BATTLE GROUND CITY COUNCIL AGENDA
MONDAY APRIL 6, 2026

BATTLE GROUND CITY HALL COUNCIL CHAMBERS
109 SW 1ST ST., SECOND FLOOR
BATTLE GROUND, WA 98604

MEETING PROCEDURES: The meeting will be conducted in person and via Zoom, allowing council members, staff, and members of the public to hear all individuals participating in the meeting. Members of the public may attend in person or watch the meeting live via the link below.

WATCH LIVE: Members of the public may watch the meeting live on YouTube at Battle Ground City Council - YouTube.

TO PARTICIPATE: Members of the public wishing to comment or provide testimony during the meeting may appear in person to speak during Citizen's Communications and Public Hearings. Comments are limited to three (3) minutes. Please submit written comments to the City Clerk's Office at least six (6) hours prior to the meeting with the heading "Public Comment for disbursement to the City Council."

ACCESSIBILITY: The City Hall is accessible to individuals with disabilities. As per RCW 42.30.240(2), if you face difficulty attending an in-person meeting to provide oral comment, you can do so remotely, provided that oral public comments are accepted at the meeting. If you require special accommodation to attend the meeting or to provide public comment remotely, please contact the City Clerk's Office at (360) 342-5008 or cityclerk.info@cityofbg.org at least forty-eight (48) hours in advance.

City Council Meeting Agenda

CALL TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

MOTION TO APPROVE AGENDA

SUMMARY REPORTS AND PRESENTATIONS
Councilmember Reports
Mayor's Report
- Proclamation: Student Artist Week; April 12-17, 2026

Presentations
- New Employee Introduction: Callie White, Construction Project Manager

CITIZEN'S COMMUNICATIONS

CONSENT AGENDA
All items listed below are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests a specific item(s) be removed from the Consent Agenda for discussion prior to the time Council votes on the motion to adopt the Consent Agenda.

A. City Council Regular Meeting Minutes of March 16, 2026
B. Claim Vouchers dated 03/17/2026 #99610-#99662, in the amount of $175,802.06
C. Claim Vouchers dated 03/25/2026 #99663-#99700 and Bank Drafts, in the amount of $1,441,155.20
D. Payroll dated 03/25/2026, vouchers #29299-#29302 in the amount of $1,310.76 and direct deposits of $320,115.99 for a total payroll of $321,426.75
E. NE 1st Street Sidewalk Improvements Phase 2 – Community Development Block Grant (CDBG) Agreement

F. Parkway/Main – Right of Way (ROW) Purchase Approval – Battle Ground School District (BGSD)
G. Parkway/Main – Right of Way (ROW) Purchase Approval – North Parkway LLC
H. Parkway/Main – Right of Way (ROW) Purchase Approval – DCCIP LLC

PUBLIC HEARING

Ordinance No. 2026-04 Municipal Code Amendments: Chapter 17.135 Supplementary Regulations for Specific Uses: Public Hearing/Motion
Presented by Police Chief Dennis Flynn
Summary: The City Council will hear public testimony and consider the adoption of Ordinance 2026-04 which would amend regulations related to storage of recreational vehicles and trailers in residential districts.

BUSINESS

Spring 2026 Battle Ground Municipal Code Updates: Presentation
Presented by Deputy City Manager Robert Ferrier & Community Development Director Kristin Lehto
Summary: The City Council will be presented with an overview of proposed changes to the Battle Ground Municipal Code.

Development Regulations Update (Growth Management Act Required): Presentation
Presented by Deputy City Manager Robert Ferrier & Community Development Director Kristin Lehto
Summary: The City Council will receive an overview of proposed updates to Development Regulations designed to align with recent state legislation and support implementation of the City's Comprehensive Plan.

ADMINISTRATIVE REPORTS

COUNCIL COMMUNICATIONS

ADJOURNMENT

NEXT MEETING DATE: Monday, April 20, 2026 – Study Session at 6:00 p.m. – Regular Meeting at 7:00 p.m.

Public Notices:

- Persons requiring special arrangements in order to participate in meetings should call the City Clerk's office at (360) 342 – 5008 at least two (2) business days prior to the scheduled meeting.
- The public is invited to view the full City Council packet on our website at www.cityofbg.org.
- This institution is an equal opportunity provider and employer.
- Any subject placed on the agenda, regardless of how the matter is stated on the agenda, may be acted on by the council.
- Información será traducida al español a petición de cityclerk.info@cityofbg.org.
- Информация имеется на русском языке по запросу на cityclerk.info@cityofbg.org.
- 如需相关信息的中文版本，请来函索取：cityclerk.info@cityofbg.org
- Za informacije na bosanskom jeziku obratite se na adresu cityclerk.info@cityofbg.org
- Ang impormasyon ay makukuha sa Tagalog sa pamamagitan ng kahilingan sa cityclerk.info@cityofbg.org
- Gửi yêu cầu nhận thông tin sẵn có bằng tiếng Việt đến cityclerk.info@cityofbg.org

~PROCLAMATION~

WHEREAS, Student artists strengthen our schools and communities, and participation in the arts fosters students' academic growth, creativity, and social and cultural development; and

WHEREAS, K–12 students demonstrate increased academic success when their artistic interests and goals are supported and valued; and

WHEREAS, Research consistently shows that students who participate in arts education achieve higher scores on standardized assessments; and

WHEREAS, Students engaged in arts programs are significantly less likely to drop out of school, reflecting the arts' role in fostering student engagement, belonging, and perseverance; and

WHEREAS, Student Artist Week provides an opportunity to recognize, celebrate, and uplift the achievements, voices, and creative contributions of student artists across all disciplines;

NOW THEREFORE, I, Eric Overholser, Mayor of the City of Battle Ground, by virtue of the authority vested in me, do hereby proclaim APRIL 12-17, 2026, as:

~STUDENT ARTIST WEEK~

In the City of Battle Ground, Washington, and encourage educators, families, and community members to support, celebrate, and invest in student artists and arts education as an essential component of student success and community well-being.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Battle Ground to be affixed this 6th day of April 2026.

Mayor Eric Overholser

Battle Ground City Council Meeting Minutes
Monday, March 16, 2026

The regular meeting of the Battle Ground City Council was called to order in the Battle Ground Council Chambers at 7:00 p.m. by Mayor Eric Overholser. The meeting was recorded via Zoom and live-streamed on YouTube.

The Pledge of Allegiance was recited.

Executive Assistant Kelly Jensen called the roll. The following were present:

COUNCIL: Mayor Eric Overholser, Deputy Mayor Vaile, and Councilmembers Troy McCoy (arrived at 7:03 p.m.), Shane Bowman (via Zoom), Victoria Ferrer, Jeanie Kuypers, and Brian Munson

ABSENT: None.

STAFF: City Manager Kristina Swanson, Deputy City Manager Robert Ferrier, Finance and Information Services Director Meagan Lowery, Police Chief Dennis Flynn, Public Works Director Mark Herceg, Community Development Director Kristin Lehto, Acting City Attorney Aziza Foster (via Zoom), Communications Manager/Public Information Officer Alisha Smith, and Executive Assistant/Deputy City Clerk Kelly Jensen.

MOTION TO EXCUSE COUNCILMEMBER MCCOY
MOTION: Councilmember Ferrer moved to excuse Councilmember McCoy
SECOND: Councilmember Kuypers
VOTE: Motion carried 6-0

MOTION TO APPROVE AGENDA **7:02 p.m.**
MOTION: Councilmember Munson moved to approve the agenda as presented.
SECOND: Councilmember Ferrer
VOTE: Motion carried 6-0

Councilmember McCoy entered the meeting at 7:03 p.m.

SUMMARY REPORTS AND PRESENTATIONS **7:03 p.m.**
Councilmember Reports:

- *Councilmember Ferrer provided a report on the recent Urban County Policy Board meeting held March 9, 2026.*
- *Councilmember Ferrer provided a report on the recent ECHO meeting held March 10, 2026.*

- *Councilmember McCoy provided a report on the recent RTC meeting.*

Mayor's Report:

- *Mayor Overholser provided a report on the recent EMS District 2 Board meeting held March 9, 2026.*
- *Mayor Overholser provided a report on the recent C-TRAN Board Composition Committee meeting and C-Tran Board of Directors meeting.*
  The Council discussed the C-TRAN Board meeting report.

Presentations:

- **New Employee Introduction and Oath of Office: Police Officer Brandon Degraw**
  Police Chief Dennis Flynn introduced Officer Degraw, who took the Oath of Office and was welcomed by the Council.
- **Council for the Homeless Presentation:**
  Sunny Wonder, Chief Operating Officer and Sesany Fennie-Jones Chief Executive Officer for Council for the Homeless provided a presentation to the Council.
  Council discussed the presentation
  Ms. Wonder and Ms. Fennie-Jones responded to questions from Council

CITIZEN'S COMMUNICATIONS **8:04 p.m.**

- *Simon (last name not given) provided public comment*
- *Jessica Cole provided public comment*

CONSENT AGENDA **8:12 p.m.**

A. City Council Regular Meeting Minutes of March 2, 2026
B. City Council Special Meeting/Council Retreat Minutes of March 6, 2026
C. Claim Vouchers dated 02/25/2026 #99453-#99489 and Bank Drafts, in the amount of $466,091.72
D. Claim Vouchers dated 03/05/2026 #99490-#99527 and Bank Drafts, in the amount of $434,740.25
E. Claim Vouchers dated 03/10/2026 #99528-#99609 and Bank Drafts, in the amount of $1,302,296.40
F. Payroll dated 03/10/2026, vouchers #29297-#29298 in the amount of $983.86 and direct deposits of $308,381.26 for a total payroll of $309,365.12
G. Battle Ground Municipal Code Updates – Set Public Hearing for April 20, 2026
H. NE 1st Street Phase 2 – Right of Way Purchase Approval – Brauhn
I. Clark County Construction Agreement

MOTION: Councilmember Ferrer moved to approve the Consent Agenda as presented.
SECOND: Councilmember Kuypers
VOTE: Motion carried 7-0

PUBLIC HEARING

Resolution 26-02 Surplus of Utility Equipment: Public Hearing/Motion **8:13 p.m.**

Presented by Finance and Information Technologies Director Meagan Lowery
Summary: The Council heard public testimony and considered the adoption of Ordinance 2026-02: Surplus of Utility Equipment.

Director Lowery provided a brief presentation.

Mayor Overholser opened the public hearing at 8:13 p.m.

- *No public testimony was provided*

Mayor Overholser closed the public hearing at 8:14 p.m.

MOTION: Councilmember Ferrer moved to adopt Resolution 26-02 as presented.
SECOND: Deputy Mayor Vaile
Council discussed the Resolution
Attorney Aziza Foster responded to questions from Council
Director Lowery responded to questions from Council
VOTE: Motion carried 7-0

BUSINESS **8:17 p.m.**

4th Quarter 2025 Financial Overview
Presented by Finance and Information Technologies Director Meagan Lowery
Summary: The City Council was presented with an overview of the city's fourth quarter 2025 financial performance.

Director Lowery provided a presentation.
The Council discussed the presentation.
Director Lowery responded to questions from Council.

Capital Projects 101
Presented by Public Works Director Mark Herceg
Summary: The City Council received a presentation on the basics of a capital project, from planning and design through construction.

The Council discussed the presentation.
Director Herceg responded to questions from Council.

Ordinance No. 2026-03 Northwest Natural Gas Franchise Agreement: Presentation/Set Public Hearing
Presented by Deputy City Manager Robert Ferrier
Summary: The council received a presentation and considered setting a public hearing to hear public testimony regarding a proposed franchise agreement with Northwest Natural Gas Company.

The Council discussed the presentation.
Acting City Attorney Aziza Foster responded to questions from the Council.
Director Herceg responded to questions from Council regarding the term length of the agreement.
Deputy City Manager Ferrier responded to questions from Council regarding the term length of the agreement.

CONSENSUS was reached by the Council directing staff to present additional information at the public hearing regarding potential revisions to the proposed Franchise Agreement's term length, including documentation of the procedural standards and changes over the past 30 years that led to the current ten-year term proposal.

Deputy City Clerk Kelly Jensen read the Title of Ordinance 2026-03 (First Reading)

MOTION: Councilmember Kuypers moved to set a public hearing for April 20, 2026, to hear public testimony regarding Ordinance 2026-03 Northwest Natural Gas Franchise Agreement.
SECOND: Councilmember Munson
VOTE: Motion carried 7-0

ADMINISTRATIVE REPORTS **9:31 p.m.**

- *City Manager Swanson reported on the following:*
  - *Ms. Swanson noted that the revisions, updates, and modernizations proposed for the NW*

Natural Gas Franchise Agreement align with the model policies provided by MRSC, which recommend a ten-year term length for such agreements.

- *Update regarding the first part of the West Main Commons project: Eight permits have been issued.*
- *2026 Legislative Awards: The City received $1.4 million for additional projects including $1 million for the 92nd Avenue Pump Station (Force Main) and $400,000 for the inclusive play equipment at Remy Park.*
- *SB5820 passed (Rail line bill). Ms. Swanson noted the city sent a letter to the governor encouraging him to sign the bill.*
- *The City's Federal Lobbyist has completed all submissions to the three congressional offices.*

COUNCIL COMMUNICATIONS **9:33 p.m.**

- *Councilmember Munson: Thanked Representatives McClintock and Ley for their help with the 2026 Legislative Awards, and thanked Deputy Mayor Vaile and Councilmember Ferrer for going to Olympia.*

- *Councilmember Ferrer: Question regarding whether the Council will be introduced to the newly employed Construction Project Manager at the next council meeting.*
  City Manager Swanson responded in the affirmative.

- *Councilmember Ferrer stated that with respect to the emails council has received regarding the Grace Project, could Director Herceg put together a presentation and update regarding this project.*
  The Council discussed Councilmember Ferrer's request.
  Director Herceg responded to questions from Council.

- *Councilmember Ferrer proposed a future agenda item regarding the creation of a City Code Review Board for the council.*
  The Council discussed Councilmember's request.
  Community Development Director Kristin Lehto responded to questions from the Council.
  Acting City Attorney Aziza Foster responded to questions from the Council regarding the city's established Planning Commission and its involvement in the review of municipal code changes.
  Mayor Overholser directed Staff and legal to look at the validity of having a review committee for Ordinances and Code to see if that is something that we want to entertain or if it's legally unadvisable.

- *Mayor Overholser announced that the Battle Ground Citizen of the Year has been awarded to Johanna Hyatt. Mayor Overholser invited citizens and staff to attend the celebration on April 29, 2026, at 6:00 p.m. at the Prairie Tavern.*

- *Mayor Overholser announced that 324 kids are registered for Battle Ground Little League, forming 31 teams. This is the highest number of registrants ever reported.*

- *Mayor Overholser thanked Representatives Stephanie McClintock and John Ley for helping secure the funding for the City of Battle Ground, Senator Adrian Cortes for getting the rail bill through, and Josh Weiss for all of his continued hard work on the legislative side.*

- *Mayor Overholser announced the Legislative Town Hall scheduled for March 28, 2026, in the Battle Ground City Hall Council Chambers.*

POINT OF ORDER: Councilmember McCoy raised a Point of Order, noting there was a motion on the floor that needed to be addressed.

Mayor Overholser ruled on the Point of Order by requesting that Councilmember McCoy formalize the motion.

MOTION: Councilmember McCoy moved to direct staff and legal to bring forth to council what a potential council led Code Committee would look like.
SECOND: Mayor Overholser

The Council discussed the motion

Mayor Overholser called for a Roll Call Vote.

VOTE: Motion Failed 1-6
AYES: Councilmember Ferrer
NAYS: Mayor Overholser, Deputy Mayor Vaile, Councilmember McCoy, Councilmember Bowman, Councilmember Kuypers, Councilmember Munson

- *Councilmember Munson: Question regarding the status of the Battle Ground Little League Contract Deputy City Manager Robert Ferrier responded to the question.*

ADJOURNMENT
The regular meeting was adjourned at 10:06 p.m.

Next Meeting Date: Monday, April 6, 2026 – No Study Session - Regular meeting at 7:00 p.m.

Eric Overholser	Elizabeth Halili
Mayor	City Clerk

Date of approval by the City Council: April 6, 2026

Regular Council meetings of the Battle Ground City Council are recorded digitally. These recordings are kept on file in the office of the City Clerk for a period of six (6) years.

- This institution is an equal opportunity provider and employer.
- Información será traducida al español a petición de *cityclerk.info@cityofbg.org*
- Информация имеется на русском языке по запросу на *cityclerk.info@cityofbg.org*.
- 如需相关信息的中文版本，请来函索取：*cityclerk.info@cityofbg.org*
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- Gửi yêu cầu nhận thông tin sẵn có bằng tiếng Việt đến *cityclerk.info@cityofbg.org*

CITY OF BATTLE GROUND
CLAIMS VOUCHER APPROVAL

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALITY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED, OR THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIM IS JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF BATTLE GROUND, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Meagan Lowery
FINANCE DIRECTOR

Alex Richter
ACCOUNTS PAYABLE

THE FINANCE DIRECTOR OF THE CITY OF BATTLE GROUND, WASHINGTON, HEREBY SUBMITS TO CITY COUNCIL THE CHECKS AND BANK DRAFTS BELOW, PREPARED FOR PAYMENT IN THE AMOUNT OF $175,802.06 ON THIS, THE 17TH DAY OF MARCH, 2026.

	ACCTG DATE	AMOUNT	
99610-99629	03/11/2026	$ 2,050.63	UTILITY AP
99630-99662	03/16/2026	$ 173,751.43	REGULAR AP
		$ 175,802.06	



Battle Ground, WA

Check Register

Packet: APPKT04992 - R AP 03/16/2026

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOLED CASH-POOLED CASH						
04004	ACE HARDWARE - BATTLE GROUND	03/16/2026	Regular	0.00	83.80	99630
03133	BRAD PIESCH AGGRESSIVE ENTERPR	03/16/2026	Regular	0.00	520.00	99631
00424	CERTIFIED LANGUAGES INTERNATIO	03/16/2026	Regular	0.00	201.55	99632
00868	CLARK COUNTY FIRE DISTRICT 3	03/16/2026	Regular	0.00	5,600.89	99633
00512	CLARK COUNTY TREASURER	03/16/2026	Regular	0.00	29,803.59	99634
00515	CLARK PUBLIC UTILITIES	03/16/2026	Regular	0.00	3,317.29	99635
04450	COMPASS CONTRACTORS LLC	03/16/2026	Regular	0.00	1,740.00	99636
01497	CONSOR NORTH AMERICA INC	03/16/2026	Regular	0.00	6,209.15	99637
02557	CORE & MAIN LP	03/16/2026	Regular	0.00	51.03	99638
00660	DAY WIRELESS SYSTEMS, INC	03/16/2026	Regular	0.00	1,457.30	99639
00693	DEPT OF LICENSING	03/16/2026	Regular	0.00	486.00	99640
00737	DLT SOLUTIONS	03/16/2026	Regular	0.00	3,267.00	99641
02755	DUCKS UNLIMITED	03/16/2026	Regular	0.00	1,175.00	99642
00778	ECOLOGICAL LAND SERVICES, INC	03/16/2026	Regular	0.00	1,632.50	99643
01019	HARPER HOUF PETERSON RIGHELLIS	03/16/2026	Regular	0.00	1,955.00	99644
04448	HINTON DEVELOPMENT	03/16/2026	Regular	0.00	333.00	99645
02988	MARTA L. OCHOA-RUTHERFORD	03/16/2026	Regular	0.00	65.00	99646
04449	MCGOWAN, CASEY	03/16/2026	Regular	0.00	1,392.00	99647
01447	METROWATCH	03/16/2026	Regular	0.00	821.92	99648
01462	MILLER, GEOFFREY	03/16/2026	Regular	0.00	282.09	99649
04451	MNM PROPERTIES RIDGEFIELD	03/16/2026	Regular	0.00	3,480.00	99650
03029	NEW DAY ARBORIST	03/16/2026	Regular	0.00	39,139.04	99651
01669	OTAK	03/16/2026	Regular	0.00	4,136.51	99652
01673	OWEN EQUIPMENT COMPANY	03/16/2026	Regular	0.00	1,283.68	99653
01728	PBS ENGINEERING & ENVIRONMENT	03/16/2026	Regular	0.00	3,266.25	99654
01907	RICOH USA INC	03/16/2026	Regular	0.00	2,054.75	99655
02043	SMARSH	03/16/2026	Regular	0.00	156.09	99656
04166	STEDMAN, TENLEY	03/16/2026	Regular	0.00	192.00	99657
04447	STILLMAN, MATT	03/16/2026	Regular	0.00	100.00	99658
04418	THE CHARLES MACHINE WORKS, INC	03/16/2026	Regular	0.00	55,709.67	99659
03170	TRANSPO GROUP USA, INC	03/16/2026	Regular	0.00	1,132.22	99660
02305	UNIVERSAL FIELD SERVICES, INC	03/16/2026	Regular	0.00	2,482.11	99661
02378	WA STATE DEPT OF AGRICULTURE	03/16/2026	Regular	0.00	225.00	99662

Bank Code POOLED CASH Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	50	33	0.00	173,751.43
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	50	**33**	**0.00**	**173,751.43**

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	3/2026	173,751.43
			173,751.43

Battle Ground, WA

Refund Check Register

Refund Check Detail

UBPKT10429 - Refunds 01 UBPKT10427 Regular

Account	Name	Date	Check #	Amount	Code	Receipt	Amount	Type
33-150187-001	Uhl, Steven	3/11/2026	99610	110.34			110.34	Generated From Billing
33-150380-001	Burgess, Linda	3/11/2026	99611	116.55			116.55	Generated From Billing
36-001520-007	VSG LLC	3/11/2026	99612	93.33			93.33	Generated From Billing
36-051246-008	Silva, Jesse	3/11/2026	99613	134.04			134.04	Generated From Billing
36-069240-004	Meurs, Wyatt	3/11/2026	99614	318.53			318.53	Deposit
37-035000-002	Serzhanin, David	3/11/2026	99615	156.50			156.50	Generated From Billing
39-001990-001	Stepper, Kolbi And Marley	3/11/2026	99616	24.62			24.62	Generated From Billing
42-111820-002	Mandujano, Bernardo	3/11/2026	99617	135.68			135.68	Generated From Billing
43-003400-005	Keller, Christina	3/11/2026	99618	32.52			32.52	Generated From Billing
46-022810-002	Merryweather, Rabecca	3/11/2026	99619	167.41			167.41	Generated From Billing
46-050346-001	Miller, Destiny	3/11/2026	99620	37.59			37.59	Generated From Billing
46-078650-006	Mendez, Juan And Delila	3/11/2026	99621	127.06			127.06	Deposit
48-085400-003	Egan, Avery	3/11/2026	99622	126.06			126.06	Generated From Billing
49-081150-003	McGravey, Deborah	3/11/2026	99623	104.08			104.08	Generated From Billing
80-101300-002	Allen, James and Leigh	3/11/2026	99624	21.50			21.50	Deposit
80-150373-001	Tompkins, Jona and Jeff	3/11/2026	99625	109.05			109.05	Generated From Billing
80-150853-000	Paliyev, Veniamin	3/11/2026	99626	10.21			10.21	Generated From Billing
80-151604-000	J and J Builders LLC	3/11/2026	99627	130.31			130.31	Deposit
80-151640-000	Prairie Homes LLC	3/11/2026	99628	6.70			6.70	Generated From Billing
80-151642-000	Prairie Homes LLC	3/11/2026	99629	88.55			88.55	Generated From Billing
Total Refunds: 20			**Total Refunded Amount:**	2,050.63				

Revenue Code Summary

Revenue Code	Amount
996 - UNAPPLIED CREDITS	2050.63
Revenue Total:	2050.63

General Ledger Distribution

Posting Date: 03/11/2026

Account Number	Account Name	Posting Amount	IFT
Fund: 410 - WATER			
410-0000-111-10-99	POOLED CASH	-2,050.63	Yes
410-0000-122-30-00	ACCOUNTS RECEIVABLE UNAPPLIED	2,050.63	
	410 Total:	0.00	

General Ledger Distribution

Posting Date: 03/11/2026

Account Number	Account Name	Posting Amount	IFT
Fund: 999 - POOLED CASH			
999-0000-111-11-00	CASH IN BANK	-2,050.63	
999-0000-292-20-99	DUE TO OTHER FUNDS	2,050.63	Yes
	999 Total:	0.00	
	Distribution Total:	0.00	

CITY OF BATTLE GROUND
CLAIMS VOUCHER APPROVAL

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Meagan Lowery
FINANCE DIRECTOR

Alex Richter
ACCOUNTS PAYABLE

THE FINANCE DIRECTOR OF THE CITY OF BATTLE GROUND, WASHINGTON, HEREBY SUBMITS TO CITY COUNCIL THE CHECKS AND BANK DRAFTS BELOW, PREPARED FOR PAYMENT IN THE AMOUNT OF $1,441,155.20 ON THIS, THE 25TH DAY OF MARCH, 2026.

	ACCTG DATE	AMOUNT	
BANK DRAFT	03/18/2026	$ 101,271.15	PCARD PAYMENT
99663-99664	03/25/2026	$ 12,126.15	PAYROLL AP
BANK DRAFT	03/25/2026	$ 179,058.18	PAYROLL AP
99665-99700	03/23/2026	$1,148,699.72	REGULAR AP
		$1,441,155.20	

Battle Ground, WA

Check Register

Packet: APPKT04999 - US BANK 02/2026

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOLED CASH-POOLED CASH						
02286	U.S. BANK ONECARD	03/18/2026	Bank Draft	0.00	101,271.15	DFT0002962

Bank Code POOLED CASH Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	318	1	0.00	101,271.15
EFT's	0	0	0.00	0.00
	318	**1**	**0.00**	**101,271.15**

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	3/2026	101,271.15
			101,271.15

Battle Ground, WA

Check Register

Packet: APPKT05020 - R AP 03/23/2026

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOLED CASH-POOLED CASH						
00075	AKS ENGINEERING & FORESTRY	03/23/2026	Regular	0.00	1,785.00	99665
00284	BEST WESTERN BATTLE GROUND	03/23/2026	Regular	0.00	2,048.79	99666
04372	BUD CLARY CHEVROLET, INC	03/23/2026	Regular	0.00	77,938.96	99667
00346	BUD CLARY FORD HYUNDAI	03/23/2026	Regular	0.00	54,204.43	99668
00487	CLARK AND SONS EXCAVATING INC	03/23/2026	Regular	0.00	11,059.40	99669
00512	CLARK COUNTY TREASURER	03/23/2026	Regular	0.00	138,070.09	99670
00515	CLARK PUBLIC UTILITIES	03/23/2026	Regular	0.00	2,369.84	99671
04414	COCKS, BRITTANY	03/23/2026	Regular	0.00	350.00	99672
02706	COMCAST	03/23/2026	Regular	0.00	16.03	99673
01497	CONSOR NORTH AMERICA INC	03/23/2026	Regular	0.00	17,353.00	99674
04263	CTI - CONFERENCE TECHNOLOGIES II	03/23/2026	Regular	0.00	60,037.73	99675
00827	ENVISION IT EMBROIDER IT, INC	03/23/2026	Regular	0.00	30.46	99676
01036	HELENA GREEN	03/23/2026	Regular	0.00	150.00	99677
00530	ICC CODIFICATION, INC	03/23/2026	Regular	0.00	471.51	99678
01149	INK ABILITY	03/23/2026	Regular	0.00	703.73	99679
04315	LIVIU BALACEANU	03/23/2026	Regular	0.00	473.00	99680
02854	MADDOX INDUSTRIAL TRANSFORME	03/23/2026	Regular	0.00	10,390.00	99681
02988	MARTA L. OCHOA-RUTHERFORD	03/23/2026	Regular	0.00	260.00	99682
01419	MATHER & SONS PUMP SERVICE INC	03/23/2026	Regular	0.00	6,380.33	99683
02716	MENKE JACKSON BEYER, LLP	03/23/2026	Regular	0.00	12,608.42	99684
01447	METROWATCH	03/23/2026	Regular	0.00	821.92	99685
04249	OVERHOLSER, ERIC	03/23/2026	Regular	0.00	1,861.30	99686
01673	OWEN EQUIPMENT COMPANY	03/23/2026	Regular	0.00	2,665.70	99687
00930	RICOH USA, INC	03/23/2026	Regular	0.00	1,876.51	99688
04422	ROBERTSON FICK ENGINEERING, PC	03/23/2026	Regular	0.00	3,578.75	99689
04253	S&F LAND SERVICES LLC	03/23/2026	Regular	0.00	23,500.00	99690
02034	SKAMANIA COUNTY SHERIFF'S OFFIC	03/23/2026	Regular	0.00	885.94	99691
02116	STRUCTURED	03/23/2026	Regular	0.00	2,715.00	99692
02143	SW WA REGIONAL TRANS. COUNCIL	03/23/2026	Regular	0.00	7,904.00	99693
02585	TAPANI INC	03/23/2026	Regular	0.00	677,516.14	99694
04453	TAUALA, SALINDA	03/23/2026	Regular	0.00	500.00	99695
04001	TIKKA MASONRY INC	03/23/2026	Regular	0.00	837.00	99696
03871	TOPCON SOLUTIONS INC	03/23/2026	Regular	0.00	7,261.00	99697
02257	TRAILER CITY	03/23/2026	Regular	0.00	18,769.19	99698
02319	VAN CLEAVE & ASSOCIATES, LLC	03/23/2026	Regular	0.00	600.00	99699
02415	WASHINGTON STATE CRIMINAL JUST	03/23/2026	Regular	0.00	706.55	99700

Bank Code POOLED CASH Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	52	36	0.00	1,148,699.72
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	52	**36**	**0.00**	**1,148,699.72**

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	3/2026	1,148,699.72
			1,148,699.72

Battle Ground, WA

Check Register

Packet: APPKT05003 - PRAP032526

By Vendor Name

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOLED CASH-POOLED CASH						
00667	DEFERRED COMPENSATION	03/25/2026	Bank Draft	0.00	3,328.92	DFT0002965
00702	DEPT OF RETIREMENT SYSTEMS	03/25/2026	Bank Draft	0.00	54,869.99	DFT0002966
00706	DEPT OF SOCIAL & HEALTH SERVICE	03/25/2026	Bank Draft	0.00	204.00	DFT0002967
02559	INTERNAL REVENUE SERVICE- FED T	03/25/2026	Bank Draft	0.00	111,925.58	DFT0002968
01368	LIFE INSURANCE CO. OF NORTH AM	03/19/2026	Regular	0.00	1,688.98	99663
03434	MISSIONSQUARE	03/19/2026	Regular	0.00	10,437.17	99664
01528	NAVIA BENEFIT SOLUTIONS	03/25/2026	Bank Draft	0.00	1,401.64	DFT0002969
03461	WEALTH CARE SAVER	03/25/2026	Bank Draft	0.00	7,328.05	DFT0002970

Bank Code POOLED CASH Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	6	2	0.00	12,126.15
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	21	6	0.00	179,058.18
EFT's	0	0	0.00	0.00
	27	**8**	**0.00**	**191,184.33**

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	3/2026	191,184.33
			191,184.33

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Ryan Jeynes, City Engineer
Date:	April 6, 2026
Proceeding Type:	Consent
Subject:	NE 1st Street Sidewalk Improvements Phase 2 – CDBG Agreement

Legislative History:	
• Presentation: • Presentation/Public Hearing: • Recommendation: • Consent:	October 3, 2022 October 17, 2022 November 7, 2022 April 6, 2026

Staff Report Summary

The City Council will consider authorizing the City Manager to sign a Contract with Clark County to implement the Community Development Block Grant (CDBG) funding for the NE 1st Street Sidewalk Improvements Phase 2 project through passage of the consent agenda.

Background

In late 2022, City Council recommended that city staff apply for a CDBG grant for the NE 1st Street Sidewalk Improvements project, which would add sidewalk on the north side of NE 1st Street from NE 3rd Avenue to Central Park. In 2023, the City was awarded a grant in the amount of $197,817 for said project.

The City is just finishing up the ROW acquisition for the project and is ready to go to Bid. In order to receive approval to go to Bid and the grant funding from the County, the City must enter into a contract with Clark County. Approval of this Contract will ultimately allow this project to move forward to construction.

Fiscal and Policy Implications

Funding for this project is in the 2026 Budget.

Goals and Objectives Relevance

Approval of this purchase meets the goal to "Improve And Maintain Infrastructure Improvements". Approving this purchase is one step in moving this project forward, which will ultimately improve existing transportation infrastructure.

Options

Option	Results
• Authorize Signing Of Contract	City will be able to go to construction on this project with grant funds.
• Do Not Authorize Signing Of Consultant Agreement	City will not be able to go to construction on this project with grant funds.
• No Action	Continuing on this project will be delayed until more information is provided.

Staff Recommendation

Staff recommends that City Council authorize the City Manager to sign the Contract for the NE 1st Street Sidewalk Improvements Phase 2 project with Clark County.

Attachments

A.	Contract

Legal Review

Type of Document	Title of Document	Date Reviewed by Legal Counsel
• Contract	Contract between Clark County and City of Battle Ground for NE 1st St Sidewalks.	Reviewed by Kirk Ehlis on March 29, 2026.

CONTRACT #2023-CDBG-2301

between

CLARK COUNTY
P.O. Box 5000, Vancouver, WA 98666-5000

and

CITY OF BATTLE GROUND
109 SW 1st Street, Suite 127, Battle Ground, WA 98604-2816

Program:	**NE 1st St Sidewalks**
Contract Period:	February 15, 2026 through December 31, 2026
Total Contract Amount:	$197,817
Funding Source:	Community Development Block Grant – Fund 1939
Unique Entity Identifier:	L966CV1VLRF5
Assistance Listing Number:	14.218 (Subaward)
Procurement Process:	2023 CDBG RFA

Contractor Contact	Contractor Fiscal Contact	County Program Contact	County Fiscal Contact
Dan Hollen 360.342.5071 dan.hollen@cityofbg.org	Dan Hollen 360.342.5071 dan.hollen@cityofbg.org	Rebecca Royce 564.397.7863 rebecca.royce@clark.wa.gov	Rhonda Hills 564.397.7836 rhonda.hills@clark.wa.gov

By signing below, Clark County, hereinafter referred to as the "County," and the City of Battle Ground, hereinafter referred to as the "Contractor," agree to the terms of this Contract as well as the Clark County Community Services General Terms and Conditions, as amended, which are incorporated herein by reference with the same force and effect as if they were incorporated in full text. The full text version of the County's General Terms and Conditions is available at https://clark.wa.gov/community-services/general-terms-and-conditions. Hard copies will be provided by Clark County upon request.

FOR CLARK COUNTY:

Kathleen Otto, County Manager

FOR CONTRACTOR:

Kris Swanson, City Manager

APPROVED AS TO FORM ONLY:

Rebekah Ward-Palmerton
Senior Deputy Prosecuting Attorney

BUDGET SUMMARY
CONTRACT #2023-CDBG-2301
CITY OF BATTLE GROUND

NE 1st St Sidewalks

ITEM	FUNDING SOURCE	FUND AMOUNT
A	**Clark County CDBG Funds**	**$197,817**
B	City of Battle Ground Local and In Kind	$342,183

ITEMIZED COST	TOTAL COST	A	B
Construction, Permit Fees & Activity Delivery Costs	$532,800	**$197,817**	$334,983
Engineer/Architect/Admin	$7,200	**$0**	$7,200
TOTAL COST	**$540,000**	**$197,817**	**$342,183**

Match is 63.37% ($342,183/$540,000)

STATEMENT OF WORK #1
CONTRACT #2023-CDBG-2301
CITY OF BATTLE GROUND

1. PROJECT DESCRIPTION

1.1. The purpose of this project is to provide a safe and accessible walking route on NE 1st Street between NE 3rd and NE Clark Avenues. This project will construct approximately six hundred feet (600') of sidewalk on the north side of NE 1st Street from NE 3rd Avenue to Central Park, including curb and gutter, planter strip, ADA ramps, street lighting, and associated stormwater improvements. ADA ramps will be placed at all intersections and an additional one will be placed midblock to provide access to Central Park. Battle Ground funded improvements include project design and construction costs. CDBG funds will be used for construction costs.

