# BATTLE GROUND CITY COUNCIL AGENDA
# MONDAY APRIL 20, 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.

## Study Session

**STUDY SESSION – 6:00 P.M.**
**Topic: NW 5th Street – Project Update**
*Presented by Public Works Director Mark Herceg.*
*Summary: The Council will receive an update from Public Works staff on the status of the NW 5th Street project. The presentation will outline several key decisions needed before Engineering staff can continue with project design.*

## 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

- BiG Heart Citizen Recognition Award: Virginia Mendez Rodeman
- Proclamation: Fair Housing Month; April 2026
- Certificate of Municipal Leadership Awards: Mayor Overholser, Deputy Mayor Vaile, and Councilmembers Kuypers and Ferrer

Presentations

- Recognition of Outstanding Achievement: Battle Ground Police Lieutenant Jim Keller
- 2026 Post Legislative Session Report

**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 April 6, 2026
- **B.** Claim Vouchers dated 04/03/2026 #99701-#99793 and Bank Drafts, in the amount of $842,563.00
- **C.** Payroll dated 04/10/2026, vouchers #29303-#29305 in the amount of $1,573.00 and direct deposits of $322,201.51 for a total payroll of $323,774.51
- **D.** NE 1st Street Phase 2 – Right of Way (ROW) Purchase Approval - Morris

**PUBLIC HEARING**

**Ordinance No. 2026-03 NW Natural Gas Franchise Agreement: Public Hearing/Motion**

*Presented by Deputy City Manager Robert Ferrier*

*Summary: The City Council will hear public testimony and consider the adoption of Ordinance 2026-03 approving a ten (10) year Franchise Agreement by and between the City of Battle Ground and NW Natural Gas Company.*

**Battle Ground Municipal Code Updates: Presentation/Public Hearing**

*Presented by Deputy City Manager Robert Ferrier, Community Development Director Kristin Lehto, and Public Works Director Mark Herceg*

*Summary: The City Council will hear public testimony and be presented with an overview of proposed changes to the Battle Ground Municipal Code Titles 2, 6, 8, 10, 12, 13, 15, 17, and 18. These proposed changes include updates to development regulations designed to align with recent state legislation and support implementation of the City's Comprehensive Plan. Staff will prepare Ordinances for a future Council meeting, at which time staff will ask for a decision from Council.*

**BUSINESS**

**Council Compensation**

*Presented by Finance and Information Technologies Director Meagan Lowery*

*Summary: The City Council will receive a presentation and engage in a discussion about councilmember compensation, specifically related to the potential rescinding of Ordinance 2021-40 Establishment of a Salary Commission.*

**2026 Q1 Financial Review**

*Presented by Finance and Information Technologies Director Meagan Lowery*

*Summary: The City Council will be presented with an overview of the city's first quarter 2026 financial performance.*

**ADMINISTRATIVE REPORTS**

**COUNCIL COMMUNICATIONS**

**EXECUTIVE SESSION:**

*Pursuant to RCW 42.30.110(1)(i), the City Council will enter an Executive Session to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The Executive Session is anticipated to last thirty (30) minutes, with possible action to follow.*

**ADJOURNMENT**

**NEXT MEETING DATE: Monday, May 4, 2026 – No Study Session – Regular Meeting at 7:00 p.m.**

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*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

# CITY OF BATTLE GROUND
# STAFF REPORT

| | |
|---|---|
| To: | Kris Swanson, City Manager |
| | City Council |
| From: | Mark Herceg, Public Works Director |
| Date: | April 20, 2026 |
| Proceeding Type: | Work Session |
| Subject: | NW 5th Street – Project Update |

| **Legislative History:** | |
|---|---|
| • Work Session: | April 20, 2026 |

## Staff Report Summary

The City Council will receive a presentation from Public Works staff on the current status of this project and some decisions that need to be made.

## Background

The City has been working on the NW 5th Street project for a number of years. This project is funded through a portion of the Connecting Washington Transportation Package.

There are several project decisions that need to be made before city Engineering Staff can continue on with the design of the project. Staff will present these to Council for possible direction.

## Fiscal and Policy Implications

N/A

## Goals and Objectives Relevance

N/A

**Options**

N/A

**Staff Recommendation**

This is an information session. Council can request more info or provide staff with direction as is applicable.

**Attachments**

N/A

**Legal Review**

N/A

# ~PROCLAMATION~

## Celebrating the 58th Anniversary of the Federal Fair Housing Act

**WHEREAS,** the Fair Housing Act was enacted on April 11, 1968, as Title VIII of the Civil Rights Act, affirming the principle that access to housing is a fundamental right and prohibiting discrimination in housing-related transactions based on race, color, religion, sex, national origin, disability, and familial status; and

**WHEREAS,** the Fair Housing Act reflects our nation's enduring commitment to equity, dignity, and opportunity, and serves as a cornerstone in the continued effort to eliminate barriers to housing choice and promote inclusive, thriving communities; and

**WHEREAS,** the observance of the 58th Anniversary of the Fair Housing Act provides an opportunity to reaffirm our shared responsibility to uphold the law, advance fair housing practices, and ensure that all individuals and families have equal access to safe and affordable housing; and

**WHEREAS,** real estate professionals play a critical role in advancing the goals of fair housing by adhering to ethical standards, complying with federal, state, and local fair housing laws, and fostering inclusive practices within the communities they serve; and

**WHEREAS,** members of the National Association of Realtors® have demonstrated a long-standing commitment to fair housing through education, advocacy, and strict adherence to the REALTOR® Code of Ethics, which mandates equal professional service and respect for all individuals; and

**WHEREAS,** members of the Clark County Association of Realtors® have shown themselves to be compliant, engaged, and ardent advocates for fair housing, working to promote equal opportunity, combat discrimination, and strengthen trust and fairness in the housing market throughout the communities in which they operate;

**BE IT FURTHER PROCLAIMESD,** that we encourage all residents, institutions, and housing stakeholders to join in reaffirming their commitment to fair housing, to learning about their rights and responsibilities under the law, and to working collaboratively to build communities that are inclusive, equitable, and welcoming to all.

**NOW, THEREFORE,** I, Eric Overholser, Mayor of the City of Battle Ground, by virtue of the authority vested in me, do hereby Proclaim April 2026 as:

## ~FAIR HOUSING MONTH~

In the City of Battle Ground, Washington, and encourage all residents to join me in recognizing, celebrating, and honoring April 2026 as the observance of the 58th Anniversary of the Fair Housing Act.




**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the seal of the City of Battle Ground to be affixed this 20th day of April 2026.

Mayor Eric Overholser

# City of Battle Ground

# End of Session Report

# 2026

COLUMBIA

POLICY ADVISORS

## Introduction

Every legislative session presents unique challenges, and 2026 was no different. Initially facing a $2.3 billion operating budget deficit, the Legislature passed legislation that ended or eliminated tax exemptions and raised revenue with the passage of the millionaire's income tax (see the Supplemental Budget Summary below). The Legislature also passed other significant legislation that makes changes to local government revenue flexibility (**HB 2442**); requires facial coverings for local and federal law enforcement officers (**SB 5855**); and establishes guidelines on the use of automated license plate readers (**SB 6002**).

This report is divided into four sections: first is a summary of your priorities for the session; second are detailed summaries of various pieces of legislation that we believe are of interest to you; third is our summary of the three supplemental budgets and budgetary items you care about; and finally is a list of topics and bills that did not pass this session, but that we believe will come back next year in some form. Our goal is to provide you with a comprehensive view of the legislative landscape, as well as more detailed information on the higher priority issues.

Please let us know if you have any questions or would like further information. Contact information for the Columbia Policy Advisors team can be found at the end of this report.

## Contents

**Introduction** ..... 1
**Client Priorities** ..... 3
**Summary of Significant Legislation** ..... 6
General Government ..... 6
Housing ..... 6
Land Use & Permitting ..... 7
Liability ..... 7
Local Government Revenue ..... 8
Personnel & Labor ..... 9
Public Safety ..... 10
State Budgets & Revenue ..... 12
Transportation & Public Works ..... 13
**2026 Supplemental Budget Summary** ..... 15
Operating Budget ..... 15
Capital Budget ..... 19
Transportation Budget ..... 20
**Returning Issues from Bills That Did Not Pass** ..... 21
**Contact Information** ..... 24

# City of Battle Ground Priorities

## Chelatchie Prairie Railroad: SB 5820

The city requested legislation to remove Clark County's authority to designate the idle railroad tracks that bisect the city as part of a freight rail dependent use overlay in the county's transportation element of its comprehensive plan. The tracks are currently a nuisance and with the city's growth they would present a hazard should the line become operable again. City residents have been outspoken that they do not want to see rail activity on the tracks, preferring to see a multimodal trail. Senator Cortes (D-18 LD) introduced and successfully championed **SB 5820**. This measure was signed by Governor Ferguson and goes into effect on June 11, 2026.

## Capital Budget Requests

As in past sessions, the City of Battle Ground fared very well in the capital budget due to strong bi-partisan support from the members of the 18th Legislative District. This performance is even more significant given the limited funding the Legislature made available for infrastructure in 2026. The final capital budget provided:

- **$400,000** for Remy Park Inclusive Play Equipment, and;
- **$1 million** to the 92nd Avenue Serwer Pump Station.

Unfortunately, construction dollars for the Downtown Revitalization project were not provided. As noted in further detail below, the supplemental capital budget was kept very small and many requests went unfunded, including this one.

## Eaton Boulevard Reconstruction

As discussed later in this report, the 2026 supplemental transportation budget did not offer new resources for projects, and we did not see other entities receive funding. Even though resources were not available this session, we believe there is value in bringing projects such as the Eaton Boulevard Reconstruction to the attention of transportation leaders. Building awareness of the need for this funding now will enhance our chances of winning funding when the Legislature develops new transportation funding opportunities in the future.

## Indigent Defense/Caseload Standards

Battle Ground joined cities and counties from across the state in raising the need for state investment to meet the cost of the Supreme Court's new caseload standards for criminal lawyers. Based on the number of bills introduced this session relating to the state's indigent defense system and impacts from the Supreme Court's mandate to decrease caseloads over time, it is clear that legislators were paying attention to the topic. Not counting the Income Tax on Millionaires (**SB 6346**), which included funding for indigent defense when introduced, seven different proposals were introduced that dealt with the challenges of implementing the new caseload standards. None of them ended up passing the Legislature.

**HB 1592**, sponsored by Representative Peterson (D-21 LD), was the most significant bill and received a lot of attention during the session. Introduced during the 2025 session at the request of the Washington State Association of Counties, the bill originally would have established a statutory requirement for the state to contribute at least 50 percent of the county and city cost of indigent defense, based on a 5-year average. In addition, any costs above the 5-year average would be paid entirely by the state. This would effectively transfer the cost of the Supreme Court's order on caseload standards to the state. The bill also replaced the existing grants-based distribution mechanism with a pro-rata formula and required that each jurisdiction report information including case statistics and per-attorney caseloads. The bill provided that 90 percent of the funding be designated as "county money" while 10 percent would be designated as "city money."

In the 2025 session the bill was heard in the House Civil Rights & Judiciary Committee, amended, and passed to Appropriations, but did not advance further that session. In 2026, the bill was heard in Appropriations, amended, and passed to Rules. When the Income Tax on Millionaires included funding for indigent defense (see below), legislators expressed the intent to remove the funding components of HB 1592 and pass it in conjunction with the Income Tax on Millionaires. However, when the Income Tax on Millionaires was stripped of funding for indigent defense, HB 1592 stalled and did not move forward again.

As noted above, when the Income Tax on Millionaires (**SB 6346** sponsored by Senator Pedersen) was originally introduced, it dedicated 5 percent of the revenue to county indigent defense services and none to cities. This was estimated to mean about $200 million/year for counties.

The bill passed the Senate Ways and Means Committee with amendments that increased the amount dedicated to indigent defense to 7 percent, with 10 percent of that amount being dedicated to cities, and 90 percent to counties.

The House Finance Committee amended the bill by eliminating the dedicated percentage of funding for indigent defense and instead provided a static $150 million per year for counties and cities. As the bill progressed, cities and counties became more vocal about the negative impact on local government revenue the bill would have had by reducing sales tax rates on various products and services. Legislators' lack of understanding about local government finance was exacerbated by the difficulty of getting accurate local government revenue information, and the rapid changes being made to the proposal. After Governor Ferguson indicated that he was not supportive of funding indigent defense through the new income tax, legislative leaders signaled that this component would be removed.

By the time the bill was considered on the House floor the proposal no longer included funding for indigent defense. This final version of the bill states that the Legislature recognizes the negative impact of sales tax reductions on local governments and commits to establishing a mitigation fund in the future. The supplemental operating budget identifies a $200 million/year obligation to local governments starting in fiscal year 2029.

# Summary of Significant Legislation

## General Government

**HB 1170**, sponsored by Representative Shavers (D-10 LD), requires providers of certain generative artificial intelligence (AI) systems to make a detection tool available to users. Government agencies must notify consumers when interacting with certain AI systems. The bill goes into effect on February 1, 2027.

**HB 1909**, sponsored by Representative Jamila Taylor (D-30 LD), creates the Court Unification Task Force (Task Force). The Task Force is to conduct an analysis of the state's court system, identify ways for the court system to be more efficient, and to provide greater uniformity and consistency in judicial services and outcomes. The analysis will review disparate local court rules, technology, and funding levels. The bill goes into effect on June 11, 2026.

## Housing

**HB 2266**, sponsored by Representative Peterson (D-21 LD), requires local jurisdictions to allow transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing (STEP housing) in an urban growth area in which residential units and hotels are allowed, but not in industrial use zones. STEP housing must have the same requirements that other types of housing or lodging have in that particular zone, and except in certain circumstances, local jurisdictions may not require more restrictive standards or requirements for STEP housing in that zone. Local jurisdictions may place requirements related to income qualification, coordinated entry, or reporting and monitoring requirements. Finally, counties and cities must incorporate the requirements of this bill into their development and zoning regulations within two years of the effective date of this legislation or the next comprehensive plan update, whichever is sooner. The bill goes into effect on June 11, 2026.

**SB 5552**, sponsored by Senator Jeff Wilson (R-19 LD), is designed to make it easier for the development and purchase of prefabricated kit homes. Kit homes are defined as residential houses comprised of prefabricated walls, floors, and roofs which are assembled on-site and are 800 square feet or smaller in size. This bill requires the State Building Code Council to conduct rulemaking regarding kit homes by March 31, 2027. This bill was unanimously passed out of both chambers and goes into effect June 11, 2026.

