain circumstances. It was not for the purpose of creating a secondary access. The City cannot require a developer to create an entrance into the subdivision across property they do not own. Additionally, the developer has decided to remove the proposed emergency access across railroad tracks off of NE Cedars View Drive.
12. The City cannot require a developer to create an entrance into the subdivision across property they do not own. Additionally, the added average daily trips generated by the development will not cause a falling LOS grade along NE 152<sup>nd</sup> Avenue.
13. All utilities will be installed underground. The City cannot require a developer to create an entrance into the subdivision across property they do not own. Additionally, the developer has decided to remove the proposed emergency access across railroad tracks off of NE Cedars View Drive.
14. A Stop Sign is being required to be installed at the intersection of NE 152<sup>nd</sup> Avenue and NE 181<sup>st</sup> Street; see below for more information. The City cannot require a developer to create an entrance into the subdivision across property they do not own.
15. The extension of NE 183<sup>rd</sup> Street was a condition of the Cedars subdivision. The City cannot impose a condition from another agency from another subdivision onto the proposed subdivision.
16. The City cannot require a developer to create an entrance into the subdivision across property they do not own.

During an analysis spurred by a Battle Ground citizen concern, staff recommends that the existing Yield Sign at NE 152<sup>nd</sup> Avenue and NE 181<sup>st</sup> Street be changed to Stop Sign and a Stop Bar be installed at the location of Stop Sign. The analysis showed that northbound travel has obscured



vision in the northeast direction due to vegetation on private land adjacent to the intersection. Switching from Yield to Stop, two (2) traffic conflicts would be eliminated; northbound left with eastbound through and northbound left with westbound to southbound left. As the proposed development will generate more of these conflicts, it shall be the responsibility of the applicant to make this change.

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.

<b>12.118 Construction in Public Right-Of-Way</b>	<b>Compliance:</b> Conditional
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**Finding:** The proposed development will be doing construction type work with 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 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 shall be submitted to the City prior to the commencement of construction. 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.

Prior to the commencement of construction, a Certificate of Liability Insurance, with the required thresholds, shall be submitted per BGMC 12.118.120.

<b>12.120 Concurrency Management</b>	<b>Conclusion:</b> Conditional
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**Finding:** Per BGMC 12.120.050(B) and 12.120.050(C) the subject development is not exempt from Concurrency; it is generating more than the 10 p.m. peak hour trips the code cites as a threshold amount. The development will generate approximately 88 net new a.m. and 117 net new p.m. peak trips.

The traffic study showed two intersections that will operate below required Level Of Service (LOS) standards; NW 10<sup>th</sup> Avenue (SR 503) & SW Eaton Boulevard will operate at LOS E during the P.M. peak period and SW 20<sup>th</sup> Avenue & SW Eaton Boulevard will operate at LOS E during the A.M. and P.M. peak periods and additionally meets signal warrants. Mitigation measures include: the construction of a 100-foot eastbound right-turn lane and a second westbound left-turn lane for SR 503 & SW Eaton Boulevard; construction of northbound, southbound, and westbound left-turn lanes and traffic signal for SW 20<sup>th</sup> Avenue & SW Eaton Boulevard.

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 both 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 applicant’s traffic engineer provided a memo which showed the number of trips from proposed development compared to overall trips. The per trip cost is \$1,533.33 and \$2,291.40 for SR 503 & SW Eaton Boulevard and SW 20<sup>th</sup> Avenue & SW Eaton Boulevard, respectively. 32 trips are going to SR 503 & SW Eaton Boulevard and 22 trips to SW 20<sup>th</sup> Avenue & SW Eaton Boulevard. Thus, the mitigation fees are as follows: \$49,066.67 for SR 503 & SW Eaton Boulevard and \$50,410.71 for SW 20<sup>th</sup> Avenue & SW Eaton Boulevard.

The applicant will need to meet one of the above options prior to engineering approval in order to construct this project.

<b>2.</b>	<b>Title 13 WATER AND SEWER</b>
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<b>13.110/112 Water Service and Water Use Regulations</b>	<b>Compliance:</b> Conditional
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**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.

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

Staff received a comment from the following citizens regarding water:

1. Homeowners in Cedars II, III, IV, and East: concerns regarding water supply and pressure.

Responses to citizen comments:

1. The developer is responsible to meet all the requirements of Clark Public Utilities as they

are the purveyor for water is this area of Battle Ground.

**13.120 Sewer**

**Compliance:** Conditional

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

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

The applicant shall be required to install the following sanitary sewer gravity lines: PR-14 (30 and 24-inch), as applicable; the following sanitary sewer force main: FM4 (16-inch); and relocating/upgrading the following sanitary sewer pump station: PS#4 per the current General Sewer Plan. Sewer force main FM4 shall extend to the intersection of SE Grace Avenue and SE Eaton Boulevard where it will connect to an existing 14-inch force main. Additionally, FM4 shall also be installed from the intersection of SE Grace Avenue and SE Scotton Way and extend to the City's headworks facility. 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 other areas of the proposed subdivision shall be a minimum of 8-inches.

The applicant has provided a capacity analysis of the existing pump station in order to try and get approval to build some lots prior to building the infrastructure listed above. Per the analysis 54 lots could be served prior to constructing the new infrastructure. The premise is acceptable to the City, however there are some remaining questions on the analysis. One issue is the analysis did not take into the 13 lots approved with the Cedars Lots 1 & 8 (SUB: 01-14) project. Therefore, before making any other corrections there would only be capacity to construct 41 lots. The applicant will need to address other concerns about the analysis as part of engineering review. Provided those issues are addressed to the satisfaction of the City Engineer the developer may develop that number of lots or 41, whichever is less, prior to installing the infrastructure listed above also provided that they submit a performance surety covering the value of the infrastructure listed above.

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.