This project is located within Census Tract 404.15 Block Group where at least 49.6% of the residents are low-mod income. The benefits of this project will create an accessible walkway for students and residents of all abilities off of the street and free of puddling and flooding.

1.2. In consideration of the benefits to be derived from this Contract, the County agrees to provide CDBG funds to the Contractor for the project described herein, in the Contractor's proposal, and according to the project budget and terms in this Contract. The Contractor shall follow the procedures contained in the current edition of the Clark County CDBG Procedures Manual. In the event the Contractor fails to follow these procedures, the County may treat such as a breach of this Contract.

2. FUNDING ELIGIBIILTY

This project qualifies for CDBG funding under 24 C.F.R. § 570.201(c) Public Facilities and Improvements, under the Low/Mod Income Area Benefit National Objective. The improvements and service area of this project are located in a residential neighborhood within Census Tract 404.15, block group 1, which has a total population of 1,965 and a low/mod population of 1,040, or 52.90% LMI per the most recent US Census American Community Survey data.

3. PERFORMANCE-BASED REQUIREMENTS

The outcome supports the Clark County Community Services Strategic Plan goal of a connected and resilient community. Contractor shall meet or exceed the following requirement:

Program Goals	Anticipated Annual Outcomes
Neighborhood improvement for increased livability in low to moderate income neighborhoods.	Approximately 1,965 households, of which 1,040 earn low to moderate income.

4. ENVIRONMENTAL MITIGATION

In accordance with the environmental review completed for this project, the following mitigation and reporting requirements shall be met:

4.1. Installation of Contech Filterra Bioscape Vaults.

4.2. Submission of the National Marine Fisheries Service Action Completion Report to the County within sixty (60) days of completing all construction.

5. REPORTING

5.1. Contractor shall submit quarterly progress reports in a format acceptable to the County. The reports shall be due to the County on the fifteenth (15th) day after the end of the quarter, starting with the quarter in which the Contract was signed.

5.2. Contractor shall comply with Build America, Buy America (BABA) reporting requirements if the project's total costs from all sources exceed $250,000, it includes construction, and CDBG funds provided for the project are from Program Year 2023 or newer as identified in the Federal Award Identification table in the Special Terms and Conditions, unless a waiver has been granted.

5.2.1. Report shall be submitted at the end of the project and identify the quantity and source location for all:

5.2.1.1. Iron and steel for projects with funding from Program Year 2023 or newer

5.2.1.2. Specifically Listed Construction Materials identified by HUD for projects with funding from Program Year 2024 or newer

5.2.1.3. Other construction materials and manufactured products for projects with funding from Program Year 2025 or newer

5.2.2. This project is exempt from BABA reporting requirements due to program year of funding provided for the project.

5.3. Contractor shall comply with Section 3 reporting requirements if the federal funds for the project exceed $200,000 prior to March 16, 2026, or $300,000 after March 16, 2026, and the project includes construction.

5.3.1. Report shall be submitted at the end of the project on a county-provided template and include:

5.3.1.1. All labor hours worked on the project by the prime contractor and each subcontractor

5.3.1.2. Any hours for employees with professional licensing if they qualify as a Section 3 Worker as defined by HUD

5.3.1.3. Hours identified as provided by a Section 3 Worker, Targeted

Section 3 Worker, or Section 3 Business Concern

5.3.1.4. Documentation of meeting the Section 3 benchmarks OR qualitative efforts used to try to meet the benchmarks

5.3.2. This project is exempt from Section 3 reporting requirements due to the amount of funding provided for the project.

5.4. Contractor shall comply with Davis Bacon Labor Standards reporting requirements by submitting the following:

5.4.1. Statement of Intent to Pay Prevailing Wage for the prime contractor and each subcontractor before they begin working on the project

5.4.2. Certified Payrolls using an acceptable federal payroll form. Certified payroll reports shall:

5.4.2.1. Be submitted by the prime contractor and each subcontractor for each week scheduled on the project. "No Work Performed" payroll reports shall be submitted for any weeks where no work was performed

5.4.2.2. Include all regular and overtime labor hours for each employee

5.4.2.3. Include Davis Bacon specific work classifications for each employee

5.4.2.4. Have a handwritten signature or be from a US Department of Labor approved electronic signature software

5.4.2.5. Be submitted after each payroll period

5.4.3. Affidavit of Wages Paid for the prime contractor and each subcontractor once approved by Washington State Department of Labor and Industries at construction completion

5.4.4. Notice of Completion provided by Washington State Department of Labor and Industries at project completion

5.4.5. County shall reserve the final ten percent (10%) of grant funds budgeted on the construction line item (as specified in the Budget Summary) pending the County's receipt of a complete and correct set of labor standards reporting requirements from project contractor(s).

5.5. Contractor shall provide documentation to the County at project completion showing that the project activities were completed in accordance with this Contract.

5.6. In addition to the record retention requirements in this Contract, the Contractor shall maintain records of the hours worked and rates of compensation for all personnel performing work under this Contract. These records shall be kept for a period of seven (7) years from the date of the submission of the final performance report under this Contract.

5.7. Contractor shall perform all community information activities as directed by the County.

6. PROJECT BUDGET

6.1. County shall provide the Contractor with funds in an amount not to exceed the amount shown on the Budget Summary for purposes of completing the project described herein.

6.2. Contractor shall apply the funds received from the County under this Contract in accordance with the Budget Summary and the Statement of Work.

6.3. Contractor shall carry out objectives anticipated in the RFA.

6.4. Contractor shall expend funds provided in this Contract prior to paying the final retainage to the prime contractor whenever possible to facilitate quick close-out.

6.4.1. Washington State Department of Revenue Reconciliation of Taxes report is not required for project close-out

7. MATCHING FUNDS

7.1. Match may be any combination of non-federal cash or in-kind sources.

7.2. Contractor shall document total match expenditures in proportion to the amount requested starting when approximately fifty percent (50%) of the CDBG funds have been expended and with each invoice thereafter.

7.3. At the conclusion of the project, match shall be equal to or greater than the amount shown on the Budget Summary.

8. PAYMENT PROVISIONS

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply:

8.1. County will pay the Contractor on a cost reimbursement basis. Invoices shall:

8.1.1. Be submitted on a County-provided form that briefly describes expenses incurred, identifies the month and year of service, and the contract number

8.1.2. Be accompanied by adequate general ledger detail listing vendor names, dates, description and amount of costs incurred

8.1.3. Include backup listing vendor names, dates, description and amount of costs incurred

8.2. The final billing for retainage shall include copies of all executed change orders and the final project cost.

9. CONTRACT KICKOFF

9.1. If requested by the County, Contractor shall attend a contract kickoff meeting with the County to review roles, responsibilities, requirements, and deliverables associated with this Contract.

9.2. Contractor shall coordinate with the County to schedule a pre-construction conference after the prime contractor has been selected and prior to the start of construction.

9.2.1. Contractor shall require attendance by the prime contractors construction manager, on-site superintendent, fiscal staff and any other staff pertinent to the project

9.2.2. Contractor shall invite and encourage attendance by all subcontractors including their fiscal staff

9.2.3. County shall provide an overview of all CDBG related construction requirements, required documents and reporting tools

PROJECT SCHEDULE
CONTRACT #2023-CDBG-2301
CITY OF BATTLE GROUND

ACTIVITY	COMPLETION DATE
Engineering/Design and Bid Document Preparation	March 2026
Bid Invitation and Contractor Selection	April 2026
Construction	September 2026
Project Close Out	December 2026

1. The Contractor shall plan and administer the project in accordance with this project schedule unless otherwise modified by the County in writing.

2. The Contractor agrees to allow the County to extend the Project Schedule when necessary and in the interests of both parties. The Contractor grants the County the right to unilaterally extend, in writing, the Project Schedule and Contract Period without the signature of the Contractor.

DELIVERABLES SUMMARY
CONTRACT #2023-CDBG-2301
CITY OF BATTLE GROUND

DELIVERABLE	REFERENCE	DUE DATE
Monthly invoices	General T&C §34 SOW §8	15th day of each month
Quarterly progress reports	SOW §5	15th day after the end of each quarter
Program completion documentation	SOW §5	Program completion
Contractor transfer of any remaining CDBG funds	Special T&C §25	Contract expiration
Close-out financial, performance, and other reports	General T&C §8	30 days after contract expiration
E-Verify MOU and completion report	General T&C §19	Prior to starting work and contract expiration
Fiscal requirements	General T&C §24	Various
Proof of insurance	General T&C §27 Special T&C §14	At start of contract and thereafter during contract term

1. There may be additional deliverables in this Contract which are not reflected here.

2. If there is a conflict between what appears in this summary and what is listed elsewhere in the Contract, the terms and conditions elsewhere in the Contract shall apply.

SPECIAL TERMS AND CONDITIONS
COMMUNITY DEVELOPMENT BLOCK GRANT

1. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OVERVIEW

1.1. The County is an urban county applicant for block grant funds under the Housing and Community Development Act of 1974 (the Act), Pub. L. 93-383 as amended, and receives block grant funds for the purpose of carrying out eligible community development and housing activities under the Act and under regulations published by the U.S. Department of Housing and Urban Development (HUD) at 24 C.F.R. Part 570. The County and various cities within Clark County have agreed to cooperate in the undertaking of essential community development and housing assistance activities, and the County desires to have services performed by the Contractor as described within this Contract and the Contractor's proposal for the purpose of implementing eligible activities under the Act and HUD regulations.

1.2. Federal Award Identification

The County classifies this agreement as a subaward.

Subrecipient Name	City of Battle Ground
Subrecipient Unique Entity Identifier	L966CV1VLRF5
Federal Award Identification Number (FAIN)	B21-UC-53-0006 & B22-UC-53-0006
Federal Award Date	8/25/21 & 8/24/22
This Subaward Period of Performance	2/15/26 – 12/31/26
Amount of Federal Funds Obligated for this Contract	$197,817
Total Federal Funds Obligated to Subrecipient	$197,817
Total Amount of the Federal Award Committed to the Subrecipient by the County	$197,817
Federal Award Program Description	Community Development Block Grant Program
Federal Awarding Agency	U.S. Department of Housing and Urban Development
Pass-through Entity and Contact Name	Clark County; Michael Torres 360-397-2130
CFDA Number	14.218
CFDA Name	Community Development Block Grants/Entitlement Grants
Is this award R&D?	No
Indirect Cost Rate for the Federal Award	None, however 15% De Minimis is allowed

2. ACCESSIBILITY

If this contract involves construction, all work must conform to the International Code Council/American National Standards Institute A117.1-2003 Accessible and Usable Buildings and Facilities Standard.

3. ACQUISITION AND RELOCATION

3.1. For acquisition of real property for any activity assisted under this Contract which occurs on or after the date of the Contractor's submission of its CDBG application to the County, the Contractor shall comply with Title III of the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter referred to as the Uniform Act) (42 USC, Sections 4601 - 4655) and the regulations at 24 C.F.R. 42.

3.2. The Contractor shall comply with Section 104(d) of the Housing and Community Development Act of 1974, which requires the one-for-one replacement of all occupied or vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than low/moderate-income dwelling units.

3.3. Any displacement of persons, businesses, non-profit organizations or farms occurring on or after the date of the Contractor's submission of its CDBG application as the result of acquisition of real property assisted under this Contract shall comply with Title II of the Uniform Act and the regulations at 24 C.F.R. 42. The Contractor shall comply with the regulations pertaining to costs of relocation and written policies, as specified by 24 C.F.R. 570.606. The Contractor shall notify the County at least 45 days before any acquisition, demolition or conversion of any housing unit when CDBG funds are involved.

4. ADMINISTRATIVE REQUIREMENTS

4.1. The Contractor shall comply with 2 C.F.R. Part 25.

4.2. The Contractor shall comply with 2 C.F.R. Part 200.

4.3. The Contractor shall comply with 24 C.F.R. Part 570.

4.4. The Contractor shall perform all necessary and customary functions in the management and supervision of Contractor personnel for all work performed under the Contract. The Contractor shall be responsible for compensation of Contractor staff with Contractor funds for all work performed under this Contract.

5. BUILD AMERICA, BUY AMERICA ACT

5.1. The Contractor shall comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Contractor's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

5.2. The Contractor shall include the language above in any procurement bid/contract documents to ensure BABA compliance by its subcontractors.

6. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTION

In addition to the contract terms listed in the Clark County Community Services General

Terms and Conditions, the following shall apply:

LOWER TIER COVERED TRANSACTIONS

a) The lower tier Contractor certifies, by signing this Contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

b) Where the lower tier Contractor is unable to certify to any of the statements in this Contract, such contractor shall attach an explanation to this Contract.

7. CONFLICT OF INTEREST

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply:

7.1. The Contractor shall comply with 24 C.F.R. §570.611 regarding any potential conflict of interest.

7.1.1. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 C.F.R. §85.36 and 24 C.F.R. §84.42, respectively, shall apply.

7.1.2. In all cases not governed by 24 C.F.R. §85.36 and §84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to 24 C.F.R. §570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to 24 C.F.R. §570.203, §570.204, §570.455, or §570.703(i)).

7.2. The conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this Contract.

7.3. The general rule is that no persons described herein who exercise or have exercised any functions or responsibilities with respect to activities assisted under this Contract, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from an activity assisted by these funds, or have a financial interest in any contract, subcontract, or agreement with respect to an activity assisted by these funds, or with respect to the proceeds of the activity assisted by these funds, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

8. CONSTRUCTION DOCUMENTS

This section applies if the scope of the contract involves construction:

8.1. The Contractor shall submit to the County all project components that shall be paid with HUD funds, including plans, specifications, bid documents, RFPs, RFQs and estimates, for review and comment at least ten (10) working days prior to requesting bids for construction.

8.2. All specifications and drawings shall be in conformance with current engineering and design standards of the jurisdiction where the project is located, and with the general specifications set forth in the Contractor's application for this project. All plans, specifications, and drawings shall be completed, stamped and signed by a licensed professional architect, landscape architect, or engineer.

8.3. Any change in the scope of the project shall require a modification of this Contract.

8.4. The Contractor shall obtain all necessary and appropriate land use permits, zoning approvals, and any other permits and approvals required by local, county, state and federal law.

8.5. If construction is paid with HUD funds, the Contractor shall appropriately bid, award the contract, and contract for construction of the project. The Contractor shall assume the rights and responsibilities of owners of the project, except that the County shall provide funds for the improvements generally described in this Contract.

8.6. If improvements are paid with HUD funds and in the event not all improvements can be made with the project funds, the County, in consultation with the Contractor, shall determine the priority of the improvements to be made.

8.7. The Contractor shall provide the County with one set of final record documents: the "As-Built" plans, which are stamped, certified, and signed.

9. DOCUMENTS INCORPORATED BY REFERENCE

In addition to the other documents and regulations referenced throughout this Contract, each of the documents listed below are by this reference incorporated into this Contract as though fully set forth herein, including any amendments, modifications or supplements thereto:

9.1. Clark County Community Services General Terms and Conditions, as now established or hereafter amended

9.2. Contractor's proposal for CDBG funds and the associated RFA

9.3. Detailed budget provided by the Contractor in their application for HUD funding

9.4. CDBG Program Policies and Procedures, as now established or hereafter amended

9.5. Current version of HUD income limits

9.6. Environmental Review Record (ERR) for the project

9.7. U.S. Department of Housing and Urban Development Community Development Block Grant B21-UC-53-0006 and B22-UC-53-0006 as now established or hereafter amended

9.8. All applicable federal administrative requirements including 2 C.F.R. Part 200 and 24 C.F.R. Part 570

9.9. If applicable, Contractor's promissory note, deed of trust and covenant agreement

10. DUPLICATION OF BENEFITS

10.1. Contractor shall prevent Duplication of Benefits (DOB) when carrying out eligible activities. A duplication occurs when a household receives assistance from multiple sources for the same recovery purpose, and the total assistance received for that purpose is more than the total need. The amount of the DOB is the amount received in excess of the total need for the same purpose. When total need for eligible activities is more than total assistance for the same purpose, the difference between these amounts is an "unmet need." Contractor shall limit their assistance to unmet needs for eligible activities to prevent a DOB.

11. ENVIRONMENTAL REVIEW

11.1. Clark County has completed an environmental review for the project in accordance with the National Environmental Policy Act (NEPA), as implemented by HUD's Environmental Review Procedures (24 C.F.R. Part 58).

The Contractor shall ensure that all activities related to this Agreement (including those that are paid for entirely with local or other funds) including property acquisition, construction, and use of the property/facilities are conducted in accordance with the project scope, as defined in the Environmental Review Record (ERR), and in accordance with the conditions set out in the ERR.

11.2. In the event of an inadvertent discovery of potentially significant archaeological materials (bones, shell, stone tools, hearths, etc.) and/or human remains during project activities, all work in the immediate vicinity should stop, the area must be secured, and the discovery must be reported to the Department of Archaeology and Historic Preservation (DAHP) (360-586-3056) and all relevant Native American tribes. In the event human remains are identified, local law enforcement, the county medical examiner, State Physical Anthropologist at DAHP (360-586-3534), the Clark County planning office, and the affected Tribes should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Contractor shall include this language in its contract with the general contractor.

11.3. In the event environmental mitigation measures are required by the environmental review process, the Contractor shall include the requirements within the construction contract between the Contractor and its selected general construction contractor.

12. FEES

Unless waived by the County in writing, Contractor shall not charge servicing, origination, or other fees for the cost of administering this program.

13. HUD SECTION 3 CLAUSE

This section applies only to contracts that exceed $200,000 prior to March 16, 2026, or $300,000 after March 16, 2026, for either Public Housing Financial Assistance or Section 3 projects. 24 C.F.R Part 75 establishes the requirements to be followed to ensure that the objectives of Section 3 of the Housing and Urban Development Act of 1968 are met. The purpose of Section 3 is to ensure that economic opportunities, most importantly employment, generated by certain HUD financial assistance, shall be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing or residents of the community in which the Federal assistance is spent.

If the work to be performed under this contract falls under the requirements set forth in Section 3, the following terms apply:

13.1. The Contractor shall comply with the regulations set forth in 24 C.F.R. Part 75.

13.2. The Contractor certifies that it is not under any contractual or other impediment that would prevent it from complying with the regulations set forth in 24 C.F.R. Part 75.

13.3. Consistent with existing Federal, state, and local laws and regulations, the Contractor and its contractors and subcontractors shall make their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers.

13.4. The Contractor shall include a Section 3 clause in every subcontract subject to compliance with the regulations set forth in 24 C.F.R. Part 75.

13.5. The Contractor shall be responsible for collecting all data required to meet HUD's Section 3 reporting requirements including labor hours data from all subcontractors and documentation of the Contractor's qualitative efforts to comply with Section 3 requirements. Using a form provided by the County, the Contractor shall provide the County with a full report detailing these measures upon completion of the project.

14. INSURANCE

14.1. The Contractor is not required to have fidelity and professional liability insurance.

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply if this contract will be used to fund construction activities.

14.2. At the execution of this Contract, Contractor shall provide proof of statutory workers' compensation insurance for all its employees that is acceptable and in compliance with Labor and Industries Workers' Compensation Division in the State of Washington. The Contractor shall defend Clark County against any third-party subrogation claims

from Labor and Industries as if the injured Contractor employee belonged to Clark County, Washington.

14.3. The Contractor shall purchase, maintain, and provide evidence of fire and extended coverage insurance policies for all structures improved or constructed with funds under this Contract. The fire and extended coverage insurance policies shall be in the amount of one hundred percent (100%) of the insurable value of the structure and improvements.

14.4. Contractor shall provide evidence of continuing coverage during the overlap periods of the policy and notify the County of any change in its insurance.

14.5. Should the Contractor provide an umbrella or excess coverage for any of the associated coverage(s), they shall be written in a "Follow Form" manner and Clark County Washington shall be listed and endorsed as an additional insured.

14.6. The Contractor shall purchase ALTA title insurance for any property purchase made under this agreement. Title insurance shall name the Contractor and the County, and shall be in an amount not less than the amount of HUD funds provided under this agreement.

14.7. The Contractor shall purchase an ALTA Extended Coverage 1970 form (with 1984 amendments) loan policy of title insurance in the amount of the loan. The policy shall name the County as beneficiary.

14.8. The Contractor shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance is obtained, maintained, and that evidence of flood insurance is provided to the County.

15. INTERPRETATION OF CONTRACT

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply:

In the event of an inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order. Where a term of this section conflicts with a term in the General Terms and Conditions, this section controls. If such interpretation would violate a federal or state statute or contract agreement, the term shall be interpreted in a manner to comply with federal and state statutes and contract agreements.

15.1. Applicable federal statutes and regulations including the current version of HUD income limits and Fair Market Rent Limits

15.2. State statutes and regulations

15.3. Clark County CDBG Program Policies and Procedures

15.4. Statement of Work, including any exhibits

15.5. Special Terms and Conditions

15.6. Clark County Community Services General Terms and Conditions

15.7. Contractor's proposal for CDBG funds

15.8. Any other material incorporated herein by reference

16. LABOR STANDARDS

This section applies if the scope of the contract involves construction

16.1. The Contractor shall require that project construction contractors and subcontractors pay their laborers and mechanics minimum wage rates in accordance with the Davis-Bacon Act (40 USC Sections 3141-3144, 3146, and 3147) and HUD requirements as pertinent to such contracts and the applicable requirements of the regulations of the Department of Labor under 29 C.F.R. Parts 3 and 5, governing the payment of wages and the ratio of apprentices and trainees to journeymen; provided that if wage rates higher than those required under such regulations are imposed by state or local law, nothing hereunder is intended to relieve the Contractor of its obligation, if any, of the requirements of 29 C.F.R. §5.5.

16.2. Washington state law, RCW 39.12, also contains standards for determining when a project is a public work for the purposes of state law and the payment of prevailing wages. The Contractor shall be responsible for the payment of prevailing wages if applicable. The Contractor, by its signature on this agreement, agrees to defend and hold harmless the County from any claims based on alleged failure to pay prevailing wages.

17. LEAD-BASED PAINT

Housing assisted with HUD funds is subject to the Lead-Based Paint Poisoning Prevention Act (42 USC 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC 4851-4856) and implementing regulations at 24 C.F.R. Part 35.

18. NONDISCRIMINATION

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply:

18.1. The Contractor shall comply with all federal, state and local laws prohibiting discrimination.

18.2. The Contractor shall take necessary and appropriate actions to prevent discrimination in federally assisted housing and lending practices related to loans insured or guaranteed by the federal government (Civil Rights Act of 1968, Title VIII) (Fair Housing Act) (42 USC Sections 3601 - 3639). The Contractor's website shall contain a link to the County's Fair Housing information:

http://www.clark.wa.gov/commserv/fairhousing/index.html.

18.3. The Contractor shall bar eviction and termination due to a tenant's status as a survivor, and require landlords to maintain survivor-tenant confidentiality. The Contractor shall not deny assistance, tenancy, or occupancy rights to a tenant who is a survivor of domestic violence based solely on criminal activity related to an act of domestic violence committed against them. The Contractor shall allow a lease bifurcation so a tenant or lawful occupant who engages in criminal acts of physical violence against affiliated individuals or others may be evicted or removed without evicting, removing, or otherwise penalizing a victim who is a tenant or lawful occupant. If the victim cannot establish eligibility, the landlord must give a reasonable amount of time to find new housing or establish eligibility under another covered housing program. This protection is for victims, affiliated individual, or intimate partner of sexual assault, domestic violence, dating violence, or stalking. Violence Against Women Reauthorization Act of 2013 (Public Law 113-4, 127 Stat. 54).

18.4. Contractor shall comply with Washington State laws and regulations prohibiting refusal to lease or rent any real property to prospective tenant(s) based on source of income.

19. OPERATIONS AND MAINTENANCE

19.1. The Contractor shall maintain and operate the project/facility for eligible activities pursuant to HUD regulations.

19.2. If applicable, the Contractor shall operate facilities so as to be open for the use of the general public during all normal hours of operation and shall not charge a fee that would restrict low-income persons from using the facility.

20. PROCUREMENT STANDARDS

20.1. This project has been recommended for funding by the Urban County Policy Board based on information supplied in the Contractor's application submitted in response to the Clark County 2023 CDBG Program RFA.

20.2. In awarding contracts pursuant to this Contract, the Contractor shall comply with all applicable requirements of local and state law for awarding contracts, including but not limited to procedures for competitive bidding, contractor's bonds, and retained percentages. In addition, the Contractor shall comply with the Uniform Administrative Requirements as described in 24 C.F.R. Part 570 and with Executive Order 11246 - Nondiscrimination in Employment by Government Contractors and Subcontractors.

20.3. If requested by the County, a cost or price analysis shall be made and documented in connection with every procurement action, and shall be submitted to the County for review. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability.

20.4. Contractor shall follow the requirements in 2 C.F.R. Part 200 and requirements

described in the Clark County Community Development Block Grant Program Procedures Manual.

21. PROGRAM INCOME

21.1. If this program generates income, the Contractor shall follow the requirements of 24 C.F.R. 570.500 et al. regarding program income. The receipt and expenditure of program income shall be recorded as a part of the financial transactions of the project(s) funded under this Contract. Program income shall be reported with each voucher request, disbursed first, and disbursed primarily for the benefit of the project(s) funded by this Contract. The County shall determine whether income is being used to continue or benefit a project or projects authorized by this Contract. Program income remaining when the Contract expires, or received after the Contract's expiration, shall be repaid to the County.

21.2. Despite the termination or expiration of this Contract, the Contractor shall retain records of program income as long as program income is generated by a HUD financed activity, subject to state and federal record retention schedules.

22. PUBLICITY

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply:

22.1. In all news releases and other public notices related to projects funded under this Agreement, the Contractor shall include information identifying the source of funds as the Clark County CDBG program.

22.2. During construction projects, the Contractor shall erect a durable and adequately visible sign at the construction site, identifying the source of funds. Sign specifications may be found in the Clark County Procedures Manual.

22.3. For construction projects, the Contractor shall place a plaque permanently in the highest foot traffic area readily visible to the public. The minimum size should be twelve inches (12") by twelve inches (12"). The plaque should identify the funding sources, the project name, and the year constructed.

23. RECORDS RETENTION

In addition to the contract terms listed in the Clark County Community Services General Terms and Conditions, the following shall apply:

23.1. In the event the Contractor sponsors multiple projects, each project shall be maintained under a separate file system and kept in a manner recommended by the County.

23.2. The retention period for real property and equipment records starts from the date of the disposition, or replacement, or transfer at the direction of HUD.

23.3. For tenant-based rental assistance projects, records must be retained for six (6) years after the period of rental assistance terminates. This clause survives the completion, cancellation, or termination of this agreement.

24. REQUIRED RECORDS

Unless waived by the County in writing, the Contractor shall maintain all records identified below and in accordance with 24 C.F.R. 570

24.1. Financial Management - Such records shall identify adequately the source and application of funds for activities within this Contract, in accordance with the provisions of 24 C.F.R. 85.20. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

24.2. Citizen Participation - Narrative and other documentation describing the process used to inform citizens concerning the amount of funds available, the ranges of project activities undertaken, and opportunities to participate in funded block grant projects.

24.3. Equal Opportunity - The Contractor shall maintain and provide records containing the following information for each applicant and each assisted person. This is to show the extent people have participated in, or benefited from, the activities carried out under this Contract.

24.3.1. Name of the household or person assisted;

24.3.2. Income category (i.e. very low-income (0-30% of MFI), low-income (31 to 50% of MFI), or low/mod-income (50 to 80% of MFI));

24.3.3. Racial/ethnic data (White, Black/African American, Asian, American Indian/Alaskan Native, Native Hawaiian/Other Pacific Islander, American Indian/Alaskan Native & White, Asian & White, Black/African American & White, American Indian/Alaskan Native & Black/African American, Other/multi-racial);

24.3.4. The above racial/ethnic categories shall also document Hispanic or non-Hispanic;

24.3.5. Gender data;

24.3.6. Female head of household; and

24.3.7. Disability

24.4. Compensation Paid - Records of the hours worked and rates of compensation for all personnel performing work under this Contract.

24.5. Property Acquisition - If the project involves property acquisition, the Contractor's files must contain the following records:

24.5.1. Official Determination to Acquire - A citation of the action that constitutes

the official determination to acquire, the date of the action, and the applicable HUD grant number.

24.5.2. Notice of Intent to Acquire the Property - A copy of the notice, citation of the date of transmittal to owner, and evidence of receipt by the owner.

24.5.3. Invitation to Accompany Appraiser - Evidence that owner was invited to accompany each appraiser on his inspection of the property.

24.5.4. Appraisal Reports - A copy of each appraisal report, on which determination of just compensation was based.

24.5.5. Review Appraisal - Arrange for a review appraisal to assure appraisal meets applicable standards.

24.5.6. Determination of Just Compensation - A copy of the resolution, certification, motion or other document constituting the determination of just compensation.

24.5.7. Purchase Offer - A copy of written purchase offer of just compensation, including all basic terms and conditions of such offer, and a citation of the date of delivery to the owner.

24.5.8. Purchase Agreement, Deed, Declaration of Taking, Tenant Waivers - A copy of each such document and any similar or related document utilized in conveyance.

24.5.9. Settlement Cost Reporting Statement - A copy of the statement.

24.5.10. Purchase Price Receipt - Evidence of owner receipt of purchase price payment.

24.5.11. Ninety (90) Day Notice to Surrender Possession of Premises - A copy of the notice. As an alternative, a copy of this notice may be included in the relocation or property management files.

24.5.12. As provided in 24 C.F.R. 570.606, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and HUD's implementing regulations in 24 C.F.R. 42 apply to all real property acquisition by a grantee for an assisted program activity, regardless of the source of funding for the acquisition itself.

24.6. Miscellaneous - Such other records as may be required by the County and/or HUD.

25. REVERSION OF ASSETS

Upon expiration of this Contract, the Contractor shall transfer to the County any CDBG or HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG or HOME funds. It shall also include provisions designed to ensure that any real property under the Contractor's control that was acquired or improved in whole or in part with CDBG or HOME funds in excess of $25,000 must be either:

25.1. Used to meet one of the national objectives in 24 C.F.R. 570, until five years after expiration of the Contract, or for a longer period of time as determined appropriate by the County; or

25.2. Disposed of in a manner which results in the County being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-HUD funds for acquisition of, or improvement to, the property.

26. SUBRECIPIENT MONITORING

Contractor shall monitor the activities of subrecipients as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved in accordance with requirements specified in 2 C.F.R. 200.331.

27. TERMINATION

27.1. The award or continuation of this Contract is dependent upon the availability of future funding. The County's payment obligations are payable only and solely from funds both appropriated and otherwise legally available for this Contract.

27.1.1. The absence of initial appropriated or other lawfully-available funds shall render the Contract null and void to the extent funds are not appropriated or available.

27.1.2. If the funds upon which the County relied to establish this Contract are withdrawn, reduced, or limited, or if additional or modified conditions are placed on such funding, the County may terminate this Contract by providing no fewer than ten (10) calendar days written notice to the Contractor. The termination shall be effective on the date specified in the notice of termination.

27.2. The County shall have the right to terminate this Contract, in whole or in part, with or without cause any time by providing no fewer than ten (10) calendar day's written notice. Upon receipt of a notice of termination, the Contractor shall promptly cease all further work pursuant to this Contract, with such exceptions, if any, specified in the notice of termination. The County shall pay the Contractor, to the extent of funds appropriated or otherwise legally available for such purpose, for all goods delivered, services performed, and obligations incurred prior to the date of termination in accordance with the terms hereof.

27.3. Upon termination of this Contract any unexpended balance of Contract funds shall remain with the County. If termination occurs for cause, the Contractor shall immediately and without notice of presentment return to the County all funds that were expended in violation of the terms of this Contract.

27.4. Any notice required to be given pursuant to the terms of this section shall be in writing and shall be sent by certified or registered mail, return receipt requested, postage

prepaid, by hand delivery, or via email to the receiving party at the address listed on the signature page, or at any other address of which a party has given notice. Notice shall be deemed given on the date of delivery or refusal as shown on the return receipt if delivered by mail, or the date upon which such notice is personally delivered in writing.

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Ryan Jeynes, City Engineer
Date:	April 6, 2026
Proceeding Type:	Consent
Subject:	Parkway/Main – ROW Purchase Approval – BGSD

Legislative History:	
• Admin: • Consent:	January 5, 2026 April 6, 2026

Staff Report Summary

The City Council will consider approving the purchase of property and easements for the Parkway/Main Intersection Improvement project through passage of the consent agenda.

Background

The City has been working on the Parkway/Main Intersection Improvement project for a couple of years. Most recently, the City has been working to purchase the property and easements that will be necessary to construct the project. Through the design process it was determined that easements would be necessary from three separate property owners. Per RCW 35A.11.020 the City Council has the authority to approve acquisition of property.

As discussed during the Admin portion of the January 5, 2026 Council Meeting, City staff would negotiate within the limits of City Policy to acquire said properties.

The City was able to negotiate a settlement with the owners of the BGSD property for $4,806, which was the Fair Market Value. This purchase includes a permanent acquisition and a temporary construction easement. This is the second of three acquisitions that are necessary to construct the project.

Fiscal and Policy Implications

This project is included in the 2026 budget.

Goals and Objectives Relevance

Approval of this purchase meets the goal to "Improve And Maintain Infrastructure Improvements". Approving this purchase is one step in moving this project forward, which will ultimately improve existing transportation infrastructure.

Options

Option	Results
• Approve Purchase	City will purchase property so project can continue forward.
• Reject Purchase	City will not purchase property and project won't be able to move forward.
• No Action	Decision will be delayed until more information is provided.

Staff Recommendation

Staff recommends that City Council approve purchase of a permanent acquisition and a temporary construction easement on the BGSD property in the amount of $4,806.

Attachments

A.	Warranty Deed
B.	Temporary Easement

Legal Review

N/A, documents have been previously reviewed by Legal Counsel.

After recording return document to:

City of Battle Ground Washington
109 SW 1st Street, Suite 122
Battle Ground, WA 98604

Document Title: Warranty Deed
Reference Number of Related Document: N/A
Grantor(s): Battle Ground School District No. 19, a Washington municipal corporation FKA School District No. 64 of Clark County
Grantee(s): City of Battle Ground Washington
Legal Description: Tax Lot 6, Section 34, Township 4 North, Range 2 East
Additional Legal Description attached as Exhibit A and B.
Assessor's Tax Parcel Number: 91050005

WARRANTY DEED

PARKWAY AVE. AND MAIN STREET INTERSECTION IMPROVEMENTS

The Grantor(s), **BATTLE GROUND SCHOOL DISTRICT NO. 19, A WASHINGTON MUNICIPAL CORPORATION FKA SCHOOL DISTRICT NO. 64 OF CLARK COUNTY** for and in consideration of the sum of TEN AND NO/100 ($10.00) Dollars, and other valuable consideration, hereby convey(s) and warrant(s) to the **CITY OF BATTLE GROUND WASHINGTON, a municipal corporation of the State of Washington, Grantee**, the following described real property situated in Clark County, in the State of Washington, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain:

For legal description and additional conditions
See Exhibit A and B attached hereto and made a part hereof.