**SB 6026**, sponsored by Representative Alvarado (D-34 LD), prohibits any GMA planning city or county with a population over 30,000, or any county that does not meet the definition as a "rural" county that is fully planning under the GMA, from excluding residential uses in areas

zoned for commercial and mixed-use development. The prohibition does not apply to certain lots or portions of lots. For example lots located: in industrial zones, areas requiring demolition of designated historical landmarks, outside the UGA or within a UGA that is not contiguous with a city, within a tax increment financing area, where residential uses are prohibited because of a military installation or airport, or where residential uses are restricted because of a shoreline environment or critical area. In addition, a city or county may not require mixed-use or ground floor commercial or retail as a condition of permitting residential housing in a commercial or mixed-use zone if the project includes publicly subsidized affordable housing. The bill goes into effect on June 11, 2026.

**SB 6027**, sponsored by Senator Alvarado (D-34 LD), authorizes that at least 60 percent of the local sales and use tax for housing and related services can be used for funding the operation and maintenance of existing housing and facilities where housing-related programs are provided, and rehabilitating existing affordable housing. The remaining funds can be used for rental assistance or affordable supportive housing operations and maintenance. These authorizations are duplicated in **HB 2442** (see below). The bill also modifies the Affordable Housing for All Account, by clarifying that housing projects must be affordable to extremely low-income households with incomes at or below 30 percent of the area's median income. The bill goes into effect on June 11, 2026.

## Land Use & Permitting

**HB 2418**, sponsored by Representative Duerr (D-1 LD), makes numerous changes to statutes addressing local government permit review processes and timelines. The bill specifies that the determination of completeness made by a city or county must be based on whether an application is procedurally complete, but a determination of completeness is not considered a substantive review. Any government entity other than a local government, special purpose district, or public utility district that imposes a review fee for a residential project permit application must complete its review within the local jurisdiction's project permit review timeline. Local governments are required to designate a permit-responsible official with authority to issue final administrative decisions on residential project permit applications, and to designate a single point-of-contact on each project permit application. The bill was unanimously passed by the Legislature and goes into effect on June 11, 2026.

## Liability

**HB 1710**, sponsored by Representative Mena (D-29 LD), amends the Washington Voting Rights Act (WVRA) by adding a preclearance requirement for certain jurisdictions before they can make changes to their election system or policies, including boundaries of electoral districts. Any jurisdiction that has been subject to enforcement action or settlement based on violating the

WVRA, the Federal Voting Rights Act, and the Fifteenth Amendment of the US Constitution or State Constitution, in the last 25 years, is subject to the preclearance requirement. The bill goes into effect on June 11, 2026.

**HB 1750**, sponsored by Representative Hill (D-3 LD), modifies the standard for when a political subdivision's implementation or enforcement of an election policy or practice violates the WVRA. Critically, the new law establishes specific facts that may not be raised by a jurisdiction to defend itself against a claim. The bill goes into effect on June 11, 2026.

**SB 5925**, sponsored by Senator Hansen (D-23 LD) was requested by the Attorney General's Office (AGO). The bill allows the AGO to issue a civil investigative demand (CID) if after an investigation there are facts and circumstances that would reasonably lead to a possible violation of the United States Constitution, Washington State Constitution, Keep Washington Working Act requirements, wage laws, the Washington Law Against Discrimination, and the City and County Jails Act. A CID must be within the authority of the AGO, the demand must not be too indefinite, and any information sought must be relevant to the investigation. The AGO cannot issue a CID in any investigation of a federal agency for conduct taken in the course of the agency's duties. The bill goes into effect on June 11, 2026.

## Local Government Revenue

**HB 1210**, sponsored by Representative Barnard (R-8 LD), made changes to the existing targeted urban area (TUA) property tax exemption, which is a 10-year exemption that cities are allowed to offer for new industrial or manufacturing facilities. Projects must be completed within three years of receiving the exemption (and under certain circumstances may receive an additional two years). HB 1210 allows an additional four years to complete a project if it is clean energy transformation business facility requiring certification by the Federal Regulatory Commission. A clean energy transformation business is one that creates a product for sale that will aid in lowering Washington's carbon emissions. The bill also adds labor standards to the construction requirements for a TUA. The bill goes into effect on June 11, 2026.

**HB 2442**, sponsored by Representative Berg (D-44 LD), contains six different elements that either provide new city revenue options or allow additional flexibility with current city revenues. Several other elements only apply to counties. Of relevance for the City of Battle Ground, the bill:

1) Allows local governments to use Real Estate Excise Tax (REET) 2 revenues for the abatement of nuisance properties.
2) Authorizes a new city or county local sales and use tax of 0.01 percent to fund services for children and families. This includes childcare, perinatal support services, before and

after school services, workforce capacity building, shelter and rental assistance, and client transportation.

3) Revenue from the $.01 housing sales and use tax can now be used for the operation and maintenance of existing units of affordable housing and facilities. Prior law only allowed operation and maintenance for new units. This revenue can now also be used to rehabilitate existing affordable housing including emergency, transitional, and supportive housing. These authorizations are repeated in **SB 6027** (see above). Additionally, a portion of the revenue may now be used for rental assistance.
4) With voter approval, a levy lid lift for a single year may be authorized for two consecutive years, and a multi-year levy lid lift may be authorized for up to 10 consecutive years.
5) Allows cities to enter interlocal agreements with one or more counties, cities, or public housing authorities to issue bonds secured by the pooled tax distributions from the housing and related services sales and use tax.
6) Amends current law governing the formation of single-city fire protection districts for cities under 500,000 in population. Currently, if a city forms a citywide fire district it is required to reduce its own property tax rate by an amount equal to that which the new district would assess. HB 2442 removes this requirement and simply requires that the property tax levy for a new single-city fire protection district in a city less than 500,000 is subject to the aggregate levy limit of all other junior taxing districts ($5.90 per $1,000 in assessed value).

The bill contains multiple effective dates, with the earliest starting on July 1, 2026.

**HB 2451**, sponsored by Representative Duerr (D-1 LD), makes various changes to refine the requirements and provisions for establishing tax increment financing. The bill goes into effect on June 2, 2026.

## Personnel & Labor

**HB 2034**, sponsored by Representative Ormsby (D-3 LD), terminates the Law Enforcement Officers' and Firefighters' Retirement System Plan 1 (LEOFF 1), and creates the Restated Law Enforcement Officers' and Firefighters' Retirement System (Restated LEOFF) on June 30, 2029. On that date the State Treasure will transfer funds equal to 110 percent of LEOFF 1 liabilities into the Restated LEOFF and the remainder will be transferred into the newly created Pension Surplus Holding Account (PSHA). During the 2027-29 biennium, the Legislature can direct the State Treasurer to transfer money in the PSHA to the State General Fund. The Department of Revenue must work with the Internal Revenue Service to ensure compliance with LEOFF 1 and the Restated LEOFF. The benefits paid to the annuitants of LEOFF 1 are unchanged as they are

transferred to the Restated LEOFF. The bill was signed by the Governor and contains multiple effective dates, the first of which is June 30, 2029.

**HB 2105**, sponsored by Representative Ortiz-Self (D-21 LD), requires employers to notify workers and former workers within 72 hours of receiving a federal Notice of Inspection of its Employment Eligibility Verification Forms I-9. The bill was signed by the Governor and contains multiple effective dates.

**SB 5847**, sponsored by Senator Saldaña (D-37 LD), makes changes to the workers' compensation claims treatment guidelines and allows treatment by a nonnetwork provider. This bill would require an employer to notify an injured employee that the employee has the right to seek initial or emergency medical treatment from a provider of their choice and the employer cannot require or force an injured employee to receive treatment from a specific provider. If, after an investigation, the Department of Labor & Industries (L&I) finds that an employer has violated these rights, L&I can fine the employer between $250 to $2,500 based off the severity of the violation. The bill was signed by the Governor and contains multiple effective dates.

## Public Safety

**SB 5068**, sponsored by Senator Lovick (D-44 LD), allows for a noncitizen who is legally allowed to work in the United States and meets the job's requirements, to apply and be employed by a Washington law enforcement agency, correctional facility or local jail, or as a deputy prosecuting attorney. An agency is not liable for an employment discrimination claim if the agency believes that the applicant's legal authorization to work in the United Sates is limited in a manner that would make employing them impracticable. This bill was signed by the Governor, contained an emergency clause, and has gone into effect.

**SB 5855**, sponsored by Senator Valdez (D-46 LD), prohibits local and federal law enforcement from using facial coverings while interacting with the public. The bill allows law enforcement officers to wear facial covers under certain circumstances, such as: if the officer is wearing a translucent face shield or clear mask; a medical N95 mask or other medical coverings to prevent the spread of an illness; helmets for safety; protective gear used by SWAT team officers while performing their duties; or during certain undercover operations. A person detained by a law enforcement officer that is in violation of this bill can bring a civil action against the officer. This bill contained an emergency clause and has gone into effect.

**SB 5974**, sponsored by Senator Lovick (D-44 LD), modifies eligibility requirements, duties, and responsibilities of sheriffs, police chiefs, town marshals, and volunteers. Sherifs, police chiefs and marshals all must meet the same eligibility requirements outlined in the bill. These include:

be at least 25 years old; have not be convicted of a felony or a gross misdemeanor; have no history in engaging in conduct requiring denial or revocation of certification; have five years of regular and uninterrupted full-time law enforcement work; receive certification within nine months of taking office; never have had a certification denied, revoked or surrendered; and pass a background investigation. The county is required to reimburse the Washington State Patrol for conducting the background investigation.

Volunteers, specialty commissioned offers and cadets must be clearly identifiable as such and be distinguishable from peace officers. Volunteers are also limited in what they can assist peace officers with and cannot be used for enforcement, engagement, use of force, or the detaining and arresting of individuals.

A group of sheriffs have filed a lawsuit to halt the bills implementation. The bill contains multiple effective dates, the earliest of which goes into effect on April 30, 2026.

**SB 6002**, sponsored by Senator Trudeau (D-27 LD), creates protections and guidelines regarding the appropriate use of automated license plate readers (ALPRs), also known as Flock cameras.

*Acceptable uses*: The bill allows law enforcement to use ALPRs for comparing data to databases for stolen vehicles, missing or endangered persons, vehicles, or persons with a felony or gross misdemeanors warrants. Parking enforcement agencies, cities and counties, higher education institutions, and the Department of Enterprise Services can also use ALPR for parking enforcement or the identification of vehicles on a watch list. Transportation agencies can use real-time traffic information for the public or for conducting traffic studies if private information is redacted.

*Prohibited uses:* ALPRs cannot be used for immigration enforcement or for tracking legally protected activities and cannot be installed at schools, places of worship, courts, or food banks. A match on an ALPR cannot alone justify a vehicle stop and officers would still need independent reasonable suspicion for the stop. An agency certified to use and operate an ALPR may not disclose, share, or permit access to ALPR data except in judicial proceedings.

*Data retention:* ALPR data is exempt from public records requests apart from conducting traffic studies, but the data will not contain individually identifiable information. The data must be deleted after 21 days unless there is a probable cause of a felony or gross misdemeanor, or when ordered to be retained by a court. Data can be retained as long as necessary by law enforcement if it is needed for evidence of a specific crime. Finaly, data can be kept up to 30 days before deletion for the purpose of traffic studies.

The bill contains an emergency clause and has gone into effect.

## State Budgets & Revenue

**HB 2487**, sponsored by Representative Macri (D-43 LD), reduces the number of insurance businesses that can claim a B&O tax exemption and raises revenue by $55.6 million in 2025-2027 and $17.2 million in 2027-2029.

**SB 6228**, sponsored by Senator Frame (D-36 LD), repeals the tax exemption for warehousing and reselling of prescription drugs. Beginning in 2027 the B&O tax rate for warehousing and reselling of prescription drugs is set to 0.5 percent, and in 2028 it is set at 0.35 percent. The preferential B&O tax rate for "critical access pharmacies" is set at 0.138 percent. The preferential B&O tax rates are permanent and not subject to tax preference performance review or automatic expiration. The bill goes into effect January 1, 2026.

**SB 6231**, sponsored by Senator Frame (D-36 LD), repeals the tax exemption for data centers. Beginning July 1, 2026, the Department of Revenue can no longer issue new tax exemptions for data centers that qualify through refurbishment, and any previous exemptions will be set to expire. Replacement server equipment is removed from the definition of eligible server equipment for a sales and use tax exemption. The bill contains multiple effective dates, the earliest one of which begins on July 1, 2026.

**SB 6346**, sponsored by Senator Pedersen (D-43 LD), is the millionaire's income tax.
The bill imposes a 9.9 percent tax on an individual's receipt of income exceeding $1 million beginning in calendar year 2028. Proceeds from the income tax are deposited into the Fair Start for Kids Account and General Fund. The legislative budget anticipates making expenditures for the expansion of the Working Families Tax Credit, and to make investments in K-12 education, health care, human services, and higher education.

*Cuts and Exemptions*: The bill also includes cuts and exemptions to sales and B&O taxes. The sales tax for diapers, personal care products and many over-the-counter drugs are eliminated. Companies grossing less than $250,000 a year are exempt from paying the B&O tax. The bill exempts public libraries, library districts, and library service centers from sales and use tax on certain services. Health care services by a licensed health care provider are exempt from the 0.5 percent B&O surcharge implemented in SB 2081, which passed in 2025. All of the retail services enacted under SB 5814 in 2025, except for advertising services, are repealed effective January 1, 2030. Starting July 1, public schools are exempt from paying a new state sales tax on services, including live presentations, temporary staffing and security.

*Local Impact*: Local government revenues are estimated to be reduced by $45.8 million in the 2027-2029 biennium, $543 million in the 2029-2031 biennium, and by approximately $800 million per biennium thereafter. The intent section of the bill acknowledges that local government revenues will be impacted and identifies the need for a mitigation account. However, this account is not created nor is any revenue statutorily directed to local governments. The operating budget identifies $200 million as being needed in the four year outlook, but a future Legislature will need to make this appropriation before any revenue will be received.

The bill is expected to be challenged in the courts and face repeal by initiative. The bill contains multiple effective dates, the earliest of which is June 11, 2026.

**SB 6347**, sponsored by Senator Kauffman (D-47 LD), removes the estate taxes that were established during the 2025 legislative session. For estates of decedents dying on or after July 1, 2026, the estate tax rates are reset to the rates they were effective prior to July 1, 2025. The bill also changes the exclusion amount to $3 million for decedents dying on or after July 1, 2026. The bill goes into effect on June 11, 2026.