Staff received comments from the following citizens regarding sewer:

1. Stephen and Arlene Hee: lack of sewer capacity.
2. Jeff Hansen: impact to sewer system.
3. Carol Opatrny; impact to sewer system.

Responses to citizen comments:

1. The developer is responsible to construct the necessary infrastructure per the current City

of Battle Ground General Sewer Plan. With those improvements there is adequate capacity for this development.

2. The developer is responsible to construct the necessary infrastructure per the current City of Battle Ground General Sewer Plan.
3. The developer is responsible to construct the necessary infrastructure per the current City of Battle Ground General Sewer Plan. Newly added sewer infrastructure will not have a long term impact to lots of the original Cedars subdivision. There may be short term impacts, but those will be limited to construction activities associated with the connection of new system to the old system. Sewer fees (rates) are based on house/building/lot usage.

<b>13.110 Water Service and 13.112 Water Use Regulations</b>	<b>Compliance:</b> Conditional
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**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.

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

Staff received a comment from the following citizens regarding water:

2. Homeowners in Cedars II, III, IV, and East: concerns regarding water supply and pressure.

Responses to citizen comments:

2. The developer is responsible to meet all the requirements of Clark Public Utilities as they are the purveyor for water in this area of Battle Ground.

<b>3.</b>	<b>Title 15 BUILDING AND CONSTRUCTION/FIRE</b>
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The City of Battle Ground has adopted by reference the 2012 International Building Code (IBC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC), Washington State Energy Code (WSEC) and International Fire Code (IFC). These codes are adopted statewide as amended by the Washington State Building Code Council with additional amendments as noted in Title 15 of the Battle Ground Municipal Code. All building permit applications will be reviewed based on these codes. The applicant is not proposing to build any structures at this time, but the intent is to construct single-family detached dwelling units once platted. Building permits and all impact fees will be required for each structure to be built. Impact fees will be calculated and shall be paid at the time of permit issuance.

<b>15.105.090 Fire Apparatus Roads</b>	<b>Compliance:</b> Conditional
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**Finding:** All new roads will be required to be built to City standards and shall be designed to adequately support the weight and be sized to accommodate emergency vehicles as required by the International Fire Code and Clark County Fire and Rescue. A **condition** will require the private road listed as "Tract C" to be posted "No Parking- Fire Lane" on one side. The private roads listed as "Tract D" and "Tract F," shall be posted "No Parking- Fire Lane" on both sides. Signs shall be

designed in accordance with appendix D of the IFC.	
<b>15.105.100 Fire Hydrant Requirements</b>	<b>Compliance:</b> Conditional
<b>Finding: Conditions</b> will require fire hydrants to have a maximum lateral spacing of 700 feet with no lot or parcel being greater than 500 feet from a hydrant. Installation of these measures must occur prior to final plat approval. In addition, six-foot clear spaces should be maintained around the circumferences of all required fire hydrants. Further, evidence of adequate fire flow with a minimum gallon per minute flow of 1,000 gallons for a minimum duration of one hour must be submitted to the Planning Director prior to engineering acceptance. All other applicable requirements of Chapter 15.105 shall be met.	

<b>4.</b>	<b>Title 16 SUBDIVISIONS</b>
<b>16.125.010. Conformance to Comprehensive Plan</b>	<b>Compliance:</b> Yes
<b>Finding:</b> All aspects of the subdivision conform to the City’s Comprehensive Plan and Transportation standards.	
<b>16.125.020. Protective improvements required for topographical hazards</b>	<b>Compliance:</b> Conditional
<b>Finding:</b> Steep slopes have been identified and a Geotechnical Assessment has been submitted to address these areas, as reviewed under the Critical Areas Review portion of this staff report.	
<b>16.125.030. Continuation of existing streets</b>	<b>Compliance:</b> Yes
<b>Finding:</b> Streets are designed per City Transportation standards	
<b>16.125.040. Street jogs</b>	<b>Compliance:</b> Yes
<b>Finding:</b> All curves and street jogs comply with the City’s Transportation standards.	
<b>16.125.050. General street design requirements</b>	<b>Compliance:</b> Yes
<b>Finding:</b> Streets meet all applicable public and private street standards specified in Chapter <a href="#">12.116</a> BGMC.	
<b>16.125.060. Blocks</b>	<b>Compliance:</b> Yes
<b>Finding:</b> Block standards are met.	
<b>16.125.070. Lot access requirements and restrictions</b>	<b>Compliance:</b> Yes
<b>Finding:</b> All lots have frontage on either a public or private street and satisfy the minimum 30 foot standard for frontage.	
<b>16.125.080. Lot line angles</b>	<b>Compliance:</b> Yes
<b>Finding:</b> Lot line angles are satisfied.	
<b>16.125.090. Lot size and width requirements</b>	<b>Compliance:</b> Yes
<b>Finding:</b> As referenced in 17.106-2 Dimensional and Density Standards, the minimum average lot area in the R3 district is 10,500 square feet. If density transfer provisions are used, which they are, the average lot size may be reduced to 8,000 square feet. No single lot can be smaller than 6,300 square feet. The smallest lot is 6,500 square feet and the average lot size is 8,017 square feet, thereby meeting the standard.	
<b>16.125.100. Double and reverse frontage lots</b>	<b>Compliance:</b> Yes
<b>Finding:</b> There are no proposed double or reverse frontage lots.	
<b>16.125.110 Flag lots</b>	<b>Compliance:</b> Yes
<b>Finding:</b> The proposed flag lot (Lot 46) is acceptable based on practicality, as authorized by code.	
<b>16.125.120. Easements</b>	<b>Compliance:</b> Conditional
<b>Finding:</b> All necessary easements will be conditioned as part of the final plat.	
<b>16.130.10. Underground utility installation.</b>	<b>Compliance:</b> Conditional

**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 has not provided any preliminary street lighting plan. Per BGMC 16.130.035 engineering plans shall be prepared by a licensed electrical engineer or Clark Public Utilities and shall show the necessary minimum lighting levels. A street lighting 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. A condition to this effect is warranted and should be provided.