Also, the undersigned hereby requests the Assessor and Treasurer of said County to set over to the remainder of the herein described Parcel "A" the lien of all unpaid taxes, if any, affecting the property hereby conveyed, as provided by RCW 84.60.070.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF BATTLE GROUND WASHINGTON** unless and until accepted and approved hereon in writing for the **CITY OF BATTLE GROUND WASHINGTON**, by its authorized agent.

Dated this 25 day of MARCH 2026.

BATTLE GROUND SCHOOL DISTRICT NO. 19, A WASHINGTON MUNICIPAL CORPORATION FKA SCHOOL DISTRICT NO. 64 OF CLARK COUNTY

EXEC. DIRECTOR FACILITIES

Authorized Name / Title

STATE OF WASHINGTON)
: ss
COUNTY OF CLARK)

On this 25 day of MARCH 2026, before me personally appeared KEVIN J. JOLMA to me known to be the EXEC. DIRECTOR FACILITIES of **BATTLE GROUND SCHOOL DISTRICT NO. 19, a Washington municipal corporation FKA School District No. 64 of Clark County** that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

(SEAL) DARCIE A EDWARDS COMM. # 23031594 NOTARY PUBLIC EXP. 08/01/2027 STATE OF WASHINGTON

Darcie A Edwards
Notary Public in and for the State of Washington, residing at BATTLE GROUND

My commission expires 08·01·2027

Accepted and Approved

CITY OF BATTLE GROUND WASHINGTON

By:_____
Authorized Name/Title

Date:_____

STATE OF WASHINGTON)
: ss
County of _____)

On this _____ day of _____ before me personally appeared _____, to me known to be the _____, for the **CITY OF BATTLE GROUND WASHINGTON**, and that he/she executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said **CITY OF BATTLE GROUND WASHINGTON**, for the uses and purposes therein set forth, and on oath states that he is authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

_____
Notary Public in and for the State of Washington
Residing at: _____
My commission expires _____

Exhibit "A"
PIN 91050005
Battle Ground School District # 119
Right-of-Way Acquisition
Legal Description

Being a variable width strip of land located in the Southeast Quarter of the Southeast Quarter of Section 34, Township 4 North, Range 2 East, Willamette Meridian, City of Battle Ground, Clark County, Washington, said strip of land being more particularly described as follows:

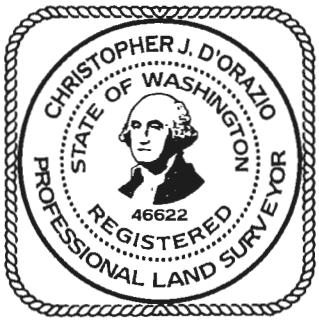
All that portion of that parcel, being Adjusted Parcel 1, as described in City of Battle Ground Boundary Line Adjustment Case #LUD121-0002 by Battle Ground School District #119 recorded under Auditor's File Number 5931304, records of Clark County, Washington, lying southerly of the following described line:

BEGINNING at a point on the northerly right-of-way line of W. Main Street (SR 502), said point being 36.96 feet northerly of, when measured at right angles to the centerline of W. Main Street (SR 502) as described in the attached Exhibit "B", said centerline at Engineers' station 0+76.06;

Thence on a straight line to a point, being 39.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 0+76.06;

Thence on a straight line to a point, being 39.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 1+11.63;

Thence on a straight line to a point on the westerly right-of-way line of North Parkway Avenue, being 60.09 feet northerly of, when measured at right angles to said centerline at Engineers' station 1+33.69 and there terminating.



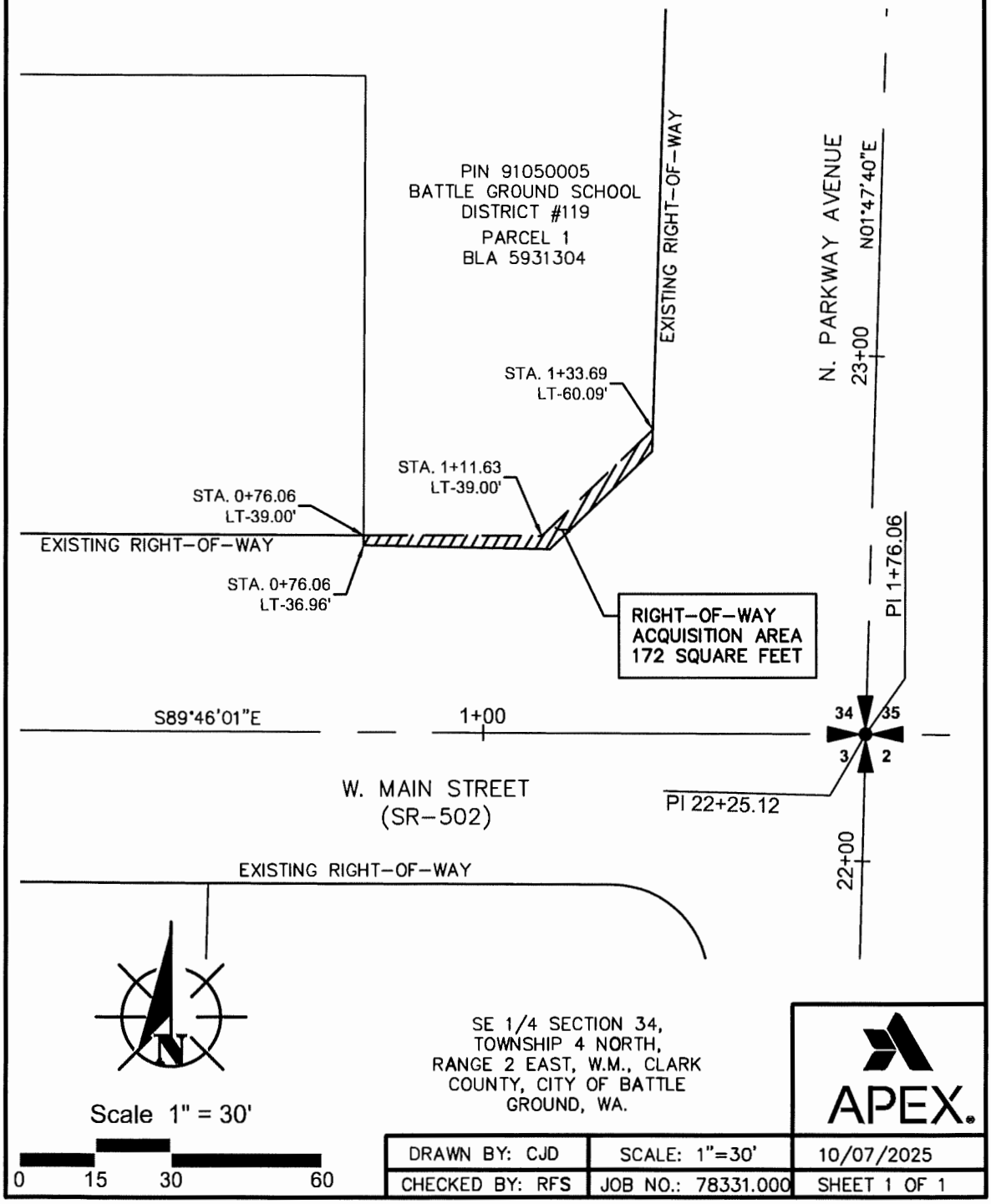
Contains in all 172 square feet, more or less.

See Exhibit Map attached hereto.

EXHIBIT MAP

RIGHT–OF–WAY ACQUISITION

PIN 91050005
BATTLE GROUND SCHOOL
DISTRICT #119



SE 1/4 SECTION 34,
TOWNSHIP 4 NORTH,
RANGE 2 EAST, W.M., CLARK
COUNTY, CITY OF BATTLE
GROUND, WA.

APEX.

DRAWN BY: CJD	SCALE: 1"=30'	10/07/2025
CHECKED BY: RFS	JOB NO.: 78331.000	SHEET 1 OF 1

After recording return document to:

City of Battle Ground Washington
109 SW 1st Street, Suite 122
Battle Ground, WA 98604

Document Title: Temporary Easement
Reference Number of Related Document: N/A
Grantor(s): Battle Ground School District No. 19, a Washington municipal corporation FKA School District No. 64 of Clark County
Grantee(s): City of Battle Ground Washington
Legal Description: Tax Lot 6, Section 34, Township 4 North, Range 2 East
Additional Legal Description attached as Exhibit A and B.
Assessor's Tax Parcel Number: 91050005

TEMPORARY EASEMENT

PARKWAY AVE. AND MAIN STREET INTERSECTION IMPROVEMENTS

The Grantor(s), **BATTLE GROUND SCHOOL DISTRICT NO. 19, A WASHINGTON MUNICIPAL CORPORATION FKA SCHOOL DISTRICT NO. 64 OF CLARK COUNTY**, for and in consideration of TEN AND NO/100 ($10.00) DOLLARS, and other valuable consideration, conveys and grants unto the **CITY OF BATTLE GROUND WASHINGTON, a municipal corporation of the State of Washington**, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of supporting the installation of traffic signal infrastructure and other planned work necessary to the completion of the City's intersection project.

Said lands being situated in Clark County, State of Washington, and described in Exhibit A and B, attached hereto, and made a part hereof.

The term of this Temporary Easement shall commence on the date of acceptance of this Temporary Easement by Grantee and shall terminate Eighteen (18) months from the date of acceptance or when construction on the property is completed, whichever occurs first, hereinafter the "Term".

TEMPORARY EASEMENT

It is understood and agreed that delivery of this temporary easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF BATTLE GROUND WASHINGTON** unless and until accepted and approved hereon in writing for the **CITY OF BATTLE GROUND WASHINGTON**, by its authorized agent.

Dated this 25 day of MARCH 2026.

BATTLE GROUND SCHOOL DISTRICT NO. 19, A WASHINGTON MUNICIPAL CORPORATION FKA SCHOOL DISTRICT NO. 64 OF CLARK COUNTY

EXEC. DIRECTOR FACILITIES

Authorized Name / Title

STATE OF WASHINGTON)
: ss
COUNTY OF CLARK)

On this 25 day of MARCH 2026, before me personally appeared KEVIN J. JOLMA to me known to be the EXEC. DIRECTOR FACILITIES of **BATTLE GROUND SCHOOL DISTRICT NO. 19, a Washington municipal corporation FKA School District No. 64 of Clark County** that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

DARCIE A EDWARDS
COMM. # 23031594
NOTARY PUBLIC
EXP. 08/01/2027
STATE OF WASHINGTON

Darcie A. Edwards

Notary Public in and for the State of Washington
Residing at: BATTLE GROUND
My commission expires 08.01.2027

TEMPORARY EASEMENT

Accepted and Approved

CITY OF BATTLE GROUND WASHINGTON

By:_____
Authorized Name/Title

Date:_____

STATE OF WASHINGTON)
: ss
County of _____)

On this _____ day of _____ before me personally appeared _____, to me known to be the _____, for the **CITY OF BATTLE GROUND WASHINGTON**, and that he/she executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said **CITY OF BATTLE GROUND WASHINGTON**, for the uses and purposes therein set forth, and on oath states that he is authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

_____
Notary Public in and for the State of Washington
Residing at: _____
My commission expires _____

Exhibit "A"
PIN 91050005
Battle Ground School District # 119
Temporary Construction Easement
Legal Description

Being a variable width strip of land located in the Southeast Quarter of the Southeast Quarter of Section 34, Township 4 North, Range 2 East, Willamette Meridian, City of Battle Ground, Clark County, Washington, said strip of land being more particularly described as follows:

All that portion of that parcel, being Adjusted Parcel 1, as described in City of Battle Ground Boundary Line Adjustment Case #LUD121-0002 by Battle Ground School District #119 recorded under Auditor's File Number 5931304, records of Clark County, Washington lying southerly of the following described line and northerly of a proposed right-of-way line:

BEGINNING at a point on the northerly right-of-way line of W. Main Street (SR 502), said point being 39.00 feet northerly of, when measured at right angles to the centerline of W. Main Street (SR 502) as described in the attached Exhibit "B", said centerline at Engineers' station 0+76.06;

Thence on a straight line to a point, being 44.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 0+76.06;

Thence on a straight line to a point, being 44.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 1+09.63;

Thence on a straight line to a point, being 62.28 feet northerly of, when measured at right angles to said centerline at Engineers' station 1+28.74;

Thence on a straight line to a point, being 70.19 feet northerly of, when measured at right angles to said centerline at Engineers' station 1+28.96;

Thence on a straight line to a point on the westerly right-of-way of North Parkway Avenue, being 70.05 feet northerly of, when measured at right angles to said centerline at Engineers' station 1+33.96 and there terminating.

Contains in all 360 square feet, more or less.

See Exhibit Map attached hereto.

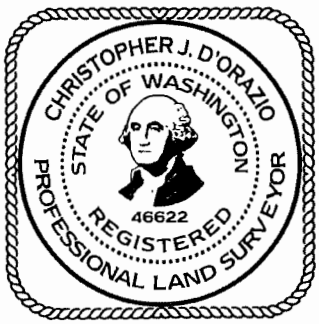
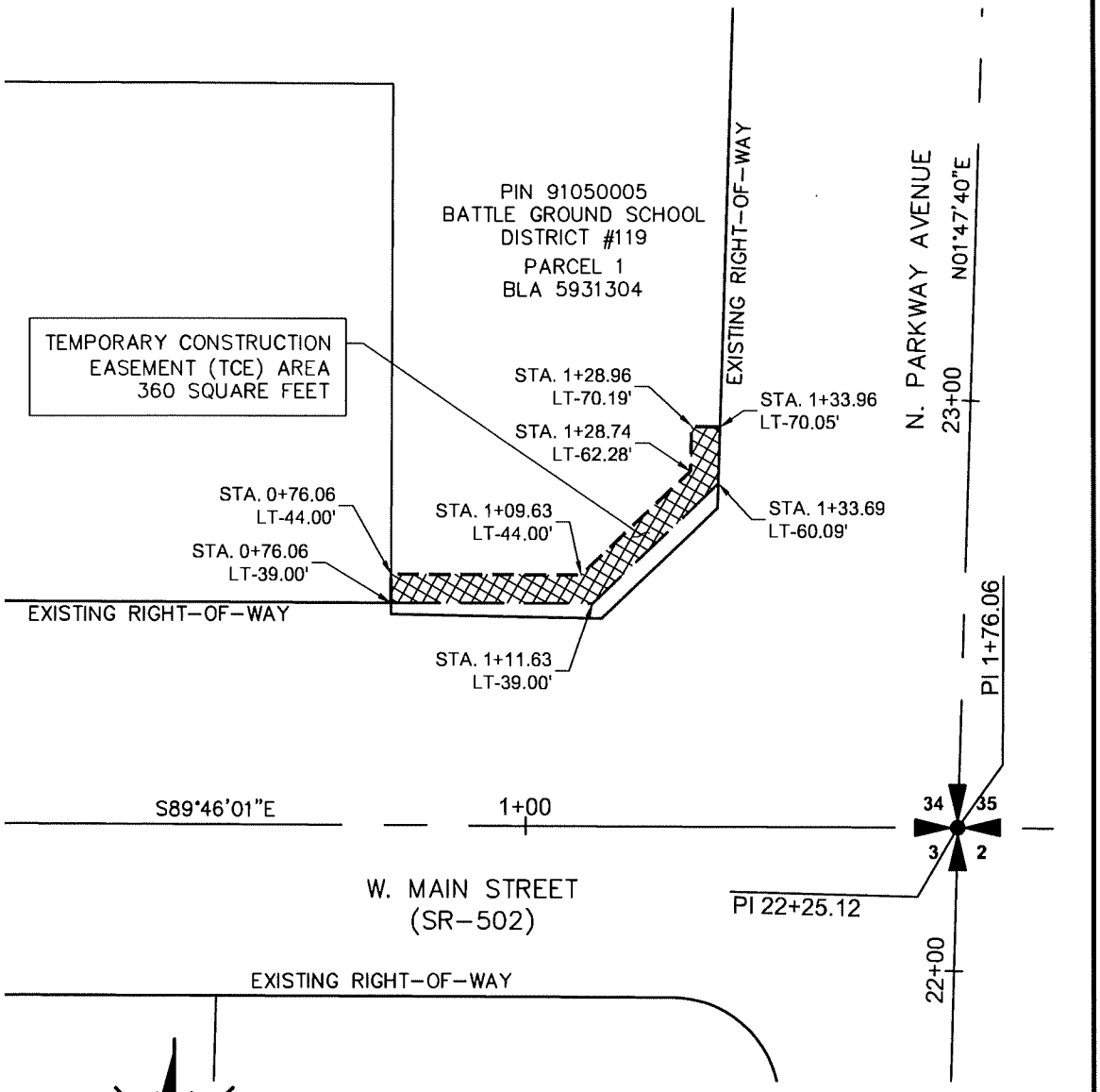


EXHIBIT MAP

TEMPORARY CONSTRUCTION EASEMENT (TCE)

PIN 91050005

BATTLE GROUND SCHOOL DISTRICT #119



SE 1/4 SECTION 34,
TOWNSHIP 4 NORTH,
RANGE 2 EAST, W.M., CLARK
COUNTY, CITY OF BATTLE
GROUND, WA.

APEX.

DRAWN BY: CJD	SCALE: 1"=30'	10/07/2025
CHECKED BY: RFS	JOB NO.: 78331.000	SHEET 1 OF 1

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Ryan Jeynes, City Engineer
Date:	April 6, 2026
Proceeding Type:	Consent
Subject:	Parkway/Main – ROW Purchase Approval – North Parkway LLC

Legislative History:	
• Admin:	January 5, 2026
• Consent:	April 6, 2026

Staff Report Summary

The City Council will consider approving the purchase of property and easements for the Parkway/Main Intersection Improvement project through passage of the consent agenda.

Background

The City has been working on the Parkway/Main Intersection Improvement project for a couple of years. Most recently, the City has been working to purchase the property and easements that will be necessary to construct the project. Through the design process it was determined that easements would be necessary from three separate property owners. Per RCW 35A.11.020 the City Council has the authority to approve acquisition of property.

As discussed during the Admin portion of the January 5, 2026 Council Meeting, City staff would negotiate within the limits of City Policy to acquire said properties.

The City was able to negotiate a settlement with the owners of the North Parkway LLC property for $1,704, which was the Fair Market Value. This purchase includes a permanent easement and a temporary construction easement. This is the third of three acquisitions that are necessary to construct the project.

Fiscal and Policy Implications

This project is included in the 2026 budget.

Goals and Objectives Relevance

Approval of this purchase meets the goal to "Improve And Maintain Infrastructure Improvements". Approving this purchase is one step in moving this project forward, which will ultimately improve existing transportation infrastructure.

Options

Option	Results
• Approve Purchase	City will purchase property so project can continue forward.
• Reject Purchase	City will not purchase property and project won't be able to move forward.
• No Action	Decision will be delayed until more information is provided.

Staff Recommendation

Staff recommends that City Council approve purchase of a permanent acquisition and a temporary construction easement on the North Parkway LLC property in the amount of $1,704.

Attachments

A.	Permanent Easement
B.	Temporary Easement

Legal Review

N/A, documents have been previously reviewed by Legal Counsel.

After recording return document to:

City of Battle Ground Washington
109 SW 1st Street, Suite 122
Battle Ground, WA 98604

Document Title: Permanent Easement
Reference Number of Related Document: N/A
Grantor(s): North Parkway LLC, a Washington limited liability company
Grantee(s): City of Battle Ground Washington
Legal Description: Tax Lots 38 and 30, Section 35, Township 4 North, Range 2 East
Additional Legal Description attached as Exhibit A and B.
Assessor's Tax Parcel Number: 91051026

PERMANENT EASEMENT

PARKWAY AVE. AND MAIN STREET INTERSECTION IMPROVEMENTS

The Grantor(s), **NORTH PARKWAY LLC, a Washington limited liability company**, for and in consideration of TEN AND NO/100 ($10.00) DOLLARS, convey(s) and grant(s) unto the **CITY OF BATTLE GROUND WASHINGTON, a municipal corporation of the State of Washington**, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain, an easement over, under, upon and across the hereinafter described lands for the purpose of installing and traffic signal infrastructure.

Said lands being situated in Clark County, State of Washington, and described as follows:

For legal description and additional conditions
See Exhibit A attached hereto and made a part hereof

It is understood and agreed that delivery of this temporary easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF BATTLE GROUND WASHINGTON** unless and until accepted and approved hereon in writing for the **CITY OF BATTLE GROUND WASHINGTON**, by its authorized agent.

PERMANENT EASEMENT

Dated this 6th day of MARCH 2026.

NORTH PARKWAY, LLC

Stacy C. Garcia (manager)
Authorized Name/Title Stacy C. Garcia, manager.

Authorized Name/Title

STATE OF WASHINGTON)
: ss
COUNTY OF Clark)

On this 6th day of march 2026, before me personally appeared STACY C. GARCIA and N/A to me known to be the manager of **NORTH PARKWAY LLC, a Washington Limited Liability Company** that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

B M JAMIESON
NOTARY PUBLIC #34108
STATE OF WASHINGTON
COMMISSION EXPIRES
APRIL 15, 2029

Notary Public in and for the State of Washington
Residing at: Vancouver
My commission expires 4/15/2029

PERMANENT EASEMENT

Accepted and Approved

CITY OF BATTLE GROUND WASHINGTON

By:_____
Authorized Name/Title

Date:_____

STATE OF WASHINGTON)
: ss
County of _____)

On this _____ day of _____ before me personally appeared _____, to me known to be the _____, for the **CITY OF BATTLE GROUND WASHINGTON**, and that he/she executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said **CITY OF BATTLE GROUND WASHINGTON**, for the uses and purposes therein set forth, and on oath states that he is authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

_____
Notary Public in and for the State of Washington
Residing at: _____
My commission expires _____

APEX

Exhibit "A"
PIN 91051026
North Parkway, LLC
Permanent Easement
Legal Description

Being a variable width strip of land located in the Southwest Quarter of the Southwest Quarter of Section 35, Township 4 North, Range 2 East, Willamette Meridian, City of Battle Ground, Clark County, Washington, said strip of land being more particularly described as follows:

All that portion of that parcel conveyed in that Quit Claim Deed to North Parkway, LLC as described in Auditor's File Number 5086022, Deed Records of Clark County, Washington, lying westerly of the following described line:

BEGINNING at a point on the easterly right-of-way line of North Parkway Avenue, said point being 54.90 feet northerly of, when measured at right angles to the centerline of W. Main Street (SR 502) as described in the attached Exhibit "B", said centerline at Engineers' station 2+07.78;

Thence on a straight line to a point, being 54.85 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+12.78;

Thence on a straight line to a point, being 49.85 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+12.73;

Thence on a straight line to a point on the easterly right-of-way line of North Parkway Avenue, being 49.91 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+07.73 and there terminating.

Contains in all 25 square feet, more or less.

See Exhibit Map attached hereto.

CHRISTOPHER J. D'ORAZIO
STATE OF WASHINGTON
46622
REGISTERED
PROFESSIONAL LAND SURVEYOR

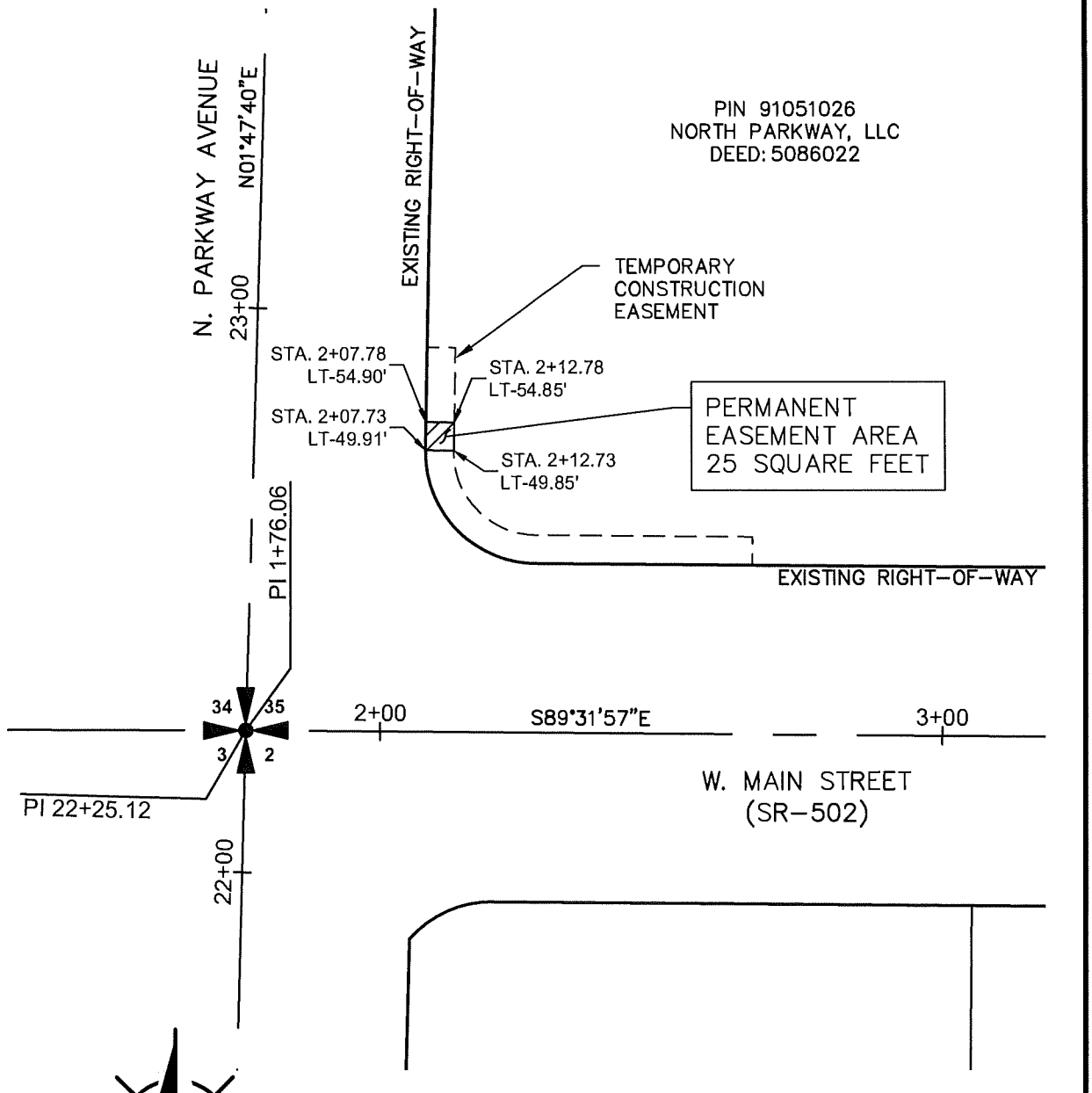
Digitally signed by Chris D'Orazio
Date: 2025.10.10 09:08:17 -07'00'

EXHIBIT MAP

PERMANENT EASEMENT

PIN 91051026

NORTH PARKWAY LLC



SW 1/4 SECTION 35,
TOWNSHIP 4 NORTH,
RANGE 2 EAST, W.M., CLARK
COUNTY, CITY OF BATTLE
GROUND, WA.

APEX.

DRAWN BY: CJD	SCALE: 1"=30'	10/07/2025
CHECKED BY: RFS	JOB NO.: 78331.000	SHEET 1 OF 1

After recording return document to:

City of Battle Ground Washington
109 SW 1st Street, Suite 122
Battle Ground, WA 98604

Document Title: Temporary Easement
Reference Number of Related Document: N/A
Grantor(s): North Parkway LLC, a Washington limited liability company
Grantee(s): City of Battle Ground Washington
Legal Description: Tax Lots 38 and 30, Section 35, Township 4 North, Range 2 East
Additional Legal Description attached as Exhibit A and B.
Assessor's Tax Parcel Number: 91051026

TEMPORARY EASEMENT

PARKWAY AVE. AND MAIN STREET INTERSECTION IMPROVEMENTS

The Grantor(s), **NORTH PARKWAY LLC, A Washington limited liability company**, for and in consideration of TEN AND NO/100 ($10.00) DOLLARS, and other valuable consideration, conveys and grants unto the **CITY OF BATTLE GROUND WASHINGTON, a municipal corporation of the State of Washington**, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of supporting the installation of traffic signal infrastructure and other planned work necessary to the completion of the City's intersection project.

Said lands being situated in Clark County, State of Washington, and described in Exhibit A and B, attached hereto, and made a part hereof.

The term of this Temporary Easement shall commence on the date of acceptance of this Temporary Easement by Grantee and shall terminate Eighteen (18) months from the date of acceptance or when construction on the property is completed, whichever occurs first, hereinafter the "Term".

TEMPORARY EASEMENT

It is understood and agreed that delivery of this temporary easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF BATTLE GROUND WASHINGTON** unless and until accepted and approved hereon in writing for the **CITY OF BATTLE GROUND WASHINGTON**, by its authorized agent.

Dated this 6th day of MARCH 2026.

NORTH PARKWAY, LLC

Stacy C. Garcia (manager)
Authorized Name/Title STACY C. GARCIA, MANAGER

Authorized Name/Title

STATE OF WASHINGTON)
: ss
COUNTY OF Clark)

On this 6th day of March 2026, before me personally appeared Stacy C. Garcia and N/A to me known to be the manager of **NORTH PARKWAY LLC, a Washington Limited Liability Company** that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

B M JAMIESON
NOTARY PUBLIC #34108
STATE OF WASHINGTON
COMMISSION EXPIRES
APRIL 15, 2029

Notary Public in and for the State of Washington
Residing at: Vancouver
My commission expires 4/15/2029

TEMPORARY EASEMENT

Accepted and Approved

CITY OF BATTLE GROUND WASHINGTON

By:_____
Authorized Name/Title

Date:_____

STATE OF WASHINGTON)
: ss
County of _____)

On this _____ day of _____ before me personally appeared _____, to me known to be the _____, for the **CITY OF BATTLE GROUND WASHINGTON**, and that he/she executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said **CITY OF BATTLE GROUND WASHINGTON**, for the uses and purposes therein set forth, and on oath states that he is authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

_____
Notary Public in and for the State of Washington
Residing at: _____
My commission expires _____

APEX

Exhibit "A"
PIN 91051026
North Parkway, LLC
Temporary Construction Easement
Legal Description

Being a variable width strip of land located in the Southwest Quarter of the Southwest Quarter of Section 35, Township 4 North, Range 2 East, Willamette Meridian, City of Battle Ground, Clark County, Washington, said strip of land being more particularly described as follows:

All that portion of that parcel conveyed in that Quit Claim Deed to North Parkway, LLC as described in Auditor's File Number 5086022, Deed Records of Clark County, Washington, lying northerly of the following described line:

BEGINNING at a point on the easterly right-of-way line of North Parkway Avenue, said point being 68.17 feet northerly of, when measured at right angles to the centerline of W. Main Street (SR 502) as described in the attached Exhibit "B", said centerline at Engineers' station 2+07.92;

Thence on a straight line to a point, being 68.11 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+12.92;

Thence on a straight line to a point, being 49.64 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+12.72, and the beginning of a curve to the left, having a radius of 14.50 feet and a central angle of 92°23'37";

Thence along said curve for an arc distance of 23.38 feet, whose chord bears South 45°07'40" East 20.93 feet. to a point, being 35.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+27.68;

Thence on a straight line to a point, being 35.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+66.00;

Thence on a straight line to a point on the northerly right-of-way line of Main Street (SR 502), being 30.00 feet northerly of, when measured at right angles to said centerline at Engineers' station 2+66.00 and there terminating.

Contains in all 421 square feet, more or less.

See Exhibit Map attached hereto.

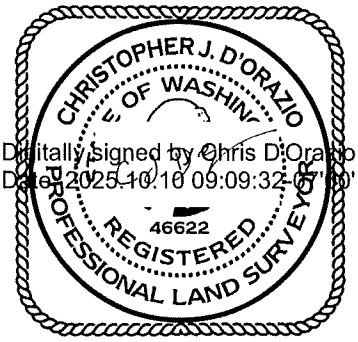
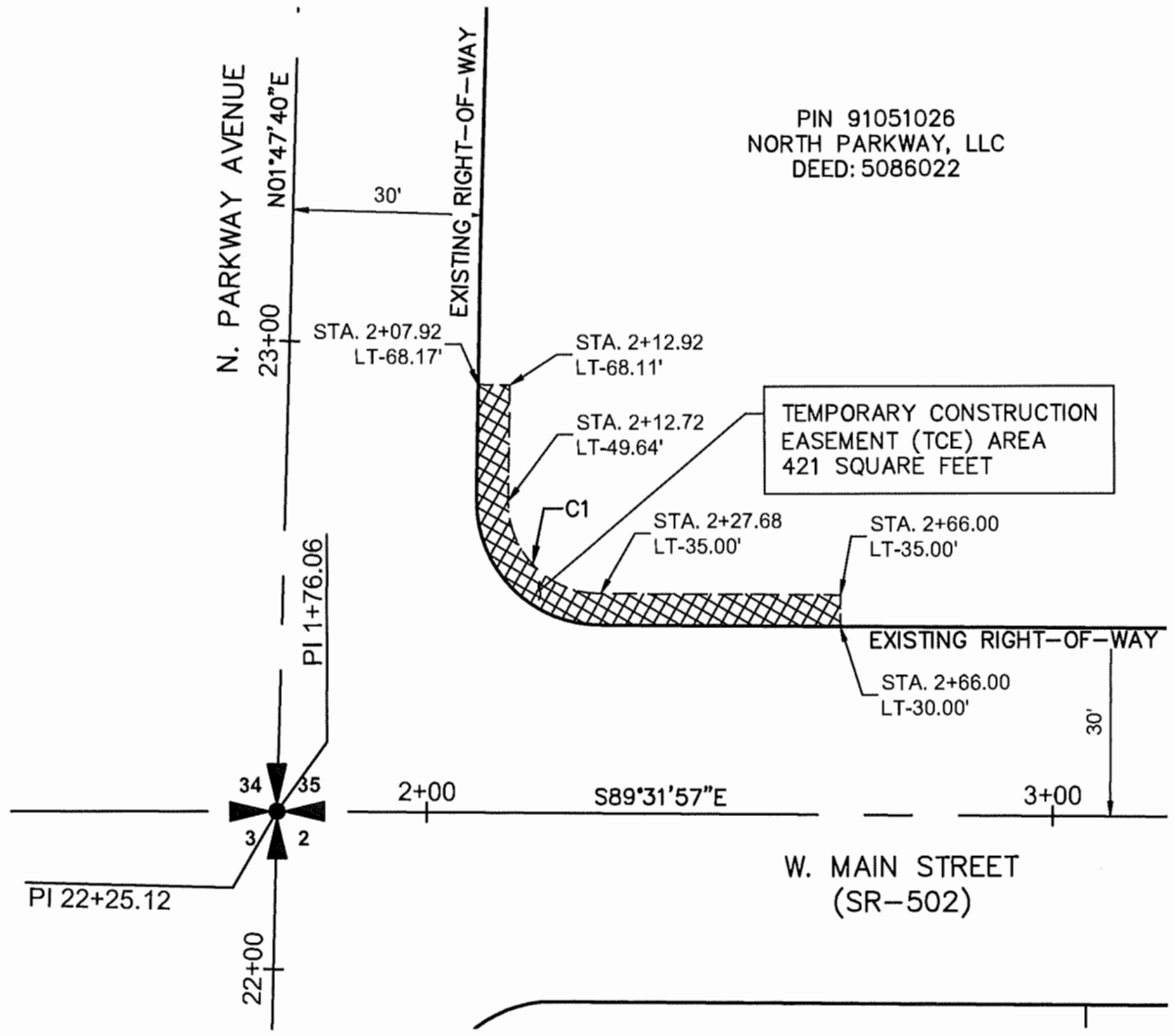


EXHIBIT MAP

TEMPORARY CONSTRUCTION EASEMENT (TCE)

PIN 91051026
NORTH PARKWAY LLC



Curve Table				
Curve #	Radius	Delta	Length	Chord
C1	14.50'	92°23'37"	23.38'	S45°07'40"E 20.93

N

Scale 1" = 30'

0 15 30 60

SW 1/4 SECTION 35,
TOWNSHIP 4 NORTH,
RANGE 2 EAST, W.M., CLARK
COUNTY, CITY OF BATTLE
GROUND, WA.