## Transportation & Public Works

**HB 1906**, sponsored by Representative Tharinger (D-24 LD), makes changes related to consumer protection in water system rates. The bill requires public water systems to notify the county, water district or public utility district, and customers of any change in ownership. The Utilities and Transportation (UTC) is required to adopt rules to determine rates to be charged by water companies. When reviewing any transaction that would result in a person acquiring a controlling interest in a water company, the UTC is prohibited from approving the transaction if they find that it does not provide a net benefit to customers of the company. The UTC must verify that the water company has provided the customers with 90 days' notice of the acquisition as well as a good faith estimate of future capital improvements and water system rate changes. Every general rate case filing of a water company may also include a multiyear rate plan to provide greater consumer transparency. The bill goes into effect on June 11, 2026.

**SB 5690**, sponsored by Senator MacEwen (R-35 LD), directs the Department of Transportation to adopt policies that proactively provide utility owners with information about highway fish barrier removal projects and to seek the maximum amount of federal funding for fish barrier removal projects that also allows funds to be used for utility relocation costs. The bill was unanimously passed by both chambers and goes into effect on June 11, 2026.

**SB 6066**, sponsored by Senator Torres (R-15 LD), establishes crash prevention zones (CPZs). A CPZ is an area of road that has a higher rate of accidents when compared to a road of similar type. Once established local governments can increase penalties and are required to investigate and take action on solutions to decrease accidents in the CPZ. The CPZ must be dissolved when new safety improvements are implemented. Until January 1, 2029, the authority is limited to portions of U.S. Highway 395 between Pasco and Mesa and Highway 12. Beginning January 1, 2029, other local governments may establish CPZs. The bill goes into effect on June 11, 2026.

# 2026 Supplemental Budget Summary

## Operating Budget

The operating budget, **SB 5998**, provides resources for the basic functioning of state agency programs and related staffing. This includes authorization to pass funding through to local governments via direct appropriation or agency managed grant programs. Though the state constitution prohibits the Legislature from making laws unrelated to the budget in the operating budget bill, that boundary is often fuzzy, and directive provisos are commonly included.

Coming into this legislative session, the state was facing an estimated $2.3 billion dollar deficit, but the Economic and Revenue Forecast Council provided good news with their February revenue outlook that showed an increase of $827 million over the prior forecast. As a result, the 2026 supplemental operating budget adds $1.6 billion in expenditures to the biennial budget enacted in April of 2025, bringing total expenditures to $79.4 billion for the biennium.

The state estimated that it would cost an additional $1.7 billion to continue existing services due to inflation and enrollment increases (called the maintenance level), that $766 million in prior appropriations would not be spent (called reversions), and additionally added $621 million in new expenditures (called the policy level). The budget includes a combination of revenue increases, one-time transfers from dedicated accounts, cuts to existing programs, and increased expenditures.

Increased Revenues

The Legislature enacted 18 bills that had a direct impact, both positive and negative, on state operating budget revenues. Over the entire four-year budget outlook these bills are estimated to net over $2 billion additional revenue. Five of these bills (also described in the Summary of Significant Legislation above) are worth noting specifically:

**HB 2487** – Concerning taxes imposed on insurers operating within the state. This bill reduces the number of entities that can claim a B&O tax exemption and raises revenue by $55.6 million in 2025-2027 and $17.2 million in 2027-2029.

**SB 6228** – Removing a tax exemption for the warehousing and reselling of prescription drugs. This bill removes a B&O tax exemption, increasing state revenue by $24 million in 2025-2027 and $141.7 million in 2027-2029.

**SB 6231** – Removing a tax exemption for the replacement of equipment for data centers. This removes a sales tax exemption, and increases state revenue by $63 million in the current biennium and $140.5 million in the next.

**SB 6346** – Income Tax on Millionaires. This bill included sales and B&O tax reductions (some of which take effect this year), as well as the headlining 9.9 percent tax on annual income above $1 million (which takes effect in 2028). As a result, state revenues are decreased by $46.5 million in the current biennium, but increase by over $2 billion in the 2027-2029 biennium and by $2.9 billion starting in fiscal year 2030. Local government revenues are estimated to be reduced by $45.8 million in the 2027-2029 biennium, $543 million in the 2029-2031 biennium, and by approximately $800 million per biennium thereafter.

**SB 6347** – Undoing certain changes to the estate tax. This bill lowers the maximum estate tax rate from 35 percent to 20 percent, an increase that was enacted in the 2025 session. This decreases state revenue by $41 million in the current biennium and in excess of $340 million per biennium thereafter.

Transfers

The budget relies on transfers of about $2.3 billion from dedicated fund sources into the State General Fund. Three transfers make up the bulk of this amount:

$880 million of this amount is from the Budget Stabilization Account ("rainy day fund"). This is predicated on an $880 million transfer in 2029 from the surplus in the Law Enforcement Officers and Fire Fighters 1 (LEOFF 1) pension account, enabled by the enactment of **HB 2034**. This bill terminates the LEOFF 1 plan and creates a restated LEOFF benefit. The Office of the State Actuary estimated that the LEOFF 1 plan is funded at 226 percent above the plan's liability, and the additional assets could reach a $4 billion value. The budget also states an intent to transfer $539 million from the pension surplus to the Climate Commitment Account in 2027-2029.

$395 million is capital gains revenue that would otherwise go to common school construction. This is effectively a transfer from the capital budget to the operating budget.

$375 million is shifted from the Public Works Assistance Account to the State General Fund. $300 million of this is backfilled with state bond proceeds in the capital budget.

This is not only a reduction in the program, but also a reduction in capital budget capacity that otherwise could have been used for new capital projects.

Cuts

The supplemental operating budget makes cuts in some programs, though not to the extent that was feared prior to the positive February revenue forecast. The largest reductions include:

- $600 million over four years from the Working Connections Child Care program.
- $214 million from the higher education system.
- Over $90 million from K-12 education, including $25 million from pupil transportation, $26 million from levy equalization, and $25 million from kindergarten transition programming.
- $13 million from developmental disabilities and $25 million from long term care programs at the Department of Social and Health Services (DSHS).
- $143 million from early learning through the Department of Children Youth and Family Services.
- $123 million from mental health services at the DSHS.
- $76 million from community behavioral health through the Health Care Authority.

While not as large on a sheer dollar amount, a number of other program-specific cuts were also included (please note that some of these items are also included in the larger numbers reported above):

- $2.9 million elimination of Growth Management Implementation grants through the Department of Commerce.
- $200,000 is reduced for the Shorelands and Environmental Assistance Program.
- $1.6 million saved by reducing funding for grants to cover the cost of energy audits for public buildings.
- $776,000 (30 percent) reduction for grants to the Association of Washington Cities that support co-response teams for behavioral health crises.
- $630,000 (20 percent) reduction in grant funding for alternatives to arrest and jail for persons with behavioral health disorders.
- $900,000 (20 percent) reduction to grants for law enforcement assisted diversion services.
- $1.96 million (10 percent) reduced from the Recovery Navigator Program.
- $269,000 is eliminated for technical support to Medications for Opioid Use Disorder in Jails programs.

Expenditures

The largest of all new expenditures in the supplemental operating budget is the $1 billion dedicated to legal liability payouts. Whether the Legislature would take substantive action to reduce these costs was a topic of speculation, however at the end of the day, the only politically viable solution was to pay. Another big-ticket item is the investment of an additional $241 million for the enterprise-wide replacement of the state Agency Financial Reporting System.

Additional new investments of note include:

- $30 million is provided for the State Home Energy Assistance Program.
- $202,000 is provided for the Department of Commerce to adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation of housing and climate plan progress reports as required by 2022 legislation, **HB 1241** (GMA planning).
- $500,000 is provided for grants to local governments to increase the speed at which residential project permit applications are processed.
- $175,000 is provided for the Department of Archaeology and Historic Preservation to participate in the development of a model ordinance for archaeological and cultural resource protection at the local level.
- $4.9 million is provided for local governments to support siting and permitting of clean energy projects.
- $250,000 is provided to analyze existing public banking tools for the purpose of expanding local government access to infrastructure financing and to conduct outreach to identify barriers, gaps, and additional tools needed to support local infrastructure investments.
- The Brockman campus is provided $497,000 for maintenance and $200,000 for the warm closure of the campus.
- $300,000 is provided for the Department of Commerce to create an economic development and competitiveness strategic plan.
- Funding is provided for the creation of the Joint Legislative-Executive Committee on Budget Transparency and Fiscal Sustainability (Committee). The Committee shall review revenue growth projections and spending assumptions in the four-year budget outlook; statutory cost drivers and their effect on carryforward and maintenance levels; and relevant budget practices in other states; management staffing levels, administrative overhead costs, and performance management practices; public reporting tools and data accessibility; and relevant budget practices in other states.

- $50,000 is provided for the Office of Administrative Hearings to convene a committee to recommend improvements to the systems and processes related to adjudication of claims for tortious conduct against the state or its political subdivisions. The committee must have a county representative.

## Capital Budget

The state capital budget, **SB 6003**, directs expenditures for the acquisition of real property and the construction and maintenance of state facilities such as schools, universities, prisons, behavioral health treatment centers, and parks. A combination of general obligation bonds and cash receipts from a variety of dedicated accounts are used to fund the capital budget.

In the 2023-2025 biennium, following enactment of the 2024 supplemental capital budget, total capital spending equaled $25.6 billion. The biennial budget signed by Governor Ferguson in May of 2025 totaled $19.6 billion. The 2026 supplemental capital budget adds $889 million in new expenditures to this amount, $435 of which is derived from new bonds. This biennial capital budget is about $4 billion less than last biennium, partially because the Legislature moved approximately $1 billion from the capital budget to the operating budget (some of these transfers are discussed above in the operating budget section).

The Legislature also moved $540 million in projects from state bond funding to Climate Commitment Act revenues in this budget. This includes the Brian Abbot Fish Barrier Removal Board, Chehalis Basin Strategy funding, Yakima River Basin Water Supply, Floodplains by Design, Washington Wildlife and Recreation Program, Conservation Commission Voluntary Riparian Grant and irrigation efficiencies programs, and four salmon restoration programs at the Recreation and Conservation Office.

Despite the lower expenditure level, the Legislature still provided $200 million for housing and homelessness, $41 million for flood preparedness and response, and $30 million for new local and community projects.

Notable items include:

- $123 million for the Housing Trust Fund.
- $17 million for mobile and manufactured homes assistance. These resources provide grants and technical assistance for the preservation and acquisition of affordable manufactured and mobile home communities.

- $5 million for lower Columbia River dredging.
- $6.5 million for state juvenile justice facility projects.

A list of the specific capital projects funded in the18th Legislative District is included at the end of this report.

## Transportation Budget

The state transportation budget, **SB 6005**, is unique because it provides funding for the operation of the Washington State Department of Transportation (WSDOT) and transportation-related operational spending at other agencies, in addition to capital construction funding for transportation infrastructure. It is by far the most complicated of the three budgets.

Coming into the 2026 session, the transportation budget also faced a budget deficit, with each of the three economic forecasts since last year showing declining revenues caused by declining gas tax revenue and the rising cost of materials and maintenance.

The supplemental transportation budget totals $16.6 billion, which is a $1.2 billion addition to last session's budget. Spending in the three biennia plan relies on a mix of existing revenue and $800 million in funding bonds from **SB 6225**.

The Legislature also passed and the Governor signed **HB 2711**, which makes various changes to transportation resources, including:

*Revenue and Fees*: Fuel taxes received because of inflationary adjustments are distributed in the same manner as the other 2025 increases in the motor fuel tax and special fuel tax rates; areas annexed to a Public Transportation Benefit Areas (PTBA) are subject to taxes imposed by the PTBA; Washington State Ferries can collect three percent in debit card transaction costs related to the collection of ferry fares; and allows tire retailers to is 25 cents per tire from the existing tire fee.

*Aircraft*: the luxury aircraft tax is repealed; aircraft fuel tax is increased to 25 cents per gallon starting on November 1, 2026, and beginning in 2027 the annual aircraft registration fee is increased to $30; and the Sustainable Aviation Fuel Airport Infrastructure Account is created.

*Luxury vehicles*: the use tax bases for the luxury vehicle tax and recreational vessel tax are modified to align with the corresponding sales tax bases, prohibiting the value of

any trade-in from being deducted from the measure of tax; motor homes are exempted from the luxury vehicle tax from July 1, 2026, to December 31, 2026.

*Programs and Grants*: The program to reimburse Registered Tow Truck Operators for the costs of towing indigent persons' vehicles is delayed to July 1, 2027; the Bus and Bus Facilities Grant Program is expanded to include safety or security enhancements; and a program is established to provide reduced-cost identicards for individuals 70 and older.

This budget provides a new level of clarity for preservation and maintenance on the state highway system, including ferries. The plan calls for a combined $344 million in the current biennium, $588 million in 2027-2029, and $596 million 2029 – 2031. In the 2025-2027 biennium, this is an increase of $40 million for preservation and maintenance.

Of concern for local governments is an assumed under-expenditure in the Local Programs category of WSDOT's capital program and authority for WSDOT to use $180 million of this appropriation. These are funds that are currently budgeted for local projects. While there is always a risk that the Legislature will claw-back funds from projects that are behind schedule, this new policy provides an administrative framework for WSDOT to easily implement a certain level of shift of funding from local to state projects.

Finally, the Joint Transportation Committee is directed, by December 15, 2026, to report to the Legislature on several areas related to liability claims from vehicles that could benefit local governments. One item is whether other state laws allow evidence of failure to wear a seat belt as evidence of negligence. The second item is to review other state policies concerning defenses against wrongful death claims where a driver was engaged in felony activity, specifically whether Washington's policy should be extended to misdemeanors such as impaired driving, reckless driving, and racing.

A list of the specific transportation projects funded in the 18th Legislative District is included at the end of this report.