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

<b>16.130.020 Transportation improvement standards.</b>	<b>Compliance:</b> Conditional
<b>Finding:</b> All transportation improvements in this project will be constructed per City standards as	

<b>conditioned.</b>	
<b>16.130.030. Water and sanitary sewer systems.</b>	<b>Compliance: Conditional</b>
<p><b>Finding:</b> 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:</p> <ul style="list-style-type: none"> <li>• Showing that the water design meets the requirements of Clark Public Utilities and gets approval from them for the water distribution system.</li> <li>• Water lines shall be extended to the extreme property lines of the subdivision.</li> <li>• Fire hydrant requirements shall be per City of Battle Ground standards and criteria.</li> <li>• 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.</li> <li>• Showing sanitary sewer infrastructure as conditioned previously in this staff report.</li> </ul>	
<b>16.130.035. Streetlights and related facilities</b>	<b>Compliance: Conditional</b>
<p><b>Finding:</b> The applicant has not provided any preliminary street lighting plan. Per BGMC 16.130.035 engineering plans shall be prepared by a licensed electrical engineer or Clark Public Utilities and shall show the necessary minimum lighting levels. A street lighting shall be included with the engineering plans to be approved by the City.</p>	
<b>16.130.040. Permanent control monuments</b>	<b>Compliance: Conditional</b>
<p><b>Finding:</b> All permanent control monuments shall be set as conditioned.</p>	
<b>16.130.050. Building construction prior to improvement completion</b>	<b>Compliance: N/A</b>
<p><b>Finding:</b> This provision is not applicable for review.</p>	
<b>16.130.060. Transportation and related improvements dedication</b>	<b>Compliance: Yes</b>
<p><b>Finding:</b> 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.</p>	
<b>16.130.070 Special public use dedications and reservations.</b>	<b>Compliance: Conditional</b>
<p><b>Finding:</b> 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</p>	

<b>5.</b>	<b>Title 17 ZONING</b>					
<b>17.106-2 Dimensional and Density Standards</b>						<b>Compliance: Conditional</b>

**Table 17.106-2, Residential Lot Development Standards**

		<b>R3</b>	<b>R5</b>	<b>R7</b>	<b>R10</b>	<b>R12</b>	<b>R16</b>	<b>R20</b>
Minimum average lot area (square feet)		10,500	6,300	4,500	N/A	N/A	N/A	N/A
Minimum average lot area for density transfer (square feet)		8,000	4,600	3,300	N/A	N/A	N/A	N/A
Minimum lot area (square feet)		6,300	4,000	3,000	2,000	2,000	2,000	2,000
Maximum density (units per gross acre)		3	5	7	10	12	16	20
Minimum density (units per net acre) <sup>1</sup>		N/A	N/A	N/A	5	6	8	10
Minimum lot frontage (feet)		30	25 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	16 <sup>2</sup>	16 <sup>2</sup>	16
Minimum setbacks (feet)	Residence front yard <sup>3</sup>	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 3'
	Garage (minimum) <sup>4</sup>	20	20	20	20	20	20	20
	Side yard <sup>5</sup>	5	5	5	5	5	5	5
	Street side yard	10	10	10	10	10	10	10
	Rear yard <sup>4</sup>	20 <sup>8</sup>	20 <sup>8</sup>	10	10	10	10	10
Minimum distance between principal buildings (feet)		20	14	10	10	10	10	10
Maximum lot coverage (%)		35	40	45	50	60	70	80
Maximum height (feet)		35	35	35	35	45	45	45
Front yard landscape strip (feet)		N/A	N/A	N/A	N/A	10 <sup>7</sup>	10 <sup>7</sup>	3 <sup>7</sup>
Side yard landscape strip (feet)		N/A	N/A	N/A	N/A	5	5	5
Minimum landscaped open space (%)		N/A	N/A	N/A	20 <sup>6</sup>	20 <sup>6</sup>	20 <sup>6</sup>	20 <sup>6</sup>

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 For townhouse or single-family detached development, the minimum landscaped area shall apply to the project as a whole and each individual lot.
- 7 If parking is placed adjacent to the public right-of-way or front yard, then a minimum landscaping buffer of fifteen feet will be required.
- 8 A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to ten feet.

**Finding:** Dimensional requirements within the residential districts shall be in accordance with Table 17.106-2. The maximum density for the underlying zoning district is 3 units per gross acre. As proposed, the density is 2.99 units per acre (117 units), thereby meeting the density requirements. Table 17.106-2 also contains a minimum lot size requirement of 6,300 square feet and an average minimum of 8,000 square feet (applying density transfer provisions). The smallest lot proposed lot is 6,500 square feet.

A number of area residents complained about the small size of the lots, however all lots meet the minimum lot width, and dimensional requirements of the R3 district. The process to increase lot sizes would need to occur through a legislative action with the City Council, rather than this process. Neither staff nor the Hearing Examiner can change the zoning standards as part of this decision.

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 a note on the final plat requiring that all new structures shall conform to the setbacks and building heights of the R3 zoning district.

<b>17.106.040 Neighborhood Design standards</b>	<b>Compliance:</b> Conditional
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**Finding:** This project is surrounded by City R3 zoning. County R-5 zoning occurs to the south and west. Immediately abutting the project is the Clark County Railroad to the east, an extensive wetland network and stream to the west, and the golf course to the west and north. All perimeter lots abutting this area satisfy the 25% lot size differential.

In respect to the Architectural Variety requirements of this section, a **condition** will require that all houses to be built will comply with the requirements of BGMC 17.106.040.