APEX.

DRAWN BY: CJD	SCALE: 1"=30'	10/07/2025
CHECKED BY: RFS	JOB NO.: 78331.000	SHEET 1 OF 1

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Ryan Jeynes, City Engineer
Date:	April 6, 2026
Proceeding Type:	Consent
Subject:	Parkway/Main – ROW Purchase Approval – DCCIP

Legislative History:	
• Admin: • Consent:	January 5, 2026 April 6, 2026

Staff Report Summary

The City Council will consider approving the purchase of property and easements for the Parkway/Main Intersection Improvement project through passage of the consent agenda.

Background

The City has been working on the Parkway/Main Intersection Improvement project for a couple of years. Most recently, the City has been working to purchase the property and easements that will be necessary to construct the project. Through the design process it was determined that easements would be necessary from three separate property owners. Per RCW 35A.11.020 the City Council has the authority to approve acquisition of property.

As discussed during the Admin portion of the January 5, 2026 Council Meeting, City staff would negotiate within the limits of City Policy to acquire said properties.

The City was able to negotiate a settlement with the owners of the DCCIP property for $918, which was the Fair Market Value. This purchase includes a temporary construction easement. This is the first of three acquisitions that are necessary to construct the project.

Fiscal and Policy Implications

This project is included in the 2026 budget.

Goals and Objectives Relevance

Approval of this purchase meets the goal to "Improve And Maintain Infrastructure Improvements". Approving this purchase is one step in moving this project forward, which will ultimately improve existing transportation infrastructure.

Options

Option	Results
• Approve Purchase	City will purchase property so project can continue forward.
• Reject Purchase	City will not purchase property and project won't be able to move forward.
• No Action	Decision will be delayed until more information is provided.

Staff Recommendation

Staff recommends that City Council approve purchase of a temporary construction easement on the DCCIP property in the amount of $918.

Attachments

A.	Temporary Easement

Legal Review

N/A, documents have been previously reviewed by Legal Counsel.

After recording return document to:

City of Battle Ground Washington
109 SW 1st Street, Suite 122
Battle Ground, WA 98604

Document Title: Temporary Easement
Reference Number of Related Document: N/A
Grantor(s): DCCIP, LLC, a Washington limited liability company
Grantee(s): City of Battle Ground Washington
Legal Description: Tax Lot 13, Section 3, Township 3 North, Range 2 East
Additional Legal Description attached as Exhibit A and B.
Assessor's Tax Parcel Number: 91055002

TEMPORARY EASEMENT

PARKWAY AVE. AND MAIN STREET INTERSECTION IMPROVEMENTS

The Grantor(s), **DCCIP, LLC, A WASHINGTON LIMITED LIABILITY COMPANY**, for and in consideration of TEN AND NO/100 ($10.00) DOLLARS, and other valuable consideration, conveys and grants unto the **CITY OF BATTLE GROUND WASHINGTON, a municipal corporation of the State of Washington**, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of supporting the installation of traffic signal infrastructure and other planned work necessary to the completion of the City's intersection project.

Said lands being situated in Clark County, State of Washington, and described in Exhibit A and B, attached hereto, and made a part hereof.

The term of this Temporary Easement shall commence on the date of acceptance of this Temporary Easement by Grantee and shall terminate Eighteen (18) months from the date of acceptance or when construction on the property is completed, whichever occurs first, hereinafter the "Term".

TEMPORARY EASEMENT

It is understood and agreed that delivery of this temporary easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF BATTLE GROUND WASHINGTON** unless and until accepted and approved hereon in writing for the **CITY OF BATTLE GROUND WASHINGTON**, by its authorized agent.

Dated this 18th day of Feb. 2026.

DCCIP, LLC

Manager
Authorized Name/Title

Authorized Name/Title

STATE OF WASHINGTON)
: ss
COUNTY OF Clark)

On this 18 day of February 2026, before me personally appeared David Campos and ——— to me known to be the manager of **DCCIP, LLC, a Washington Limited Liability Company** that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/~~she/they~~) (is/~~are~~) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

JILL WYATT
NOTARY PUBLIC
STATE OF WASHINGTON
COMM. NO. 24009160
COMM. EXPIRES 02/06/2028

Notary Public in and for the State of Washington
Residing at: Jefferson OR
My commission expires 2-6-2028

TEMPORARY EASEMENT

Accepted and Approved

CITY OF BATTLE GROUND WASHINGTON

By:_____
Authorized Name/Title

Date:_____

STATE OF WASHINGTON)
: ss
County of _____)

On this _____ day of _____ before me personally appeared _____, to me known to be the _____, for the **CITY OF BATTLE GROUND WASHINGTON**, and that he/she executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said **CITY OF BATTLE GROUND WASHINGTON**, for the uses and purposes therein set forth, and on oath states that he is authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

_____
Notary Public in and for the State of Washington
Residing at: _____
My commission expires _____

Exhibit "A"
PIN 91055002
DCCIP, LLC
Temporary Construction Easement
Legal Description

Being a variable width strip of land located in the Northeast Quarter of the Northeast Quarter of Section 3, Township 3 North, Range 2 East, Willamette Meridian, City of Battle Ground, Clark County, Washington, said strip of land being more particularly described as follows:

All that portion of that parcel conveyed in that Warranty Deed to DCCIP, LLC as described in Auditor's File Number 5435669, Deed Records of Clark County, Washington, lying northerly of the following described line:

BEGINNING at a point on the southerly right-of-way line of W. Main Street (SR 502), said point being 30.00 feet southerly of, when measured at right angles to the centerline of W. Main Street (SR 502) as described in the attached Exhibit "B", said centerline at Engineers' station 1+16.09;

Thence on a straight line to a point on the easterly right-of-way line of North Parkway Avenue, being 58.75 feet southerly of, when measured at right angles to said centerline at Engineers' station 1+44.74 and there terminating.

Contains in all 340 square feet, more or less.

See Exhibit Map attached hereto.

CHRISTOPHER J. D'ORAZIO
STATE OF WASHINGTON
46622
REGISTERED
PROFESSIONAL LAND SURVEYOR

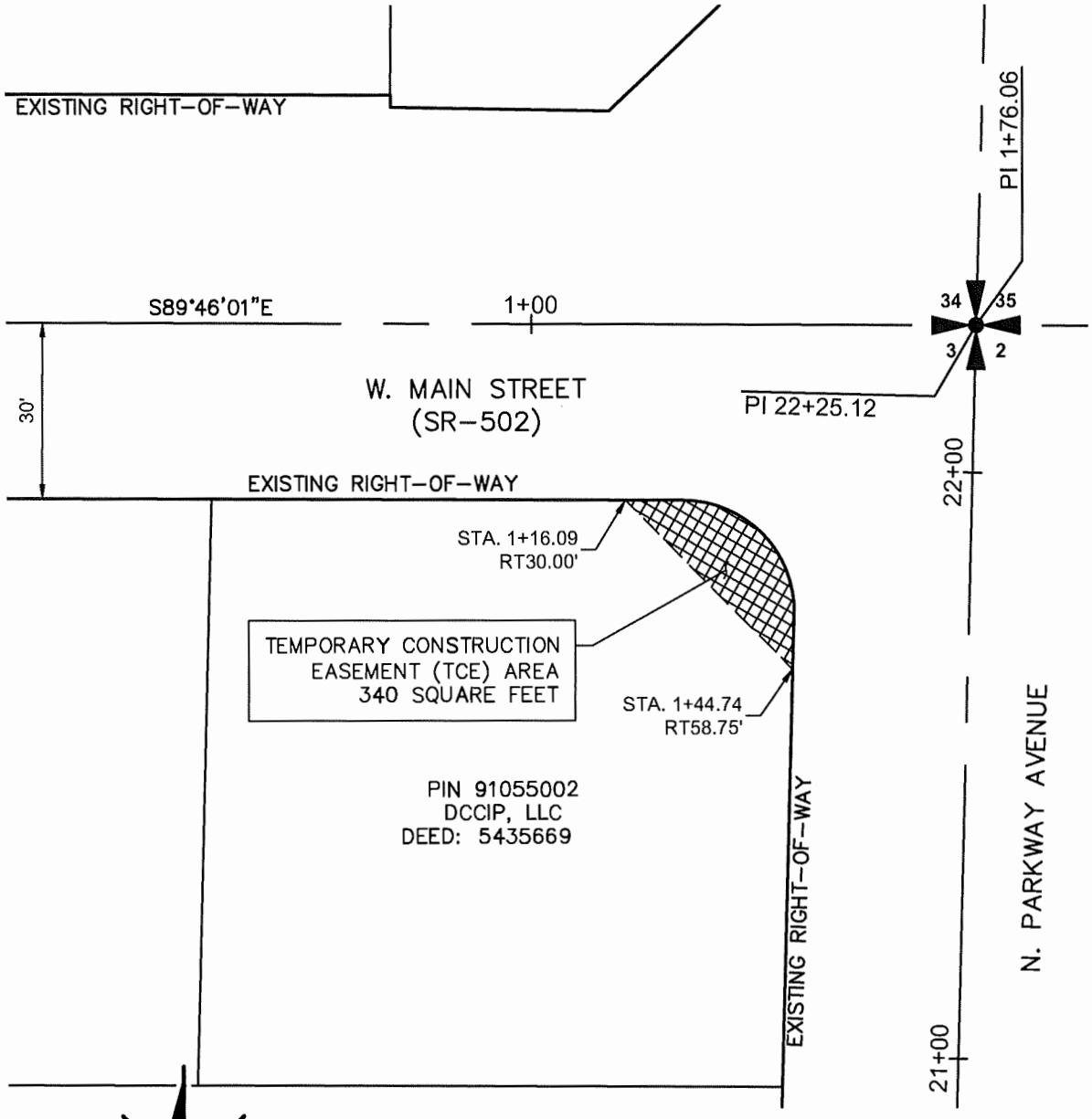
Digitally signed by Christ D'Orazio
Date: 2025.10.10 09:10:52-07'00'

EXHIBIT MAP

TEMPORARY CONSTRUCTION EASEMENT (TCE)

PIN 91050005

BATTLE GROUND SCHOOL DISTRICT #119



Scale 1" = 30'

0 15 30 60

NE 1/4 SECTION 3,
TOWNSHIP 3 NORTH,
RANGE 2 EAST, W.M., CLARK
COUNTY, CITY OF BATTLE
GROUND, WA.

APEX.

DRAWN BY: CJD	SCALE: 1"=30'	10/07/2025
CHECKED BY: RFS	JOB NO.: 78331.000	SHEET 1 OF 1

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Dennis Flynn, Chief of Police
Date:	April 6, 2026
Proceeding Type:	Public Hearing
Subject:	**Ordinance No. 2026-04 Municipal Code Amendments: Chapter 17.135 Supplementary Regulations for Specific Uses**

Legislative History:	
City Council First Presentation:	February 2, 2026
City Council Second Presentation:	March 2, 2026
Public Hearing/Adoption:	April 6, 2026

Staff Report Summary

The City Council will hear public testimony and consider adoption of Ordinance No. 2026-04 which would adjust regulations related to storage of recreational vehicles and trailers in residential districts.

Background

BGMC 17.135.150 regulates trailer and boat storage in residential districts. During both the work session and regular Council meeting on February 2, 2026, Chief Flynn shared details related to current municipal code language and recent enforcement actions connected to recreational vehicle parking on private property. Council directed staff to draft revised municipal code language for review and consideration.

At the March 2, 2026 Council meeting Lt. Keller presented draft code language for review and discussion and asked Council to set a public hearing for the April 6, 2026 meeting to hear public testimony and consider adoption of Ordinance No. 2026-04

Underlined text represents new code language.
~~Strikethrough~~ text represents code language to be deleted.

~~**17.135.150 Trailer and boat storage in residential districts.**~~
~~Storage of house trailers, horse trailers and other recreational vehicles and trailers in residential districts outside of an enclosed structure shall be kept behind the front building line of the principal dwelling unit and shall observe the other setback requirements that apply to accessory buildings and structures.~~

17.135.150 Storage of recreational vehicles and trailers in residential districts.
Recreational vehicles and trailers are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, other recreation trailers and utility trailers, and boats.

Off-street parking of any recreational vehicle or trailer is allowed in residential districts, provided the following conditions are met:

a. No more than three recreational vehicles or trailers may be parked outside on a single-family lot.
b. Recreational vehicles and trailers shall not be parked in the front yard. However, one (1) recreational vehicle or trailer is allowed to be parked on a legally established driveway. A legally established driveway must meet all other city codes related to driveways to be considered "legally established". The driveway shall be improved with a permanent surface per BGMC 17.133.030.
c. Recreational vehicles or trailers shall not extend into the public right-of-way or obstruct sight visibility.

Options

Option	Results
• *Hold public hearing and adopt Ordinance No. 2026-04 as presented*	Code will be modified to reflect adjusted recreational vehicle and trailer storage regulations.
• *Hold public hearing and modify Ordinance 26-04 then adopt.*	The code will be modified as directed by the City Council.
• *No Action*	If no action is taken, BGMC Section 17.135.150 Trailer and Boat Storage in Residential Districts will not be amended.

Staff Recommendation

Staff recommends that City Council hold a Public Hearing and take comments on the proposed municipal code amendments to Section 17.135.150 Trailer and Boat Storage in Residential Districts. After the Public Hearing staff recommends that City Council adopt Ordinance No. 2026-04.

Attachments

A.	Ordinance No. 2026-04

Legal Review

The following documents were reviewed by legal:

Ordinance No. 26-04

ORDINANCE NO. 2026-04

AN ORDINANCE AMENDING BATTLE GROUND MUNICIPAL CODE TITLE 17 ZONING; CHAPTER 17.135 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES; SECTION 17.135.150 TRAILER AND BOAT STORAGE IN RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Battle Ground Municipal Code is a document containing 20 Titles and mulitple Chapters and is codified by the adoption of ordinances and published in a code book by Book Publishing Company; and

WHEREAS, periodically the City of Battle Ground Municipal Code needs to be updated or improved for presentation to the City Council; and

WHEREAS, the City Council of the City of Battle Ground held a public hearing on April 6, 2026, for the purpose of allowing citizens of the City of Battle Ground to comment on changes; and

WHEREAS, the City Council of City of Battle Ground has reviewed the proposed changes; and

NOW THEREFORE BE IT ordained by the City Council of the City of Battle Ground, Washington as follows:

SECTION 1. TITLE 17 ZONING; CHAPTER 17.135 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES; SECTION 17.135.150 TRAILER AND BOAT STORAGE IN RESIDENTIAL DISTRICTS IS HEREBY AMENDED AS FOLLOWS:

~~17.135.150 Trailer and boat storage in residential districts.~~
~~Storage of house trailers, horse trailers and other recreational vehicles and trailers in residential districts outside of an enclosed structure shall be kept behind the front building line of the principal dwelling unit and shall observe the other setback requirements that apply to accessory buildings and structures.~~

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c. Recreational vehicles or trailers shall not extend into the public right-of-way or obstruct sight visibility.

(Ord. 18-10 § 4 (part), 2018: Ord. 17-06 § 7 (part), 2017: Ord. 04-042 § 42, 2004: Ord. 95-769 § 5 (part), 1995)

SECTION 2. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

SECTION 3. REGULATORY CONFLICTS. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

SECTION 4. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. EFFECTIVE DATE. This ordinance shall be published in summary form and be in full force and effective thirty (30) days from the final passage date in accordance with law.

ADOPTED IN OPEN MEETING OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON THIS 6th DAY OF APRIL, 2026.

_____
Eric Overholser, Mayor

Attested to by:

Approved as to form:

Elizabeth Halili, City Clerk

Kirk Ehlis, Contract City Attorney

CITY OF BATTLE GROUND
STAFF REPORT

To:	City Council Kris Swanson, City Manager
From:	Rob Ferrier, Deputy City Manager Kristin Lehto, Community Development Director
Date:	April 6, 2026
Proceeding Type:	Presentation
Subject:	Spring 2026 – Municipal Code Updates

Legislative History:	
• Set Public Hearing:	March 16, 2026
• Presentation:	April 6, 2026

Staff Report Summary

The Battle Ground Municipal Code (BGMC) is updated every year. Many of these changes result from mandates of state law or problems of interpretation while administering BGMC. During the meeting staff will provide an overview of proposed changes.

Planning Commission

For the portion of the code changes reviewed by the Planning Commission (Titles 12 – 18), they recommended approval (5-0). The Planning Commission included one modification:

1. Provide clarity surrounding the language requiring coordination with C-Tran for transit stop locations of 250' (BGMC 12.116.180.J).

Background

Proposed changes to BGMC were shared with the City Council during the City Council retreat that occurred on March 6, 2026. On March 16, 2026, the City Council set a first presentation for BGMC to occur on April 6, 2026, with a public hearing date to follow later on April 20, 2026.

Process

Staff's proposed changes to BGMC Titles 2, 6, 8, 10, 12, 13, 15, 17, and 18 are included herein. The Planning Commission considered these BGMC changes on March 11, 2026.

Summary Of Changes		
Code Section	**Title**	**Description Of Changes**
2.28.010	Planning Commission - Terms	Clean-up term language.
2.60.010	PACE Board – Youth member criteria	Change the age limit for the PACE Youth Board member from 14-18 to 14-21.
2.84.050	LEOFF Officers	Change the term of office.
6.20	Feral Cats	New addition to BGMC
6.10.400	Rabbits	New addition to BGMC.
8.32	Regulatory Standards for Emergency Services	Removal from BGMC.
8.36	Special Event Permits	Additon of circuses to definition of special events.
12.108.010	State statutes adopted by reference.	Added missing state law reference.
12.108.020	Hazardous conditions on public street right-of-way.	Added to describe process for getting dangerous/ damaged sidewalk fixed as recommended by WCIA.
12.108.030	Property owners liable for maintenance and repairs.	
12.108.040	Notice to repair hazardous sidewalk.	
12.108.050	Permit required.	
12.108.060	Resolution and notice of required improvements.	
12.108.070	Notice to describe property, construction.	
12.108.080	Notification of publication.	
12.108.090	Noncompliance with notice - Hearing.	
12.108.100	Chargeable property.	
12.108.110	Assessment roll hearing - Notice confirmation - Appeal.	
12.108.120	Method of payment of assessments.	
12.108.130	Collection assessments.	

12.108.140	Deferral of payment of special assessments.	
12.108.150	Snow and ice removal.	Renumbered section.
12.116.040	Transportation facilities - Design criteria.	Added new cross section for E Main Street per the Old Town Plan.
12.116.060	Transportation facilities - General specifications.	Clarified how standard asphalt/CSBC depths can be modified. Added language on transit stops per request from C-Tran.
12.116.180	Developments - Frontage improvements.	Added language on transit stops per request from C-Tran.
12.118.010	Definitions.	Added new definitions and updated out of date ones.
12.118.020	Permit required.	Referenced where annual ROW permit procedures can be found.
12.118.025	Annual right-of-way permit procedures.	Created procedures for annual ROW permit for franchisees.
12.118.030	Exemptions.	Further clarification for franchisees.
12.118.060	Minimum standards - Special conditions.	Clarified permit renewals. Added fines for late work.
12.118.080	Violations, failure to comply with permit, work stoppage, revocation of permit, damages.	Added language to address Contractors who don't meet permit standards.
12.118.110	Surety bond.	Added language to address how long bonds are good for.
12.122.030	Definitions.	Added new definitions and deleted out of date ones.
12.122.040	Permit required.	Clarified when a storage container can be placed in the street.
12.122.050	Applications.	Updated roles and document name.
12.122.060	Review.	Updated roles.
12.122.062	Permit expiration.	Added language to clarify when a permit expires.
12.122.065	Revocation.	Updated roles.
13.120.010	Connection to sewer system - Required when.	Added language on ADUs.
13.126.060	Prohibition of illicit discharges.	Made modifications to bring code into compliance with NPDES Phase II Permit.
13.130	Vacation Of Utility Easements	Added new Chapter to address utility easement vacations.
15.104.010	Building Code —Amendments.	Housekeeping items. Also, allows tenant improvements to occur under the code cycle for which the shell permit was issued.

15.136.080	Easements.	Added to address situation that come up, but not currently addressed.
17.120.020	Uses.	Prohibits collective gardens in all employment districts
17.118.020	Uses.	Prohibits collective gardens in all commercial districts.
17.135.065	Collective gardens. (cannabis)	Prohibits collective gardens.
~~17.139~~	~~Signs~~	~~No code changes are proposed, but political sign policy changes are shown.~~
18.250.020	Applicability and thresholds.	Made modifications to bring code into compliance with NPDES Phase II Permit.
18.250.170	Low impact development best management practices.	Made modifications to bring code into compliance with NPDES Phase II Permit.
18.250.310	Maintenance.	Made modifications to bring code into compliance with NPDES Phase II Permit.
18.257.040	General provisions.	Clarifying how quantities are calculated.
18.257.080	Time limits.	Fixing a type-o.
18.280.070	Standard requirements.	Allows for a plat note to substitute for a conservation covenant.

Title 2 Administration & Personnel

Chapter 2.28 Planning Commission

2.28.010 Created—Membership—Appointment—Terms.

There is created a planning commission of seven members to serve without compensation and to be known as the Battle Ground planning commission, whose members shall be appointed by the mayor and confirmed by city council. Not less than five members shall reside within the city of Battle Ground and two members may reside outside the city of Battle Ground but within the Urban Growth Area of the city of Battle Ground or may reside in Clark County and must actively own and operate a business with a physical presence of a structure inside the Battle Ground city limits.

A. Each planning commission member shall serve for a term of four years.~~, with their terms of office staggered. Each member shall be assigned a position. Beginning in 2011, at the time of new appointment or reappointment, Positions 1 and 2 shall serve initially two years; Positions 3, 4, and 5 shall serve three years; and Positions 6 and 7 shall serve four years. After this initial one-time appointment for each position beginning in 2011 and ending in 2012, all s~~Subsequent appointments or reappointments thereafter shall be appointed for terms of four years.

B. In addition, the mayor, with confirmation by city council, may appoint up to three alternates, each of which can exercise all authority granted to members of the planning commission but

can only exercise said authority in the absence of a regularly appointed member. Each alternate will serve for a period of two years.

C. Any board member may be removed by the council for being absent for three consecutive regular meetings without excuse, ceasing to comply with the residential qualifications stated in subsection A of this section, convicted of a crime of moral turpitude, or failing to live up to the duties and qualifications of the planning commission members. (Ord. 10-17, 2010: Ord. 04-010 § 1, 2004: Ord. 98-005 § 1, 1998: Ord. 659 § 1, 1990: Ord. 11 § 1, 1951)

Finding: The code was written in 2012 to stagger planning commission terms to avoid several planning commissioners leaving at the same time. Term expirations are now staggered, so this section is no longer needed.

Chapter 2.60 Parks and Community Engagement Advisory Board

2.60.010 – Membership

A. There is established a parks and community engagement advisory board consisting of seven members: six regular members and one youth representative member. All members are appointed by the mayor, with the consent of the city council. Out of the seven members, no less than six members shall reside within the city of Battle Ground. One regular member may reside outside the city of Battle Ground as long as they either live in the city's urban growth area or own a business in the city of Battle Ground. The term of office of the six members shall be three years. The respective terms of office shall be staggered to provide continuity, and the initial terms following adoption of the ordinance codified in this chapter shall be as recommended by the existing parks board. The term of office of the youth representative shall be two years. Each of the members of the board will serve without compensation.

B. The youth representative position shall be filled by an individual between the ages of fourteen and twenty-one, who resides in the city's urban growth boundary or who currently attends school within the Battle Ground School District. (Ord. 22-12 § 1, 2022; Ord. 19-06 § 1 (part), 2019: Ord. 16-18 § 1, 2016: Ord. 16-06 § 1, 2016: Ord. 13-13 § 1, 2013: Ord. 10-12 § 1, 2010: Ord. 01-007 § 1 (part), 2001)

Chapter 2.84 Law Enforcement Officers and Firefighters Disability Board

2.84.050 – Officers

Section 2.84.050 Officers. The board shall elect from among its membership a chairperson and vice chairperson~~, and such other officers as it deems necessary~~. The term of office shall be ~~one year~~ two-years. Officers shall be elected at the regular January meeting ~~first meeting that occurs on or follows the first Monday in January~~.

Title 6 Animals

New Chapter – Feral Cats

6.20 Impoundment of Free-Roaming Cats for Trap-Neuter-Return (TNR).

A. **Purpose.**

The city recognizes Trap-Neuter-Return (TNR) as a humane and effective method for managing free-roaming and feral cat populations. The intent of this section is to authorize the humane trapping, temporary impoundment, sterilization, vaccination, and return of free-roaming cats to the location where they were captured.

B. **Authority to Impound for TNR.**

Notwithstanding any other provision of this Title, an animal control officer is authorized to:

1. Humanely trap or receive trapped free-roaming or feral cats;
2. Impound such cats for the limited purpose of sterilization, vaccination, ear-tipping, and necessary medical assessment, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable; and
3. Return the cat to the location where it was found **unless**:
   a. the cat is severely ill or injured;
   b. a citizen requests return to owner procedures and provides proof of ownership;
   c. the location of capture poses a documented public safety risk.

C. **Definitions.**

For purposes of this section:

1. **"Free-roaming cat"** means any unowned cat, whether feral or tame, that is outdoors and not under the physical control of a person.
2. **"Feral cat"** means a domestic cat that is unsocialized to humans and exhibits behaviors consistent with avoidance of human interaction.
3. **"TNR"** or **"Trap-Neuter-Return"** means a program in which free-roaming cats are humanely trapped, sterilized, vaccinated, ear-tipped, and returned to their original location.
4. **"Ear-Tipping"** means a surgical removal of the very tip of a cat's ear (usually the left ear) while the cat is under anesthesia during spay/neuter surgery.

D. **Exemption from Standard Impoundment Requirements.**

Cats impounded solely for the purposes of TNR are exempt from:

1. Mandatory holding periods;
2. Standard redemption fees;
3. Licensing requirements;
4. Euthanasia timelines applicable to owned or adoptable animals.

However, documentation of the TNR procedure and return shall be maintained in accordance with department records policy.

E. **Property Owner Permission.**

1. Trapping for TNR on private property requires consent of the property owner or lawful occupant.
2. Property owners may request removal of community cats causing a verified nuisance.

F. **Return to Field in Lieu of Euthanasia.**
When a healthy, free-roaming cat qualifies for TNR, return to field shall be the preferred disposition over euthanasia, unless prohibited by subsection (B)(3).

G. **Interference Prohibited.**
It is unlawful for any person to knowingly obstruct, hinder, or interfere with lawful TNR activities carried out by the city or its authorized agents.

H. **Program Administration.**
Animal control may coordinate with shelters, veterinarians, nonprofit rescue partners, or community cat caretakers to implement TNR services, including trapping, transport, sterilization, vaccination, ear-tipping, and release.

6.20.__ Traps—Humane
Any traps used to capture free-roaming, stray, or feral cats shall be constructed in a manner that does not harm the animal.

6.20.__ Owned Cats; Identification; Release Procedures"

A. **Reasonable Efforts to Identify Ownership.**
Animal Control shall make reasonable efforts to determine whether a trapped cat is owned, including scanning for a microchip, checking for a collar or tag, and reviewing any owner information readily available at the time of intake.

B. **Immediate Release When Safe and Feasible.**
If a trapped cat is determined to be owned or reasonably believed to be owned, the cat shall be released to the owner or returned to the location where it was trapped, unless the cat requires medical care or poses a public safety risk.

C. **No Liability for Inadvertent Trapping.**
The inadvertent trapping of an owned cat during lawful TNR activities shall not, in itself, constitute negligence or create liability for the City or its agents, provided the cat is handled humanely and reasonable identification efforts are made as required in subsection A.

D. **Temporary Impoundment of Owned Cats.**
If an owned cat is trapped and the owner is not immediately identifiable, the cat may be

temporarily impounded consistent with standard stray-hold procedures until the owner can be located.

E. **Exemption from Ear-Tipping.**
Owned cats shall not be ear-tipped. If an owned cat lacking identification is trapped and sterilized before ownership is discovered, the City shall not be liable for the sterilization, provided reasonable efforts to identify the owner were made.

New Chapter – Rabbits
6.10.400 – Definitions

For the purposes of this chapter:

1. **"Rabbit"** means any domesticated rabbit, including those kept as pets, raised for domestic purposes, or otherwise maintained within the city limits, and any domesticated rabbit that has been abandoned, released, or has become feral.
2. **"Small Domestic Animal"** includes rabbits, guinea pigs, ferrets, and similar non-livestock mammals kept as household pets.

6.10.410 – Rabbits Running at Large
1. It shall be unlawful for any rabbit to run at large within the city limits.
2. Rabbits found running at large may be impounded by animal control.
3. Owners reclaiming an impounded rabbit shall pay a reclaim fee as established by the city fee schedule.

6.10.420 – Number of Rabbits per Household
No person shall keep more than five (5) rabbits on a single residential lot.

6.10.430 – Containment and Housing
1. All rabbits shall be securely housed in enclosures that:
   a. Prevent escape;
   b. Protect from predators;
   c. Provide adequate shelter, food, and water; and
   d. Maintain sanitary conditions.
2. Animal control may inspect enclosures if complaints are received regarding escape, nuisance, or unsafe conditions.

Title 8 – Health and Safety

Chapter 8.32 – Regulatory Standards for Emergency Services

Remove Chapter 8.32 as it is no longer needed due to the City's ILA for ambulance services.

Chapter 8.36.010.E – Special Events Definitions

Add circuses as a special event subject to the special event permit process.

Title 12 – Streets And Sidewalks

Chapter 12.108 – Maintenance Of Sidewalks

12.108.010 State statutes adopted by reference.

12.108.020 Hazardous conditions on public street right-of-way.

12.108.030 Property owner liable for maintenance and repairs.

12.108.040 Notice to repair hazardous sidewalk.

12.108.050 Permit required.

12.108.060 Resolution and notice of required improvements.

12.108.070 Notice to describe property, construction.

12.108.080 Notification and publication.

12.108.090 Noncompliance with notice – Hearing.

12.108.100 Chargeable property.

12.108.110 Assessment roll hearing – Notice confirmation – Appeal.

12.108.120 Method of payment of assessments.

12.108.130 Collection of assessments.

12.108.140 Deferral of payment of special assessments.

12.108.~~020~~150 Snow and ice removal.

12.108.010 State statutes adopted by reference.

Chapters 35.68, ~~and~~ 35.69, and 35.70 RCW, together with all future amendments thereto, are incorporated by reference and adopted in their entirety as if fully contained in this chapter.

12.108.020 Hazardous conditions on public street right-of-way.

It is unlawful for the owner and/or any person occupying or having charge or control of any premises abutting upon any public street right-of-way or alley in the city to construct, place, cause, create, maintain or permit to remain upon any part of said right-of-way located between the curb line, or, if there is no curb line, then between the adjacent edge of the traveled portion of such right-of-way and the abutting property line, any condition, structure or object dangerous or hazardous to the use of said right-of-way by the members of the general public, including but not limited to the following conditions:

A. Defective sidewalk surfaces caused by property owner actions, including but not limited to broken or cracked cement concrete, stub-toes, depressions within or between sidewalk joints;

B. Defective cement concrete surfaces placed adjacent to the public sidewalk or defects at the juncture between said cement surfaces and said public sidewalks, including stub-toes or depressions at said junction;

C. Defects in sidewalks or public ways caused or contributed to by the roots of trees or similar growth or vegetation located on private adjoining property. Except that where a sidewalk, street or curb is damaged by a parking strip tree maintained by the city, responsibility for damage to the sidewalk shall remain with the city;

D. Defective conditions caused by tree limbs, foliage, brush or grass on or extending over such public sidewalks or rights-of-way;

E. Defective conditions on the parking strip area between the curb line and the sidewalk, or, if there is no curb line, then between the edge of the traveled portion of the street and the sidewalk and between the sidewalk and the abutting property line;

F. Defects resulting from accumulation of ice and snow on public sidewalks or on the right-of-way between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and the abutting property line;

G. Defects consisting of foreign matter on the public sidewalks, including but not limited to gravel, oil, grease, or any other foreign subject matter that might cause pedestrians using said sidewalk to fall, stumble or slip by reasons of the existence of such foreign matter; and/or

H. Defective handrails or fences or other similar structures within or immediately adjacent to said right-of-way area.

12.108.030 Property owner liable for maintenance and repairs.

Whenever any public right-of-way in the city shall have been improved by the construction of a sidewalk along either side thereof, the duty and expense of the inspection, maintenance, cleaning, repair and renewal of said sidewalk, including the erection or maintenance of suitable barriers along the outer margin of said sidewalk where the same is elevated more than two feet above the abutting property, shall be upon the owner of the directly abutting property; provided, however, that if the difference in elevation is the result of a change in street grade occasioned by any city, county or state roadway construction, reconstruction or improvement project, then in that event said barrier shall be erected or installed as a part of such project and the cost thereof shall be borne by the project. All such repairs shall be made after application for and issuance of a proper street excavation permit therefor, as required by law, and all of such work to be duly inspected and approved by the public works department of the city.

12.108.040 Notice to repair hazardous sidewalk.

Whenever the city is notified that a hazardous condition exists, either by the public or through its sidewalk inspection program, the city engineer or their designee shall cause a notice to be sent to the legal owner of the abutting property. Said notice shall describe the location of the hazardous condition and state that the property owner has 60 days to obtain a public works permit and complete said repairs.

12.108.050 Permit required.

Any person desiring to repair, change or relocate any sidewalk abutting their property shall make application for a permit per BGMC Chapter 12.118.

12.108.060 Resolution and notice of required improvements.

Whenever in the judgment of the city engineer the public convenience or safety requires that a sidewalk or driveway be constructed, renewed or repaired (hereinafter called the improvement) along either side of any street or other public place therein, and the abutting property owner has not complied with the notice required in BGMC 12.108.040, said city engineer shall report the fact to the city council and if the council shall deem the improvement necessary or convenient for the public convenience or safety, it shall by resolution order said improvement and shall cause a notice in writing to be served on the owner of each lot, block or parcel of land immediately abutting upon that portion and side of such street or public place where said improvement is to be constructed, requiring that such improvement be constructed in accordance with such resolution.

12.108.070 Notice to describe property, construction.

The resolution and notice provided for in BGMC 12.108.060 shall describe each lot, block or parcel of land immediately abutting on that portion of the street or other public place where said improvement is to be constructed, and shall specify the kind of improvement required, the method and material to be used in the construction, and shall contain an estimate of the cost thereof. The notice shall state that unless the improvement is constructed in compliance with the notice and within the time therein specified said improvement will be constructed by the city and the cost and expense thereof assessed against the property abutting thereon.