# Returning Issues from Bills That Did Not Pass

The following issues have a high likelihood of returning in some form during the 2027 legislative session. Bills introduced but not passed during the 2025-2026 legislative sessions are noted.

| Topic | Related Bills |
|---|---|
| **Environment** | |

| | |
|---|---|
| Environmental justice in government decisions. | HB 1303, HB 2682, SB 5380 |
| Environmental crimes. | SB 5360 |
| **General Government** | |
| Shifting general elections for local governments to even-numbered years to increase voter participation. | HB 1339, SB 5373 |
| **Housing** | |
| Allowing objectively reasonable regulation of the utilization of public property. | HB 1380 |
| Funding affordable housing programs with a tax on vacation rentals, or local excise taxes. | HB 1763, HB 2583, SB 5576 |
| **Land Use & Permitting** | |
| Encouraging construction of affordable housing by streamlining the permitting process. | SSB 5729 |
| Standardizing city and county planning and development regulations within the urban growth area. | HB 2201 |
| Implementing the International Wildland Urban Interface Code. | SHB 1254 |
| Subdivisions. | SSB 5633 |
| Performance-based building codes. | HB 2346 |
| **Liability** | |
| Requiring arbitration for tort claims against the state of Washington and its subdivisions. | HB 2700, HB 2706, E2SSB 6239 |
| **Local Government Revenue** | |
| Expanding access to the property tax exemption program for seniors, people retired due to disability, and veterans with disabilities. | HB 1165 |
| Creating a primary residence property tax exemption. | HB 2024, SB 5770 |
| **Personnel & Labor** | |
| Allowing bargaining over the use of artificial intelligence. | HB 1622, SB 5422 |
| **Public Safety** | |
| Concerning legal financial obligations. | HB 2102, HB 1499 |

| | |
|---|---|
| Modifying juvenile convictions. | HB 1274, HB 1322, HB 2389, SB 5296, SB 5715, SB 6062 |
| Appointed counsel for individuals detained under the involuntary treatment act. | HB 1905 |
| Independent oversight of the city, county, and regional jail systems. | HB 1424, SB 5005 |
| Assaults by individuals in behavioral health crisis. | HB 1220 |
| Access to services for individuals charged with a misdemeanor. | HB 1113 |
| **Transportation & Public Works** | |
| Tribal representation in transportation planning. | SB 5374 |
| Road usage charge. | HB 1921, SB 5726 |
| **Utilities** | |
| Requiring utilities to provide energy assistance to low-income households. | HB 2373 |

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# 2025-27 Biennium -- 2026 Supplemental
## Conference (03/11/2026)
## Department of Transportation

(Dollars in Thousands)

| | Project | Leg Dist | Prior | 2025-27 | 2027-29 | 2029-31 | Future | Total |
|---|---|---|---|---|---|---|---|---|
| **18th Legislative District 018** | | | **38,664** | **60,837** | **64,876** | **750** | **251** | **165,378** |
| **Projects only in 18th Legislative District** | | | **1,241** | **1,159** | **0** | **0** | **0** | **2,400** |
| Route | | | 1,241 | 1,159 | 0 | 0 | 0 | 2,400 |
| 000 | Washougal 32nd St Underpass Design & Permitting - L1000285 | 18 | 1,197 | 703 | 0 | 0 | 0 | 1,900 |
| 000 | Chelatchie Prairie Railroad Track Improvements - L1000311 | 18 | 44 | 456 | 0 | 0 | 0 | 500 |
| **Note: Funding for the following project(s) covers multiple locations.** | | | **37,423** | **59,678** | **64,876** | **750** | **251** | **162,978** |
| Route | | | 37,423 | 59,678 | 64,876 | 750 | 251 | 162,978 |
| 000 | C-TRAN - Highway 99 BRT Project - 20230002 | 18, 49 | 250 | 11,750 | 0 | 0 | 0 | 12,000 |
| 000 | C-TRAN - Fourth Plain BRT Extension Project - 20250004 | 18,49 | 0 | 8,000 | 4,000 | 0 | 0 | 12,000 |
| 000 | C-Tran Hydrogen Fuel Cell Buses - BU232507 | 18,49 | 0 | 4,400 | 0 | 0 | 0 | 4,400 |
| 000 | C-TRAN - Vancouver Mall Transit Center Relocation and Upgrade - G2000047 | 17, 18, 49 | 0 | 1,000 | 1,600 | 600 | 0 | 3,200 |
| 000 | C-TRAN - Hydrogen Fueling Station Infrastructure - GT23250D | 18, 49 | 0 | 3,795 | 0 | 0 | 0 | 3,795 |
| 000 | Chelatchie Prairie Railroad Bridge and Rehab Work - L2021053 | 17, 18, 49 | 2,552 | 186 | 0 | 0 | 0 | 2,738 |
| 000 | Cowlitz Tribal Transit Service Support - TT252703 | 18, 20 | 0 | 450 | 450 | 0 | 0 | 900 |
| 005 | I-5/179th St Interchange - L1000111 | 17, 18, 20 | 1,638 | 25,630 | 58,826 | 150 | 251 | 86,495 |

# 2025-27 Biennium -- 2026 Supplemental
## Conference (03/11/2026)
## Department of Transportation

(Dollars in Thousands)

| | Project | Leg Dist | Prior | 2025-27 | 2027-29 | 2029-31 | Future | Total |
|---|---|---|---|---|---|---|---|---|
| **18th Legislative District** | **018** | | **38,664** | **60,837** | **64,876** | **750** | **251** | **165,378** |
| 014 | SR 14/I-205 to SE 164th Ave - Auxiliary Lanes - L2000102 | 17, 18, 49 | 28,640 | 1,110 | 0 | 0 | 0 | 29,750 |
| 502 | SR 502 Main Street Project/Widening - L2000065 | 17, 18 | 4,343 | 3,357 | 0 | 0 | 0 | 7,700 |

# Capital Budget -- 2026 Supplemental

## Proposed Compromise (03/11/2026)

### Total Budgeted Funds (TOT-B)

#### Includes Alternative Finance Projects

### Supplemental Changes Only

(Dollars in Thousands)

| | New Appropriations |
|---|---|
| **Total 18th Legislative District** | **10,345** |
| ***Department of Commerce*** | |
| **2027 Local and Community Projects #** | |
| Clark County Fire District 3 | 309 |
| Inclusive Play Equipment - Remy Park | 400 |
| **2027 Revitalized Local and Community Projects #** | |
| District Distributed Antenna System Installation | 258 |
| **Affordable Housing Supply and Preservation #** | |
| Hidden Village Mobile Home Park | 4,050 |
| **Regional Needs #** | |
| 92nd Avenue Pump Station | 1,000 |
| SCTP Aeration Equipment Replacement | 600 |
| ***Department of Enterprise Services*** | |
| Madrona Tenant Improvements | 228 |
| ***Recreation and Conservation Office*** | |
| 2025-27 Family Forest Fish Passage Program $ | 3,500 |

* Project funded through alternative financing.
$ Reflects funding for entire project, however funds will be spent in multiple locations. The amounts listed are not specific to a single location.
# For those projects with sub-project detail, only those components associated with the specified location are displayed.
% Amounts associated with Minor Works projects for this location are preliminary and actual spending may vary due to changes in scope and costs.

**Battle Ground City Council Meeting Minutes**
**Monday, April 6, 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.**

**City Clerk Elizabeth Halili called the roll. The following were present:**

| | |
|---|---|
| **COUNCIL:** | Mayor Eric Overholser, Deputy Mayor Aimee Vaile, and Councilmembers Troy McCoy, Victoria Ferrer, Jeanie Kuypers, and Brian Munson |
| **ABSENT:** | Councilmember Shane Bowman. |
| **STAFF:** | City Manager Kristina Swanson, Deputy City Manager Robert Ferrier, Finance and Information Services Director Meagan Lowery, Police Chief Dennis Flynn, Police Lieutenant Jim Keller, City Engineer Ryan Jeynes, Community Development Director Kristin Lehto (via Zoom), Planning Supervisor Samuel Crummett, Acting City Attorney Kirk Ehlis (via Zoom), and City Clerk Elizabeth Halili. |

**MOTION TO EXCUSE** **7:01 p.m.**
**MOTION: Councilmember Munson moved to excuse Councilmember Bowman from the meeting.**
**SECOND: Councilmember Ferrer**
**VOTE: Motion carried 6-0**
**ABSENT: Councilmember Bowman**

**MOTION TO APPROVE AGENDA** **7:02 p.m.**
**MOTION: Councilmember McCoy moved to approve the agenda as presented.**
**SECOND: Deputy Mayor Vaile**
**VOTE: Motion carried 6-0**
**ABSENT: Councilmember Bowman**

**SUMMARY REPORTS AND PRESENTATIONS** **7:02 p.m.**
**Councilmember Reports:**

- **April 19, 2026, Regional Parks Task Team Meeting: Councilmember Kuypers provided a report that focused on funding and potential revenue sharing.**
- **Urban County Policy Board: Councilmember Ferrer noted there will not be a meeting this month.**

**Mayor's Report:**

- **Proclamation: Student Artist Week; April 12 – 17, 2026**
  *Mayor Eric Overholser proclaimed April 12-17, 2026, as Student Artist Week and read the proclamation aloud.*
  *Natalie Worthy accepted the proclamation, provided a brief statement, and took a group photo with the Council.*

**Presentations:**

- **New Employee Introduction: Construction Project Manager, Callie White**
  *City Engineer Ryan Jeynes introduced Construction Project Manager, Callie White, who was welcomed by the Council.*

**CITIZEN'S COMMUNICATIONS** **7:16 p.m.**

- *Michele Black provided public comment*
- *Jordan Esposito provided public comment*
- *Jessica Cole provided public comment*

**CONSENT AGENDA** **7:25 p.m.**

- **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

**MOTION: Councilmember Ferrer moved to approve the Consent Agenda as presented.**
**SECOND: Councilmember Munson**
**VOTE: Motion carried 6-0**
**ABSENT: Councilmember Bowman**

**PUBLIC HEARING**

**Ordinance No. 2026-04 Municipal Code Amendments: Chapter 17.135 Supplementary Regulations for Specific Uses: Public Hearing/Motion** **7:26 p.m.**

*Presented by Police Chief Dennis Flynn*
*Summary: The Council heard public testimony and considered the adoption of Ordinance 2026-04 amending regulations related to the storage of recreational vehicles and trailers in residential districts.*

*Chief Flynn provided a brief presentation.*

***Mayor Overholser opened the public hearing at 7:27 p.m.***

- *Joshua Nelson of Battle Ground provided public testimony.*
- *Toni Smiley of Battle Ground provided public testimony.*
- *Sharon Murphin of Battle Ground provided public testimony.*

- *Jessica Cole of Battle Ground provided public testimony.*
- *Beth Weston of Battle Ground provided public testimony.*
- *Matthew Luster of Battle Ground provided public testimony.*

***Mayor Overholser closed the public hearing at 7:47 p.m.***

***City Clerk Elizabeth Halili read the Title of Ordinance 2026-04***

*Discussion was held by the Council.*

**MOTION: Councilmember Ferrer moved that we go with the original 17.135.150 adding an exemption for frontline build to be parking in the front building line if they have a driveway and then add no parking in the front yard.**

**Motion failed due to lack of a second.**

*Further discussion was held by the Council.*

**MOTION (AS AMENDED): Councilmember McCoy moved to amend the Ordinance in front of us to eliminate Section "a. No more than three recreational vehicles or trailers may be parked outside on a single-family lot":, revise Section b from "However, one (1) recreational vehicle or trailer is allowed to be parked on a legally established driveway" to "However, any recreational vehicle(s) or trailer(s) is allowed to be parked on a legally established driveway"; and to (separately) direct Staff to review the Ordinance within one calendar year.**
**SECOND: Councilmember Munson**
*The Council discussed the motion.*
*City staff responded to questions from the Council.*
**VOTE: Motion Carried 6-0**
**AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember McCoy, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson**
**NAYS: None**
**ABSENT: Councilmember Bowman**

**MOTION: Councilmember McCoy moved to adopt Ordinance No. 2026-04 amending regulations related to storage of recreational vehicles and trailers in residential areas as amended.**
**SECOND: Councilmember Kuypers**
**VOTE: Motion carried 5-1**
**AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson**
**NAYS: Councilmember McCoy**
**ABSENT: Councilmember Bowman**

Mayor Overholser recessed the meeting at 8:39 p.m.
Mayor Overholser resumed the meeting at 8:44 p.m.

DRAFT

**BUSINESS** **8:45 p.m.**

**Spring 2026 Battle Ground Municipal Code Updates: Presentation**

*Presented by Deputy City Manager Robert Ferrier, City Engineer Ryan Jeynes, and Planning Supervisor Samuel Crummett*

*Summary: The City Council was presented with an overview of proposed changes to the Battle Ground Municipal Code.*

*Deputy City Manager Ferrier provided a presentation.*
*The Council discussed the presentation as related to Rabbits 6.10. and Feral Cats 6.20.*
*Police Lieutenant Jim Keller and Deputy City Manager Robert Ferrier responded to questions from the Council.*

**CONSENSUS was reached by the Council directing staff to revise 6.10.420 restricting the number of rabbits on a single residential lot.**

*City Engineer Ryan Jeynes provided a presentation.*
*The Council discussed the presentation as related to the following:*

- *12.108.020 Hazardous Conditions in the Public Right of Way*
- *12.108.020(c) Defects in sidewalks or public ways caused or contributed to by the roots of trees or similar growth.*

*City Manager Swanson responded to questions from the Council*
*City Engineer Jeynes responded to questions from the Council.*
*Acting City Attorney Kirk Ehlis responded to questions from the Council.*

*The Council discussed the presentation as related to 12.116.060(F) ADA Compliance (Existing Transit Stops)*
*City Engineer Jeynes responded to questions from the Council.*
*The Council discussed 12.118.060(c) regarding the acronym "MUTCD"*
*City Engineer Jeynes responded to questions from the Council.*
*The Council discussed 12.116.180(J) CTRAN Transit Stops*
*City Engineer Jeynes and Planning Supervisor Samuel Crummett responded to questions from the Council.*

*City Engineer Jeynes and Planning Supervisor Samuel Crummett continued the presentation.*

*The Council discussed the presentation as related to Collective Gardens 17.135.065*
*Planning Supervisor Samuel Crummett responded to questions from the Council*
*City Manager Swanson responded to questions from the Council*

*Planning Supervisor Crummett and City Engineer Jeynes continued the presentation*
*The Council discussed 13.120.010(D) Accessory Dwelling Units (ADUs) shall make connection to the city's sewage system*
*The Council discussed 8.36.010.E Special Events Definitions – Circuses*
*Deputy City Manager Robert Ferrier responded to questions from the Council.*

**Development Regulations Update (Growth Management Act Required): Presentation**

*Presented by Deputy City Manager Robert Ferrier and Planning Supervisor Samuel Crummett*

*Summary: The City Council was presented with an overview of proposed updates to Development Regulations designed to align with recent state legislation and support implementation of the City's Comprehensive Plan.*