<b>17.128 Park and Open Space</b>	<b>Compliance:</b> Yes
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**Finding:** The purpose of this chapter is to assure implementation of the comprehensive parks and open space plan in new development. Based on the applicability criteria contained in 17.128.010, this project is not required to reserve park space. This area is listed as "Special Study Area 1." Park Impact fees will be collected at the time of building permit issuance on the lots.

The Applicant is proposing a total of 10.98 acres of open space. Open space will be used for preservation of critical lands, landscaping, and stormwater management.

<b>6.</b>	<b>Title 18 ENVIRONMENTAL AND SEPA</b>
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<b>18.100-185 SEPA Categorical Exemptions and Threshold Determinations</b>	<b>Compliance:</b> Yes
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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. Follow all recommendations in the *Archaeological Survey of the Cedars Village Project Area*, dated July 22, 2014.
2. If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation, and the City of Battle Ground shall be contacted immediately.
3. Compliance with the recommendations in the Department of Archaeology and Historic Preservation July 28, 2014 letter. This includes compliance with applicable state laws and any identified archaeology sites, and that a Historic Inventory Form to be prepared for the 1915 house and barn prior to demolition.
4. All construction shall follow City noise standards.
5. The applicant shall, prior to the site disturbing activity, install silt fence, and any other necessary erosion control measures.
6. The applicant shall get approval from CPU prior to approval from the City of Battle Ground.
7. Sanitary sewer improvements shall be per the current General Sewer Plan or future modifications to the General Sewer Plan that will define service to this area of Battle Ground.

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

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.

Ms. Janet Hoppe commented on the SEPA, asking who monitors or reports if archeology is reported or found on site. The applicant, the City development inspector, and State Department of Archeology would all be involved in assuring archeology laws are complied with if reported or found on site.

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

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

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

2. Redevelopment projects that add or replace five thousand square feet or more of impervious surfaces shall comply with Minimum Requirements Nos. 1 through 9 as specified in BGMC 18.250.050;
3. Projects that create more than two thousand five hundred square feet of impervious surface or divide urban single-family residential land that the director determines creates the reasonable potential for more than two thousand five hundred square feet of additional impervious surface shall comply with Minimum Requirements Nos. 1 through 5 as specified in BGMC 18.250.050 and the small project requirements for water quality treatment and quantity control as specified in BGMC 18.250.140 and 18.250.210;
4. Projects that create or add two thousand square feet or greater of new, replaced, or new plus replaced impervious surface area shall comply with Minimum Requirements Nos. 1 through 5 as specified in BGMC 18.250.050;
5. Projects that add more than one thousand square feet of new impervious surfaces, other than buildings, that require oil/water separators as specified in BGMC 18.250.160 shall comply with Minimum Requirements Nos. 1 through 5 as specified in BGMC 18.250.050 and the small project requirements for water quality treatment and quantity control as specified in BGMC 18.250.140 and 18.250.210;
6. Projects that are part of a larger common plan of development or sale that will disturb one acre or more, that individually disturb seven thousand square feet or more, shall comply with Minimum Requirements Nos. 1 through 5 as specified in BGMC 18.250.050.

The proposed project meets the requirements of 18.250.020(A) and therefore requires stormwater control and drainage per applicable standards specified in BGMC 18.250. The applicant shall submit engineering plans and a hydrology report that addresses the requirements of 18.250.600 and 18.250.610.

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. However, the submitted preliminary hydrology report uses calibrated Clark County values that have since been updated. At the time of engineering submittal the applicant shall submit engineering plans which use the updated approved Clark County values. All developed areas shall be accounted for in the hydrology model.

Generally stormwater facilities built for single-family residential subdivisions are publicly owned and maintained. However, for this project, the applicant has stated that the facility will be privately owned and maintained.

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

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

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

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.

The applicant is required to provide erosion control as determined through the engineering review process. The applicant shall submit engineering plans showing grading and erosion control that will occur on site. The plans will provide for erosion control around delineated wetland boundaries, if applicable, which shall be flagged prior to construction.

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

Staff received comments from the following citizens regarding stormwater:

1. Stephen and Arlene Hee: lack of stormwater capacity.
2. Cathy Steiger: several concerns regarding stormwater.

Responses to citizen comments:

1. The developer is responsible to construct the necessary infrastructure to meet the requirements of BGMC 18.250.
2. The developer is responsible to meet City of Battle Ground and Department of Ecology requirements.

**Conclusion:** As conditioned, this section can be met.

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

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

The contractor will be required to provide evidence that an individual on-site has successfully completed formal training in erosion and sediment control by a recognized organization

acceptable to the City per BGMC 18.255.100. This must be submitted prior to construction.

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

**18.270 Wetlands**

**Compliance:** Conditional

**Findings:** An updated *Wetland Delineation and Assessment (March 16, 2016)* and *Preliminary Wetland Mitigation Plan (March 21, 2016)* have been prepared by The Resource Company. This March 16, 2016 update was done to comply with the Washington State Department of Ecology’s updated rating system for western Washington. Wetlands will be impacted by this project however, will be mitigated as authorized by the City’s code to achieve no net loss of wetland functions and values. A total of 6 Category II and III wetland areas have been identified throughout the site, labeled as Wetlands A through F. Buffers range from 80 feet to 150 feet as identified in the Delineation.

The report describes the efforts to avoid and minimize wetlands, and measures that are proposed to mitigate the impacts. The impacts to the wetland include a combination of directly filling some wetlands (13,101 square feet), and indirectly impacting wetlands via a reduction of a buffer.

A **condition** will require the applicant to adhere to the findings in the *Wetland Delineation and Assessment* and *Preliminary Wetland Mitigation Plan*, prepared by the Resource Company.

A **condition** will require coordination with the State Department of Ecology and Army Corps of Engineers for the proposed impacts and to submit a final mitigation plan.

Staff received comments from Janet Hoppe regarding wetlands:

1. Janet Hoppe, questioned how in one instance in the wetland report it states wetlands are not being filled, and in another, it is stated 13,000 square feet are proposed to be filled.