12.108.080 Notification and publication.

If all or any portion of the cost of the improvement is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix the time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper of the city and a notice of such hearing shall be given each owner or reputed owner of the abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer, at the address shown thereon a notice of the date of hearing, such mailing to be at least 10 days before the date fixed for such hearing. The hearing may be postponed from time to time to a definite date until the hearing is held. At the time of the hearing the council shall hear persons who appear for or against the improvement, and determine whether it will make any changes in the original plan, and what the changes shall be. This action may be taken by motion adopted in the usual manner.

12.108.090 Noncompliance with notice – Hearing.

In case the notice provided for in BGMC 12.108.040 shall not be complied with within the time therein specified, the city engineer having charge of the maintenance of the streets and public places in the city shall proceed to construct the improvement and shall report to the council an assessment roll showing each lot, block or parcel of land immediately abutting upon said improvement, the name of the owner thereof if known, and the portion of the cost of such improvement to be assessed against each lot, block or parcel of land. The procedures for hearing and confirmation of assessment roll including procedures for notification, publication and appeal shall be identical with those set forth in BGMC 12.108.110.

12.108.100 Chargeable property.

For the purpose of this chapter all property having a frontage on the side or margin of any street or other public place shall be deemed abutting property and such property may be chargeable as provided in this chapter, with all the costs of construction of any improvement between the margin of such street or other public place and the roadway lying in front of and adjacent to said property. The term “sidewalk” as used in this chapter shall be construed to mean and include any and all structures or forms of improvement included in the space between the street margin and roadway boundary and known as the “sidewalk area.”

12.108.110 Assessment roll hearing – Notice confirmation – Appeal.

Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the city engineer or his or her designee and which shall describe the property assessed, the name of the owner, if known, otherwise stating that the owner is unknown and fixing the amount of the assessment. The assessment roll shall be filed with the city clerk, and when so filed the council shall by resolution fix the date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the county treasurer’s tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper of the city. The notice shall be mailed and first publication made at least 10 days before the hearing date. Following the hearing the city council shall by ordinance affirm, modify,

or reject or order recasting of the assessment roll. An appeal may be taken to the superior court from the ordinance confirming the assessment roll in the same manner as is provided for appeals from the assessment roll by Chapters 35.43 to 35.54 RCW, inclusive, as now or hereafter amended.

12.108.120 Method of payment of assessments.

The city council shall by resolution provide whether the full amount of the assessment shall be paid in one payment or whether it may be paid in installments and shall prescribe the time and amount of such payments; and if more than one payment is provided for the city council may by resolution provide for interest on unpaid installments and fix the rate thereof.

12.108.130 Collection of assessments.

The assessment roll as affirmed or modified by the city council shall be filed with the city finance office for collection, and the amount thereof including interest, if any, shall become a lien against the property described therein from the date of such filing. Whenever any payment on any assessment or installment is delinquent and unpaid for a period of 30 days or more the lien may be foreclosed in the same manner and with the same effect as is provided by Chapters 35.43 to 35.54 RCW, inclusive, as now or hereafter amended.

12.108.140 Deferral of payment of special assessments.

Special assessments created pursuant to this chapter may be deferred as provided in Chapter 84.38 RCW.

12.108.~~020~~150 Snow and ice removal.

It is the responsibility of the owner or occupant of private property to remove snow and ice on the sidewalks abutting his or her property in a timely manner and, if practical, prevent it becoming or remaining in an icy, ridged, uneven, or humped condition or in a condition, which is potentially hazardous to users of the public sidewalks.

Finding: This code language is being added to describe a process to get damaged or dangerous sidewalk fixed as recommended by WCIA.

Chapter 12.116 – Transportation Standards

12.116.040 Transportation facilities—Design criteria.

A. The following design criteria (see Tables 12.116.040(A) through (D) and Figures 12.116.040(A) through (D)) are adopted as a portion of the city's standard specifications. All

streets shall be designed to a minimum twenty-year life unless otherwise specified by the city engineer. When upgrading facilities, all utility poles and other conflicting structures shall be relocated outside the sidewalk limits and undergrounded except when allowed under the modification process of BGMC 12.116.290.

B. Except where needed for public circulation, streets within mobile home parks and multifamily developments may be private and can serve more than eight units when allowed under the modification process of BGMC 12.116.290. Required or proposed city streets shall be built to those standards adopted by reference in this chapter. Private roads shall additionally be built in accordance with the conditions of BGMC 12.116.130 and 12.116.145. Right-of-way and roadway widths may be reduced pursuant to the modification procedure contained in BGMC 12.116.290.

Table 12.116.040A
Arterial Streets

	.1 Principal Arterial	**.2 Minor Arterial**
Function	Intercommunity highway serving as primary access to a large land area	Highway connecting two or more streets of equal or greater classification and serves as an additional function of land service
Access	Controlled	Controlled
Maximum Arterial Spacing	2 to 5 miles	Under 2 miles
Average Daily Trips Daily Hourly Volume	10,000+ over 600	8,000+ 200—600
Right-of-Way	100 feet (4 travel lanes; 1 center turn lane or median)	70 feet (3 travel lanes; or 2 travel lanes and center turn lane/median)
Pavement	70 feet +/- curb to curb	46 feet +/- curb to curb
Lane Width	11—12 feet	12 feet
Bicycle Lane	6 feet, striped, in both directions	5 feet, striped, in both directions
Parking/Shoulder	No parking on shoulder, except in approved bays	No parking on shoulder, except in approved bays
Median/Turn Lane	14 feet, 12-foot median (face of curb to face of curb)	12 feet, 10-foot median (face of curb to face of curb)
Street Lighting	Required	
Planter Strip and Sidewalks[2]	8-foot-wide planter strip and 6-foot-wide detached sidewalk required on both sides of the street	6-foot-wide planter strip and 6-foot-wide detached sidewalk required on both sides of the street

Table 12.116.040A Arterial Streets		
	.1 Principal Arterial	**.2 Minor Arterial**
Transit Facilities	As recommended by transit agency and approved by city engineer	
Minimum Full-Access Intersection Spacing[1]	600 feet	500 feet
1. Intersection with public or private streets serving a potential of eight or fewer single-family residential lots shall be subject to the driveway spacing requirements. 2. In all commercial zones, the entire planter strip and sidewalk width are required to be sidewalk. Tree wells shall be provided every thirty feet, replacing the planter strip.		

Table 12.116.040A Arterial Streets		
	.3 Modified Minor Arterial[1]	**.4 Old Town Arterial**
Function	Highway connecting two or more streets of equal or greater classification and serves as an additional function of land service	Street connecting two similarly classified streets with traffic calming and parking to support the old town corridor.
Access	Controlled	Controlled
Maximum Arterial Spacing	Under 2 miles	Under 2 miles
Average Daily Trips Daily Hourly Volume	8,000+ 200-600	8,000+ 200—600
Right-of-Way	60 feet (2 travel lanes and center turn lane/median)	60 feet (2 travel lanes and on-street parking)
Pavement	44 feet +/- curb to curb	37 feet +/- curb to curb
Lane Width	11 feet	10.5 feet
Bicycle Lane	5 feet, striped, in both directions	None
Parking/Shoulder	No parking on shoulder, except in approved bays	8 foot parking lanes on both sides
Median/Turn Lane	12 feet	None
Street Lighting	Required	Required
Planter Strip and Sidewalks	3-foot-wide planter strip and 5-foot-wide detached sidewalk required on both sides of the street	4 foot wide tree boxes

Table 12.116.040A Arterial Streets		
	.3 Modified Minor Arterial[1]	**.4 Old Town Arterial**
Transit Facilities	As recommended by transit agency and approved by city engineer	As recommended by transit agency and approved by city engineer
Minimum Full-Access Intersection Spacing[2]	500 feet	500 feet
1. This cross-section may only be used on existing roads and when approved by the city engineer. 2. Intersection with public or private streets serving a potential of eight or fewer single-family residential lots shall be subject to the driveway spacing requirements.		

Figure 12.116.040A.1

Arterial Streets Section Drawings

Principal Arterial

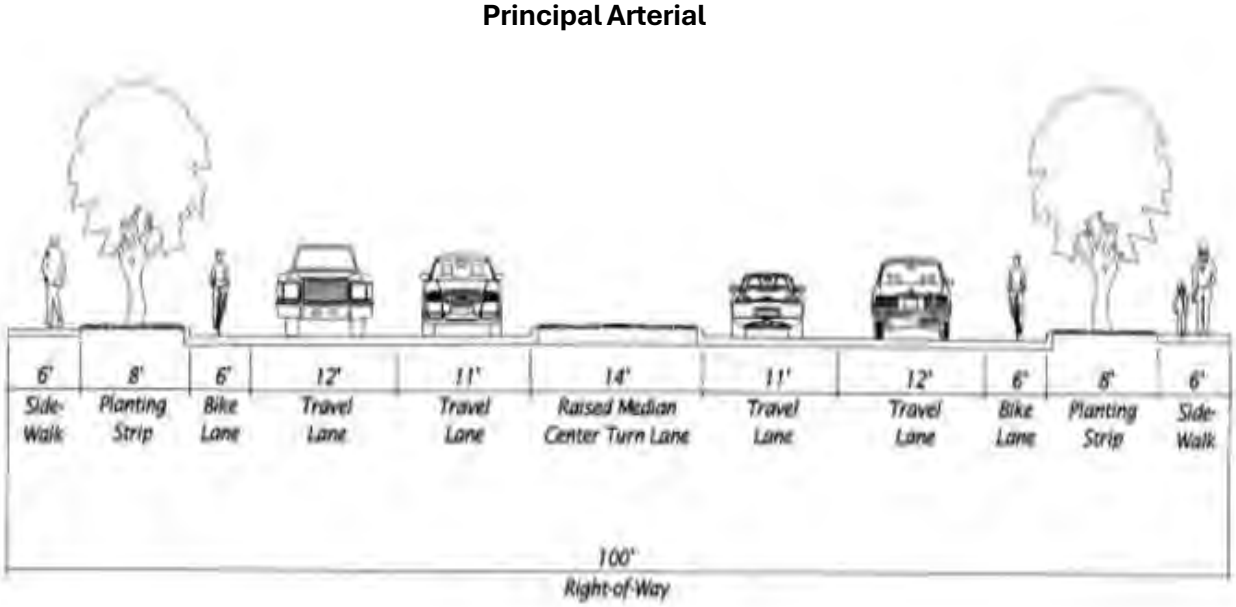


Figure 12.116.040A.2

Arterial Streets Section Drawings

Minor Arterial

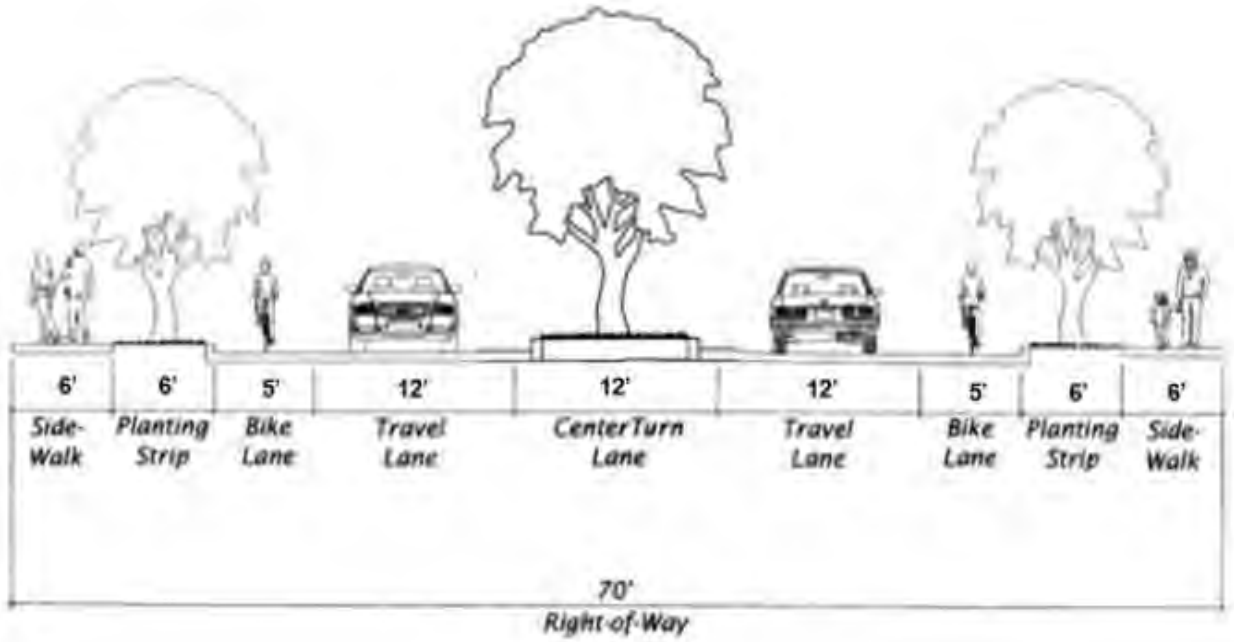


Figure 12.116.040A.3

~~Modified Minor~~ Arterial Streets Section Drawings

Modified Minor Arterial

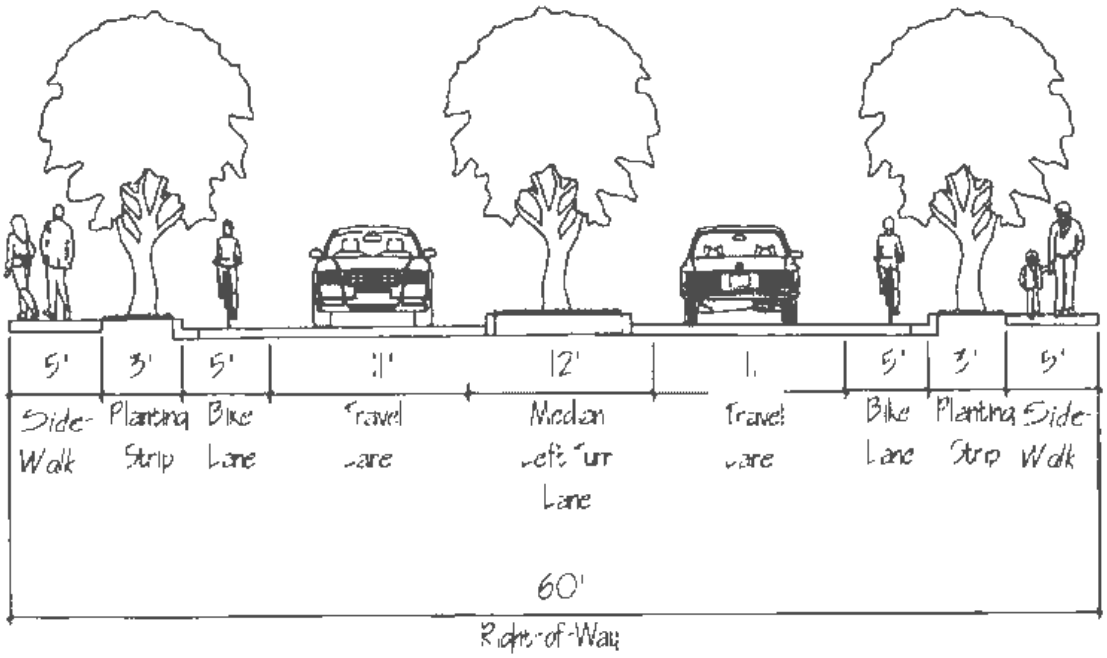
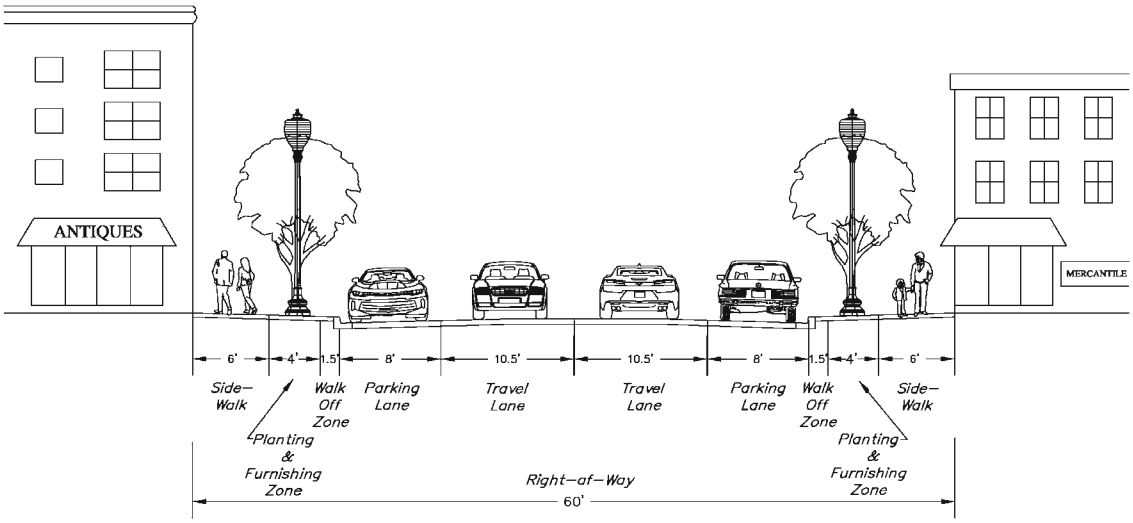


Figure 12.116.040A.4

Arterial Streets Section Drawings

Old Town Arterial



Finding: This code language is being added to implement the new approved cross-section for E Main Street per the Old Town Plan.

12.116.060 Transportation facilities—General specifications.

A. Typical Roadway Section. The city's standard roadway sections are not intended to eliminate the need for design of sections for streets. The city's standard typical sections are minimums and all road improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to acceptance by the city. The roadway section shall be detailed on the construction plans submitted for each new roadway or improvement to an existing roadway.

The typical section shall show the width of right-of-way, width of roadway, type and compacted depth of base material, type and depth of soil for planting beds, type and compacted depth of surfacing, type and compacted depth of paving and such other dimensions as may be necessary or required. Shown also shall be the location and width of sidewalks, bicycle lanes, accessways, trails, curbs or curb and gutter, when applicable.

B. Surfacing/Depth Determination. The depth of materials shall be shown on the typical sections for roadway construction and as stated in this chapter unless modified as follows:

1. The city engineer, after reviewing soil tests prepared by a qualified soils engineer, determines a heavier section is required; or

2. The developer provides a soil test reported to the city engineer prepared by a qualified soils engineer, indicating a lesser depth is satisfactory, and the engineer approves the lesser depth. Any modification approved by the engineer under this subsection shall be based upon the standard specifications taking into consideration anticipated traffic loading characteristics, soil types, surfacing materials and other relevant factors. Under this section asphalt and crushed surfacing base course depths cannot be reduced by more than ten percent of the minimums shown in the standard details.

C. Construction Revisions. Changes after approval may be made only upon written request of the owner approved by the city engineer, or request by the city engineer approved by the owner. If there is a contract between the owner and a contractor, the contractor must be involved in the revision. The planning director shall be responsible for reviewing any changes to approved landscape plans, in coordination with the city engineer and contractor, if applicable.

D. Grades and Drainage Structures. Drainage details and street centerline profile grades shall be shown on the construction plans. Centerline profile street grades shall not be less than three-tenths percent. If any grading or filling to lots or other areas outside the street is to be done which exceeds those amounts specified in the currently adopted building code listed in BGMC 15.104.010, an overall grading plan shall be submitted as a part of the plans.

E. Construction. Construction shall not start prior to the construction plans having been signed by the city engineer and, as applicable, the final plat survey computations having been approved by the city engineer, and the landscape plan (i.e., for plantings within the public right-of-way) having been signed by the planning director. Rough grading operations may proceed before the plans are approved by the city engineer and planning director only under the following conditions:

1. The grading plan is submitted separately along with an application for a grading permit;

2. The grading plan is in conformance with the approved preliminary plat;

3. The grading plan will not be in substantial conflict with the street profiles and drainage structure plans;

4. The grading permit is issued; and

5. The grading plan preserves and protects all trees and other vegetation which are required to be protected in accordance with the approved preliminary plat or site plan approval.

F. ADA Compliance. Existing transit stops, ADA ramps, and sidewalks adjacent to a property under development that do not meet the requirements of the current version of the public right-of-way accessibility guidelines shall be removed and replaced as part of the project.

Finding: This code language is being added to clarify how the original sections can be modified and then to address a request from C-Tran.

12.116.180 Developments—Frontage improvements.

A. Unless already fully developed, and subject to the limitations of BGMC 12.116.170 and the modification provisions of BGMC 12.116.290, a half-width road improvement shall be constructed to the applicable standards set out in this chapter to that portion of an access street which abuts the parcel being developed, as a requirement of approval of a final plat, final short plat, site plan application, or conditional use permit; provided, that all projects that are subject to land use or construction permit approval shall be provided adequate vehicular and pedestrian access and based upon an engineering traffic study that will not result in an increase in site trip generation of more than ten percent and shall only be required to make intersection and sight distance frontage improvements in accordance with BGMC 12.116.220 and 12.116.230, unless the city engineer determines that additional frontage improvements are clearly necessary in order to provide minimally safe access to such development. Required private access

street improvements shall be completed prior to issuance of final or short plat approval, occupancy, or in accordance with BGMC 12.116.130. Required public access street improvements shall either be completed in like manner or construction thereof shall be guaranteed as provided for in this chapter; provided, that in the event that required public frontage improvements are included as a portion of a city street project scheduled on the city's comprehensive street program to be undertaken within five years, the developer in lieu of construction or guaranteeing the construction of such frontage improvements may be permitted to contribute a proportionate share towards the cost of the city street project. Such payment obligation may be deferred until after completion of the city street project by a mitigation agreement to pay, constituting a covenant running with the land to be developed or other secure method consistent with the requirements of RCW 82.02.020 and other city of Battle Ground ordinances.

B. Where frontage improvements are required, the developer will construct frontage improvements to the centerline, provided the road has not been constructed or reconstructed to current city standards in the last five years. Where the road has been constructed or reconstructed in the last five years, the improvements shall consist of the new areas and a two-foot overlap of the existing area.

C. If frontage improvements are not required to the centerline, as required by subsection B of this section, then the developer shall mill the remaining asphalt to the centerline if the pavement has a pavement condition index score of seventy or less as determined by the city engineer.

D. When frontage improvements are triggered by subsection A of this section and the development occurs on already improved parcels, if the abutting transit stop, sidewalk, and/or curb ramps do not meet current ADA requirements then they will need to be reconstructed with said development.

E. When frontage improvements are triggered by subsection A of this section and the development abuts a street where frontage improvements are completed on the opposite side of the street then the development shall install full medians when required by the applicable city cross-section in BGMC 12.116.040.

F. When a project is phased, half-width improvements are not allowed between two phases of the same project. The entire width must be constructed with the first phase to go to construction.

G. The city engineer may grant modification to this section on the basis of safety, grade, condition, and/or alignment concerns conditioning such modification, where appropriate and consistent with the requirements of applicable codes upon the property owner's commitment to participate in a future street improvement district or other method of accomplishing frontage improvements which are anticipated to be needed to serve the development in the future.

H. Nothing in this chapter shall be construed to preclude denial of a proposed development where off-site street conditions are inadequate to provide a minimum level of service, or a significant traffic hazard or hazards would be caused or aggravated by the proposed development; provided, that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020 and this code.

I. Where frontage improvements are required, projects shall provide underground utility lines, including but not limited to those for electricity and communications. Projects shall underground all existing utility lines along the projects frontage unless the applicant can show that doing so is technically or financially unfeasible. Requests for modification to this standard will be processed pursuant to BGMC 12.116.290.

J. Where frontage improvements are required, if a project is located further than 250 feet of an existing or proposed transit stop on a transit route, applicants for projects shall work with the transit agency in locating a transit stop and shelter directly adjacent or as close as possible to the main building entrance provided that C-Tran agrees that they will service the new stop. If C-Tran will not service the new stop then the transit stop is not required.

Finding: This code language is being added to address a request from C-Tran.

Chapter 12.118 – Construction In Public Right-Of-Way

12.118.010 Definitions.

12.118.020 Permit required.

12.118.025 Annual right-of-way permit procedures.

12.118.030 Exemptions.

12.118.040 Application.

12.118.045 Permit issuance.

12.118.050 Permit fee.

12.118.060 Minimum standards—Special conditions.

12.118.065 Permit validity.

12.118.070 Asphalt pavement restoration—Special conditions.

12.118.080 Violations, failure to comply with permit, work stoppage, revocation of

permit, damages.

12.118.090 Enforcement.

12.118.100 Revocation of permit—Appeal.

12.118.110 Surety bond.

12.118.115 Indemnification/hold harmless.

12.118.120 Liability insurance.

12.118.130 New street and recent overlay.

12.118.010 Definitions.

The following terms when used in this chapter shall be construed to mean as follows:

A. “Alley” means a duly dedicated public alley;

B. “Person or applicant” means the plural as well as the singular, and shall include any firm, partnership, association, group, corporation, public or private utility or organization of any kind;

C. “Sidewalk” means a concrete or asphalt walk for pedestrian use outside the building lot line of any property, owned or constructed for use by the general public;

D. “Street” means a street or roadway designated for public use;

E. “Right-of-way” means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended to be used as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped;

F. “City engineer” means the city engineer or their duly authorized designee;

G. “~~Planning~~ Community development director” means the director or his or her duly authorized designee;

H. “City utilities” means utilities owned by the city of Battle Ground;

I. “Public utilities” means a public utility that provides service under the rules and regulations on file with the ~~Public Service~~ Washington Utilities and Transportation Commission ~~of Washington State.~~;

J. “Franchise” is a contract by which a grantee is allowed to use city right-of-way for the purpose of carrying on the business in which it is generally engaged, including furnishing service to members of the public;

K. “Franchisee” means the person, firm, or corporation to whom or which a franchise, as defined in this section, is granted by the council under this chapter and the lawful successor, transferee, or assignee of such person, firm, or corporation.

Finding: This code language is being changed to add some definitions that will be used later and to correct some existing definitions.

12.118.020 Permit required.

A right-of-way permit is required before any person may alter, construct, repair, remove, excavate, place, obstruct, damage, or disturb any structure, utility, facility, or improvement located in the public right-of-way; or commence any other activity that interferes with the free use of the public right-of-way. A blanket annual right-of-way permit for certain activities may be obtained by utilities operating with a franchise granted by the city. The provisions for annual right-of-way permits are included in the annual right-of-way permit procedures listed in BGMC 12.118.025.

Finding: This code language is being changed to clarify where the annual permit procedures can be found.

12.118.025 Annual right-of-way permit procedures.

Any franchisee who has a valid franchise agreement with the city may use the right-of-way procedures listed below. All code requirements in Chapter 12.118 apply to an annual right-of-way permit unless modified below.

A. Traffic Control Plans. As an alternative to BGMC 12.118.060.C, franchisee may provide standard plans for review by the city that may be used when applicable. Franchisee shall refer to the applicable approved standard plan in their permit application. Standard plans shall meet the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and be completed by an individual listed in BGMC 12.118.060.C. Requests for full street closures cannot be done with standard plans. All additional requirements of BGMC 12.118.060.C apply to annual permits.

B. Surety Bond. As an alternative to BGMC 12.118.110, franchisee may provide a single annual surety bond, or other approved surety, in an amount negotiated with the city engineer that covers all work to be done by the franchisee for the year, rather than on a project-by-project basis. Franchisee can have as many active projects as is covered by said surety provided that the total value of work active at one time does not exceed the amount covered by the surety. Once the work is completed by the franchisee and accepted by the city that encumbered capacity will be available for use for additional work by the franchisee. If the franchisee needs to exceed the value of work covered by the surety, a

surety rider, in a form acceptable to the city attorney, may be accepted by the city. All additional requirements of BGMC 12.118.110 apply to annual permits.

C. Liability Insurance. As an alternative to BGMC 12.118.120, franchisee may provide a single annual surety bond, or other approved surety, in an amount negotiated with the city engineer that covers all work to be done by the franchisee for the year, rather than on a project-by-project basis. Insurance shall meet the permit limits and requirements as maintained by the city engineer.

Finding: This code language is being added to make some requirements related to franchisees easier to manage for both the City and the franchisee.

12.118.030 Exemptions.

A right-of-way permit shall not be required for the activities listed below. Exemption from the permitting requirements of this section shall not constitute approval for any work done in violation of this code or any other city code.

A. Construction, improvement, maintenance, or repair of facilities located in right-of-way when performed by the city or a contractor under contract with the city;

B. Work allowed and approved by other permits issued by the city;

C. Public utility service providers possessing franchises granted by the city are not required to possess right-of-way permits to maintain overhead, underground, or surface use and occupancy of public streets, alleys, rights-of-way, parks or other public places by their facilities so long as the location and maintenance thereof is in accordance with such franchise and does not require a street or lane closure or impacts sidewalks.

~~C~~D. Any activity that the city engineer determines does not have the potential to significantly impact the right-of-way or the free use thereof. Any exemption granted under this section shall be issued in writing; and

~~D~~E. Emergency repairs to existing facilities; the city must be provided notice of such repairs as soon as it is possible.

~~E~~F. Permit exemption does not exclude the person or entity from meeting the standards and practices contained in BGMC 12.118.060(A) and (C), 12.118.070, 12.118.110, 12.118.115, 12.118.120, and 12.118.130.

Finding: This code language is being added to so that the exempt work of franchisees is clearly listed in the code.

12.118.060 Minimum standards—Special conditions.

A. All work to be performed in accordance with this chapter shall conform to the minimum requirements of the current edition of the WSDOT Standard Specifications for Road, Bridge and Municipal Construction, city municipal construction codes, city standard details, city construction requirements and specifications contained herein. In addition, the city engineer, in order to maintain the integrity of existing improvements and to provide for public health, safety, and welfare, may impose such additional terms upon such permits as deemed necessary. Such conditions may be modified, if conditions warrant, during the life of such permit.

B. The permit holder is required to notify the city at the department of public works office no later than 8:30 a.m. two business days before any permit work begins, at the address and/or telephone numbers noted on the permit form.

1. Failure to notify the city prior to commencing work is a violation of the permit. In the event of a violation, the permit holder shall be subject to revocation of the permit or other enforcement listed in BGMC Title 20 as determined by the city engineer.

2. It shall be the responsibility of the permit holder to be prepared for inspection by city personnel. In the event a permit holder calls for an inspection more than twice without site preparation completed, which may include, but not be limited to, traffic control, forming or shoring, material on hand, or any other site condition that renders the inspection incomplete will be deemed a violation of the permit. A reinspection fee of one-half of the initial permit fee will be assessed, but not to exceed seventy-five dollars, for every reinspection thereafter.

C. Traffic control and detour plans shall be required for all work within the right-of-way, as determined by the city engineer, including maintenance, and shall conform to the most recently adopted ~~Manual on Uniform Traffic Control Devices for Streets and Highways (~~MUTCD~~)~~. Traffic control plans must be completed by a licensed engineer in

the state of Washington, a certified traffic control supervisor in the state of Washington, or be a standard plan acceptable to the city engineer. A traffic control plan shall be submitted and approved with the right-of-way permit. Approval for a full street closure shall only be granted if special circumstances exist as determined by the city engineer. Any construction activity conducted in the right-of-way that is found to be in violation of the MUTCD or the approved traffic control plan will be issued a stop work order and the permit for that operation may be revoked. In the event of revocation, the city may use its own forces or a private contractor to restore the area. All restoration costs will be billed to the permit holder. If the permit holder wishes to complete the project, they will be required to apply for another permit. The city engineer may modify approved traffic control plans at any time, including, but not limited to, requiring a closed road to be opened to traffic.

D. Hours of Operations. The hours for working within the roadway for asphalt overlays or trench restoration shall be directed by the permit conditions.

E. Compliance. All public and private utilities and persons wanting to construct in city right-of-way shall follow these procedures. All right-of-way permits will be reviewed and conditioned in accordance with this chapter.

F. A permit shall expire after ninety to one hundred eighty days, as approved by the city engineer, if the work assigned to that permit has not been completed. Any permit fees shall not be refunded.

1. A permit may be extended for an additional ninety days provided the following are met:

a. The permittee does not propose any changes to the terms and conditions of the then existing permit;

b. There have been no permit violations under the existing permit; and

c. Renewal of the permit will not harm the public health, safety, or welfare.

2. In order for a permit to be renewed the permittee must:

a. Make a written request for extension within seven calendar days of expiration;

b. Submit proof of continued insurance coverage as required by this chapter; and

c. Pay a renewal fee.

G. Timely Completion of Work. The applicant shall complete the work and secure the city's acceptance for the work prior to permit expiration. Once work is started the applicant shall continuously work on said project until the street has been restored to preconstruction conditions. Failure to do so may lead to revocation of permit or other enforcement measures as listed in BGMC Title 20.

For work requiring lane or full street closures the applicant shall provide the anticipated closure time using industry accepted standards for production rates. Proposed closure time cannot exceed the permit validity listed in BGMC 12.118.060. A permit will not be approved until said rates are agreed upon by the city engineer. Applicant will be held to approved closure time, unless extended by the city engineer. Applicant will be fined on a daily calendar day basis for any exceedance of the approved closure time. Fines are as follows:

1. First day of exceedance equals $250;
2. Second day of exceedance equals $500; and
3. Each subsequent day equals $1,000 per day.

Fines will continue until the street repairs have been completed and accepted by the City.

H. Applicant is responsible for cleanup of debris, materials, and other items generated by undertaking the work approved under the permit. Applicant is responsible for repairs to facilities that are damaged during said work. Applicant is responsible for maintaining the street in a drivable condition, including, but not limited to, keeping the surface free of potholes, on a daily basis. Failure to maintain the street in an acceptable condition may lead to revocation of permit or other enforcement measures as listed in BGMC Title 20.

I. Signage. The contractor shall place a sign or signs in locations as determined by the city engineer that contain the contractor's name and a phone number where a contractor employee is reachable twenty-four hours a day, seven days a week for street users to address street condition concerns. Signs are required in the following situations:

1. Any time there will be a full road closure of any length of time.

2. Any time street users will need to travel over gravel where construction will last more than a day.

3. Any other situations as determined by the city engineer.

Failure to be responsive to phone calls may lead to revocation of permit or other enforcement measures as listed in BGMC Title 20.

J. Notice. Any time there will be a full street closure, a partial street closure lasting more than a week, or other situations as determined by the city engineer the contractor will be responsible for the following:

1. Placement of portable changeable message board signs, indicating the street to be closed, the type of closure, full or partial, and the duration of the closure in locations determined by the city engineer. Signs must be functioning, with correct information, a minimum of one week prior to the closure.

Contractor is responsible for notifying nearby property owners of said closure. The city engineer will determine the method and the scope of the notification. Notice will include the time frame for the closure, contractor name, and twenty-four hours a day, seven days a week contact information for the contractor.

Finding: This code language is being updated to address permit renewals and fines for not completing construction in a timely manner.

12.118.080 Violations, failure to comply with permit, work stoppage, revocation of permit, damages.

Failure to obtain a permit is a violation of this code and may be cause for withholding or withdrawing approval of project plans, revocation of a permit, suspension of inspections, forfeiture of financial guarantees submitted to the city, refusal of the city to accept the work or other enforcement action under this code or other provisions of the BGMC. It shall be unlawful for any work that requires a permit to be undertaken without a permit. Any permit application submitted for work commenced prior to the application submittal shall be subject to a charge equal to double the applicable fees plus the actual cost for any city investigation undertaken in conjunction with the consideration of the permit.

In the event that a permit holder should, in the performance of work under said permit, fail to comply with the terms thereof, or fail to perform the work in accordance with such terms, they shall be in violation, and all current or revised code enforcement procedures and penalties as set forth in Chapter 20.100 BGMC shall apply unless otherwise noted in this chapter. In the event that makes it necessary for the city to perform work to correct defective work or materials of any permit holder after revocation of such permit, the city shall have the right to recover from such permit holder the cost of work and materials performed or used by the city.