*Planning Supervisor Samuel Crummett provided a presentation.*
*The Council discussed the presentation.*

*Supervisor Crummett responded to questions from Council.*

**ADMINISTRATIVE REPORTS** **10:03 p.m.**

- *Police Chief Dennis Flynn recognized Police Lieutenant Jim Keller for graduating from Northwestern University School of Police and Staff Command in the top 97%*
- *City Manager Swanson reported on the following:*
    - *The Battle Ground 75th Anniversary "Buzzing Through the History of Battle Ground Washinton with Bennie the Bee" coloring book has been completed and is being distributed at no cost. Ms. Swanson thanked Kendra Laratta, business owner of Ink Ability, for her generous sponsorship of the coloring book, and Battle Ground Communications Manager/Public Information Officer Alisha Smith for her work on the project.*
- *City Engineer Ryan Jeynes briefly reported on the SE Grace Avenue Phase 2 Project Right of Way purchases, and requested consensus from the Council to move forward with the offers for the Right of Way for this project*

**CONSENSUS was reached by the Council to direct staff to move forward with the offers for the Right of Way Purchases for the SE Grace Avenue Phase 2 Project.**

- *Ryan Jeynes briefly reported on the Railroad Stormwater Facility Project Right of Way purchases, and requested consensus from the Council to move forward with the offers for the Right of Way for this project*

**CONSENSUS was reached by the Council to direct staff to move forward with the offers for the Right of Way Purchases for the Railroad Stormwater Facility Project.**

**COUNCIL COMMUNICATIONS** **10:09 p.m.**

- *Councilmember Munson:*
    - *Noted that the Governance Coordination Manual Committee meeting has been scheduled*
    - *Requested consensus from the Council to repeal Ordinance 2021-40 and dissolve the Salary Commission.*

**CONSENSUS was reached by the Council to place this item on a future Council meeting agenda for formal review and consideration.**

- *Councilmember Ferrer:*
    - *The April 14, 2026, Ending Community Homelessness Organization (ECHO) meeting will include a Panel featuring officers from law enforcement agencies across Clark County*
    - *The 2026 Southwest Washington Civics Bee will be held from 5:00 p.m. to 7:00 p.m. Monday, April 20, 2026.*

**ADJOURNMENT**

*The regular meeting was adjourned at 10:12 p.m.*

**Next Meeting Date: Monday, April 20, 2026 – Study Session at 6:00 p.m. - Regular meeting at 7:00 p.m.**

DRAFT

Eric Overholser
Mayor

Elizabeth Halili
City Clerk

Date of approval by the City Council: April 20, 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.
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- 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*

DRAFT

# 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 $842,563.00 ON THIS, THE 3RD DAY OF APRIL, 2026.

| | ACCTG DATE | AMOUNT | |
|---|---|---|---|
| 99701-99737 | 03/30/2026 | $ 187,637.40 | REGULAR AP |
| BANK DRAFT | 04/02/2026 | $ 14,717.74 | FUEL AP |
| 99738-99793 | 04/03/2026 | $ 640,207.86 | REGULAR AP |
| | | $ 842,563.00 | |



Battle Ground, WA

# Check Register

Packet: APPKT05031 - R AP 03/30/2026

By Check Number

| Vendor Number | Vendor Name | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---|---|---|---|---|---|---|
| **Bank Code: POOLED CASH-POOLED CASH** | | | | | | |
| 00238 | BARCO PRODUCTS COMPANY | 03/30/2026 | Regular | 0.00 | 6,871.17 | 99701 |
| 00319 | BOYD, GAFFNEY, SOWARDS & TREOS | 03/30/2026 | Regular | 0.00 | 5,600.00 | 99702 |
| 03133 | BRAD PIESCH AGGRESSIVE ENTERPRI | 03/30/2026 | Regular | 0.00 | 95.00 | 99703 |
| 04458 | BRAUHN, DAVID J | 03/30/2026 | Regular | 0.00 | 1,600.00 | 99704 |
| 00351 | BUILDING MAINTENANCE SOLUTION | 03/30/2026 | Regular | 0.00 | 5,011.80 | 99705 |
| 00869 | CLARK COUNTY FIRE DISTRICT 5 | 03/30/2026 | Regular | 0.00 | 135.63 | 99706 |
| 00515 | CLARK PUBLIC UTILITIES | 03/30/2026 | Regular | 0.00 | 48,018.68 | 99707 |
| 01497 | CONSOR NORTH AMERICA INC | 03/30/2026 | Regular | 0.00 | 8,941.72 | 99708 |
| 02557 | CORE & MAIN LP | 03/30/2026 | Regular | 0.00 | 5.29 | 99709 |
| 04408 | GORDON G.T. & ASSOCIATES, INC | 03/30/2026 | Regular | 0.00 | 4,172.58 | 99710 |
| 03080 | GREYSTONE TACTICAL | 03/30/2026 | Regular | 0.00 | 1,626.50 | 99711 |
| 00993 | H.D. FOWLER COMPANY | 03/30/2026 | Regular | 0.00 | 937.83 | 99712 |
| 03770 | HALILI, ELIZABETH | 03/30/2026 | Regular | 0.00 | 575.09 | 99713 |
| 01023 | HARRY'S KEY SERVICE | 03/30/2026 | Regular | 0.00 | 81.33 | 99714 |
| 03970 | HYPHN - NEWJEE LLC | 03/30/2026 | Regular | 0.00 | 19,381.57 | 99715 |
| 01190 | J.L. STOREDAHL | 03/30/2026 | Regular | 0.00 | 862.92 | 99716 |
| 01192 | J2 BLUE PRINT SUPPLY CO | 03/30/2026 | Regular | 0.00 | 217.89 | 99717 |
| 01394 | MACKAY & SPOSITO, INC | 03/30/2026 | Regular | 0.00 | 13,455.00 | 99718 |
| 02854 | MADDOX INDUSTRIAL TRANSFORME | 03/30/2026 | Regular | 0.00 | 1,566.00 | 99719 |
| 02988 | MARTA L. OCHOA-RUTHERFORD | 03/30/2026 | Regular | 0.00 | 195.00 | 99720 |
| 01447 | METROWATCH | 03/30/2026 | Regular | 0.00 | 821.92 | 99721 |
| 03029 | NEW DAY ARBORIST | 03/30/2026 | Regular | 0.00 | 2,222.22 | 99722 |
| 01784 | POLOS ELECTRONICS INC | 03/30/2026 | Regular | 0.00 | 390.24 | 99723 |
| 04455 | RICHARDSON, KATHRYN | 03/30/2026 | Regular | 0.00 | 500.00 | 99724 |
| 01939 | ROTSCHY, INC | 03/30/2026 | Regular | 0.00 | 34,493.53 | 99725 |
| 01943 | RYAN HERCO PRODUCTS CORP | 03/30/2026 | Regular | 0.00 | 648.87 | 99726 |
| 04456 | SANDERS, RENEE | 03/30/2026 | Regular | 0.00 | 750.00 | 99727 |
| 04454 | SHOLOM, OLEKSANDR | 03/30/2026 | Regular | 0.00 | 5,500.00 | 99728 |
| 02089 | STALKER RADAR | 03/30/2026 | Regular | 0.00 | 11,883.95 | 99729 |
| 02116 | STRUCTURED | 03/30/2026 | Regular | 0.00 | 1,130.50 | 99730 |
| 02179 | TECHNOLOGY INTEGRATION GROUP | 03/30/2026 | Regular | 0.00 | 333.40 | 99731 |
| 03611 | TERRACON CONSULTANTS, INC | 03/30/2026 | Regular | 0.00 | 410.50 | 99732 |
| 02294 | UNIFIRST CORPORATION | 03/30/2026 | Regular | 0.00 | 177.62 | 99733 |
| 02343 | VASILIY AND ALLA CLEANING SERVIC | 03/30/2026 | Regular | 0.00 | 3,868.00 | 99734 |
| 03951 | VERTEX CONTRACTING LLC | 03/30/2026 | Regular | 0.00 | 4,455.65 | 99735 |
| 02419 | WASHINGTON STATE PATROL | 03/30/2026 | Regular | 0.00 | 600.00 | 99736 |
| 04457 | WHITLOCK, SHELBY | 03/30/2026 | Regular | 0.00 | 100.00 | 99737 |

**Bank Code POOLED CASH Summary**

| Payment Type | Payable Count | Payment Count | Discount | Payment |
|---|---|---|---|---|
| Regular Checks | 47 | 37 | 0.00 | 187,637.40 |
| 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 |
| | **47** | **37** | **0.00** | **187,637.40** |

# Fund Summary

| Fund | Name | Period | Amount |
|---|---|---|---|
| 999 | POOLED CASH | 3/2026 | 187,637.40 |
| | | | **187,637.40** |



Battle Ground, WA

# Check Register

Packet: APPKT05035 - 03/2026 FLEET FUEL

By Check Number

| Vendor Number | Vendor Name | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---|---|---|---|---|---|---|
| **Bank Code: POOLED CASH-POOLED CASH** | | | | | | |
| 03043 | US BANK VOYAGER FLEET SYSTEM | 04/02/2026 | Bank Draft | 0.00 | 14,717.74 | DFT0002976 |

**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 | 1 | 1 | 0.00 | 14,717.74 |
| EFT's | 0 | 0 | 0.00 | 0.00 |
| | **1** | **1** | **0.00** | **14,717.74** |

# Fund Summary

| Fund | Name | Period | Amount |
|---|---|---|---|
| 999 | POOLED CASH | 4/2026 | 14,717.74 |
| | | | **14,717.74** |



Battle Ground, WA

# Check Register

Packet: APPKT05046 - R AP 04/03/2026

By Check Number

| Vendor Number | Vendor Name | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---|---|---|---|---|---|---|
| **Bank Code: POOLED CASH-POOLED CASH** | | | | | | |
| 00051 | ADP SCREENING & SELECTION SERVI | 04/03/2026 | Regular | 0.00 | 78.24 | 99738 |
| 00147 | ANDREW W. WHEELER | 04/03/2026 | Regular | 0.00 | 6,000.00 | 99739 |
| 03324 | ARGSOFT GROUP LLC | 04/03/2026 | Regular | 0.00 | 2,499.00 | 99740 |
| 04269 | BONNIE MARIE CAOUETTE | 04/03/2026 | Regular | 0.00 | 300.00 | 99741 |
| 00319 | BOYD, GAFFNEY, SOWARDS & TREOS | 04/03/2026 | Regular | 0.00 | 3,800.00 | 99742 |
| 00324 | BRANDON C. CAMPBELL | 04/03/2026 | Regular | 0.00 | 6,900.00 | 99743 |
| 00344 | BSK ASSOCIATES | 04/03/2026 | Regular | 0.00 | 1,190.00 | 99744 |
| 04006 | BURKE, GRANT | 04/03/2026 | Regular | 0.00 | 278.93 | 99745 |
| 03311 | CENTRALSQUARE TECHNOLOGIES, LI | 04/03/2026 | Regular | 0.00 | 635.32 | 99746 |
| 00515 | CLARK PUBLIC UTILITIES | 04/03/2026 | Regular | 0.00 | 48,989.59 | 99747 |
| 01497 | CONSOR NORTH AMERICA INC | 04/03/2026 | Regular | 0.00 | 651.15 | 99748 |
| 03366 | CUES, INC | 04/03/2026 | Regular | 0.00 | 23,579.78 | 99749 |
| 00646 | DATABAR | 04/03/2026 | Regular | 0.00 | 1,113.31 | 99750 |
| 00732 | DISCOVERY CLEAN WATER ALLIANCE | 04/03/2026 | Regular | 0.00 | 364,001.11 | 99751 |
| 00908 | FURROW PUMP | 04/03/2026 | Regular | 0.00 | 2,132.00 | 99752 |
| 03080 | GREYSTONE TACTICAL | 04/03/2026 | Regular | 0.00 | 32.58 | 99753 |
| 01007 | HAMER ELECTRIC INC | 04/03/2026 | Regular | 0.00 | 30,752.67 | 99754 |
| 04294 | INTERCOM LANGUAGE SERVICES | 04/03/2026 | Regular | 0.00 | 170.00 | 99755 |
| 01190 | J.L. STOREDAHL | 04/03/2026 | Regular | 0.00 | 1,572.27 | 99756 |
| 01215 | JOE TURNER, P.C | 04/03/2026 | Regular | 0.00 | 7,305.37 | 99757 |
| 04421 | KENNETH WALLACE LAW PLLC | 04/03/2026 | Regular | 0.00 | 7,100.00 | 99758 |
| 04015 | LED LIGHTING SOLUTIONS | 04/03/2026 | Regular | 0.00 | 3,015.95 | 99759 |
| 01378 | LOOMIS | 04/03/2026 | Regular | 0.00 | 454.40 | 99760 |
| 01394 | MACKAY & SPOSITO, INC | 04/03/2026 | Regular | 0.00 | 42,834.83 | 99761 |
| 04462 | MASSIE, SEAN | 04/03/2026 | Regular | 0.00 | 500.00 | 99762 |
| 01447 | METROWATCH | 04/03/2026 | Regular | 0.00 | 797.76 | 99763 |
| 03556 | MOON, CANDACE | 04/03/2026 | Regular | 0.00 | 265.35 | 99764 |
| 01528 | NAVIA BENEFIT SOLUTIONS | 04/03/2026 | Regular | 0.00 | 200.00 | 99765 |
| 01532 | NEOGOV | 04/03/2026 | Regular | 0.00 | 7,773.46 | 99766 |
| 01646 | ONE CALL CONCEPTS, INC | 04/03/2026 | Regular | 0.00 | 154.29 | 99767 |
| 01673 | OWEN EQUIPMENT COMPANY | 04/03/2026 | Regular | 0.00 | 683.83 | 99768 |
| 01677 | PACIFIC BREEZE PRODUCTS, INC | 04/03/2026 | Regular | 0.00 | 78.54 | 99769 |
| 01689 | PACIFIC POWER GROUP, LLC | 04/03/2026 | Regular | 0.00 | 3,588.70 | 99770 |
| 04071 | PATTERSON, ALFRED | 04/03/2026 | Regular | 0.00 | 1,260.00 | 99771 |
| 04461 | PERU, RAYNA | 04/03/2026 | Regular | 0.00 | 520.00 | 99772 |
| 01760 | PITNEY BOWES | 04/03/2026 | Regular | 0.00 | 6,000.00 | 99773 |
| 01832 | PUBLIC SAFETY TESTING INC | 04/03/2026 | Regular | 0.00 | 437.00 | 99774 |
| 01907 | RICOH USA INC | 04/03/2026 | Regular | 0.00 | 222.49 | 99775 |
| 03356 | RYAN M  BUSBY | 04/03/2026 | Regular | 0.00 | 11,500.00 | 99776 |
| 04446 | SCHLECHT & SONS, INC | 04/03/2026 | Regular | 0.00 | 4,658.94 | 99777 |
| 02097 | STATE OF WASHINGTON | 04/03/2026 | Regular | 0.00 | 1,049.00 | 99778 |
| 02181 | TERESA D JOHNSON, CPA INC | 04/03/2026 | Regular | 0.00 | 616.50 | 99779 |
| 03611 | TERRACON CONSULTANTS, INC | 04/03/2026 | Regular | 0.00 | 956.50 | 99780 |
| 04235 | THOMPSON, JESSICA | 04/03/2026 | Regular | 0.00 | 50.00 | 99781 |
| 02242 | TK ELEVATOR CORPORATION | 04/03/2026 | Regular | 0.00 | 709.17 | 99782 |
| 04210 | TOTAL MECHANICAL INC | 04/03/2026 | Regular | 0.00 | 1,748.85 | 99783 |
| 02255 | TRAFFIC SAFETY SUPPLY CO | 04/03/2026 | Regular | 0.00 | 887.92 | 99784 |
| 02294 | UNIFIRST CORPORATION | 04/03/2026 | Regular | 0.00 | 177.62 | 99785 |
| 02319 | VAN CLEAVE & ASSOCIATES, LLC | 04/03/2026 | Regular | 0.00 | 180.00 | 99786 |
| 04154 | VANCOUVER DEFENDERS | 04/03/2026 | Regular | 0.00 | 500.00 | 99787 |
| 02343 | VASILIY AND ALLA CLEANING SERVIC | 04/03/2026 | Regular | 0.00 | 3,857.78 | 99788 |
| 02397 | WALTER E. NELSON COMPANY | 04/03/2026 | Regular | 0.00 | 1,717.98 | 99789 |
| 02419 | WASHINGTON STATE PATROL | 04/03/2026 | Regular | 0.00 | 72.00 | 99790 |
| 02471 | WEST COAST FRAMES LLC | 04/03/2026 | Regular | 0.00 | 55.90 | 99791 |