Staff response: The report distinguishes between actual fill “direct impact” (13,101 square feet in Wetlands B, and F), and what is termed “indirect wetland impacts,” which is where buffers will either be eliminated or reduced. In cases of indirect impacts, the affected wetlands are not being filled, but they are proposing to eliminate or reduce a buffer to allow the development area to encroach closer to the wetland that would otherwise be protected by a buffer. In cases where this occurs, mitigation is required.

Ms. Hoppe asks why the municipal code does not address mitigation ratios for indirect wetland impacts?

Staff Response: The City of Battle Ground and consults with the State Department of Ecology on this matter, since they are the final approving agency on mitigation plan. Currently, Ecology’s ratios are recommended at one-half of those for direct impacts.

Ms. Hoppe asks about the City’s list of approved sources of fill?

Staff Response: The City does not have a list of approved sources of fill. Any fill will be required to meet applicable state law and any structural specifications as recommended in the geotechnical report.

Ms. Hoppe asks at what point does the preliminary plan become an actionable plan?

Staff Response: The preliminary plan is valid for 5 years. The applicant must, during this time, submit civil engineering construction plans followed by a final plat, which finalizes the subdivision.

<b>18.260.180 Critical Area Tracts</b>	<b>Compliance: Yes</b>
This section requires that wetlands and buffer areas over 5,000 square feet shall be included in Critical Area Tracts. The preliminary plat indicates this will occur.	
<b>18.270.050 Buffer Demarcation</b>	<b>Compliance: Conditional</b>
This section outlines the standard requirements for permanent marking of a buffer area. Specifically, a permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. A <b>condition</b> will require compliance with this section.	
<b>18.270.070 Buffer modifications &amp; 18.270.080 Buffer Averaging</b>	<b>Compliance: Yes</b>
The applicant will be applying the buffer modification and averaging provisions in this section. The proposal is in compliance with these sections.	
<b>18.280 Fish and Wildlife Habitat Conservation Areas</b>	<b>Compliance: Yes</b>
The Resource Company submitted a <i>Fish and Wildlife Habitat Conservation Area Assessment</i> dated February 14, 2014. The report assessed the following items on the site:	
<ol style="list-style-type: none"> <li>1. Local Important Habitat</li> <li>2. Locally Significant Waterfowl or Shorebirds</li> <li>3. Riparian Habitat</li> <li>4. Priority Habitats – Salmon Creek, East Fork, of the Lewis River</li> <li>5. Critical Habitat for Federally Threatened and Endangered Fish &amp; Wildlife Species</li> <li>6. Oregon White Oak</li> </ol>	
A Type F stream is identified along the southern edge of the study area and flows north near the center of the site. The Type F stream which is mapped as a tributary to Salmon Creek has been impounded in two areas and piped across portions of the golf course. The stream and the impoundments have a riparian buffer of 50 feet based on BGMC 18.280.050.	
Salmon Creek is identified in the study area, and is classified as a Type S stream with a 250 foot buffer; however no development will occur near this area.	
<b>18.290 Critical Aquifer Recharge Areas</b>	<b>Compliance: N/A</b>
This project and the proposed development area are not located within a Critical Aquifer Recharge Category I Area. As such, this section is not applicable.	
<b>18.300 Geological Hazardous Areas</b>	<b>Compliance: Yes</b>

This section applies to areas proposed for development within 100 feet of geologic hazardous areas. Geologic hazardous areas include steep slope hazard areas, landslide hazard areas, and seismic hazard areas. The site contains slope areas upwards of 40% based on the submitted Geotechnical Site Investigation, dated July 22, 2014, prepared by Columbia West Engineering, Inc. Steep slope hazard areas include areas that exceed 40% slopes.

The report identified steep slopes along portions of the south western area of the subdivision (Lots 24 to 36). The subdivision is designed to avoid this area, and a 20 foot setback is recommended from the top of the ravine slope.

A **condition** will require compliance with all recommendations of the Geotechnical Site Investigation, prepared by Columbia West Engineering, Inc. during all stages of design and construction.

A **condition** will require a 20 foot setback to be identified on the final plat for all lots abutting steep slopes along the western portion of the project as described in Section 5.1.1 and illustrated in Figure 2 of Geotechnical Site Investigation, prepared by Columbia West Engineering, Inc.

<b>18.310 Frequently Flooded Areas</b>	<b>Compliance:</b> Yes
No flood plain or floodway areas are near the proposed development area.	

**7. SYSTEM DEVELOPMENT CHARGES, IMPACT FEES, CREDITS**

**Finding:** FM4 and PS#4 are Sanitary Sewer System Development Charge credit eligible projects. The General Sewer Plan states that the force main project, FM4, is estimated to cost \$1,870,000.00 and the pump station, PS#4, is estimated at \$900,000.00. Approximately 17.8% of FM4 was installed as part of the City’s SE Grace Avenue project. If this project constructs the remaining amount of the force main project then, \$1,537,140 is the maximum available as SDC credits. If this project constructs 100% of the pump station project then, \$900,000.00 is the maximum available as SDC credits. If the General Sewer Plan is updated and the Applicant chooses to build those improvements then the costs in the updated General Sewer Plan will be used to determine available credits. The applicant will need to provide all receipts and all other information prior to receiving any credits.

Project #118 of the 2015 Transportation System Plan (TSP) is a section of the Chelatchie Rails With Trails Trail. This section is 3,010-feet long and goes from NE 181<sup>st</sup> Street to South UGB Limits. Being in the TSP makes it a credit eligible project. The applicant is constructing approximately 2,600-feet of a shared path within the subdivision; which is approximately 86.4% of project #118’s total length. As such, the work associated with the shared is credit eligible. The TSP estimates the trail to cost \$1,591,700.00. The maximum credit available for doing the shared path would \$1,375,228.80.