In the event that any work performed pursuant to this chapter should be improperly performed, or should become defective within two years after termination of the permit or the conclusion of the work, the person to whom the permit was issued shall be responsible for correcting such defective work, or paying the cost of such correction. Defective work shall include, but is not limited to, any and all settlement within the areas of excavation or embankment, or pavement and concrete failure. Upon notification of the existence of such defective work, the holder of such a permit shall take immediate steps to remedy such defective work.

Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed to have committed a civil infraction, and shall be fined under the standard procedures, as set forth in Chapter 20.100 BGMC unless otherwise noted in this chapter.

The city shall have the right to refuse a permit to any person who is in violation of this chapter or who has failed to comply with the provisions of this chapter or any permit

previously issued in connection with the permit being applied for or any permit previously issued.

Finding: This code language is being updated and added to address contractors who don't meet permit standards.

12.118.110 Surety bond.

Before a right-of-way permit as herein provided is issued, the applicant shall deposit with the city a surety bond, or other approved surety, in the amount of five thousand dollars, or an amount equal to one hundred twenty-five percent of the construction costs, whichever is greater, payable to the city. The surety must be:

A. With a good and sufficient surety authorized to transact business in the state of Washington;

B. Satisfactory to the city attorney in form and substance; ~~and~~

C. Said surety shall be conditioned that the permittee shall restore all right-of-way per the city standard details and construction requirements. Any street cuts or openings shall be restored per BGMC 12.118.070 or 12.118.130 and warranted for two years after the work has been completed. Any settlement or failure of the surface within two years shall be deemed conclusive evidence of defective work by the permittee~~.~~; and

D. Surety shall be valid until all work guaranteed by said surety is complete and accepted by the city and surety released by the city in writing regardless of status of permit.

In cases where there is no risk to the city's right-of-way, as determined by the city engineer, the city engineer may waive the requirement for a surety.

Any owners of real estate repairing the sidewalk or planters, abutting property they own, and not engaging another to repair said sidewalk or planters shall not be required to give such bond.

In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city's giving written notice to the permittee of such suit or claim, any final judgment against the city requiring it to pay for such damage shall be conclusive upon the permittee and his or her surety.

Finding: This code language is being added to make it clear how long bonds related to this section are good for.

Chapter 12.122 – Street Use And Encroachment

12.122.010 Purpose.

12.122.030 Definitions.

12.122.040 Permits required.

12.122.050 Applications.

12.122.060 Review.

12.122.062 Permit expiration.

12.122.065 Revocation.

12.122.070 Fees.

12.122.080 Violation—Penalty.

12.122.030 Definitions.

"City engineer" means the city of Battle Ground city engineer or designee.

~~"Community development director" means the city of Battle Ground community development director or designee.~~

"Encroachment" means to construct, erect or maintain in, over or under any public place, right-of-way, easement, roadway, parking strip and/or sidewalk, including the airspace above them, any structures permanent in nature, including, but not limited to, building extension, marquee, fence, retaining wall or any other building or structure.

~~"Public works director" means the city of Battle Ground public works director or designee.~~

"Temporary in nature," in reference to street uses, means not having or requiring permanent attachment to the ground, or involving structures which have no required permanent attachment to the ground.

"Use" means to place or maintain in, over or under any public place, right-of-way, roadway, parking strip and/or sidewalk, including the airspace above them, any temporary or movable object.

Finding: This code language is being changed to delete definitions that are no longer used in this section.

12.122.040 Permits required.

A. No person shall use or encroach upon any public right-of-way, easement or public property without obtaining a permit from the ~~community development or public works director~~ city engineer.

1. Encroachments. A right-of-way permit is required to encroach upon any portion of city public space, right-of-way or easement area with permanent structures.

2. Street Uses. A right-of-way permit is required to use any portion of public space or city right-of-way for objects which are temporary in nature.

3. Fences. The installation of fences across city utility easements, if the city's easement is not for vehicular access and a point of access (e.g., gate) is provided to allow the city a point of entry to the easement area. Fences shall be permitted in accordance with this chapter and the provisions of this code prior to their installation.

4. Shipping and Cargo Containers. Shipping and cargo containers, including dumpsters and other similar storage or refuse containers, are prohibited on any portion of city public space, right-of-way or easement area unless an encroachment permit is granted. A permit will only be granted where it is not possible to place container on driveway due to grade or insufficient depth.

5. Nothing in this section shall be interpreted to prohibit the parking of a properly licensed vehicle in a legally permissible manner and areas or the normal installation and maintenance of landscaping.

6. Nothing herein shall be interpreted to permit the base or ground support for any sign to be located upon or attached to the ground within the public right-of-way, easement or public property.

B. Exemptions. No permit shall be required under this section for any waste material receptacle used in conjunction with a properly issued demolition permit or remodeling permit or for a period of seven days following a fire or other casualty causing severe damage to the buildings adjacent to the right-of-way or for a period of seven days for the removal of debris caused by a natural catastrophe such as a windstorm or rainstorm.

Finding: This code language is being changed to clarify who is responsible for the code and when storage containers can be placed in the right-of-way.

12.122.050 Applications.

Right-of-way permit applications for street use or encroachment shall contain, in addition to the information required under any other applicable city code, the following information:

A. Street Uses.

1. Certificate of insurance.

2. Complete right-of-way permit application.

B. Encroachments.

1. Site plan, to be recorded with Clark County, clearly showing proposed encroachment, private property lines, all existing structures and driveways, easements and/or public property (developed or undeveloped).

2. Legal description, including copies of all recorded easements on the property.

3. Elevation view or side view of the proposed encroachment.

4. Ownership. Evidence showing the applicant to be the agent record owner of the property immediately adjoining the public place or right-of-way.

5. Certificate of insurance.

6. Complete right-of-way permit application.

7. Complete ~~encroachment~~ hold harmless agreement, to be recorded with Clark County.

C. Such other information as the ~~public works and community development department director or designee~~ city engineer shall designate.

D. The encroachment agreement shall require prompt removal of the encroachment by the applicant at his/her/its expense upon reasonable demand by the ~~public works director~~ city engineer and be legally adequate for recording in the land records of Clark County and the chain of title of the applicant's property. Such encroachment agreements may be executed as acknowledged on behalf of the city by the ~~public~~

~~works director~~ city engineer and recorded by the city clerk following approval as to form by the city attorney.

E. Right-of-way permits shall be processed as a Type I land use action pursuant to Chapter 17.200 BGMC. When associated with other land use actions of different types, right-of-way permits shall be processed concurrently with the underlying land use action.

Finding: This code language is being changed to clarify who is responsible for the code and the correct name of the agreement we use.

12.122.060 Review.

A. Issuance by ~~Community Development or Public Works Director~~ City Engineer. The ~~community development or public works director or their respective designees~~ city engineer may administratively, without hearing, approve a street use or encroachment permit if:

1. The proposal will not unreasonably interfere with the rights of the public to use the right-of-way for its intended purpose, and:

a. No portion of the public right-of-way designed and intended for vehicular traffic or parking shall be permanently occupied;

b. Requirements of the International Building Code, including but not limited to all provisions relating to disabled accessibility and barrier-free design requirements shall be met;

c. Adequate compensation has been paid for use of the public right-of-way;

2. The proposal (if for an encroachment permit) either benefits the public interest, safety or convenience (e.g., supports or protects the city street, reduces pedestrian hazards) or is an accessory structure such as a fence normally associated with residential use of the property and fully complies with the requirements of subsections (B)(1) through (3) of this section.

B. Bay Windows, Decks, and Related Architectural Features. In an effort to allow for more creative designs and a better overall appearance in commercial areas, architectural features not included in habitable floor space may encroach into the public right-of-way within the central business district or any other zone in which no setback from the lot line is required, subject to the following requirements:

1. All conditions and requirements set forth in this chapter have been met and adequate compensation has been paid;

2. The encroachment shall not occur over alleys;

3. The building encroachment shall not project more than two feet (twenty-four inches) into the right-of-way;

4. The encroachment shall provide for a minimum clearance height of eight feet over any pedestrian right-of-way and a minimum clearance height of eleven feet over any vehicular right-of-way, whichever is greater; and

5. The encroachment shall not interfere nor create unusual maintenance issues with street lights, signals and other traffic control devices.

C. Appeal. The decision of the ~~community development or public works director, or their respective designees,~~ city engineer may be appealed to the hearing examiner; provided, however, that the establishment of compensation for use of the public right-of-way is a legislative decision of the city council and is not subject to review by the examiner.

D. Insurance Requirement. When the application is for use or encroachment onto a public right-of-way including, but not limited to, streets, roads, alleys, trails, sidewalks, bike paths, pedestrian easements, and any other easement intended for the use of the public, the applicant will be required to provide and continually maintain during the term of the permit a certificate of insurance naming the city as an additional insured,

with respect to liability and providing that it shall be primary as to any other policy of insurance. The policy must contain the additional insured statement, coverage amounts and cancellation notification indicated on the sample insurance form provided by the city. In addition, the applicant shall sign a covenant to hold harmless and indemnify the city for any hazard which may result from the use of the right-of-way, which will be recorded and run with the land in a form approved by the city attorney.

Finding: This code language is being changed to clarify who is responsible for the code.

12.122.062 Permit expiration.

A. A street use permit, including shipping and cargo containers, shall expire after thirty days.

B. An encroachment permit shall last the life of the structure, unless otherwise agreed upon by the city engineer, provided that the insurance requirements are met. An encroachment permit can be revoked per BGMC 12.122.065.

Finding: This code language is being added to clarify when a permit expires.

12.122.065 Revocation.

A. Except as provided below, all permits approved under this chapter shall be temporary, shall vest no permanent right and shall be issued and may in any case be revoked at the sole discretion of the city upon thirty days' notice, or without notice, in the event any such use or occupation shall become dangerous; any structure or obstruction so permitted shall become insecure or unsafe; shall become a public nuisance; or shall not be constructed, maintained or used in accordance with the provisions of this chapter. The determination by the ~~community development director~~ city engineer that a structure is dangerous, insecure, unsafe, a nuisance or has not been constructed, used or maintained in accord with this chapter shall be conclusive. Permits shall also be revoked if, following written notice of the lapse of an insurance policy required to be maintained, the permittee fails to supply a valid certificate of insurance.

B. If any such structure, obstruction, use or occupancy is not discontinued on notice to do so by the city engineer and within the time period designated, the city engineer may remove any structure or obstruction, or make such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, at the expense of the permittee, or his successor, and such expense may be recorded as a lien and otherwise collected in the manner provided by law.

Finding: This code language is being changed to clarify who is responsible for the code.

Title 13 – Water And Sewers

13.102 Definitions

13.103 General Provisions

13.105 Utility Rates and Billing Procedure

13.110 Water Service—Connection

13.112 Water Use Regulations

13.113 Water Conservation

13.120 Sewer System—Connection

13.125 Storm Drainage Utility

13.126 Storm Drainage System

13.127 Street Lighting

13.130 Vacation of Utility Easements

13.137 Pretreatment of Industrial and Commercial Wastewater

13.140 Wastewater Utility System Franchises

Chapter 13.120 – Sewer System—Connection

13.120.010 Connection to sewer system—Required when.

A. It is the desire of the city of Battle Ground to achieve to the maximum extent possible the use of the city's sanitary sewage disposal system by all users within the city of Battle Ground. All premises upon which any portion of a building is situated within the city limits of the city of Battle Ground shall be deemed to be within the area served by the sewage disposal system and, when the building or structure is used for any purpose requiring a sewage disposal system, the owner shall cause a connection to be made between the city's sewage disposal system (or other public sewage disposal systems as approved by the public works director) and each building or structure except as follows:

1. When building permits are to be issued for new construction or the remodeling of existing buildings or structures requiring a sewage disposal system, which use less than one ERU of sewage capacity, on an existing lot located greater than six hundred feet from an existing sewer line or lateral;

2. When the building permit will lead to an expansion of an existing building or structure which is not likely to lead to an increase of usage of the sewerage disposal system serving the existing building or structure; or

3. When an existing septic system or individual sanitary disposal system becomes inoperable under the regulations of the Southwest Washington Health District, serving an existing building or structure greater than six hundred feet from an existing sewer line or lateral.

B. All connections shall be made to the sewerage system in a permanent and sanitary manner, in conformity with all applicable plumbing laws and codes, subject to the approval of the public works director and the construction requirements included in BGMC 13.120.020.

C. If any such connection is not made within the time provided in this chapter, the public works director or such other employee of the city as the city manager may hereafter designate is authorized and directed to cause the same to be made and to file a statement of the cost thereof with the city treasurer/finance director, which cost shall in no event be less than the sewer connection charges fixed for the various classes of buildings and applicable to the building to which the connection is made, and thereupon payment of such cost will be made by the sewer fund. The amount of the charges, together with a penalty of ten percent, plus interest at the rate of ten percent per year upon the total amount of the warrant and penalty, shall be assessed against the property upon which the building or structure is situated, and shall become a lien

thereon as provided in BGMC 13.105.110. The total amount when collected shall be paid into the sewer fund.

D. Accessory Dwelling Units (ADUs) shall make connection to the city's sewage system as follows:

1. Detached ADUs shall make connection to the city's main line unless the ADU will be more than six hundred feet from an existing sewer line. ADUs more than six hundred feet away can tie into the existing septic system as approved by Clark County Public Health (CCPH). Undersized septic systems can be expanded to accommodate the ADU as allowed by CCPH.

2. Attached ADUs shall be connected to the existing plumbing of the main structure.

~~D~~E. The connection requirements of this section may be appealed to the public works director in cases where the proposed service design meets pretreatment purposes and other criteria acceptable to the director.

~~E~~F. An owner of a single-family residence whose on-site septic system has failed, and is required to connect to the public sewage system because of this code section, can appeal this requirement to the city council based on the requirements of RCW 35.21.940, provided they meet the applicability requirements of RCW 35.21.940.

Finding: This code language is being added to address ADUs.

Chapter 13.126 – Storm Drainage System

13.126.060 Prohibition of illicit discharges.

A. No person shall discharge, spill, or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

B. Examples of prohibited pollutants include but are not limited to the following:

1. Trash or debris;

2. Construction material;

3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, and heating oil;
4. Antifreeze and other automotive products;
5. Metals in either particulate or dissolved form;
6. Flammable or explosive materials;
7. Radioactive material;
8. Batteries;
9. Acids, alkalis, or bases;
10. Paints, stains, resins, lacquers, or varnishes;
11. Degreasers and/or solvents;
12. Drain cleaners;
13. Pesticides, herbicides, or fertilizers;
14. Steam cleaning wastes;
15. Soaps, detergents, or ammonia;
16. Swimming pool cleaning wastewater or filter backwash;
17. Chlorine, bromine, or other disinfectants;
18. Heated water;
19. Domestic animal wastes;
20. Sewage;
21. Recreational vehicle waste;
22. Animal carcasses;
23. Food wastes;
24. Bark and other fibrous materials;
25. Lawn clippings, leaves, or branches;
26. Silt, sediment, concrete, cement, or gravel;

27. Dyes (unless approved by the city);

28. Wash water;

29. Chemicals not normally found in uncontaminated water;

30. PCB's from buildings built or renovated between 1950-1980 during demolition and renovations;

~~30~~31. Any other process-associated discharge except as otherwise allowed in this section.

C. The commencement, conduct or continuance of any discharge other than stormwater to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this chapter: diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20)), uncontaminated pumped ground water, foundation drains, air conditioning condensation, irrigation water from agricultural sources commingled with urban stormwater, springs, uncontaminated water from crawl space pumps, footing drains, flows from riparian habitats and wetlands, non-stormwater discharges authorized by another NPDES or State Waste Discharge Permit, non-stormwater discharges from emergency fire-fighting activities in accordance with S2 Authorized Discharges as described in the NPDES Phase II Permit, and any other water source not containing pollutants as approved by the director.

2. The following discharges are prohibited unless the stated conditions are met:

a. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the ~~MS4~~ stormwater system.

b. Discharges from lawn watering and other irrigation runoff, including from reclaimed water sources. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts.

~~b~~c. Discharges from swimming pools, spas, and hot tubs. The discharges shall be dechlorinated/debrominated to a total residual concentration of 0.1 ppm or less, free from sodium chloride, pH-adjusted, and reoxygenated if necessary, ~~and~~ volumetrically and velocity controlled to prevent resuspension of sediments in the ~~MS4~~ stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the ~~MS4~~ stormwater system.

~~c~~d. Street and sidewalk wash water~~,~~ and water used to control dust that does not use detergents.~~, and routine external building wash down that does not use detergents. The amount of wash and dust control water shall be minimized to the maximum extent practical.~~ The Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the stormwater system, Permittees shall minimize the amount of street wash and dust control water used. At active construction sites, street washing is prohibited per BGMC 18.255.070(A).

e. Routine external building washdown that does not use detergents for buildings built or renovated before 1950 and after 1980. These discharges shall be reduced through, at minimum, public education activities and water conservation efforts.

Commercial, industrial, and multi-story residential structures constructed or renovated between the years 1950 and 1980 (i.e. those most likely to have PCB-containing building materials), shall be assessed for PCB-containing materials consistent with *How to find and address PCBs in building materials* (Ecology, 2024, Publication No. 22-04-024) prior to routine building washdown to the stormwater system. Structures confirmed or suspected to have PCB-containing materials shall not discharge washdown to the stormwater system.

Single-family residential buildings are exempt from PCB assessment prior to building washdown, for the purposes of this section. Structures built or renovated between 1950-1980 and determined to be without PCB-containing materials may conduct routine building washdown (without detergents) as described above.

~~d~~f. Individual residential car wash water. Car washing activities shall be performed over grass or other pervious surface if possible. If performed over impervious surface, wash water shall be directed away from storm inlets. ~~The city will provide public education and technical assistance to encourage BMPs for residential car washing to prevent these discharges from entering the municipal storm sewer system.~~

~~e~~g. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a SWPPP reviewed by the director, which addresses control of such discharges.

3. Dye testing is an allowable discharge, but requires notification to be given to the department prior to the time of the test.

4. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system.

Finding: This code language is being updated to make the City compliant with the current version of the NPDES Phase II Permit.

Chapter 13.130 – Vacation Of Utility Easements

13.130.010 Purpose.

13.130.020 Applicability.

13.130.030 Petition for vacation.

13.130.040 Fees.

13.130.050 Appraisals.

13.130.060 Notice of public hearing.

13.130.070 Protest.

13.130.080 Public hearing and criteria.

13.130.090 Compensation for vacation.

13.130.100 Payment of compensation or conveyance.

13.130.110 Posting and mailing notices – Recording ordinance.

13.130.010 Purpose.

This chapter establishes the procedure and criteria that the city will use to decide upon vacation of public utility easements.

13.130.020 Applicability.

A. This chapter applies to requests for vacation of public utility easements, including but not limited to easements for sanitary sewers, water lines, storm drains, underground electrical lines, and drainage easements. This process does not apply to non-utility easements. This chapter shall not apply to vacation, relinquishment, or termination of streets, alleys, road rights-of-way or access easements, which are addressed in BGMC Chapter 12.135.

B. These procedures do not apply to the vacation of entire subdivisions or short plats, which is addressed in RCW 58.17.212.

13.130.030 Petition for vacation.

A. Petitions Authorized. The property owners of an interest in any real estate desiring to vacate a public utility easement upon their property, or any part thereof, may petition the city council to make such vacation. A vacation may also be initiated by the city council, upon the adoption of a resolution initiating procedures which shall contain a legal description and vicinity map exhibit of the subject public utility easement sought to be vacated, prepared by a Washington State licensed surveyor.

B. Elements of Petition. A vacation petition initiated by property owners shall include the following:

1. A vacation petition with supporting affidavits on forms provided by the public works department.

2. A legal description and vicinity map exhibit of the public utility easement to be vacated and a legal description and vicinity map exhibit of the portion of the public utility easement to remain, if applicable, prepared by a Washington State licensed surveyor. Said legal description and exhibit shall be formatted to meet Clark County auditor's recording standards and requirements.

3. For each petitioner a title insurance company certificate, issued not more than 30 days prior to the petition, showing ownership of the property, all lien holders, and the names and addresses of all property owners upon the public utility easement sought to be vacated.

4. The applicable fee as established by the master fee schedule, which is nonrefundable.

5. The vacation petition shall identify the easement to be relinquished (a copy of the document creating or reserving the easement shall be provided), the property burdened by the easement, the name and contact information of the legal owners of said property, and any known utilities in the easement.

C. Filing of Petition. The petition or resolution shall be filed with the public works director, and the petition shall be signed by the owners of more than two-thirds of the property upon or included within the part of such public utility easement sought to be vacated. For the purpose of determining the sufficiency of signatures of owners of private property on the application or consent to vacate as determined by the city, the following rules shall govern:

1. The signature of the owner of the property as set forth in the Clark County assessor records and confirmed by a title report if required by the public works department;

2. In the case of property subject to a contract of purchase, the signatures of the contract grantor and grantee shall be required;

3. In the case of ownership by corporation, the signature of any officer authorized by the bylaws or resolution of the board of directors shall be sufficient when evidenced by an excerpt of the bylaws of the resolution, certified by the secretary of the corporation, granting such authority; and

4. In the case of property owned by the estate of a decedent or incompetent, the signature of the duly qualified administrator or executor or guardian shall be equivalent to the signature of the owner of the property.

D. City Staff Review. Upon receipt of a petition staff will review the submitted documents and the following shall occur:

1. Staff may require additional information from the applicant, including, but not limited to, a survey and locate of existing utilities. If covenants have been recorded against the property that appear to be relevant to the vacation request, a legal opinion may be necessary, to be furnished by the applicant at his/her expense.

2. If the city or other reviewer identifies that the city or public has a probable future need for the easement, then public works director or designee shall issue a written denial of the application. If no probable future need is determined, the public works department shall issue a recommendation of approval to the city council.

E. Council Resolution for Vacation – City Council Action on Resolution or Petition. Upon receipt of a petition for vacation or after the city council's own motion on its own resolution for vacation and following review by the public works director or designee in accordance with subsection D of this section, the city council shall adopt a resolution fixing a time when the petition will be heard and determined, which time shall not be more than 60 days nor less than 20 days after the passage of the resolution. The resolution must also specify if the public utility easement was acquired or established at public expense, and if the easement was acquired at public expense, require an appraisal to be ordered, and a deposit to be paid in accordance with BGMC 13.130.040(B).

13.130.040 Fees.

Public Utility Easement Vacation Fee. A petition initiated by property owners for the vacation of any public utility easement, or any part thereof, shall be accompanied by an initial nonrefundable payment to the city of a public utility easement vacation fee as set by city council in the master fee schedule, to defray the administrative costs incurred in processing such vacation petitions.

13.130.050 Appraisals.

The public works director is authorized to require the applicant to obtain appraisals from qualified, independent appraisers of public utility easements as are recommended for vacation, following the public hearing by the city council.

13.130.060 Notice of public hearing.

A. Content. The city clerk shall prepare a public notice containing the following information:

1. A statement that a request to vacate the subject easement will be considered by the city council;

2. A statement of the time and place of the public hearing before the city council;

3. A location description in nonlegal language along with a vicinity map that identifies the subject easement proposed to be vacated;

4. A statement that the vacation file is available for viewing at Battle Ground City Hall; and

5. A statement of the right of any person to submit written comments to the city council prior to or at the public hearing and to appear before the city council at the hearing to give comments orally.

B. Distribution of Notice of Hearing. At least twenty calendar days before the public hearing, the city clerk shall distribute the public notice as follows:

1. A copy will be published in the official newspaper of the city, except no vicinity map shall be required; and

2. A copy will be posted on the subject property.

C. Notice Where Council Initiates Vacation by Resolution. In all cases where the proceeding is initiated by resolution of the city council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the public utility easement sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least 15 days before the date fixed for the public hearing a similar notice to the record owners or reputed owners of all lots, tracts, or parcels of land or other property abutting upon any utility easement or portion thereof sought to be vacated, as shown on the rolls of the county treasurer.

13.130.070 Protest.

If 50 percent of the abutting property owners file written objections to a council-initiated vacation petition with the city clerk prior to the time of the hearing, the city shall be prohibited from proceeding with the vacation.

13.130.080 Public hearing and criteria.

A public hearing on such petition may be held before the city council upon the date fixed by resolution or at the time said public hearing may be adjourned to. Following the public hearing, the city council shall consider the request in accordance with state and local law. To approve a vacation, the council must find that the public utility easement no longer serves any useful public purpose, nor is it likely to in the future, such vacation would not unduly jeopardize the health, safety, welfare, or public good, applicable legal requirements have been met, and any other fact or issue it deems relevant. The city council may grant the petition to vacate the public utility easement or any part thereof by ordinance, with or without conditions, or the city council may deny the petition.

13.130.090 Compensation for vacation.

A. Payment for Vacation. Ordinances vacating any public utility easement shall not be passed by the city council until the owners of the property abutting such easement so vacated shall compensate the city in the amount required by this subsection.

1. For those public utility easements that were not acquired or established at public expense, and that are not needed for public use either now or in the foreseeable future, the city council may pass a vacation ordinance to vacate the easement without requiring the abutting property owners to make payment to the city for such vacation.

2. Alternatively, when a public utility easement was acquired or established at public expense, city council may require the property owners to compensate the city in an amount up to one-half of the fair market value, as shown in the appraisal, of any public utility easements that have been dedicated for less than 25 years. City council may require the property owners to compensate the city in an amount up to the full fair market value, as shown in the appraisal, of the utility easements that have been dedicated for more than 25 years.

B. In-Lieu Transfers of Property. Conveyance of other property or easement acceptable to the city may be made in lieu of the payment required by subsection A of this section, whether required to mitigate adverse impacts of the vacation or otherwise. The full appraised value of the land conveyed shall be credited to the required payment.

When the value of the in-lieu parcel is less than the payment required by subsection A of this section, the petitioner shall pay the difference to the city. When the value of the in-lieu parcel exceeds the payment required by subsection A of this section, the city shall pay the difference to the petitioner.

13.130.100 Payment of compensation or conveyance.

Upon confirming the appraisal value of the public utility easement to be vacated as provided in this chapter, the public works director shall notify the petitioner of the amount of compensation. The payment shall be delivered to the public works director, who, upon receipt of any such payment, shall forthwith transmit the same to the finance director for deposit. Revenue received by the city as compensation for public utility easements vacated shall be deposited into the utility fund or funds for which the

easement was originally intended for. In the event that the petitioner has received approval of delivery of an instrument granting or dedicating to the city a parcel(s) of land in lieu of a cash payment as contemplated by BGMC 13.130.090(B), the public works director, at the petitioner's expense, shall obtain a policy of title insurance insuring title thereto in the city.

13.130.110 Posting and mailing notices – Recording ordinance.

Posting and mailing of the notices provided for in this chapter shall be the responsibility of the city clerk. A certified copy of the ordinance vacating a public utility easement, or any portion thereof, shall be provided to the petitioner and, as required by RCW 35.79.030, recorded by the petitioner (or the city clerk, if the city is the proponent) at the office of the Clark County auditor, at the petitioner's expense.

Finding: Time to time the vacation of utility easements comes up. The City currently doesn't have a code for this and there is no guidance in state law. This code adopts standard procedures for vacating utility easements.

Title 15 Buildings and Construction

Chapter 15.104 Building Code

15.104.010 Uniform codes—Adopted by reference—Amended.

The city of Battle Ground adopts by reference the current editions of the building codes: the International Building Code, the International Residential Code, the International Fire Code, the International Mechanical Code, the Fuel Gas Code, the Uniform Plumbing Code and Code Standards, the International Existing Building Code, the International Property Maintenance Code, the International Swimming Pool and Spa Code, and the International Energy Conservation Code of the state of Washington.

A. The International Building Code (IBC), published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council.

1. The following appendices are specifically adopted:

a. Appendix E, Supplementary Accessibility Requirements;

b. Appendix H, Signs;

c. Appendix I, Patio Covers;

d. Appendix J, Grading.

2. Exceptions:

a. In case of a conflict between the International Code (ICC/Washington State Code) and the Washington Administrative Code (WAC), the provisions of the Washington Administrative Code (WAC) shall govern.
3. Amend the following:
a. All references to the "International Plumbing Code" shall be changed to reference the "Uniform Plumbing Code."
b. All references to the "International Electrical Code" shall be changed to reference the "Washington State adopted Electrical Code."
c. Section 101.1: Shall have "The City of Battle Ground" inserted for the jurisdiction name.
d. Section 101.4.3: The last line is not adopted.
e. Section 105.2, #6: Insert the words "decks" and "platforms" to read, "Sidewalks, decks, platforms, and driveways not more than 30 inches above grade and not over any basement or story below and which are not part of an accessible route."
f. Section 105.3.3 – Any tenant improvement permit applied for within one code cycle of the completion of the shell permit can use the code cycle in which the shell permit was issued.

B. The International Residential Code (IRC), published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council.
1. The following appendices are specifically adopted:
a. Appendix F, Passive Radon Gas Controls.
b. Appendix H, Patio Covers.
c. Appendix J, Existing Buildings and Structures.
2. Exceptions:
a. In case of a conflict between the International Code (ICC/Washington State Code) and the Washington Administrative Code (WAC), the provisions of the Washington Administrative Code (WAC) shall govern.
3. Amend the following:
a. All references to the "International Plumbing Code" shall be changed to reference the "Uniform Plumbing Code";
b. All references to the "International Electrical Code" shall be changed to reference the "Washington State adopted Electrical Code";
c. Section 101.1: Shall have the words "City of Battle Ground" inserted for the jurisdiction name;
d. Section 105.2, #5: Shall be amended to read: "Sidewalks, decks, platforms, and driveways not more than 30 inches above grade and not over any basement or story below and which are not part of an accessible route";
~~e. Section 105.2, #10 is not adopted.~~
~~f.~~e. Section 105.4.1: Bathroom Exhaust Fans shall not be connected to the Whole Home Ventilation Systems.
4. Exempted Work. Unless land use approval is required under BGMC Titles 16 and 17, a building permit shall not be required for the types of work in each of the separate classes of work listed below. Exemption from such permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws in the city of Battle Ground. Exemptions:

a. Roof covering for one- and two-family units: A permit is not required for the first or second layer, where there are no structural modifications, repair, or replacement required, including roof sheathing.
b. Replacement of window and door assemblies for one- and two-family units: A permit is not required for window and door assemblies utilizing existing framed openings and not requiring fire resistive rating.
c. Replacement of siding: A building permit is not required for replacing siding where there is no structural modification or repair required to the structural frame, including wall sheathing for one- and two-family units or where there is no requirement for fire resistive construction.
C. The International Mechanical Code (IMC), published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council, and shall include Appendix A; except that the standards for liquefied petroleum gas installations shall be National Fire Protection Association (NFPA) 58 (Storage and Handling of Liquefied Petroleum Gases) and American National Standards Institute (ANSI) Z223.1/NFPA 54 (National Fuel Gas Code).
~~1. Amend the following code section(s):~~
~~a. 514.2 Prohibited locations.~~
~~6. Restroom Exhaust Systems.~~
D. The International Fuel Gas Code (IFGC), as published by the International Code Council, Inc., as used and referenced by the Washington State Building Code Council in WAC 51-51-007 and 51-52-0101.
E. The International Existing Building Code (IEBC), published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council.
1. The following appendices are specifically adopted:
a. Appendix A, Earthquake Hazard Reduction in Existing Concrete Buildings and Concrete with Masonry Infill Buildings.
b. Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities.
2. Exceptions:
a. In the case of conflict between the International Existing Building Code and the Washington State Administrative Code (WAC), the provisions of the Washington State Administrative Code (WAC) shall govern.
3. Amend the following:
a. All references to the “International Plumbing Code” shall be changed to reference the “Uniform Plumbing Code”;
b. All references to the “International Electrical Code” shall be changed to reference the “Washington State adopted Electrical Code”;
c. Section 101.1: Shall have the words “City of Battle Ground” inserted for the jurisdiction name.
F. The International Property Maintenance Code (IPMC), as published by the International Code Council, Inc.
1. Exceptions:
a. In the case of conflict between the International Property Maintenance Code and the Washington State Administrative Code (WAC), the provisions of the Washington State Administrative Code (WAC) shall govern.

b. In the case of conflict between the International Property Maintenance Code and the city of Battle Ground Municipal Code, the provisions of the city of Battle Ground Municipal Code shall govern.
2. Amend the following:
a. All references to the "International Plumbing Code" shall be changed to reference the "Uniform Plumbing Code";
b. All references to the "International Electrical Code" shall be changed to reference the "Washington State adopted Electrical Code";
c. Section 101.1: Shall have the words "City of Battle Ground" inserted for the jurisdiction name;
d. Section 102.3: Delete last line to remove any conflict with the Battle Ground Municipal Code;
e. Section 302.4:
All immediate exterior property shall be maintained free from weeds or plant growth in excess of 12 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
f. Section 302.8: Motor Vehicles. Not adopted;
g. Section 304.14: Insect Screens. Not adopted.
G. The Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, including Appendix A, Appendix E, and Appendix I, as adopted and amended by the Washington State Building Code Council.
1. Exceptions:
a. Chapters 12 and 15 of this code are not adopted.
b. Those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.
c. All references to the "International Electrical Code" shall be changed to reference the "Washington State adopted Electrical Code."
H. The International Energy Conservation Code of the State of Washington, Chapter 51-11 WAC.
I. The International Swimming Pool and Spa Code as adopted and amended by the Washington State Building Code Council. (Ord. 25-07 § 1, 2025; Ord. 24-19 § 1, 2024; Ord. 22-19 § 1, 2022; Ord. 21-09 § 1, 2021; Ord. 18-08 § 1 (part), 2018: Ord. 16-14 § 1 (part), 2016: Ord. 13-05 § 1 (part), 2013: Ord. 12-19 § 6, 2012;
Ord. 10-04 § 1 (part), 2010: Ord. 04-009 § 1 (part), 2004: Ord. 03-012 § 1 (part), 2003: Ord. 99-005 § 1, 1999; Ord. 95-769 § 3 (part), 1995)

Chapter 15.136 – Public Works Construction Specifications

15.136.080 Easements.

A. Easements shall be provided to the city for access and maintenance of all pipe and related infrastructure within the site, which are to be maintained by the city. The required widths of easements shall be as follows:

1. Pipes with inner diameter less than or equal to eight inches (water/sanitary) or thirty-six inches (stormwater): twenty feet.

2. Pipes with inner diameter greater than eight inches (water) and easements containing more than one utility: twenty-five feet.

3. Pipes with inner diameter greater than eight inches (sanitary): twenty feet plus an additional foot of easement for every inch of diameter greater than eight inches.

4. Pipes with inner diameter greater than thirty-six inches (stormwater): twenty feet plus pipe inner diameter.

5. Streams and channels (stormwater): top width of channel plus fifteen feet on one side.

6. Inspection easements for monitoring manholes: fifteen feet.

7. Pipes shall be located with their centerline no closer than one-quarter of the easement width from an adjacent property line.

8. Easements shall extend five feet past the end of the line or structure.

9. Easements shall be entirely contained on one lot.

The city engineer may decrease widths in special cases or require increased widths when necessary to ensure adequate area for equipment access and maintenance.

B. No buildings, trees, or other permanent structures are permitted within easements. Small shrubs may be allowed as approved by the city engineer. If any approved small shrubs are removed by the city while working within the easement the cost of replacement is the responsibility of the property owner. Fences crossing easements must cross the easement, perpendicularly and shall provide gates that extend across the entire width of the easement for access by maintenance vehicles and personnel. Locks on fencing that crosses an easement may only be those provided by the city.