| Vendor Number | Vendor Name | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---|---|---|---|---|---|---|
| 03355 | WESTERN UNITED CIVIL GROUP LLC | 04/03/2026 | Regular | 0.00 | 31,904.66 | 99792 |
| 02497 | WILCO | 04/03/2026 | Regular | 0.00 | 1,459.97 | 99793 |
| 04226 | DELTA DENTAL OF WASHINGTON | 04/03/2026 | Bank Draft | 0.00 | 237.15 | DFT0002979 |

**Bank Code POOLED CASH Summary**

| Payment Type | Payable Count | Payment Count | Discount | Payment |
|---|---|---|---|---|
| Regular Checks | 67 | 56 | 0.00 | 639,970.71 |
| Manual Checks | 0 | 0 | 0.00 | 0.00 |
| Voided Checks | 0 | 0 | 0.00 | 0.00 |
| Bank Drafts | 1 | 1 | 0.00 | 237.15 |
| EFT's | 0 | 0 | 0.00 | 0.00 |
| | **68** | **57** | **0.00** | **640,207.86** |

# Fund Summary

| Fund | Name | Period | Amount |
|---|---|---|---|
| 999 | POOLED CASH | 4/2026 | 640,207.86 |
| | | | **640,207.86** |

# CITY OF BATTLE GROUND
# STAFF REPORT

| | |
|---|---|
| To: | Kris Swanson, City Manager |
| | City Council |
| From: | Mark Herceg, Public Works Director |
| Date: | April 20, 2026 |
| Proceeding Type: | Consent |
| Subject: | NE 1st Street Phase 2 – ROW Purchase Approval – Morris |

| **Legislative History:** | |
|---|---|
| • Admin: | October 20, 2025 |
| • Consent: | April 20, 2026 |

**Staff Report Summary**

The City Council will consider approving the purchase of easements for the NE 1st Street Phase 2 project through passage of the consent agenda.

**Background**

The City has been working on the NE 1st Street Phase 2 project for a couple of years. Most recently, the City has been working to purchase the easements that will be necessary to construct the project. Through the design process it was determined that easements would be necessary from eight 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 October 20, 2025 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 Morris property for $2,550, which was the Fair Market Value. This purchase includes a temporary construction easement. This is the eighth, and final, of eight 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 Morris property in the amount of $2,550.

## 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**

**Reference Number of Related Document: N/A**
**Grantor(s): Brian W. Morris and Christy M. Morris, husband and wife**
**Grantee(s): City of Battle Ground Washington**
**Legal Description: Lot 1, Short Plats, 1/884**
**Additional Legal Description is on Page 4 of Document.**
**Assessor's Tax Parcel Number: 91051101**

# TEMPORARY EASEMENT

**NE 1st Street Sidewalk Improvements**

The Grantor(s), **Brian W. Morris and Christy M. Morris, husband and wife** , 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, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of supporting the construction of sidewalk improvements in the existing public right-of-way.

Said lands being situated in Clark County, State of Washington, and described in Exhibit A, 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 that date, hereinafter the "Term".

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.

**TEMPORARY EASEMENT**

Dated: March 26, 2026

GRANTORS

**Brian W. Morris**

**Christy M. Morris**

STATE OF ARIZONA )
: ss
COUNTY OF Yavapai )

On this 26th day of March 2026 before me personally appeared **Brian W. Morris,** whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be and acknowledged that he signed the above/attached document.

(SEAL)

DARIANA PORTILLO-MORALES
Notary Public - Arizona
Yavapai County
Commission # 638724
My Commission Expires 10/09/2026

Dariana P. Morales
Signature of Person Taking Acknowledgement
Notary Public
Title or Rank
Serial Number, if any #638724
My Commission Expires: 10/09/2026

STATE OF ARIZONA )
: ss
COUNTY OF Yavapai )

On this 26th day of March 2026 before me personally appeared **Christy M. Morris,** whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be and acknowledged that he signed the above/attached document.

(SEAL)

DARIANA PORTILLO-MORALES
Notary Public - Arizona
Yavapai County
Commission # 638724
My Commission Expires 10/09/2026

Dariana P. Morales
Signature of Person Taking Acknowledgement
Notary Public
Title or Rank
Serial Number, if any #638724
My Commission Expires: 10/09/2026

**TEMPORARY EASEMENT**

Accepted and Approved

**CITY OF BATTLE GROUND WASHINGTON**

By:_____
Ryan Jeynes City Engineer

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 _____

**TEMPORARY EASEMENT**

## Exhibit A

Lot 1 of SHORT PLATS, recorded in Book 1 of Short Plats, page 884, records of Clark County, Washington.

# CITY OF BATTLE GROUND
# STAFF REPORT

| | |
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| To: | Kris Swanson, City Manager |
| | City Council |
| From: | Robert Ferrier, Deputy City Manager |
| Date: | April 20, 2026 |
| Proceeding Type: | Public Hearing/Motion |
| Subject: | Ordinance 2026-03 Northwest Natural Gas Franchise Agreement |

| **Legislative History:** | |
|---|---|
| • Presentation: | March 16, 2026 |
| • Public Hearing/Motion: | April 20, 2026 |

**Staff Report Summary**

Staff will present information and ask the City Council to conduct a public hearing and consider adoption of Ordinance 2026-03 approving a proposed franchise agreement by and between the City of Battle Ground and Northwest Natural Gas Company.

**Background**

In 1994 the City of Battle Ground (City) and Northwest Natural Gas Company (NNG) entered into a non-exclusive franchise agreement authorizing and allowing NNG use of City's right-of-way to deliver natural gas services to its customers. That agreement has sunset and staff from both parties have negotiated a draft agreement (Attachment A) that would authorize NNG's continued use of City right-of-way.

Consistent with the terms of the prior franchise agreement, the City grants NNG the right to construct, install, maintain, replace, repair, and use their natural gas infrastructure within the City's right of way to transmit, distribute, and sell natural gas to its customers. In addition, NNG shall, at no expense to the City, repair all existing natural gas facilities it owns within the City's jurisdiction, if such repair is required by the City for any reasonable purpose. Further, in the event City causes the construction of any public works project and such construction necessitates the relocation of NNG's facilities from an existing location, such relocation will be at no cost to the City. The franchise is not exclusive and does not prohibit the City from granting a similar franchise to another private or public entity. The term of the franchise is ten (10) years.

Pursuant to RCW 35A.47.040, a Franchise Agreement must be presented to the Council on two (2) occasions prior to adoption. The first presentation occurred on March 16, 2026, and the

public hearing is scheduled for this evening. The Council may adopt the Franchise Agreement immediately following the second presentation.

**Fiscal and Policy Implications**
N/A

**Goals & Objectives**
Approving this franchise agreement with NNW would help achieve Goal 1 ("Cultivate Opportunities for Private Economic Development") and Goal 4 ("Improve and Maintain Infrastructure Systems") of the City Council's approved Goals and Objectives.

**Options**
N/A

**Staff Recommendation**
Staff recommend that the City Council conduct the public hearing and consider and adopt Ordinance No. 2026-03 regarding the franchise agreement with NW Natural Gas Company.

**Legal Review**
This matter has been reviewed and approved by the City Attorney

**Attachments**

| | |
|---|---|
| A. | Ordinance No. 2026-03 |

**ORDINANCE NO. 2026-03**

AN ORDINANCE RENEWING AND MODIFYING THE GRANT OF A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY AND FIXING TERMS AND CONDITIONS OF SUCH FRANCHISE.

**WHEREAS**, in order to maintain control over the use of City of Battle Ground property and rights-of-way by utilities operating within the City, it is appropriate to enter into franchise agreements with such utilities; and

**WHEREAS**, Northwest Natural Gas Company, an Oregon corporation, is such a utility; and

**WHEREAS**, by and through Ordinance No. 731, which was passed by the City Council for the City of Battle Ground, Washington, on May 2, 1994, the City granted a 30-year non-exclusive gas utility franchise to Northwest Natural Gas Company; and

**WHEREAS**, Northwest Natural Gas Company has requested that said non-exclusive franchise be renewed by the City of Battle Ground; and

**WHEREAS**, the City of Battle Ground and Northwest Natural Gas Company have negotiated a new franchise agreement under which the non-exclusive gas utility franchise to Northwest Natural Gas Company will be continued pursuant to the terms and conditions set forth in this Ordinance; now, therefore

**THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Definitions.** Where used in this franchise ("Franchise"), the following definitions shall apply:

1.1 "Franchisee" means Northwest Natural Gas Company, an Oregon corporation.

1.2 "City" means the City of Battle Ground, a Washington municipal corporation.

1.3 “Franchise Area” means all of the public roads, streets, avenues, alleys, highways, grounds, bridges, and rights-of-way of the City as now laid out, platted, dedicated or improved; and any and all public roads, streets, avenues, alleys, highways, grounds, bridges, and rights-of-way that may hereafter be laid out, platted,

dedicated or improved within the present limits of the City and as the limits of the City may be extended through annexations or otherwise.

1.4 "Facilities" means the Franchisee's gas distribution system, lines, mains, appurtenances, and all other necessary or convenient facilities for the purpose of providing gas service to the City, its inhabitants and to other customers and territory beyond the limits of the City and Franchise Area.

1.5 "Ordinance" means this ordinance setting forth the terms and conditions of the franchise granted to the Franchisee.

1.6 "Franchise Agreement" as referred to in this Ordinance shall mean the Ordinance.

**Section 2. Franchise Grant.** Subject to the terms and conditions set forth in this Ordinance, the City grants to the Franchisee the right, privilege, authority, and franchise to:

2.1 Construct, install, operate, maintain, replace, repair, and use Facilities in, over, along, across, and under the Franchise Area for purposes of providing gas service; and

2.2 Transmit, distribute and sell gas.

**Section 3. Franchise Term.** The duration of this Franchise is and shall be for a period of ten (10) years beginning on the Effective Date of this Ordinance. The commencement of the Franchise term notwithstanding, the Franchisee shall have no rights under this Franchise unless and until the Franchisee files a written acceptance of this Franchise with the City pursuant to Section 4 of this Ordinance.

**Section 4. Acceptance by Franchisee of Terms and Conditions.** The full acceptance of this Franchise and all of its terms and conditions shall be filed with the City Clerk within thirty (30) days from the effective date of this Ordinance, by the Franchisee. Full acceptance of this Franchise is a condition precedent to its taking effect, and unless this Franchise is accepted within the time specified, this grant will be null and void and have no force or effect.

**Section 5. Non-Exclusive Franchise.** This Franchise is not exclusive. It does not prohibit the City from granting franchises for other public or private utilities in, over, along, across, and under any City property, including, but not limited to, the Franchise Area. This Franchise does not prevent or prohibit the City from constructing, altering, maintaining, or using any City road rights-of-way covered by this Franchise, except as may be otherwise provided for in this Ordinance. The City retains full power to make all changes, relocations, repair, maintenance, or other work to or in City property, including, but not limited to, the Franchise Area, as the City in its sole discretion deems fit and in accordance with the provisions of this Ordinance.

**Section 6. Jurisdiction.** This Franchise is intended to convey limited rights and interest only as to those portions of the Franchise Area in which the City has an actual interest. It is not a warranty of title or of interest to or in the Franchise Area or any portion thereof. None of the rights granted to the Franchisee shall affect the jurisdiction of the City over the Franchise Area or the City's power to perform work in, to, or upon the Franchise Area or any City property, facility, and/or infrastructure appurtenant thereto, including by constructing, altering, renewing, paving, widening, grading, blasting, or excavating, except as may otherwise be provided for in this Ordinance.

**Section 7. Regulation of Use and Control.** This Franchise does not deprive the City of any powers, rights, or privileges it now has or may later acquire in the future to regulate the use of and to control the Franchise Area, except as otherwise provided for in this Ordinance. The City reserves the right and power at all times to exercise its police powers with respect to the time, manner, and location of the placement of the Franchisee's Facilities, except as may otherwise be provided for in this Ordinance.

**Section 8. Eminent Domain.** This Franchise and the limited rights and interests granted by this Franchise are subject to the exercise of eminent domain. In the event of an exercise of eminent domain by the City, the amount of just compensation owed based upon the condemnation of the Facilities, or a portion thereof, shall be determined in accordance with Washington law.