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

Impact fees will be calculated at the time of building permit issuance. The proposed project is for detached single-family dwelling units, thus single-family impact fees will be applicable. For example, the current impact fees are as follows:

- School Impact Fees: \$6,398 / single family unit
- Traffic Impact Fee: \$2,918.85 / single family unit
- Parks Impact Fee: \$2,840.00 / single family unit
- Fire Impact Fee: \$145.00 / single family unit

In addition the following system development charges will also be required at building permit issuance:

- Water connection Fee per CPU requirements
- Sewer connection and SDC Fee: \$8,855.00 / ERU
- Stormwater system development charge: \$379.00 / ERU

Please note that the above calculations are based on current fees and the narrative submitted with the site plan application. Actual fees will be based off of the fee schedule in effect at the time of building permit issuance.

## 8. PUBLIC AND AGENCY COMMENTS

*Exhibit 11 - Letter from Department of Archaeology & Historic Preservation dated July 28, 2014*

A **condition** will require compliance with the recommendations cited in Archaeology's July 28, 2014 letter. This includes compliance with applicable state laws and any identified archaeology sites, and that a Historic Inventory Form to be prepared for the 1915 house and barn prior to demolition or relocation.

*Exhibit 12 - Letter from Battle Ground Public Schools dated April 21, 2015*

This letter assesses the impacts to area schools from this project. Impact fees are the suggested mitigation. School Impact fees will be collected at the time of building permit issuance, as **conditioned**.

*Exhibit 13 - Letter from State of Washington Department of Ecology dated April 29, 2015*

The letter discusses wetland mitigation, water quality, erosion control, and solid waste handling. A **condition** will require the applicant to comply with the State Department of Ecology (ECY) and the Army Corps of Engineers as it relates wetland impacts and mitigation.

*Exhibit 14 - Email from Carl and Linda Hawker dated April 22, 2015*

This letter raises concerns regarding the additional traffic and the negative results from increased trips.

*Exhibit 15 - Email from Keith Mathison dated April 23, 2015*

This letter raises a number concerns about Battle Ground development in general that falls outside the scope of this project. The concern related to this project is the smaller lots that seem out of character with the surrounding area.

*Exhibit 16 - Email from Christopher Neveux dated April 25, 2015*

This letter questions whether the existing civil infrastructure and services can handle this new development, together with the other proposed development in the area.



*Exhibit 17 - Email from Bob Endresen dated April 26, 2015*

This letter raised concerns about the small lot sizes, the location of the entrance of the subdivision, and the need for a left-turn lane on NE 152<sup>nd</sup> Ave.

*Exhibit 18 - Letter from homeowners in Cedars II, III, IV and East dated April 26, 2015*

Several homeowners in the area signed a letter that raises specific concerns regarding fire emergency, safety, traffic, water, air quality, and schools.

*Exhibit 19 - Email from Kevin Murray dated April 28, 2015*

This letter raises concerns about the increase in traffic, only one entry point, the need for increased police service, fire access, and safety.

*Exhibit 20 - Email from Stephen and Arlene Hee dated April 28, 2015*

This letter states the additional impacts from traffic, stormwater, and sewer, would have negative impacts on the currently strained systems.

*Exhibit 21 - Letter from Cathy Steiger dated April 28, 2015*

This letter raises concerns regarding the increase traffic and existing infrastructure, archaeology, habitat, stormwater, animals, and emergency services.

*Exhibit 22 - Email from Robert and Kim Evans dated April 28, 2015*

This letter is opposed to eliminating the driving range and proposing a high density development that is out of character with the area.

*Exhibit 23 - Email from Jeff Hansen dated April 28, 2015*

This letter raises concerns about the ability for this area to handle sewer and the inadequate streets for the proposed new traffic.

*Exhibit 24 - Email from Mark Gawecki dated April 29, 2015*

This letter raises concerns about traffic and the proximity the entrance to the nearby intersection as well as construction noise and the accuracy of SEPA checklist.

*Exhibit 25 - Email from Gary and Sandi Burgstahler dated April 29, 2015*

This letter raises concerns about traffic, in particular, the poor condition of the 152<sup>nd</sup> Ave, a traffic accident, and the need for secondary access into the subdivision.

*Exhibit 26 - Email from Gale and Donna Power dated May 18, 2015 (after comment period)*

This letter was received after the comment deadline, but nonetheless is submitted into the record for the Hearing Examiner to consider.

*(Exhibit 27 – Exhibit List dated July 8, 2015)*

*Exhibit 28 - Email from Chris Moore dated September 22, 2014*

In this email correspondence, Mr. Moore indicated interest in relocating the barn rather than having it demolished. Staff has forwarded this correspondence to the applicant.

*Exhibit 29 - Email from Janet Hoppe dated April 29, 2015*

This letter references traffic, access, wetland, and archeology concerns. Staff responses to this letter are referenced under the traffic and wetland sections of the staff report.

*Exhibit 30 - Email from Karen Saba dated April 29, 2015*

This letter raises traffic and access concerns.

*Exhibit 31 - Email from Carol Opatrny dated April 29, 2015*

This letter outlines concerns related to transportation, sewer, utilities, and environmental concerns. A staff response to this letter is in Exhibit 35. Staff's response to traffic is under the transportation section in the staff report.

*Exhibit 32 - Email from Bert Sorio dated April 29, 2015*

This letter raises traffic and access concerns.

*Exhibit 33 - Email from Kathy Dietrich dated April 30, 2015*

This letter raises traffic and access concerns.

*Exhibit 34 - Email from Rob Pearson dated April 30, 2015*

This letter raises traffic and access concerns.

Exhibit 35 – Staff response to comments from *Carol Opatrny (Exhibit 31)*.