C. Structures within easements that are not located in accessible paved areas shall have an access road to said structure that accommodates the largest vehicle that will service said structure.

Finding: This code language is being updated as this situation comes up every once in a while and is not addressed in the code.

Title 17 Zoning

17.120.020 Uses.

The following uses in each nonresidential zone are permitted (P), conditional (C) or prohibited (X) as indicated in Table 17.120-1.

Table 17.120-1

Use	ML	EC	WE
1. Accessory uses and structures normally incidental to one or more permitted principal uses including those uses indicated as prohibited elsewhere in this table	P	P	P
2. Acid manufacture	X [1]	X [1]	X [1]
3. Art galleries, libraries and museums	P	P	P
4. Asphalt plants	X [1]	X [1]	X [1]
5. Auditoriums and civic centers	P	P	P
6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other	P	X [1]	C

Table 17.120-1			
Use	ML	EC	WE
vehicle service, rental and leasing, new and/or used			
7. Bulk gasoline storage and fuel oil distributors	C	X [1]	X [1]
8. Business services operated in conjunction with one or more permitted uses	P	C	P
9. Churches, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050	C	C	C
10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P	X [1]	X [1]
11. Cold storage plants, frozen food lockers and ice manufacture	P	X [1]	P
~~12. Collective gardens~~	~~P~~	~~X~~	~~X~~
13. Colleges and universities	X [1]	P	P
14. Commercial recreation facilities, enclosed only	P	X [1]	C
15. Commercial recreation facilities, unenclosed	P	X [1]	C
16. Conical burners and incinerators, including biomedical waste	X [1]	X [1]	X [1]
17. Contractors' establishments	P	X [1]	P
18. Cooperative (marijuana)	X	X	X
19. Day care centers, subject to BGMC 17.135.070	P	P	C
20. Distribution facilities	P	X [1]	P
21. Dog day care subject to BGMC 17.135.075	P	X	X
22. Dry-cleaning plants	P	X [1]	P
23. Explosives manufacture and storage	X [1]	X [1]	X [1]

Table 17.120-1			
Use	ML	EC	WE
24. Exterminators and pest control businesses	P	X [1]	P
25. Fertilizer manufacture	X [1]	X [1]	X [1]
26. Finance, insurance and real estate offices	X [1]	P	P
27. Hospitals, health and medical clinics	X [1]	P	P
28. Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses	X [1]	X [1]	X [1]
29. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	P	X [1]	X [1]
30. Kennels	P	X [1]	X [1]
31. Landfills	X [1]	X [1]	X
32. Lumber yards, planing and saw mills	P	X [1]	X [1]
33. Machine shops	P	X [1]	P
34. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	P	X [1]	P
35. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the	P	X [1]	P

Table 17.120-1			
Use	ML	EC	WE
following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper			
36. Marijuana production, processing, and research facilities	P [2]	X	X
37. Marijuana retail, subject to BGMC 17.135.105	X	X	X [1]
38. Food pods	X [1]	P	P
39. Offices	P	P	P
40. Paper and pulp mills	X [1]	X [1]	X
41. Parking garages and parking lots	P	X [1]	X
42. Personal service establishments, in conjunction with one or more permitted uses	P	P	P
43. Printing, publishing, bookbinding and blueprinting establishments	P	P	P
44. Public and semipublic buildings and uses	P	P	P
45. Radio and television studios	P	P	P
46. Radio, television and cellular phone towers and antennas	P	X [1]	P
47. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P	P
48. Recycling plants, including any processing facilities	P	X [1]	X
49. Research and scientific laboratories	P	P	P
50. Residences for a caretaker or night watchman	P	X [1]	P

Table 17.120-1			
Use	ML	EC	WE
51. Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	X [1]	X [1]	X [1]
52. Lounges and taverns	X [1]	X [1]	C
53. Restaurants	X [1]	P	C
54. Restaurants, drive-through	X [1]	X [1]	C
55. Retail trade establishments, enclosed	X [1]	X [1]	C
56. Retail trade establishments, unenclosed	X [1]	X [1]	C
57. Retail trade gasoline sales, enclosed or unenclosed	P	X [1]	X
58. Rubber manufacture	X [1]	X [1]	X [1]
59. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P	P
60. Services, automotive, including gasoline sales	P	X [1]	C
61. Services, business, health, miscellaneous and personal	X [1]	P	C
62. Services, lodging	X [1]	X [1]	X [1]
63. Services, lodging, but only when accessory to another principal use	X [1]	P	P
64. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this chapter, but not including new single-family residences	P	P	P
65. Storage buildings and storage yards, for nonhazardous raw materials and finished products	P	X [1]	X [1]
66. Temporary uses which may be	P	P	P

Table 17.120-1			
Use	ML	EC	WE
approved by the planning director			
67. Tire retreading and recapping	P	X [1]	X [1]
68. Transportation, communication and utility facilities, not otherwise specifically permitted	P	X [1]	P
69. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P	P
70. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than 50,000 square feet of enclosed gross floor area	P	P	P
71. Welding shops	P	X [1]	P
72. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	P	X [1]	X [1]
73. Wineries, breweries and distilleries	P	X [1]	P

1 Except as permitted as an accessory use.

2 All production/processing shall be located inside a structure, not viewable from any public or private property, and ventilated so that any odor cannot be detected by a person with a normal sense of smell from any abutting property.

(Ord. 22-20 § 5, 2022; Ord. 21-39 § 3, 2021; Ord. 16-15 § 4, 2016: Ord. 16-02 § 3, 2016: Ord. 15-04 § 25, 2015: Ord. 14-17 § 2 (part), 2014: Ord. 04-024 § 19 (part), 2004)

Chapter 17.118
COMMERCIAL DISTRICTS (RC, D, CC, NC)

17.118.020 Uses.

The following uses in each nonresidential zone are permitted (P), conditional (C) or prohibited (X) as indicated in Table 17.118-1. Uses not specifically listed are prohibited.

Table 17.118-1				
Use	RC	D	CC	NC

Table 17.118-1				
Use	RC	D	CC	NC
1. Accessory uses and structures normally incidental to one or more permitted principal uses	P	P	P	P
2. Acid manufacture	X	X	X	X
3. Art galleries, libraries and museums	P	P	P	X
4. Asphalt plants	X	X	X	X
5. Auditoriums and civic centers	P	P	P	X
6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle sales, service, rental and leasing, new and/or used[4]	P	X	X	X
7. Bulk gasoline storage and fuel oil distributors	X	X	X	X
8. Business services operated in conjunction with one or more permitted uses	P	P	P	P
9. Churches, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050	C	C	C	C
10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P	P	X	X
11. Cold storage plants, frozen food lockers and ice manufacture	X	X	X	X
~~12. Collective gardens~~	~~P~~	~~X~~	~~P~~	~~X~~
13. Colleges and universities	C	X	X	X
14. Commercial recreation facilities, enclosed only	P	P	P	X
15. Commercial recreation facilities, unenclosed	C	X	X	X
16. Conical burners and incinerators, including biomedical waste	X	X	X	X
17. Contractor's establishments	X	X	X	X
18. Cooperative (marijuana)	X	X	X	X
19. Day care centers, subject to BGMC 17.135.070	P	P	P	P
20. Distribution facilities	X	X	X	X
21. Dog day care, subject to BGMC 17.135.075	P	P	P	P
22. Dry-cleaning plants	X	X	X	X
23. Explosives manufacture and storage	X	X	X	X
24. Exterminators and pest control businesses	X	X	X	X
25. Fertilizer manufacture	X	X	X	X
26. Finance, insurance and real estate offices	P	P	P	X

Table 17.118-1				
Use	RC	D	CC	NC
27. Group living as defined in BGMC 17.103.325	P	P	P	C
28. Hospitals, health and medical clinics	P	P	P	P
29. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	X	X	X	X
30. Kennels	X	X	X	X
31. Landfills	X	X	X	X
32. Live/work, subject to BGMC 17.135.095	X	C	P	P
33. Lumber yards, planing and saw mills	X	X	X	X
34. Machine shops	X	X	X	X
35. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	X	X	X	X
36. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	X	X	X	X
37. Marijuana production, processing and research facilities	X	X	X	X
38. Marijuana retail, subject to BGMC 17.135.105	P	X	P	X
39. Milk processing and bottling plants, and manufacturing of plastic milk jugs, existing on the effective date of the regulations codified in this title	X	P	X	X
40. Mobile food pod	P	P	P	C
41. Offices	P	P	P	X
42. Paper and pulp mills	X	X	X	X
43. Parking lot/structure[3]	P	P	P	X
44. Personal service establishments, in conjunction with one or more permitted uses	P	P	P	P
45. Printing, publishing, bookbinding and blueprinting establishments	P	P	P	X
46. Public and semipublic buildings and uses	P	P	P	P
47. Radio and television studios	P	P	X	X
48. Radio, television and cellular phone towers and antennas	X	X	X	X

Table 17.118-1				
Use	RC	D	CC	NC
49. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P	P	P
50. Recycling plants, including any processing facilities	X	X	X	X
51. Residences for a caretaker or night watchman	X	X	X	X
52. Residences of all types, when located on upper floors of commercial buildings[1]	P	P	P	P
53. Drive-in and drive-through facilities associated with an allowed use	P	X	P	X
54. Lounges and taverns	P	P	P	X
55. Retail bakeries	P	P	P	P
56. Restaurants	P	P	P	P
57. Retail trade establishments, enclosed less than 5,000 sq. ft. in floor area	P	P	P	P
58. Retail trade establishments, enclosed from 5,001 sq. ft. to 50,000 sq. ft. in floor area	P	P	P	X
59. Retail trade establishment, enclosed from 50,001 sq. ft. in floor area and greater	P	X	X	X
60. Retail trade establishments, unenclosed	P	C	C	X
61. Retail trade establishment, unenclosed less than 500 sq. ft. on an existing developed parcel and associated with a permitted use	P	P	P	P
62. Retail trade gasoline sales, enclosed or unenclosed	P	X	P	X
63. Rubber manufacture	X	X	X	X
64. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P	P	P
65. Services, automotive	P	X	P	X
66. Services, business, health, miscellaneous and personal	P	P	P	P
67. Services, lodging[1, 2]	P	P	P	X
68. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this title, but not including new single-family residences	P	P	P	P
69. Storage buildings and storage yards, for nonhazardous raw materials and finished products	X	X	X	X
70. Temporary uses which may be approved by the planning director	P	P	P	P
71. Tire retreading and recapping	X	X	X	X
72. Transitional housing as defined in BGMC 17.103.700	C	C	C	C

Table 17.118-1				
Use	RC	D	CC	NC
73. Transportation, communication and utility facilities, not otherwise specifically permitted	C	C	P	X
74. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P	P	P
75. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than 50,000 sq. ft. of enclosed gross floor area	X	X	X	X
76. Welding shops	X	X	X	X
77. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	X	X	X	X
78. Wineries, breweries and distilleries	X	X	P	X
79. Small scale food and beverage manufacture such as microbreweries	P	P	P	X

1. Where residences or lodging are located on upper floors, the ground floor must consist of one hundred percent commercial use or office use along any street frontage for a minimum depth of twenty feet.
2. Services associated with lodging such as office, restaurant, lobby, recreation, conference rooms, laundry, etc., are authorized on the ground floor. Rooms for guests, or sleeping quarters, are prohibited on the ground floor.
3. Parking lots/structures cannot count towards the one hundred percent commercial use along any street when residences are located on upper floors.
4. Preexisting automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home, and other vehicle sales, service, rental, and leasing, new and/or used in the downtown zoning district may be expanded per the criteria set forth in BGMC 17.135.020.

(Ord. 24-02 § 1, 2024; Ord. 22-20 § 4, 2022; Ord. 21-35 § 3, 2021; Ord. 19-22 § 3 (part), 2019: Ord. 17-06 § 3 (part), 2017: Ord. 16-15 § 3, 2016: Ord. 16-02 § 2, 2016: Ord. 15-04 § 24, 2015: Ord. 14-17 § 2 (part), 2014: Ord. 04-024 § 18 (part), 2004)

[Cannabis]~~**17.135.065 Collective gardens.**~~

~~A. Purpose. The purpose of this section is to regulate medical cannabis collective gardens in a manner that minimizes the impacts of collective gardens on surrounding properties and protects the public health, safety, and welfare, while allowing qualified patients to create and participate in collective gardens. The creation of a collective garden means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use. This may include resourcing a location for a collective garden, equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.~~

~~B. Applicability. This section contains development requirements and performance standards that apply to all applications to establish and operate a medical cannabis collective garden.~~

~~Medical cannabis collective gardens are allowed in only in the regional center, community center, and light industrial districts. See BGMC 17.118.020 and 17.120.020.~~

~~C. Required Review. A Type II land use review is required to operate a medical cannabis collective garden. The director shall review applications to operate a medical cannabis collective garden for compliance with this section, RCW 69.51A.085, now or as hereafter amended, and with all other applicable provisions of the Battle Ground City Code.~~

~~D. Submittal Requirements. In addition to the information required for a Type II land use review, an application for a collective garden shall comply with or contain the following:~~

~~1. The application shall be made by a qualifying patient and include verification of that status, as described in RCW 69.51A.010(4) and 69.51A.010(7), now or hereafter amended; and~~

~~2. A map drawn to scale that demonstrates compliance with the separation requirements of this section. The director may require the applicant, at the applicant's expense, demonstrate compliance with the separation requirements. This demonstration may include, but is not limited to, a survey map showing these features prepared by a surveyor licensed in the state of Washington.~~

~~E. Requirements Applicable to Medical Cannabis Collective Gardens. All applications to operate a medical marijuana collective garden shall comply with the following requirements and the provisions of RCW 69.51A.085, now or hereafter amended:~~

~~1. Not more than one collective garden shall be established on a single tax parcel or lot;~~

~~2. A collective garden may not be located within one thousand feet of public or private schools, child care services, child day care centers, religious institutions, public libraries, public and private playgrounds, community centers, any other collective garden, or a recreational marijuana producer, processor, or retailer;~~

~~3. A collective garden shall be located in a structure; no garden will be permitted outdoors;~~

~~4. No collective garden shall be located in any manner or place where the cannabis plants may be viewed from an abutting public or private property;~~

~~5. A collective garden shall be ventilated so that the odor from the cannabis cannot be detected by a person with a normal sense of smell from any abutting use or property;~~

~~6. Any transportation or delivery of medical cannabis from the collective garden shall be conducted by the collective members or designated provider so that quantities of medical cannabis allowed by RCW 69.51A.085, now or as hereafter amended, are never exceeded;~~

~~7. No signs or symbols advertising the collective garden shall be permitted.~~

~~F. Release of Liability and Hold Harmless. The permittee of a medical cannabis collective garden shall provide an executed release in a form approved by the Battle Ground city attorney to the city of Battle Ground, for itself, its agents, officers, elected officials and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a collective garden. Additionally, within the release document, the permittee of a medical cannabis collective garden shall indemnify and hold harmless the city of Battle Ground and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the collective garden and for any claims brought by any of the collective garden members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the cultivation, processing, or distribution of medical cannabis at the collective garden.~~

Finding: Initiative 502 in 2012 required the authorization of collective gardens for medical cannabis. To comply, Battle Ground adopted the above zoning standards at that time. Since then, court decisions and new legislation have overturned these requirements. Cities currently have the authority under RCW 69.51A to prohibit collective gardens.

Title 18 – Environmental Protection

Chapter 18.250 – Stormwater Control And Drainage

18.250.020 Applicability and thresholds.

The applicability of this chapter is based on the thresholds listed in Volume I, Section I-3.3, Applicability of the Minimum Requirements, of the Ecology Stormwater Management Manual for Western Washington.

A. This chapter applies to all private and public development and redevelopment, including transportation projects and to the following applications and construction timeframes as listed:

1. All development and redevelopment applications submitted on or after July 1, ~~2022~~ 2027.

2. Applications submitted prior to January 1, 2017, that have not started construction by January 1, 2022.

3. Applications submitted prior to July 1, 2022, that have not started construction by July 1, 2027.

4. Applications submitted prior to July 1, 2027, that have not started construction by July 1, 2032.

In this context "started construction" means the site work associated with, and directly related to, the approved project has begun. For example: grading the project site to

final grade or utility installation. Simply clearing the project site does not constitute the start of construction.

B. New Development Stormwater Project Thresholds.

1. All new developments shall be required to comply with Minimum Requirement No. 2 (sediment and erosion controls).

2. The following new development shall comply with Minimum Requirements Nos. 1 through 5 for the new and replaced hard surfaces and the land disturbed:

a. Results in two thousand square feet, or greater, of new plus replaced hard surface area; or

b. Has land-disturbing activity of seven thousand square feet or greater.

3. The following new development shall comply with all minimum requirements for the new and replaced hard surfaces and the converted vegetation areas:

a. The project adds five thousand square feet, or more, of new plus replaced hard surface area;

b. Converts three-quarters acres, or more, of vegetation to lawn or landscaped areas; or

c. Converts two and one-half acres, or more, of native vegetation to pasture.

C. Redevelopment Project Thresholds.

1. All redevelopments shall be required to comply with Minimum Requirement No. 2.

2. The following redevelopments shall comply with Minimum Requirements Nos. 1 through 5 for the new and replaced hard surfaces and the land disturbed:

a. Results in two thousand square feet, or more, of new plus replaced hard surface area; or

b. Has land-disturbing activity of seven thousand square feet or greater.

3. The following redevelopments shall comply with all minimum requirements for the new hard surfaces and converted vegetation areas:

a. Adds five thousand square feet or more of new hard surfaces;

b. Converts three-quarters acres, or more, of vegetation to lawn or landscaped areas; or

c. Converts two and one-half acres, or more, of native vegetation to pasture.

D. Additional Requirements for Redevelopments.

1. Road-related projects shall comply with all minimum requirements for the new and replaced hard surfaces and the converted vegetation areas if:

a. The project adds five thousand square feet or more of new plus replaced hard surfaces; and

b. The new plus replaced hard surfaces total fifty percent or more of the existing hard surfaces within the site.

2. Other types of redevelopment projects shall comply with all the minimum requirements for the new and replaced hard surfaces and the converted vegetation areas if either of the two thresholds below are crossed:

a. Threshold 1: The project adds 5,000 square feet or more of new plus replaced hard surfaces; and

i. For commercial or industrial projects: the valuation of the proposed improvements, including interior improvements, exceeds fifty percent of the assessed value of the existing project site improvements.

ii. For all other projects: the valuation of the proposed improvements, including interior improvements, exceeds fifty percent of the assessed value of the existing site improvements.

b. Threshold 2: for commercial or industrial sites only:

i. The project adds five thousand square feet or more of new plus replaced hard surfaces; and

ii. The new plus replaced hard surfaces total fifty percent or more of the existing hard surfaces within the site.

18.250.170 Low impact development best management practices.

~~A. Refer to the Western Washington Manual and the latest edition of the Low Impact Development Technical Guidance Manual for Puget Sound for use of LID BMPs in the appropriate situation.~~

~~B. LID BMPs shall be designed as specified in the Low Impact Development Technical Guidance Manual for Puget Sound.~~

~~C. Infiltration testing must be performed if infiltration will be used to dispose of water from LID BMPs.~~

As it relates to stormwater compliance regulations, new development and redevelopment projects shall meet the LID performance standards, as outlined in the stormwater management manual.

A. For purposes of providing technical guidance concerning low impact development (LID) practices, on those activities subject to this chapter, the city hereby approves the use of the most current edition of the following manuals:

1. Low Impact Development Technical Guidance Manual for Puget Sound.

2. Stormwater management manual (SWMMWW).

3. City's design and construction requirements.

B. All uses of LID practices shall meet applicable regulations and requirements.

18.250.310 Maintenance.

A. Initial Maintenance.

1. To ensure satisfactory operation of new public stormwater facilities, the applicant constructing the facility shall maintain it for two years after completion of the project. A maintenance agreement stating that the applicant will be responsible for the maintenance of the facility must be recorded prior to engineering acceptance.

2. The applicant shall post and maintain a maintenance bond or other security acceptable to the director during this two-year initial maintenance period. The purpose of the maintenance bond is to cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be twenty percent of the construction cost of the stormwater facilities.

B. Long-Term Maintenance.

1. Final plats shall include a note specifying the party(s) responsible for long-term maintenance of stormwater facilities.

2. If private parties are to provide long-term maintenance of a stormwater facility, within a subdivision or short plat, ~~a maintenance covenant will be required. The covenant shall include an agreement to transfer maintenance responsibilities to future occupants or owners of the property. Said covenant shall be recorded prior to engineering acceptance.~~ all the following requirements shall be met:

a. A maintenance covenant will be required in a form acceptable to the city engineer. Said covenant shall be recorded prior to engineering acceptance; and

b. Formation of a Homeowners Association (HOA) with maintenance responsibilities listed in the covenants, conditions, and restrictions (CC&Rs), which shall be recorded with the plat.

3. If private parties are to provide long-term maintenance of a stormwater facility, within a site plan, then a maintenance covenant will be required in a form acceptable to the city engineer. Said covenant shall be recorded prior to engineering acceptance.

~~3~~4. If the city provides long-term maintenance of a stormwater facility, all the following requirements shall be met:

a. The facilities shall be inspected and approved by the director prior to acceptance. Required remedial work to correct design, construction, and maintenance deficiencies shall be completed by the project developer prior to acceptance; and

b. All necessary ownerships and easements entitling the city to properly access and maintain the facility shall be conveyed to the city and recorded with the county auditor.

C. The city shall inspect privately maintained facilities for compliance with the requirements of this chapter. Facilities shall be maintained to the standards set forth in the city of Battle Ground stormwater facility maintenance manual, or the design engineer provided maintenance manual. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the city shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. Following the written warning the city will enforce maintenance requirements as detailed in BGMC 18.250.040.

Finding: All proposed code changes proposed in 18.250 are to make the City compliant with the current version of the NPDES Phase II Permit.

Chapter 18.257 – Clearing And Grading

18.257.040 General provisions.

The rules prescribed in this chapter shall apply to all lands within the city limits of the city of Battle Ground.

A. Compliance. Unless exempted under BGMC 18.257.050, no person shall perform any clearing or grading without having first obtained a permit from the department. Exemption from the permit process shall not relieve any person of the requirement of the NPDES Minimum Requirements, pursuant to Chapter 18.250 BGMC, for installation of appropriate erosion control, pursuant to Chapter 18.255 BGMC, or from any other applicable regulations.

B. Phased Projects. For projects that are implemented in incremental stages or phases as part of a common plan of development or sale, the stormwater thresholds listed in

Appendix 1 of the NPDES Stormwater Permit must be considered for the complete project at full buildout.

1. Failure to comply with this requirement will result in denial of future permits for development on these properties.

C. Consistency. Clearing and grading activities for developments shall be allowed only if conducted pursuant to an approved site development plan (e.g., preliminary site plan and preliminary subdivision approval) that establishes permitted areas of clearing, grading, cutting, and filling. These permitted clearing and grading areas and any other areas required to preserve critical or sensitive areas, buffers, native growth protection easements, or tree retention areas shall be delineated on the site plans and the development site.

D. Development Thresholds. Clearing and grading activities must follow the appropriate thresholds for new development and redevelopment as listed in BGMC 18.250.020.

E. Erosion Control. All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into the city's stormwater system, surface water or groundwater. The city's stormwater system starts on the impermeable areas that drain to the city's system.

F. SEPA. The SEPA review process must be completed prior to issuance of a permit pursuant to Chapter 18.145 BGMC unless exempted by Chapter 18.165 BGMC.

G. Other Agencies. Clearing or grading activities may require state and/or federal permits. The issuance of a permit by the city of Battle Ground under this chapter does not eliminate the need for compliance with other local, state, or federal regulations.

H. Liability Disclaimer. The issuance of a permit by the city of Battle Ground under this chapter constitutes a determination that the applicant has met the minimum requirements for the city's regulatory purposes. Issuance of a permit does not relieve the permit holder from any responsibilities or liabilities that clearing or grading activities may create if third parties are damaged or injured by such actions.

I. Approval. The issuance of a clearing and grading permit is for the work specified only. It does not give approval for the construction of utility trenches, the placement of utility lines, and other such work, which may be approved via another city permit.

J. Grading Quantities. When calculating cut and fill quantities anywhere in this chapter, ~~where the cut material will be used as fill on the same site it shall only be counted once~~ cut and fill will be added together for quantity purposes.

18.257.080 Time limits.

The following time limits shall apply to a clearing and grading permit:

A. Original Approval. The approval of a clearing and grading permit shall be for six months.

B. Extensions. A clearing and grading permit may be extended for a period of six months, twice; provided, that the applicant requests an extension in writing seven calendar days prior to the permit expiring.

C. Noncompletion. If all the permit work required is not completed within the time limit specified in subsections A ~~and~~ or B of this section, no further work shall be done without renewing the permit. A written request for renewal shall be submitted to the city engineer who may require a new application and fees depending on the time between the expiration date and the renewal request, revisions in city regulations, or changed circumstances in the immediate area. Any revised plan shall be submitted to the city engineer for review and any costs related thereto shall be at the applicant's expense.

Finding: This code language in both of these sections is minor clean up to align the code with how it has been interpreted.

Chapter 18.280 -Fish And Wildlife Habitat Conservation Areas

18.280.070 Standard requirements.

All applications requiring review under this chapter shall have the following minimum conditions applied:

A. Marking Buffer During Construction. The location of the outer extent of the habitat buffer or, if no buffer is required, the habitat area shall be marked in the field and such markings shall be maintained throughout the duration of the permit.

B. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such

demarcation may consist of logs, a tree or hedgerow, wood or woodlike fencing, 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 habitat buffer approved by the director worded substantially as follows:
—Habitat Buffer—
Please retain in a natural state
C. In the cases of site plans, or projects not involving a plat, a~~A~~ conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a permit prior to engaging in regulated activities within a habitat or its buffer.
D. In the cases of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the priority habitat and species and its buffer and a plat note that incorporates the content identified in subsection C and other protective restrictions. ~~reference to the separately recorded conservation covenant provided for in subsection C of this section~~.
E. The signage noted above shall be installed prior to any land alteration or construction. (Ord. 04-025 § 5 (part), 2004)

Finding: This streamlines development review. It allows for a plat note to substitute for a covenant, which accomplishes the same purpose. It reduces the number of documents to record at final plating.

Staff Recommendation

Direct staff to make any changes.

Legal Review

Legal Review will occur prior to Council Action.

CITY OF BATTLE GROUND
STAFF REPORT

To:	City Council
	Kris Swanson, City Manager
From:	Kristin Lehto, Community Development Director
Date:	April 6, 2026
Proceeding Type:	Presentation
Subject:	**Development Regulations Update – GMA Required**

Legislative History:	
Planning Commission First Presentation:	March 11, 2026
Planning Commission Public Hearing & Recommendation:	March 18, 2026
City Council Public Hearing Date set:	March 16, 2026
City Council First Presentation:	April 6, 2026

Background

Presented are changes intended to comply with the recent state laws and to implement the City's Comprehensive Plan.

Planning Commission Recommendation

The Planning Commission recommended approval (4-1). The Planning Commission modifications included:

1. Requiring Transitional Housing, Emergency Housing, and Shelters to be processed as conditional use Permits, rather than permitted outright.
2. Requiring 1.25 parking spaces per cottage housing Unit. (Currently, our code does not define the number of parking spaces for cottage housing. Table 17.133-1)
3. Adds 2 times the density for cottage housing of the underlying zone (BGMC 106.060.B). Currently, the code allows 1.5 times the density.
4. Reduce the amount of open space to 200 square feet per unit (BGMC 106.060.E). Current code calls for 250 square feet.

Staff Report Summary

The revisions included provide both the changes necessary to reflect changes in the policies included in the Comprehensive Plan, and other required edits due to adjustments in the Growth Management Act (GMA) and other enabling state statutes.

Summary of Code Changes		
Original Code	Rationale for Change	Recommended Code Change
17.103.060	Added definitions for "emergency housing" and "emergency shelter" per RCW 36.70A.030	**17.103.060 E definitions** "Emergency housing (EH)" is defined as temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. "Emergency shelter (ES)" is defined as a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
17.103.170	Added definitions for "permanent supportive housing (PSH) per RCW 36.70A.030	**17.103.170 P definitions** "Permanent supportive housing (PSH)" is defined as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect

		them with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.
17.103.190	Added definition for "religious organization" per RCW 36.01.290	**17.103.190 R definitions** "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
17.103.210	Added definition for "transitional housing (TH)" per RCW 4.36.043	**17.103.210 T definitions** "Transitional housing (TH)" is defined as a project that provides housing and supportive services to homeless persons or families for up to two years with the purpose of facilitating the movement of homeless persons and families into independent living. ~~17.103.700 Transitional housing.~~ ~~"Transitional housing" means public or nonprofit living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents where tenancy is typically less than thirty days. Examples include: homeless shelters and drug/alcohol treatment facilities.~~ ~~(Ord. 18-10 § 1 (part), 2018: Ord. 17-06 § 1 (part), 2017: Ord. 16-02 § 1 (part), 2016: Ord. 15-04 § 22 (part), 2015)~~

Zoning Code

Revisions	Rationale for Change	Recommended Final Edited Code
Table 17.118-1 **Table 17.122.020-1**	City code must allow indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed. A city may choose the alternative option to allow indoor emergency shelter and indoor emergency housing in a majority of zones within one-mile of transit. *RCW 35A.21.430*, *RCW 35.21.683*	**See Table 17.118-1 (Commercial Uses), below for edits** ▪ Add ES and EH as conditional uses **See Table 17.122.020-1 (Mixed Use), below for edits** ▪ Add ES and EH as conditional uses

Table 17.106-1 **Table 17.118-1** **Table 17.120-1** **Table 17.122.020-1**	▪ City code must allow permanent supportive housing or transitional housing in areas where multifamily housing is permitted. *RCW 35.21.689* ▪ Code must allow permanent supportive and transitional housing in any zones which residential dwelling units or hotels are allowed. *RCW 35A.21.430*, *RCW 35.21.683* ▪ *Commerce note: This includes traditional single-family detached housing zones.*	**See Table 17.106-1 (Residential uses), below for edits** Adds transitional Housing. ▪ Adds transitional housing wherever residential dwelling units and hotels are permitted. **See Table 17.118-1 (Commercial Uses), below for edits** ▪ Adds transitional housing where MF is permitted. ▪ Adds transitional housing wherever residential dwelling units and hotels are permitted. **See Table 17.120-1 (Industrial Uses), below for edits** ▪ Adds transitional housing where MF is permitted. ▪ Adds transitional housing wherever residential dwelling units and hotels are permitted. **See Table 17.122.020-1 (Mixed Use), below for edit** ▪ Adds transitional housing where MF is permitted. ▪ Adds transitional housing wherever residential dwelling units and hotels are permitted.
See Table 17.120-1	City and county codes must not discriminate against the siting of housing for persons with disabilities or any reasonable accommodations. Some individuals with disabilities may live together in congregate living arrangements, often referred to as "group homes." The Fair Housing Act prohibits jurisdictions from making zoning or land use decisions or implementing land use policies that exclude or discriminate against individuals with disabilities. *Fair Housing Act and 1988 Amendments*	**See Table 17.120-1 (Industrial Uses), below for edits** ▪ Permit group homes wherever other residential types are permitted.

17.135.200 [NEW]	▪ Cities may only impose reasonable occupancy, spacing and intensity of use limits on permanent supportive housing, transitional housing, indoor emergency housing and indoor emergency shelters to protect public health and safety. *RCW 35.21.683* ▪ Any such limits must allow the siting of a sufficient number of PSH, TH, indoor EH and ES units and beds necessary to accommodate projected needs as required for the housing element. Documentation of land use capacity for these housing types is needed for both counties and cities. *RCW 36.70A.070(2)(c), Guidance for Updating your Housing Element Book 2, see pages 41-48* Moratoria may not be used to prevent the permitting or construction of supporting housing types. *RCW 36.70A.390* ▪ City and county development regulations must not violate the Landlord-Tenant Act's legal causes for evictions. *RCW 59.18.650* *Commerce note: Evictions in permanent supportive housing and transitional housing are regulated through the Landlord–Tenant Act.*	**17.135.200 [NEW] Transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing** A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii). City and county development regulations must not violate the Landlord-Tenant Legal causes for evictions.
17.135.056 [NEW]	▪ City and county development regulations must allow an increased density bonus consistent with local needs for	**17.135.056 [NEW] Affordable Housing Development Density Bonuses for Religious Organizations.**

	any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization. *RCW 36.70A.545* *Commerce note: Communities may choose to increase zoning on those properties, or determine a certain bonus density, such as 50% for those properties, should they apply for a development.*	A. The City must allow an increased density bonus consistent with local needs for any affordable housing development of multifamily residence located on real property owned, or controlled by a religious organization, per RCW 36.70A.545.
17.135.055	▪ Regulatory limits on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization must be consistent with *RCW 35.21.915 and RCW 36.01.290*, which are very rigorous lists of potential items. ▪ For example, any religious organization hosting the homeless with a publicly funded managing agency must utilize HMIS. *RCW 35.21.915(5).* ○ *(Homeless Management Information System (HMIS) is a, secure,, centralized, statewide data system used by service providers to track client-level data, including demographics, housing services, and needs, to coordinate care for individuals experiencing or at risk of homelessness.)*	**17.135.055 Temporary encampments for the homeless.** Pursuant to RCW 35.21.9115 and RCW 36.01.290, temporary encampments for the homeless are authorized by right by a hosting religious organization. The following standards shall apply: A. A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings. B. The building official shall perform a site inspection of the facility to assure the necessary measures are in place to protect public health and safety. Any actions determined to be corrected shall not substantially burden the religious organization. C. The religious organization shall pay the city the actual costs associated with the review and approval of the encampment. The City cannot impose permit fees in excess of actual costs associated with the review and approval of permit applications.

		D. For the purposes of this section, “religious organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. E. Any appointed or elected public official, public employee of this city is immune from civil liability for (1) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (2) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section. (Ord. 18-10 § 4 (part), 2018: Ord. 17-06 § 7 (part), 2017: Ord. 15-04 § 30 (part), 2015) F. Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

		G. For the purposes of this section, "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

Definitions

Commerce Guidance	Rationale for Change	Recommended Final Edited Code
17.103	This section should be re-numbered so that each letter becomes its own section	
17.103.050	Updated definition for duplexes to match Commerce language.	**17.103.050 D definitions** ~~17.103.265 Duplex.~~ ~~"Duplex" means a form of attached housing comprised of a single building located on one legal lot of record designed or arranged for a maximum of two dwelling units. (Ord. 18-10 § 1 (part), 2018: Ord. 17-06 § 1 (part), 2017: Ord. 16-02 § 1 (part), 2016: Ord. 01-014 § 1, 2001: Ord. 95-769 § 5 (part), 1995)~~ "Duplex" is a residential building with two attached dwelling units.