**Section 9. Vacation.** If at any time the City vacates any City rights-of-way covered by this Franchise, the City will not be held liable for any damages or loss to the Franchisee by reason of such vacation. The City may, after giving one hundred twenty (120) days written notice to the Franchisee, terminate this Franchise Agreement with respect to any City road or rights-of-way vacated. In the event of any vacation of right-of-way, the City shall use reasonable efforts to assist Franchisee with relocation of Facilities affected thereby.

**Section 10. Enforcement.** Either party's failure to enforce any provision of this Franchise does not constitute a waiver of that party's right to enforce that provision or any other provision of this Franchise Agreement.

**Section 11. Indemnity and Hold Harmless.** To the extent and in the proportion caused by Franchisee, the Franchisee shall defend, indemnify, and hold harmless the City, its appointed and elected officials, and its employees and agents from and against liability for all claims, actions, injuries, demands, liabilities, losses, costs, damages, and judgments, including costs of defense thereof, (collectively referred to as "damages") for injury to persons, death, or property damage caused by or arising out of the Franchisee's neglect, default, or misconduct in Franchisee's exercise of the rights and privileges granted by this Franchise, except for damages caused by or arising out of the City's sole negligence. In the event that any such claim or demand for damages is presented to or filed with the City, or if any suit or action is initiated against the City based on such claims

or demands for damages, the City shall promptly notify the Franchisee of the claim, demand, suit, or action giving Franchisee ample and reasonable time to defend the same.

**Section 12. Insurance.** The Franchisee shall obtain and keep in force during the term of the Franchise, and any renewal thereof, comprehensive general liability insurance policies with insurance companies which initially have an A. M. Best's rating of "A-VI" or better, and who are approved by the insurance commissioner of the State of Washington pursuant to Title 48 RCW, against claims for injuries to persons, death or damages to property, which may arise from or in connection with the exercise of the rights, privileges, and authority granted to the Franchisee under this Franchise.

12.1. The liability insurance policies required by this Section shall be maintained by the Franchisee throughout the term of this Franchise, and such other period of time during which the Franchisee may operate without a franchise, or is engaged in the removal of the Facilities. Failure to maintain such insurance shall be a material breach of this Franchise and shall be grounds for revocation of this Franchise. Payment of deductibles relating to the required insurance shall be the sole responsibility of the Franchisee.

12.2 The Franchisee shall provide an insurance certificate, together with an endorsement including the City, and its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, attorneys, and volunteers as additional insureds, to the City prior to execution of this Franchise and prior to the commencement of any work or installation of any Facilities in the Franchise Area. The insurance certificate shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. The coverage so provided shall protect against claims from bodily injuries, including accidental death, as, well as claims for property damages which may arise from any negligent act or omission of the Franchisee, its subcontractors, agents, or employees. The Franchisee's insurance shall be primary and noncontributory insurance as respects the City, its elected and appointed officers, officials, employees, agents, representatives, engineers, consultants, attorneys, and volunteers. Any insurance maintained by the City, its elected and appointed officers, officials, employees, consultants, agents, representatives, engineers, attorneys, and volunteers shall be in excess of the Franchisee's insurance and shall not contribute with it. Receipt by the City of any certificate showing less coverage than required is not a waiver of Franchisee's obligations to fulfill the insurance requirements of this Franchise. The Franchisee may utilize primary and excess liability insurance policies to satisfy the insurance policy limits required in this Franchise. The Franchisee's excess liability insurance policy shall provide "follow form" coverage over its primary liability insurance policies.

12.3. Payment of deductibles relating to the required insurance shall be the sole responsibility of the Franchisee.

12.4 The Franchisee shall give the City at least forty-five (45) days written notice of cancellation, nonrenewal, or reduction of the insurance coverage required by this Franchise. Within thirty (30) days after receipt said notice by the City, and in no event later than fifteen (15) days prior to said cancellation or intent not to renew/reduce, the Franchisee shall obtain and furnish to the City with a replacement insurance certificate meeting the requirements of this Franchise.

12.5 The Franchisee's insurance policies shall protect each insured in the same manner as though a separate policy has been issued to each. Inclusion of more than one insured shall not affect the rights of any insured as respect to any claim, suit or judgment made or brought by or for any other insured or by or for any employee of any other insured.

12.6 The provision of the coverage in the stated amount shall not be construed to relieve the Franchisee from liability in excess of such limits. Grantee's maintenance of insurance as required by this Franchise shall not be construed to limit the liability of the Franchisee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or equity. Further, the Franchisee's maintenance of insurance policies required by this Franchise shall not be construed to excuse unfaithful performance by the Franchisee.

12.7. The Franchisee shall maintain Worker's Compensation Insurance as required by state or federal statute. The Franchisee's Labor and Industries account number shall be noted on the certificate of insurance.

The Franchisee shall be solely and completely responsible for safety and safety conditions on its job sites and for its work within the Franchise Area, including the safety of all persons and property during performance of any work therein. The services of the City's or City's consultant personnel in conducting construction review of the Franchisee's work relating to the Franchise is not intended to include review of the adequacy of the Franchisee's work methods, equipment, scaffolding, or trenching, or safety measures in, on or near such Franchise Area or job site. The Franchisee shall provide reasonably safe access for the City and its inspectors to adequately inspect the work and its conformance with applicable statutes, ordinances, rules, regulations, and the Franchise.

12.8 The Franchisee shall be solely and completely responsible to perform all work related to this Franchise in compliance with all applicable federal, state, county and city statutes, rules, regulations, ordinances, orders and codes. The Franchisee's

attention is directed to the requirements of the Washington Industrial Safety and Health Act, Chapter 49.17 RCW.

12.9 The contractual coverage of the Franchisee's insurance policies shall be sufficiently broad enough to insure the provisions of the hold harmless clause of the Franchise subject to the terms and conditions of the insurance policies.

12.10 The following types and limits of insurance are required:

12.10.1 Comprehensive general liability insurance, written on an occurrence basis, with limits not less than:

$2,000,000 for bodily injury or death to each person.

$2,000,000 for property damage resulting from any one accident.

$2,000,000 for all other liability.

$5,000,000 in the aggregate for bodily injury and property damage.

12.10.2 Automobile liability: owned, non-owned, and hired vehicles with a combined single limit of $2,000,000 for each accident

12.10.3 Worker's compensation within statutory limits and employer's liability insurance with limits of not less than $1,000,000

12.10.4 Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than $5,000,000

12.10.5 Umbrella Liability

$5,000.000 per occurrence.

$5,000.000 aggregate.

**Section 13. Installation, Repair, Removal or Relocation.**

13.1 The Franchisee shall, at no expense to the City, repair all existing Facilities that it owns within the Franchise Area, if such repair is required by the City for any reasonable purpose.

13.2

A. Whenever the City causes the construction of any public works project and such construction necessitates the relocation of Franchisee's Facilities from their existing location, such relocation will be at no cost to the City. All costs and expenses to relocate Franchisee's Facilities to accommodate another utility or franchise holder shall be paid by the other utility or franchise holder, and never by the City. The City will use reasonable efforts to coordinate among the parties and Franchisee to avoid or minimize the need and costs of relocation; however, these coordination efforts shall not require the City or any other utility/franchise holder to change the location, plans, and/or designs of any project, and the City, in its sole discretion, shall have the right to declare such coordination efforts complete and/or concluded.

B. In the event an emergency posing a threat to public safety or welfare, as declared pursuant to law, requires the relocation of Franchisee's Facilities, the City shall give Franchisee notice of the emergency as soon as reasonably practicable. Upon receipt of such notice from the City, Franchisee shall endeavor to respond as soon as reasonably practicable to relocate the affected Facilities.

C. Subject to Section D, whenever the City or any third party requires the relocation of Franchisee's Facilities to accommodate work of such third party within the Streets, said third party shall be required to pay the Franchisee for any and all costs and expenses reasonably incurred by Franchisee in the relocation of Franchisee's Facilities. The City shall not be obligated to pay any of the Franchisee’s costs and/or expenses described in this section.

D. Any condition or requirement imposed by the City upon any third party (including, without limitation, any condition or requirement imposed pursuant to any contract or in conjunction with approvals or permits obtained pursuant to any zoning, land use, construction, or other development regulation) which requires the relocation of Franchisee's Facilities within the Franchise Area, shall be a condition or requirement causing relocation of Franchisee's Facilities to occur subject to the provisions of Section 13.2(C) above; provided, however in the event the City reasonably determines and notifies Franchisee that the primary purpose of imposing such condition or requirement upon such third party is to cause or facilitate the construction of a public works project on the City's behalf and consistent with the City's Capital Improvement Plan or 6-year Transportation Improvement Program; then only those costs and expenses incurred by Franchisee in reconnecting such relocated Facilities with Franchisee's other Facilities shall be paid to Franchisee by such Third Party, and Franchisee shall otherwise relocate its Facilities in accordance with Section 13.2(A) above. The third party shall be responsible to

Franchisee for any incremental cost increases, as reasonably determined by the City, above costs attributable for the public works project due to factors such as, but not limited to, increased distance or interim design changes necessitated by less than full public works project relocation. The third party shall adhere to Franchisee's regulations, standards and policies for all development.

Nothing in this Section 13.2 shall require Franchisee to bear any cost or expense in connection with the relocation of any Franchisee Facilities existing under benefit of easement (other than City owned utility easements) or other rights not arising under this Franchise, nor shall anything in this Section 13.2 require the City to bear any such cost or expense. Nothing in this Section 13.2 shall be construed to be a waiver of any right of either Franchisee or the City to contest any claim or assertion by the other of responsibility to pay such cost or expense.

**Section 14. Requirement of Permits.**

14.1 Any and all rights, privileges, and authority of the Franchisee to enter the Franchise Area for the purpose of constructing, installing, operating, maintaining, replacing, or repairing its Facilities shall be subject to the condition precedent that the Franchise first obtains all permits required by law, including, but not necessarily limited to, the City's Municipal Code as it now exists or is hereinafter amended. Any work performed, whether by Franchisee, its contractors, or third parties, shall include necessary paving, resurfacing, grading, and any other reasonably necessary repair or restoration to the Franchise Area. All work shall be done to the reasonable satisfaction of the City.

14.2. All equipment, lines, and appurtenances that are used in the construction, installation, operation, maintenance, or repair of the Franchisee's Facilities and that are located within the Franchise Area and owned by the Franchisee shall be considered to be part of the Franchisee's system and shall be the responsibility of the Franchisee. All permits for the construction, installation, operation, maintenance, or repair of the Franchisee's system shall be applied for and given in the name of the Franchisee, who will be responsible for all work done under the permit. The Franchisee remains responsible for any such work regardless of whether the work is performed by the Franchisee, its contractors, or by third parties.

**Section 15. Restoration of Franchise Area.** The Franchisee shall in all respects and at all times comply with the requirements of the City's Municipal Code as it now exists or is hereinafter amended, relating to restoration of the Franchise Area, including any portion thereof.

**Section 16. Performance of Work.** The Franchisee covenants that in consideration for the rights and privileges granted by this Franchise, all work performed by the Franchisee to, in, on, and/or upon the Franchise Area shall conform to all City requirements including, but not limited to, the

requirements of any and all standards relating to roads and other infrastructure in force when the work is performed, provided such requirements are not in conflict with any applicable state or federal laws, regulations or requirements. All traffic control shall conform to the City's standards in force when the work is performed.

**Section 17. Information on Location of Facilities.** Prior to the effective date of this Ordinance, the Franchisee shall provide the City with maps showing the location of the Franchisee's current Facilities, including copies of all as-builts for such Facilities. Maps shall be in an electronic format compatible with the City's Geographic Information System ("GIS") program (or such other format as may be in general use in the utilities industry and reasonably acceptable to the City and Grantee). In addition, if the Franchisee performs any work to install, repair, reconstruct, or replace Facilities in the Franchise Area after the effective date of this Ordinance, the Franchisee shall provide the City with maps showing the location of those Facilities, including copies of all as-builts. Upon request of the City, the Franchisee will locate Facilities in the field, which locations will take precedence over maps and/or as-builts.

**Section 18. Coordination of Work in City Rights-of-Way.** To facilitate the coordination of work in the Franchise Area, if either the Franchisee or the City shall at any time plan to make excavations in the Franchise Area, the party planning such excavation shall provide written notice to the other of the planned excavation. Nothing in this Section shall alter any obligations by either party under applicable law concerning excavation.

**Section 19. Reimbursement of Costs.** Pursuant to RCW 35.21.860, the Franchisee shall reimburse and pay to the City the amount of actual administrative expenses incurred by the City that are directly related to the receipt and approval of a permit, license, or franchise, to inspect plans, and construct or prepare a detailed statement pursuant to RCW 43.21C.

**Section 20. Grading Requirements.** The right to construct, install, operate, maintain, and repair Franchisee's Facilities granted by this Franchise does not preclude the City, its agents or contractors from grading, or doing other work contiguous to the Franchisee's Facilities. When practical, the Franchisee will be given forty-eight (48) hours notice of any grading or excavating.

**Section 21. Survey Markers and Monuments**. Before any work is performed under this Franchise, the Franchisee shall establish two or more reference marks to all monuments and markers of every nature relating to subdivisions, plats, rights-of-way, and all other surveys, that may be disturbed during construction. The reference points shall be located so that they will not be disturbed during any of Franchisee's operations under this Franchise. The method of referencing monuments or other markers or points shall be approved by the City before placement. The replacement of all markers or monuments disturbed during any construction of the Franchisee shall be made as promptly as conditions permit. The cost of monuments or markers lost, destroyed, or disturbed and the expense or replacement with approved markers or monuments shall solely be borne by the Franchisee.

**Section 22. Reservation of Rights.** The City reserves the right to impose a utility tax on the Franchisee, and/or to charge the Franchisee a reasonable fee for services provided or rights granted under this Franchise, to the extent authorized by law.

**Section 23. Assignment.** This Franchise shall be binding upon and insure to the benefit of the successors, legal representatives and assignees of Franchisee, however Franchisee shall not have the right to assign this Franchise without the prior written consent of the City, which shall not be unreasonably withheld, conditioned or delayed. No assignment shall be effective unless approved in writing by the City, and the City has been provided an acceptance by the assignee of all rights, conditions, terms, provisions, and responsibilities contained within the Franchise. However, if a transfer or assignment of this Franchise Agreement is by a merger, consolidation, sale, assignment or otherwise which is subject to review and approval by the Washington Utilities and Transportation Commission ("WUTC"), the City shall accept final approval by the WUTC of any such merger, consolidation, sale, assignment or other change of control. Nothing in this Franchise Agreement requires the City's consent for any sale, lease, mortgage, assignment, merger or other transfer to entities that control, are controlled by, or are under common control with Franchisee, so long as the entity is subject to substantially the same regulations of the WUTC as Franchisee in relation to the Facilities within the Franchise Area. Notwithstanding anything to the contrary contained herein, permission is hereby granted to Franchisee to pledge the Franchise and Facilities to secure any bona fide indebtedness of the Franchisee, and express consent is hereby given to the mortgaging and assignment for security purposes of the Franchise and Facilities.