### III. RECOMMENDATION

Staff recommends **approval** of the Cedars Village Preliminary Subdivision, Road Modifications, SEPA Review, and Critical Areas Review. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

#### CONDITIONS OF APPROVAL

##### A. Prior to Engineering Plan Approval:

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

- a. Showing full width improvements to SE 17<sup>th</sup> Avenue, SE 19<sup>th</sup> Avenue, SE 40<sup>th</sup> Street, SE 43<sup>rd</sup> Way, and SE 17<sup>th</sup> Court to Neighborhood Collector standards, including sidewalk, planter strip, curb & gutter, and asphalt.
- b. Showing full width improvements to SE 18<sup>th</sup> Avenue and SE 42<sup>nd</sup> Street to Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt.
- c. Showing full width improvements to SE 44<sup>th</sup> Circle built to Local "A" standards, including sidewalk, planter strip, curb & gutter, and asphalt in order to meet cross circulation requirements of BGMC 12.116.200.
- d. Showing a shared path within the subdivision from southern end of SE 17<sup>th</sup> Court to Lot 54 along SE 17<sup>th</sup> Court, SE 43<sup>rd</sup> Way, and SE 19<sup>th</sup> Avenue.
- e. Showing a shared path along the eastern edge of the property that meets the design requirements of the Chelatchie Rails with Trails project.
- f. Showing a pedestrian connection meeting requirements of BGMC 12.116.070 from the terminus of SE 17<sup>th</sup> Court to the Chelatchie Rails with Trails trail.
- g. Containing a combined landscaping and driveway plan.
- h. Showing sight distance triangles.
- i. Containing a signing and striping plan.
- j. Containing a street lighting plan.
- k. Showing private street signs at intersections of public and private streets. Signs shall meet the requirements of the current MUTCD.
- l. Showing traffic calming devices on all public streets.
- m. Showing SE 43<sup>rd</sup> Circle (Tract "C") and SE 44<sup>th</sup> Circle (Tract "D") meeting the applicable private street requirements in BGMC 12.116.140 based on 5-8 lots/units.
- n. Showing Tract "F" meeting applicable private street requirements in BGMC 12.116.140 based on 3-4 lots/units.
- o. Showing SE 45<sup>th</sup> Circle meeting the applicable private street requirements in BGMC 12.116.140 based on 5-8 lots/units.
- p. Showing driveways that meet the requirements of BGMC 12.116.243.
- q. Showing the Yield Sign at NE 152<sup>nd</sup> Avenue and NE 181<sup>st</sup> Street changed to a Stop Sign and the installation of a Stop Bar at same location.

- r. Showing PR-14 gravity sewer line to the new Cedar's pump station (PS#4) as shown in the General Sewer Plan.
  - s. Showing each residential lot having its own individual water service.
  - t. Showing the relocated PS-4 pump station.
  - u. Showing FM #4 sewer force main from the new pump station to intersection of SE Grace Avenue and SE Eaton Boulevard and from intersection of SE Grace Avenue and SE Scotton Way to the City's headworks.
  - v. Showing minimum size sewer easement over sewer mainlines not located in public right-of-way.
  - w. Showing FM16 sewer force main (14-inch) from PS-T16 to intersection of SE Grace Avenue and SE Eaton Boulevard and from intersection of SE Grace Avenue and SE Scotton Way to the City's headworks.
  - x. Showing minimum 20-foot sewer easement over sewer mainlines not located in public right-of-way.
  - y. Showing each residential lot having its own sanitary lateral.
  - z. Showing fire hydrants meeting spacing requirements throughout the subdivision.
  - aa. Showing a stormwater facility which meets the requirements of BGMC 18.250.
  - bb. Showing grading and erosion control in conformance with applicable city standards and standard construction details.
3. Meet one of the options (in the body of the Staff Report) in regards to mitigation measures for traffic impacts at SR 503 & SW Eaton Boulevard and SW 20<sup>th</sup> Avenue & SW Eaton Boulevard.
  4. At the applicant's discretion, submit a revised pump station capacity analysis to determine how many lots can be built using the existing pump station and if used provide a performance bond for the costs of PR-14, PS #4, and FM #4.
  5. Submit a hydrology report that addresses all requirements found in BGMC 18.250 meets the approved Department of Ecology soil criteria.
  6. Submit proof of engineering plan approval by Clark Public Utilities for the water improvements.
  7. Submit a construction cost estimate for required public and applicable private

improvements for review and approval by the City Engineering Department.

8. Following the City Engineer's acceptance and approval of the construction cost estimate, pay the required engineering plan review and construction inspection fee which is two (2) percent of the estimated costs of construction minus the \$500.00 due at engineering plan submittal.

**B. Prior to Final Plat Approval:**

1. Construct all required public improvements and gain engineering acceptance or provide appropriate bonding.
2. Construct or pay proportionate share of traffic mitigations as required per revised traffic study.
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 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. That shows the dedication of land for the shared path along the eastern property.
  - j. Showing separate tracts for wetland areas and associated buffers.
  - k. With a note: "All new structures shall conform to the setbacks and building heights of the R3 zoning district."
  - l. With a note: "All houses shall conform to the neighborhood design standards as listed in BGMC 17.106.040."

- m. With a note: "Building permits and impact fees will be calculated and shall be paid at the time of permit issuance."
  - n. Show a 20 foot setback for all lots abutting steep slopes along the western portion of the project (Lots 24 to 36) as described in Section 5.1.1 and illustrated in Figure 2 of Geotechnical Site Investigation, prepared by Columbia West Engineering, Inc.
- 4. Provide certification that private streets were built per BGMC 12.116.140.
  - 5. Submit a private maintenance agreement for private streets.
  - 6. Submit recorded sewer easement after being reviewed by City Engineering Staff
  - 7. Submit a two-year stormwater maintenance contract for review and/or approval.