Zoning Code

Revisions	Rationale for Change	Recommended Final Edited Code
Table 17.106-1 **Table 17.122.020-1**	Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process. (RCW 36.70A.070(2)(c) - Amended in 2021 with HB 1220)	**See Table 17.106-1 (Allowed Residential Uses), below for more information**. ▪ Expanded allowed uses of housing typologies that are currently permitted in Battle Ground to all residential uses. **See Table 17.122.020-1 (Allowed Mixed Use), below for more information**

		▪ Allow residential development with 10 units or greater in MU-R.
17.106.060	Planning Commission modifications are highlighted in green. Allows more flexibility – larger units. By design, cottage developments are compact to allow for affordability. This change assures there is sufficient open space and not merely leftover space along edges. Allows more flexibility where private open space may be provided, and defines the minimum amount required.	**17.106.060 Cottage housing standards.** A. The total floor area of each cottage shall not exceed ~~one thousand two hundred~~ 1,600 square feet. Floor area shall not include any space with a floor-to-ceiling height of less than six feet. B. Cottage housing shall comply with the density provisions of the underlying zone except within the R5 and R7 districts where ~~one and one-half~~ two cottage units are allowed in place of each allowed single-family unit. C. A minimum of four and a maximum of twelve cottages are allowed in any single cluster and development. D. The height limit is ~~twenty-five~~ 35 feet; provided, that all parts of the roof above eighteen feet shall be pitched with a slope of at least 6:12. E. Cottage units shall be oriented around, and have covered porches and main entries facing, a common usable open space of at least ~~two hundred fifty~~ 200 square feet per unit that is generally square or round. Each common open space shall have a minimum dimension of 15 feet on any side. F. Each cottage shall be provided with private use open space contiguous to the cottage of at least two hundred fifty square feet with no dimension of less than ten feet. ~~Private open space shall be oriented to the common open space area.~~ The total percentage of common and private open space for cottage housing must be at least 20 percent. G. A covered porch of at least sixty square feet in size with a minimum dimension of ~~six~~ five feet on any side shall be provided for each cottage. H. ~~Vehicular parking shall be provided in a shared parking facility that is clustered~~

	Allows more flexibility where parking can be located. General Comments: Cottage Housing targets the top 4 Goals in our Housing Action Plan. These are: 1. Encourage production of homes that meet community needs. 2. Increase variety of housing types. 3. Expand supply and access to affordable homes. 4. Support homeownership Vancouver and Clark County do not require cottage housing to be on individual lots. Wolf Industries, a local cottage housing builder, supports this policy. Staff recommends maintaining Section L., to promote Goal 4 of the housing action plan – "support homeownership." Staff Discussion with PC: Per Section I, consider striking the 10' and reverting to building code separation per Wolf Industries dialog.	~~and separated from adjacent common areas, rights-of-way and residential units by landscaping.~~ Parking areas shall not occupy more than fifty percent of the lot frontage, nor qualify as common open space. Refere to Table I. Setbacks for the exterior of the project shall be the same as the base zoning district. There are no required setbacks for interior lot lines provided the ten-foot minimum separation to buildings shall be met. J. Interior fences may not exceed thirty-six inches in height. K. A pedestrian pathway a minimum of ~~four~~ five feet in width shall connect the public street with all cottages and from the shared parking areas to all cottages. L. Each cottage shall be located on a separate lot or shall be a condominium. M. If a legally established single-family dwelling is located on the parent parcel of a cottage development, the dwelling may remain and be incorporated into the development. The dwelling is considered grandfathered and does not need to meet the size limitations. O. If common trash and recycling are proposed, identify their location and provide appropriate screening as identified in BGMC 17.131.020. (Ord. 17-06 § 2 (part), 2017: Ord. 09-08 § 12, 2009: Ord. 07-15 § 10, 2007: Ord. 04-024 § 16 (part), 2004)

Definitions

Revisions	Rationale for Change	Recommended Final Edited Code

17.103.040	Add Co-living housing as a definition	**17.103.040 C definitions** "Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building."
17.103.160 [NEW]	Add outdoor encampment as a definition	**17.103.160 O definitions** "Outdoor encampment" means any temporary tent or structure encampment, or both.
17.103.200 [NEW]	Add sleeping unit as a definition	**17.103.200 S definitions** "Sleeping unit" as "A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units."

Zoning Code

Revisions	Rationale for Change	Recommended Final Edited Code
17.133.120 [NEW]	Parking requirements must allow tandem, gravel or grass pavers, and new spaces must be at least 8 by 20 feet in size. Existing and non-conforming parking must be allowed to meet parking requirements for up to six spaces. **SB 6015**, new in 2024, must be addressed with the periodic update.	17.133.120 [NEW] Residential Parking Design Standards. The following design standards are required for all residential parking, in pursuant of RCW 36.70A.622: A. Minimum parking spaces cannot be wider and longer than eight (8) feet by twenty (20) feet B. Tandem parking spaces are permitted C. Required parking spaces can be enclosed or unenclosed

		D. Required parking spaces can be paved with grass block pavers E. Up to six parking spaces in legally established non-conforming gravel parking areas can be counted toward minimum parking requirements F. Minimum parking spaces are not required if compliance with tree retention would otherwise make a residential development infeasible.
Table 17.106-1 **Table 17.118-1** **Table 17.122.020-1**	Co-living must be allowed as a permitted use on any lot located within an urban growth area that allows at least six multifamily residential units, including on a lot zoned for mixed use development. HB 1998, new in 2024, contains specific standards for size, density calculations, connection fees and parking.	**See Table 17.106-1 (Residential uses), below for edits** ▪ Add Co-living housing as an allowed typology anywhere where at least six MF units are permitted **See Table 17.118-1 (Commercial Uses), below for edits** ▪ Add Co-living housing as an allowed typology anywhere where at least six MF units are permitted **See Table 17.122.020-1 (Mixed Use), below for edits** ▪ Add Co-living housing as an allowed typology anywhere where at least six MF units are permitted
17.106.100 [NEW]	Co-living must be allowed as a permitted use on any lot located within an urban growth area that allows at least six multifamily residential units, including on a lot zoned for mixed use development. HB 1998, new in 2024, contains specific standards for size, density calculations, connection fees and parking. Affordable housing programs enacted or expanded under RCW 36.70A.540 amended in 2022 comply with the requirements of this section. Examples of such programs may include: density bonuses within urban growth	17.106.100 [NEW] Co-living Housing In addition to the standards required through site plan review or other chapters of this title, the following provisions shall apply to co-living housing development: A. Density. A city or county may not treat a sleeping unit in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density. A cap on the number of co-living sleeping units allowed per building is invalid where there are no equivalent limits on the number of units

	areas, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting conditioned on provision of low-income housing units, or mixed-use projects. WAC 365-196-300 See also RCW 36.70A.545 and WAC 365-196-410(2)(e)(i) "affordable housing" is defined in RCW 84.14.010 new in 2024 (ESSB 6175)	permitted in a multifamily building in the same zone. 1. A city or county may not exclude co-living housing from participating in affordable housing incentive programs. B. Sleeping unit dimensional standards. Sleeping units must be at a minimum 70 square feet. An in-unit bathroom and in-unit kitchen is optional. However, if not provided, each sleeping unit must have access to a shared bathroom and a shared kitchen. C. Common Spaces. Common spaces are required as part of any co-living housing development. D. Off-street parking standards. A maximum of 0.25 off-street parking spaces per sleeping unit may be required. E. Conversions. Existing buildings can be converted into co-living housing. 1. Cities cannot impose a restriction on housing unit density that prevents the addition of housing unit density up to 50 percent more than what is allowed in the underlying zone. 2. Cities cannot impose parking requirements on the addition of dwelling units or living units added within an existing building. 3. Cities cannot impose permitting, design standards, or exterior design or architectural requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone. 4. Cities cannot prohibit the addition of housing units in any specific building except ground floor commercial or retail that is along a

		major pedestrian corridor as defined by the city. F. Water and Sewer. A city or county may not treat a sleeping unit in a co-living housing as more than one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the city makes a finding, based on facts, that the connection fees should exceed the one-half threshold. G. Impact fees. The impact fee schedule should reflect the proportionate impact of new housing units, including multifamily and condominium units. H. Short term rentals. Co-living housing sleeping units cannot be used as short-term rentals.

Revisions – Group Homes	Rationale for Change	Recommended Final Edited Code
Table 17.106-1 **Table 17.122.020-1**	City and county codes must not discriminate against the siting of housing for persons with disabilities or any reasonable accommodations. Some individuals with disabilities may live together in congregate living arrangements, often referred to as "group homes." The Fair Housing Act prohibits jurisdictions from making zoning or land use decisions or implementing land use policies that exclude or discriminate against individuals with disabilities. *Fair Housing Act and 1988 Amendments*	**See Table 17.106-1 (Residential uses), below for edits** ▪ Make group homes a permitted use in all residential zones **See Table 17.122.020-1 (Mixed Use), below for edits** ▪ Make group homes a permitted use in all uses where residential is allowed
Parking -Cottage Housing		
Table 17.133-1 Minimum Vehicular Parking Requirements	Assure sufficient, but not excessive parking it provided for.	The Planning Commission proposed 1.25 spaces per unit. See Table 17.133-1.

Table 17.106-1 (Allowed Residential Uses)

Permitted Uses in Residential Zones

Use	R3	R5	R7	R10	R12	R16	R20
Churches, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050	C	C	C	C	C	C	C
Single-family detached buildings	P	P	P	P	P	P	P
Cottage housing	P	P	P	P	P	P	~~X~~ P
Single-family detached buildings, existing	P	P	P	P	P	P	P
Single-family attached dwellings (townhouses)	X	~~X~~ P	P	P	P	P	P
Two-family dwellings (duplexes)	~~X~~ P	~~X~~ P	~~C~~ P	P	P	P	~~X~~ P
Two-family dwellings (duplexes) on corner lots	~~X~~ P	P	P	P	P	P	~~X~~ P
Manufactured homes on individual lots, subject to the requirements of BGMC 17.135.102	P	P	P	P	P	P	P
Accessory apartments, subject to BGMC 17.135.010							
Attached	P	P	P	P	P	P	P
Detached	P	P	P	P	P	P	P
Adult care homes (six or fewer residents) as defined in BGMC 17.103.020	P1	P1	P1	P1	P1	P1	P1
Group living (seven or more residents) as defined in BGMC 17.103.325	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P
Transitional housing as defined in BGMC 17.103.700	C	C	C	C	C	C	C
Apartments	X	X	C	P	P	P	P
Co-living housing	X	X	C	P	P	P	P
Manufactured home parks, subject to BGMC 17.135.100	X	X	X	X	C	C	C

Use	R3	R5	R7	R10	R12	R16	R20
Commercial day care centers as part of a project incorporating residential units meeting the minimum densities of Table 17.106-2	X	X	X	X	P	P	P
Family day care centers as regulated by RCW 35.63.185 and with conformity demonstrated through the city's business license program	P	P	P	P	P	P	P
Carports and garages	P	P	P	P	P	P	P
Utility storage buildings and implement sheds	P	P	P	P	P	P	P
Guest houses, but not including accessory apartments	P	P	P	X	X	X	X
Swimming pools and tennis courts	P	P	P	P	P	P	P
Gardens and noncommercial greenhouses	P	P	P	P	P	P	P
Home occupations, defined in BGMC 17.103.360 and subject to the supplementary regulations of BGMC 17.135.090	P	P	P	P	P	P	P
Clubs, lodges, fraternal institutions and other places of assembly for membership groups	C	C	C	C	C	C	C
Neighborhood retail, pursuant to BGMC 17.106.050	P	P	P	P	P	P	P
Accessory uses and structures normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P
Parks, playgrounds	P	P	P	P	P	P	P
Golf courses and country clubs	C	C	C	C	C	C	C
Public and semipublic buildings, structures and uses including public and private schools	P	P	P	P	P	P	P
Mobile food pod	X	X	X	X	X	X	X

Table 17.118-1 (Allowed Commercial Uses)

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
1. Accessory uses and structures normally incidental to one or more permitted principal uses	P	P	P	P
2. Acid manufacture	X	X	X	X
3. Art galleries, libraries and museums	P	P	P	X
4. Asphalt plants	X	X	X	X
5. Auditoriums and civic centers	P	P	P	X
6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle sales, service, rental and leasing, new and/or used[4]	P	X	X	X
7. Bulk gasoline storage and fuel oil distributors	X	X	X	X
8. Business services operated in conjunction with	P	P	P	P

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
one or more permitted uses				
9. Churches, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050	C	C	C	C
10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P	P	X	X
11. Cold storage plants, frozen food lockers and ice manufacture	X	X	X	X
12. Collective gardens	~~P~~X	X	~~P~~X	X
13. Colleges and universities	C	X	X	X
14. Commercial recreation facilities, enclosed only	P	P	P	X
15. Commercial recreation facilities, unenclosed	C	X	X	X
16. Conical burners and incinerators,	X	X	X	X

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
including biomedical waste				
17. Contractor's establishments	X	X	X	X
18. Cooperative (marijuana)	X	X	X	X
19. Day care centers, subject to BGMC 17.135.070	P	P	P	P
20. Distribution facilities	X	X	X	X
21. Dog day care, subject to BGMC 17.135.075	P	P	P	P
22. Dry-cleaning plants	X	X	X	X
23. Explosives manufacture and storage	X	X	X	X
24. Exterminators and pest control businesses	X	X	X	X
25. Fertilizer manufacture	X	X	X	X
26. Finance, insurance and real estate offices	P	P	P	X
27. Group living as defined in BGMC 17.103.325	P	P	P	C

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
28. Hospitals, health and medical clinics	P	P	P	P
29. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	X	X	X	X
30. Kennels	X	X	X	X
31. Landfills	X	X	X	X
32. Live/work, subject to BGMC 17.135.095	X	C	P	P
33. Lumber yards, planing and saw mills	X	X	X	X
34. Machine shops	X	X	X	X
35. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage,	X	X	X	X

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment				
36. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	X	X	X	X
37. Marijuana production, processing and research facilities	X	X	X	X
38. Marijuana retail, subject to BGMC 17.135.105	P	X	P	X

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
39. Milk processing and bottling plants, and manufacturing of plastic milk jugs, existing on the effective date of the regulations codified in this title	X	P	X	X
40. Mobile food pod	P	P	P	C
41. Offices	P	P	P	X
42. Paper and pulp mills	X	X	X	X
43. Parking lot/structure[3]	P	P	P	X
44. Personal service establishments, in conjunction with one or more permitted uses	P	P	P	P
45. Printing, publishing, bookbinding and blueprinting establishments	P	P	P	X
46. Public and semipublic buildings and uses	P	P	P	P
47. Radio and television studios	P	P	X	X
48. Radio, television and cellular phone	X	X	X	X

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
towers and antennas				
49. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P	P	P
50. Recycling plants, including any processing facilities	X	X	X	X
51. Residences for a caretaker or night watchman	X	X	X	X
52. Residences of all types, when located on upper floors of commercial buildings[1]	P	P	P	P
Co-living Housing	P	P	P	P
53. Drive-in and drive-through facilities associated with an allowed use	P	X	P	X
54. Lounges and taverns	P	P	P	X
55. Retail bakeries	P	P	P	P
56. Restaurants	P	P	P	P
57. Retail trade establishments,	P	P	P	P

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
enclosed less than 5,000 sq. ft. in floor area				
58. Retail trade establishments, enclosed from 5,001 sq. ft. to 50,000 sq. ft. in floor area	P	P	P	X
59. Retail trade establishment, enclosed from 50,001 sq. ft. in floor area and greater	P	X	X	X
60. Retail trade establishments, unenclosed	P	C	C	X
61. Retail trade establishment, unenclosed less than 500 sq. ft. on an existing developed parcel and associated with a permitted use	P	P	P	P
62. Retail trade gasoline sales, enclosed or unenclosed	P	X	P	X
63. Rubber manufacture	X	X	X	X
64. Schools, public, parochial, private, vocational,	P	P	P	P

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
technical, business and others, nonprofit or operated for profit				
65. Services, automotive	P	X	P	X
66. Services, business, health, miscellaneous and personal	P	P	P	P
67. Services, lodging[1, 2]	P	P	P	X
68. Emergency Housing	C	C	C	X
69. Emergency Shelters	C	C	C	X
~~68~~ 70. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this title, but not including new single-family residences	P	P	P	P
~~69~~ 71. Storage buildings and storage yards, for nonhazardous raw	X	X	X	X

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
materials and finished products				
~~70~~ 72. Temporary uses which may be approved by the planning director	P	P	P	P
~~71~~ 73. Tire retreading and recapping	X	X	X	X
~~72~~ 74. Transitional housing as defined in BGMC 17.103.700	~~C~~	C	~~C~~	~~C~~
~~73~~ 75. Transportation, communication and utility facilities, not otherwise specifically permitted	C	C	P	X
~~74~~ 76. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P	P	P
~~75~~ 77. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than	X	X	X	X

Table 17.118-1				
Use	**RC**	**D**	**CC**	**NC**
50,000 sq. ft. of enclosed gross floor area				
~~76~~ 78. Welding shops	X	X	X	X
~~77~~ 79. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	X	X	X	X
~~78~~ 80. Wineries, breweries and distilleries	X	X	P	X
~~79~~ 81. Small scale food and beverage manufacture such as microbreweries	P	P	P	X

1. Where residences or lodging are located on upper floors, the ground floor must consist of one hundred percent commercial use or office use along any street frontage for a minimum depth of twenty feet.

2. Services associated with lodging such as office, restaurant, lobby, recreation, conference rooms, laundry, etc., are authorized on the ground floor. Rooms for guests, or sleeping quarters, are prohibited on the ground floor.

3. Parking lots/structures cannot count towards the one hundred percent commercial use along any street when residences are located on upper floors.

4. Preexisting automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home, and other vehicle sales, service, rental, and leasing, new and/or used in the downtown zoning district may be expanded per the criteria set forth in BGMC 17.135.020.

(Ord. 24-02 § 1, 2024; Ord. 22-20 § 4, 2022; Ord. 21-35 § 3, 2021; Ord. 19-22 § 3 (part), 2019: Ord. 17-06 § 3 (part), 2017: Ord. 16-15 § 3, 2016: Ord. 16-02 § 2, 2016: Ord. 15-04 § 24, 2015: Ord. 14-17 § 2 (part), 2014: Ord. 04-024 § 18 (part), 2004)

Table 17.120-1 (Industrial Uses)

Table 17.120-1			
Use	ML	EC	WE
1. Accessory uses and structures normally incidental to one or more permitted principal uses including those uses indicated as prohibited elsewhere in this table	P	P	P
2. Acid manufacture	X [1]	X [1]	X [1]
3. Art galleries, libraries and museums	P	P	P
4. Asphalt plants	X [1]	X [1]	X [1]
5. Auditoriums and civic centers	P	P	P
6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle service, rental and leasing, new and/or used	P	X [1]	C
7. Bulk gasoline storage and fuel oil distributors	C	X [1]	X [1]
8. Business services operated in conjunction with one or more permitted uses	P	C	P
9. Churches, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050	C	C	C
10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P	X [1]	X [1]
11. Cold storage plants, frozen food lockers and ice manufacture	P	X [1]	P
12. Collective gardens	P	X	X
13. Colleges and universities	X [1]	P	P
14. Commercial recreation facilities, enclosed only	P	X [1]	C
15. Commercial recreation facilities, unenclosed	P	X [1]	C
16. Conical burners and incinerators, including biomedical waste	X [1]	X [1]	X [1]

Table 17.120-1			
Use	ML	EC	WE
17. Contractors' establishments	P	X [1]	P
18. Cooperative (marijuana)	X	X	X
19. Day care centers, subject to BGMC 17.135.070	P	P	C
20. Distribution facilities	P	X [1]	P
21. Dog day care subject to BGMC 17.135.075	P	X	X
22. Dry-cleaning plants	P	X [1]	P
23. Explosives manufacture and storage	X [1]	X [1]	X [1]
24. Exterminators and pest control businesses	P	X [1]	P
25. Fertilizer manufacture	X [1]	X [1]	X [1]
26. Finance, insurance and real estate offices	X [1]	P	P
27. Hospitals, health and medical clinics	X [1]	P	P
28. Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses	X [1]	X [1]	X [1]
29. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	P	X [1]	X [1]
30. Kennels	P	X [1]	X [1]
31. Landfills	X [1]	X [1]	X
32. Lumber yards, planing and saw mills	P	X [1]	X [1]
33. Machine shops	P	X [1]	P
34. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental,	P	X [1]	P

Table 17.120-1			
Use	ML	EC	WE
optical precision and surgical instruments and equipment			
35. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P	X [1]	P
36. Marijuana production, processing, and research facilities	P [2]	X	X
37. Marijuana retail, subject to BGMC 17.135.105	X	X	X [1]
38. Food pods	X [1]	P	P
39. Offices	P	P	P
40. Paper and pulp mills	X [1]	X [1]	X
41. Parking garages and parking lots	P	X [1]	X
42. Personal service establishments, in conjunction with one or more permitted uses	P	P	P
43. Printing, publishing, bookbinding and blueprinting establishments	P	P	P
44. Public and semipublic buildings and uses	P	P	P
45. Radio and television studios	P	P	P
46. Radio, television and cellular phone towers and antennas	P	X [1]	P
47. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P	P
48. Recycling plants, including any processing facilities	P	X [1]	X
49. Research and scientific laboratories	P	P	P

Table 17.120-1			
Use	ML	EC	WE
50. Residences for a caretaker or night watchman	P	X [1]	P
51. Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	X [1]	X [1]	X [1]
52. Lounges and taverns	X [1]	X [1]	C
53. Restaurants	X [1]	P	C
54. Restaurants, drive-through	X [1]	X [1]	C
55. Retail trade establishments, enclosed	X [1]	X [1]	C
56. Retail trade establishments, unenclosed	X [1]	X [1]	C
57. Retail trade gasoline sales, enclosed or unenclosed	P	X [1]	X
58. Rubber manufacture	X [1]	X [1]	X [1]
59. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P	P
60. Services, automotive, including gasoline sales	P	X [1]	C
61. Services, business, health, miscellaneous and personal	X [1]	P	C
62. Services, lodging	X [1]	X [1]	X [1]
63. Services, lodging, but only when accessory to another principal use	X [1]	P	P
64. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this chapter, but not including new single-family residences	P	P	P
65. Storage buildings and storage yards, for nonhazardous raw materials and finished products	P	X [1]	X [1]
66. Temporary uses which may be approved by the planning director	P	P	P

Table 17.120-1			
Use	ML	EC	WE
67. Tire retreading and recapping	P	X [1]	X [1]
Transitional housing as defined in BGMC 17.103.700	C	C	C
68. Transportation, communication and utility facilities, not otherwise specifically permitted	P	X [1]	P
69. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P	P
70. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than 50,000 square feet of enclosed gross floor area	P	P	P
71. Welding shops	P	X [1]	P
72. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	P	X [1]	X [1]
73. Wineries, breweries and distilleries	P	X [1]	P

1 Except as permitted as an accessory use.

2 All production/processing shall be located inside a structure, not viewable from any public or private property, and ventilated so that any odor cannot be detected by a person with a normal sense of smell from any abutting property.

(Ord. 22-20 § 5, 2022; Ord. 21-39 § 3, 2021; Ord. 16-15 § 4, 2016: Ord. 16-02 § 3, 2016: Ord. 15-04 § 25, 2015: Ord. 14-17 § 2 (part), 2014: Ord. 04-024 § 19 (part), 2004)

Table 17.122.020-1 (Allowed Mixed Use)

Table 17.122.020-1		
Use	MU-R	MU-E
RESIDENTIAL		
1. Accessory apartments, subject to BGMC 17.135.010		
a. Attached	P	P
b. Detached	P	P
2. Apartments and condominiums (condominiums subject to BGMC 17.135.110)	P	P
Co-living Housing	P	P
3. Accessory uses and structures normally incidental to one or more permitted principal uses	P	P
4. Cooperative (marijuana)	X	X
5. Family child care home as regulated by RCW 35.63.185 and with conformity demonstrated through the city's business license program	P	P
6. Guest houses, but not including accessory apartments	P	X
7. Home occupations, defined in BGMC 17.103.360 and subject to the supplementary regulations of BGMC 17.135.090	P	P
8. Mobile home parks subject to BGMC 17.135.100	X	X
9. Manufactured home parks, subject to BGMC 17.135.100	X	X
10. Manufactured homes on individual lots	X	X

Table 17.122.020-1		
Use	MU-R	MU-E
11. Residences for a caretaker or night watchman	P	P
12. Residential, institutionalized, such as personal-care homes, adult family homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses	P	P
a. < 5 residents	P	P
b. 5—10 residents	P	P
c. > 10 residents	~~C~~ P	P
13. Single-family detached buildings	P	X
14. Single-family detached buildings, existing	P	P
15. Single-family attached dwellings (townhouses)	P	P
16. Two-family dwellings (duplexes)	P	P
17. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P
18. Acid manufacture	X	X
19. Art galleries, libraries and museums	P	P
20. Asphalt plants	X	X
21. Auditoriums and civic centers	C	C
22. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle sales, service, rental and leasing, new and/or used	X	X

Table 17.122.020-1		
Use	MU-R	MU-E
23. Bulk gasoline storage and fuel oil distributors	X	X
24. Bed and breakfast (as per BGMC 17.135.030)	P	P
25. Boarding and rooming houses	X	X
26. Business services operated in conjunction with one or more permitted uses	P	P
27. Cold storage plants, frozen food lockers and ice manufacture	X	P
28. Child day care centers	P	P
29. Colleges and universities	X	P
30. Churches, temples, synagogues and places of worship, including cemeteries and customary accessory buildings and uses, subject to BGMC 17.135.050	C	C
31. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	C	C
32. Commercial recreation facilities, enclosed only	P	P
33. Commercial recreation facilities, unenclosed	X	C
34. Conical burners and incinerators, including biomedical waste	X	X
35. Contractor's establishments	X	X
36. Distribution facilities	X	P
37. Dog day care subject to BGMC 17.135.075	X	P

Table 17.122.020-1		
Use	MU-R	MU-E
38. Dry-cleaning plants	X	X
39. Explosives manufacture and storage	X	X
40. Exterminators and pest control businesses	X	P
41. Fertilizer manufacture	X	X
42. Golf courses and country clubs	P	C
43. Hospital, health and medical clinics	P	P
44. Kennels	X	X
45. Landfills	X	X
46. Lumber yards, planing and saw mills	X	X
47. Machine shops	X	P
48. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	X	P
49. Marijuana production, processing and research facilities	X	X
50. Marijuana retail, subject to BGMC 17.135.105	X	X
51. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick,	X	C

Table 17.122.020-1		
Use	MU-R	MU-E
concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper		
52. Offices	P	P
53. Paper and pulp mills	X	X
54. Parking garages and parking lots	X	P
55. Parks, playgrounds	P	P
56. Personal service establishments	P	P
57. Printing, publishing, bookbinding and blueprinting establishments	P	P
58. Preschools	P	P
59. Public and semipublic buildings, structures and uses	P	P
60. Radio and television studios	X	P
61. Radio, television and cellular phone towers and antennas	X	C
62. Recycling plants, including any processing facilities	X	X
63. Research and scientific laboratories	X	P
64. Lounges and taverns	P	P
65. Restaurants	P [1]	P
66. Retail trade establishments, enclosed less than 5,000 sq. ft. in floor area	P	P
67. Retail trade establishments, enclosed from 5,001 sq. ft. to 25,000 sq. ft. in floor area	C	P

Table 17.122.020-1		
Use	MU-R	MU-E
68. Retail trade establishments, enclosed from 25,001 sq. ft. to 50,000 sq. ft. in floor area	X	P
69. Retail trade gasoline sales, enclosed or unenclosed	X	P
70. Rubber manufacture	X	X
71. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P
72. Services, automotive, including gasoline sales	X	P
73. Services, business, health, miscellaneous and personal	P	P
74. Services, lodging	C	P
75. Emergency Housing	C	C
76. Emergency Shelter	C	C
Transitional housing, as defined in BGMC 17.103.700	C	C
~~75~~ 77. Storage buildings and storage yards, for nonhazardous raw materials and finished products	X	P
~~76~~ 78. Tire retreading and recapping	X	X
~~77~~ 79. Transportation, communication and utility facilities, not otherwise specifically permitted	C	P
~~78~~ 80. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P

Table 17.122.020-1		
Use	MU-R	MU-E
~~79~~ 81. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than 50,000 square feet of enclosed gross floor area	X	P
~~80~~ 82. Welding shops	X	P
~~81~~ 83. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	X	P
~~82~~ 84. Small scale food and beverage manufacture such as bakeries and microbreweries where the primary outlet for the goods is an on-site retail outlet	P	P
~~83~~ 85. Wineries, breweries and distilleries	X	P

1 Formula take-out food restaurants may not occupy more than fifty percent of any building within the mixed-use residential zone. Only one formula take-out restaurant is permitted in any building.

17.133.040 Minimum number of parking spaces required.

A. When the parking requirements result in a fractional space requirement, 0.49 or less shall be rounded down to the next whole number and one-half or greater shall be rounded up to the next whole number.

B. Where more than one use occupies a given structure or parcel of land or where a given business occupies a combination of uses, the minimum required number of parking spaces shall be the sum of the requirements for each use, except to the extent the uses comply with the requirements of this section for joint or shared parking.

C. Where a building may be used for more than one purpose and the applicant does not limit the permitted uses in the building, parking spaces shall be provided based on the possible use(s) that require the most parking spaces.

D. Special uses or those not specifically listed in Table 17.133-1 shall provide an adequate number of parking spaces as determined by the planning director or hearing examiner.

E. Properties located in the downtown district are not required to provide any off-street parking.

F. For additions, expansions or changes of use the minimum number of required parking spaces shall be based solely on the number of additional spaces required and not on any existing deficiencies in available off-street parking.

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
Residential	
1. One-family	2 spaces/dwelling unit
2. Two-family	2 spaces/dwelling unit
3. Three or more families	1.5 spaces/dwelling unit
4. Rooming or boarding house	1 for each sleeping room
5. Cottage housing	1.25/dwelling unit
Commercial	
1. Auto parts store	1 space/250 square feet of gross floor area
2. Bank	1 space/400 square feet of gross floor area
3. Bed and breakfast inn	1 space/guest room plus 2 spaces for the permanent residence
4. Billiard hall/amusement arcade	1 space/200 square feet of gross floor area
5. Bowling alley	3 spaces/each lane plus 1 space for each employee
6. Commercial meeting rooms	2 spaces/each 5 occupants of total meeting rooms based on total maximum capacity
7. Commercial parking	To be determined through site plan review
8. Commercial retail and grocery stores, 1,500 square feet or less	1 space/350 square feet of gross floor area
9. Commercial retail and grocery stores, 1,501 square feet or more	1 space/200 square feet of gross floor area
10. Commercial recreation facilities, enclosed	1 space/400 square feet of gross floor area
11. Commercial recreation facilities, unenclosed	1 space/300 square feet of usable recreational area square footage
12. Dance hall or school	1 space/200 square feet of gross floor area
13. Day care centers, preschools, kindergartens	2 spaces/teacher or employee
14. Dental office	1 space/150 square feet of gross floor area

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
15. Equipment rental, moving supplies	1 space/1,000 square feet of site area
16. Funeral home	1 space/4 seats or 8 feet of bench length
17. Gasoline service station without convenience or food store	3 spaces
18. Gasoline service station with convenience or food store	1 space/pump plus 1 space/200 square feet of gross floor area
19. Health club, spa	1 space/150 square feet of gross floor area
20. Hotel without convention center	1 space/bedroom plus 1 space for each 2 employees on the largest shift
21. Hotel with convention center	1 space/bedroom plus 1 space per 400 square feet of gross floor area for the convention center
22. Laundry, self-service	1 space/each 2 washer-dryer combination
23. Medical office	1 space/150 square feet of gross floor area
24. Miniature golf course	1 space/hole
25. Motel	1 space/bedroom plus 1 space for each 2 employees on the largest shift
26. Office (except medical and dental)	1 space/400 square feet of gross floor area
27. Retail garden nursery	1 space/400 square feet of gross floor area
28. Retail business, unenclosed	1 space/each 500 square feet of open sales/display area
29. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space/600 square feet of gross floor area
30. Restaurants with drive-through	1 space/200 square feet of gross floor area up to 2,000 square feet, plus 1 space/300 square feet over 2,000 square feet
31. Restaurants without drive-through	1 space/300 square feet of gross floor area
32. Service or repair shops	1 space/600 square feet of gross floor area
33. Shopping centers having a gross leasable area (GLA) of 25,000 to 400,000 square feet	4 spaces/1,000 square feet of gross leasable area

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
34. Shopping centers having a gross leasable area (GLA) of 400,000 to 600,000 square feet	4 to 5 spaces in a linear progression, with an average of 4.5 spaces/1,000 square feet of gross leasable area
35. Shopping centers having a gross leasable area (GLA) of over 600,000 square feet	5 spaces/1,000 square feet of gross leasable area
36. Skating rink	1 space/300 square feet of gross floor area
37. Tennis, racquetball clubs	1 space/1,000 square feet of gross floor area
38. Theater, cinema	1 space/3 seats
39. Truck, trailer, boat, auto rental and sales	1 space/600 feet of gross floor area
40. Veterinarian, animal hospital	1 space/300 square feet of gross floor area
41. Wholesale garden nursery	1 space/1,500 square feet of building and outside display
42. Wholesale merchandise	1 space/each 2,000 square feet of gross floor area
Industrial	
1. Industrial commercial services	1 space/1,000 square feet of gross floor area
2. Laboratories, research and development facilities	3 spaces/1,000 square feet of gross floor area
3. Manufacturing, processing, packing, assembly and fabrication establishment	1 space/800 square feet of gross floor area
4. Self-storage facility	1 space/each 20 stalls plus two spaces for resident manager's office
5. Warehouse, freight movement and distribution and storage	1 space/2,000 square feet gross floor area
Institutional and Places of Assembly	
1. Arena	1 space/3 seats or 12 feet of bench length
2. Art gallery	1 space/500 square feet of gross floor area
3. Assisted living facility	1 space/4 residents
4. Auditoriums, other meeting rooms	1 space/5 seats or 12 feet of bench length
5. Child care facility, kindergarten	1 space/teacher or employee plus 1 space per 12 persons served
6. Church	1 space/4 seats or 12 feet of bench length in the main auditorium

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
7. Clubs and lodges	Spaces as determined by the planning director or hearing examiner to meet the combined requirements of the uses being conducted within the club or lodge
8. College	1 space/3 classroom seats
9. Commercial school for adults	1 space/3 classroom seats
10. Convalescent facility, nursing home, congregate care facility	1 space/3 beds for patients or residents
11. Elementary school, public or private	1 space/8 feet of bench length or 6 seats in an auditorium or assembly room, whichever is greater
12. High school, public or private	1 space/employee plus 1 space/each 4 students or 1 space/4 seats or 8 feet of bench length in the auditorium, whichever is greater
13. Library	1 space/250 square feet of gross floor area
14. Medical centers and hospitals	2 spaces/1,000 square feet of gross floor area
15. Middle school, public or private	1 space/6 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater
16. Museum	1 space/400 square feet of gross floor area
17. Park and ride lots	To be determined through site plan review
18. Park without recreational facilities	To be determined by the planning director
19. Park with recreational facilities	To be determined by the planning director
20. Private utility operation	1 space/each employee on largest shift
21. Residential care facility	1 space/7 residents served under the age of 12 1 space/5 residents served ages 12—17 1 space/4 residents served ages 18 years or older
22. Retirement home facilities	1 space/each 3 units
23. Reading room	1 space/400 square feet
24. Stadium	1 space/4 seats or 12 feet of bench length
25. Theater, noncommercial	1 space/4 seats
26. Welfare or correctional institutions	0.3 spaces per bed based on maximum capacity

(Ord. 22-20 § 9, 2022; Ord. 18-10 § 3 (part), 2018: Ord. 17-06 § 6 (part), 2017: Ord. 16-24 § 3 (part), 2016: Ord. 15-04 § 29 (part), 2015; Ord. 04-024 § 31 (part), 2004: Ord. 99-004 § 8 (part), 1999)

Staff Recommendation

Direct staff to make any changes, if needed.

Legal Review

Legal review will occur before Council Action.