**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 letter shall be provided by the applicant showing that fire flow requirements per BGMC 15.105.180 and 15.105.190 can be met.
- 3. Submit to the City of Battle Ground a two-year/20-percent maintenance bond for all completed and accepted public improvements.
- 4. Submit to the City of Battle Ground a recorded Stormwater Facility Maintenance Covenant meeting requirements of BGMC 18.250.310(B)(2) for review and/or approval.
- 5. Submit to the City of Battle Ground a Stormwater Access and Inspection Covenant for review and/or approval
- 6. Submit complete sets of as-built drawings for all required public improvements for streets and roads, stormwater drainage and control, sanitary sewer and water services, as applicable prior to the issuance of the occupancy permit for review and approval by the Engineering Department. Upon acceptance by the Engineering Department, submit prior to the issuance of the occupancy permit, one (1) Mylar set, one (1) full size paper set, two (2) 11x17 paper sets of As-Built record drawings and one (1) 3.5-inch disk (s) or compact disc version of the as-built drawings in AutoCAD and PDF formats.

**D. Prior to any Ground Disturbance:**

- 1. Coordinate with the State Department of Ecology and Army Corps of Engineers on wetland permitting and review, and a final wetland mitigation plan.
- 2. Comply with the Wetland Delineation and Assessment and Wetland Mitigation prepared by The Resource Company Plan.

3. Comply with the recommendations of the Geological Hazardous report prepared by Columbia West Engineering.
4. All buffer reductions/averaging shall comply with the applicable sections of BGMC 18.270.070 and 18.270.080.
5. Comply with the recommendations cited in the State Department of Archaeology's July 28, 2014 letter. This includes compliance with applicable state laws and any identified archaeology sites. Complete a Historic Inventory Form for the 1915 house and barn prior to demolition or relocation.
6. Follow all recommendations in the *Archaeological Survey of the Cedars Village Project Area*, dated July 22, 2014.
7. 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.
8. Comply with all recommendations of the Geotechnical Site Investigation, prepared by Columbia West Engineering, Inc. during all stages of design and construction.

**E. Prior to Construction:**

1. Receive signed and approved engineering plans from the City of Battle Ground.
2. Submit a surety bond meeting the requirements of BGMC 12.118.110.
3. Submit a Certificate of Liability Insurance meeting the requirements of BGMC 12.118.120.
4. Erect and conduct erosion control measures consistent with the approved Erosion Control Plan and City of Battle Ground erosion control standards.
5. 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.
6. 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.

**F. 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.

**G. Prior to Building Permit Occupancy:**

1. Install permanent physical demarcation between any abutting houses and wetland and habitat buffers per 18.270.050.
2. The private road listed as "Tract C" shall be posted "No Parking- Fire Lane" on one side. The private road listed as "Tract D" and "Tract F," shall be posted "No Parking- Fire Lane" on both sides.
3. All required fees, including Transportation, Park and School Impact fees shall be paid.

**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 1<sup>st</sup> Street, Suite 127, Battle Ground, WA, 98604.

<b>EXHIBIT #</b>	<b>DESCRIPTION</b>
A	Staff Report and Recommendation for Cedars Village dated June 1, 2016
1	Subdivision, Critical Area Report Review, SEPA Review Development Application
2	Applicant Narrative
3	Reduced Development Plans
4	SEPA Checklist
5	Notice of Application and Likely SEPA DNS dated April 8, 2015
6	Wetland Delineation and Assessment dated February 2, 2014
7	Preliminary Wetland Mitigation Plan dated June 11, 2014
8	Fish and Wildlife Habitat Conservation Areas Assessment dated February 14, 2014
9	Preliminary Hydrology Report dated February 7, 2015
10	Traffic Impact Study dated February 26, 2015
11	Letter from Department of Archaeology & Historic Preservation dated July 28, 2014
12	Letter from Battle Ground Public Schools dated April 21, 2015
13	Letter from State of Washington Department of Ecology dated April 29, 2015
14	Email from Carl and Linda Hawker dated April 22, 2015
15	Email from Keith Mathison dated April 23, 2015
16	Email from Christopher Neveux dated April 25, 2015
17	Email from Bob Endresen dated April 26, 2015
18	Letter from Homeowners in Cedars II, III, IV and East dated April 26, 2015
19	Email from Kevin Murray dated April 28, 2015
20	Email from Stephen and Arlene Hee dated April 28, 2015
21	Letter from Cathy Steiger dated April 28, 2015



22	Email from Robert and Kim Evans dated April 28, 2015
23	Email from Jeff Hansen dated April 28, 2015
24	Email from Mark Gawecki dated April 29, 2015
25	Email from Gary and Sandi Burgstahler dated April 29, 2015
26	Email from Gale and Donna Power dated May 18, 2015 (after comment period)
27	Exhibit List dated July 8, 2015
28	Email from Chris Moore dated September 22, 2014
29	Email from Janet Hoppe dated April 29, 2015
30	Email from Karen Saba dated April 29, 2015
31	Email from Carol Opatrny dated April 29, 2015
32	Email from Bert Sorio dated April 29, 2015
33	Email from Kathy Dietrich dated April 30, 2015
34	Email from Rob Pearson dated April 30, 2015
35	Memorandum to Joe Turner dated July 22, 2015
36	Email from Dave Hurt dated August 12, 2015
The below Exhibits were received on April 22, 2016 taking the project off hold	
37	Supplemental Narrative
38	Memorandum – Pro-rata Share Contribution Methodology from Hann Lee dated January 18, 2016
39	Memorandum – Signal Warrant Analysis at SW Eaton Boulevard/SW 20 <sup>th</sup> Avenue from Hann Lee dated April 15, 2016
40	Revised Traffic Impact Study dated April 20, 2016
41	Revised Preliminary Wetland Mitigation Plan dated March 21, 2016
42	Revised Wetland Delineation and Assessment dated March 16, 2016
43	Revised Development Plans

## V. APPEAL

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