**Section 24. Revocation.**

24.1 The City may revoke the Franchise for any of the following reasons:

a. Construction or operation by the Franchisee at an unauthorized location;

b. Unauthorized transfer of control of the Franchisee;

c. Unauthorized assignment of this Franchise;

d. Unauthorized sale, assignment or transfer of the Franchisee's assets or an interest therein;

e. Misrepresentation or lack of candor by or on behalf of the Franchisee in any application to the City;

f. Abandonment by the Franchisee of its Facilities in the Franchise Area;

g. Franchisee's failure to relocate or remove Facilities as required in by this Franchise;

h. Franchisee's failure to pay taxes, compensation, fees, or costs when and as may be due the City;

i. Insolvency or bankruptcy of the Franchisee;

j. Franchisee's violation and/or failure to comply with any material term of this Franchise.

24.2 In the event the City believes that grounds exist for revocation of this Franchise, the Franchisee shall be given written notice of the basis for such belief by the City, which shall include a short and concise statement of the nature and general facts of the violation or noncompliance. Following the delivery of the required notice by the City, the Franchisee shall have a reasonable period of time, which under no circumstances shall exceed thirty (30) days unless otherwise mutually agreed by the parties, to provide evidence demonstrating to the City's satisfaction that:

a. Corrective action has been, or is being, actively and expeditiously pursued by the Franchisee to remedy the violation or noncompliance; or

b. Rebuts the alleged violation or noncompliance described in the City's notice; or

c. That it would be in the public interest to impose some monetary damages, penalty or sanction less than revocation.

24.3 If the Franchisee fails to provide the City with the evidence required by Section 24.2, or if the City determines that evidence provided by the Franchisee does not satisfy Section 24.2(a), (b), and/or (c), City staff shall refer the violation or noncompliance described in the written notice to the Battle Ground City Council for a public hearing. The Franchisee shall be provided with notice and a reasonable opportunity to be heard at the hearing. If at the hearing, the City Council finds that grounds exist to revoke the Franchise and that the revocation is in the public interest, the City Council may by ordinance revoke the Franchise. The revocation shall be effective ninety (90) days after the public hearing.

**Section 25. Expiration.**

25 .1. Upon the expiration of this Franchise, the Franchisee shall continue to be responsible for the operation and maintenance of the Franchisee's existing facilities in the Franchise Area, but shall not have the right to provide additional services on and/or using the Franchise Area without easements, permits, or rights-of-way granted by City. This Section and Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 of this Franchise shall continue in force until such time as the Franchisee's Facilities are removed from the Franchise Area or abandoned in place with approval of the City.

**Section 26. Compliance with Laws.** The Franchisee shall conform to all applicable federal, state and local laws and regulations.

**Section 27. Non-Discrimination Clause.** In all hiring or employment made possible or resulting from this Franchise, there shall be no discrimination against any employee or applicant for employment because of and/or on the basis of race, color, national origin, creed, sex, sexual orientation and gender identity, marital status, age, the presence of any sensory, mental, or physical disability, HIV or Hepatitis C status, families with children status, and the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification. No person shall be denied or subjected to discrimination in receipt of the benefit of any services or activities made possible by or resulting from the Franchise on the grounds of sex, sexual orientation, race, color, national origin, age, except minimum age and retirement provisions, marital status, or the presence of any sensory, mental or physical handicap.

**Section 28. Rates.** The Franchisee agrees that the rates to be charged by Franchisee for gas used for fuel, power, heat, and other purposes, and character of the service to be rendered by the Franchisee, shall be as prescribed by the Washington Utilities and Transportation Commission or other agency of this state having jurisdiction over such rates and service, including the City, in accordance with applicable law.

**Section 29. Notice.** Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

City of Battle Ground
Attn: City Manager's Office
109 SW 1st St., Ste. 221
Battle Ground, WA 98604

With a copy to:

City of Battle Ground
Attn: Public Works Director
109 SW 1st Street, Suite 122
Battle Ground, WA 98604

Northwest Natural Gas Company
ATTN: Legal Department - Franchises
250 SW Taylor St.
Portland, OR 97204-3034

**Section 30. Choice of Law and Venue.** This Franchise and any dispute between the parties relating thereto shall be governed by the laws of the State of Washington. Any legal action to construe and/or enforce this Franchise shall be commenced in the Superior Court of Washington in and for Clark County or the United States District Court for the Western District of Washington.

**Section 31. Costs and Attorneys' Fees.** If any legal or equitable action, including appeal, is brought or undertaken, or an attorney retained to enforce this Franchise, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Franchise, then the successful or prevailing party shall be entitled to recover reasonable attorney and other professional fees, expert witness fees, court costs, and other expenses incurred in such action, proceeding, or discussions, in addition to any other relief to which such party may be entitled.

**Section 32. Complete Agreement.** The Franchise constitutes and contains the entire agreement and understanding regarding the subject matters addressed herein between the parties, and supersedes and replaces all prior negotiations and all agreements proposed or otherwise, whether written or oral, concerning the subject matters hereof: this Ordinance is an integrated document.

**Section 33. No Third Party Beneficiaries.** This Franchise is neither expressly nor impliedly intended for the benefit of any third party and is neither expressly nor impliedly enforceable by any third party.

**Section 34. Non-Waiver.** Any waiver of any breach of any term or provision to this Franchise shall not be construed to be, nor shall be, a waiver of any other and/or future breach of this Franchise.

**Section 35. Severance.** If any term, provision, or condition of this Franchise is held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Franchise, which shall continue in full force and effect.

**Section 36. Effective Date.** This Ordinance having been introduced at a prior meeting of the Battle Ground City Council at least five (5) days prior to its date of passage, the Ordinance having been submitted to the City attorney, and the Ordinance being approved by at least a majority of the entire City Council at a regular meeting thereof, shall take effect and be in force five (5) days after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF BATTLE GROUND at a regular meeting thereof, this 20th day of April , 2026.

CITY OF BATTLE GROUND, a Washington Municipal Corporation

By: _____
ERIC OVERHOLSER, Mayor

ATTEST:

By: _____
ELIZABETH HALILI, City Clerk

APPROVED:

By: _____
SEANN M. MUMFORD, City Attorney

ACCEPTED:

NORTHWEST NATURAL GAS COMPANY

By: _____
Kat Rosenbaum
Senior Legal Counsel - Claims & Franchises

# CITY OF BATTLE GROUND
# STAFF REPORT

| | |
|---|---|
| To: | City Council<br>Kris Swanson, City Manager |
| From: | Rob Ferrier, Deputy City Manager<br>Kristin Lehto, Community Development Director |
| Date: | April 20, 2026 |
| Proceeding Type: | Public Hearing |
| Subject: | Spring 2026 – Municipal Code Updates |

| **Legislative History:** | |
|---|---|
| • Set Public Hearing:<br>• Presentation:<br>• Public Hearing: | March 16, 2026<br>April 6, 2026<br>April 20, 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.

**Public Hearing**

At this time, Council will conduct a public hearing and consider any public testimony. No action is needed at this time. Staff will prepare Ordinances for a future Council meeting, at which time staff will ask for a decision from Council.

**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. | 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 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 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 right-of-way, including alleys, 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 planter 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 planter 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 a sidewalk inspection, 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 right-of-way 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.

## 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<br>Daily Hourly Volume | 10,000+<br>over 600 | 8,000+<br>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) |

| Table 12.116.040A<br>Arterial Streets | | |
|---|---|---|
| | **.1 Principal Arterial** | **.2 Minor Arterial** |
| 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 |
| 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.<br>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<br>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<br>Daily Hourly Volume | 8,000+<br>200-600 | 8,000+<br>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 |

| Table 12.116.040A<br>Arterial Streets | | |
|---|---|---|
| | **.3 Modified Minor Arterial[1]** | **.4 Old Town Arterial** |
| 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 |
| 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.<br>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**

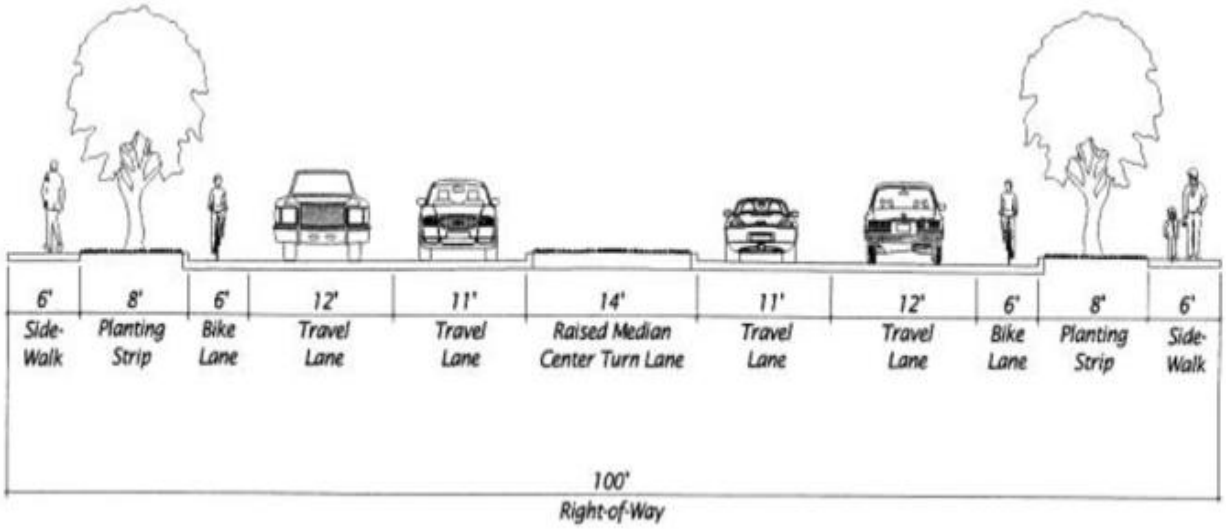



**Figure 12.116.040A.2**

**Arterial Streets Section Drawings**

**Minor Arterial**

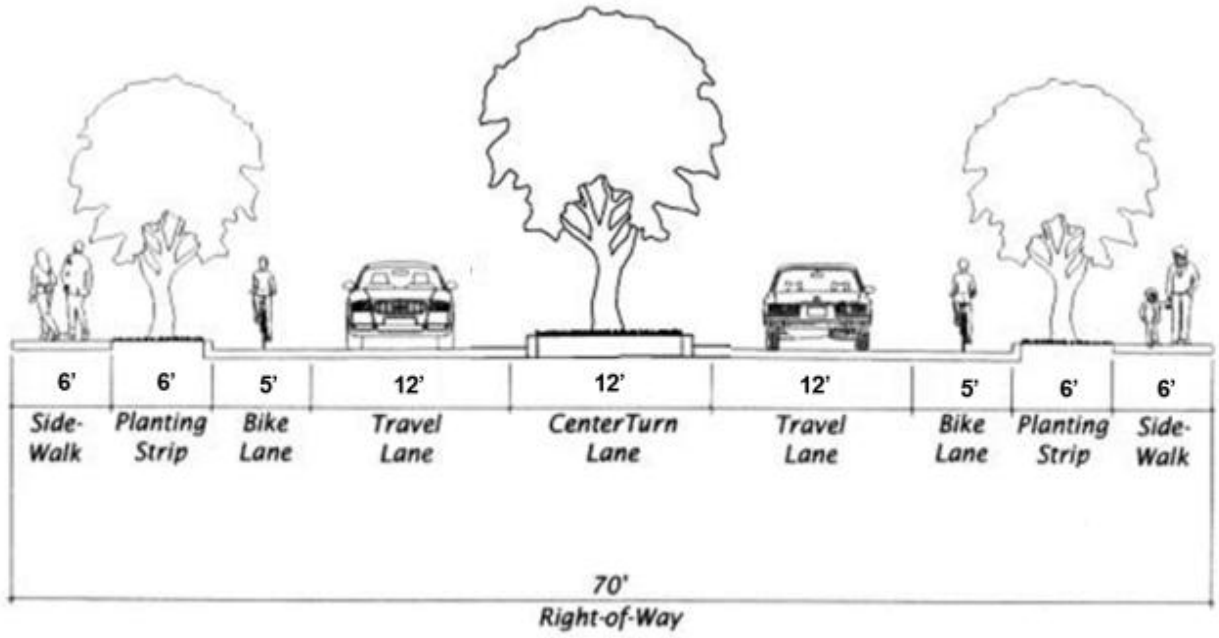


**Figure 12.116.040A.3**

**~~Modified Minor~~ Arterial Street~~s~~ Section Drawings**

**Modified Minor Arterial**

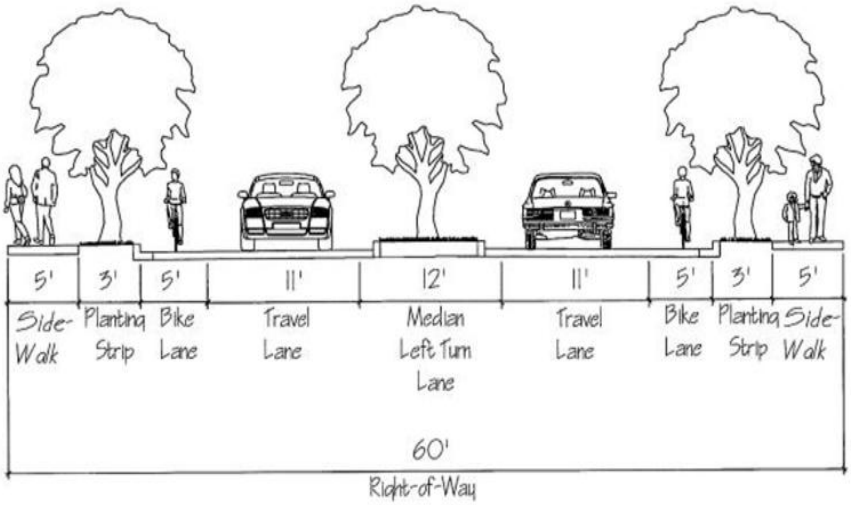
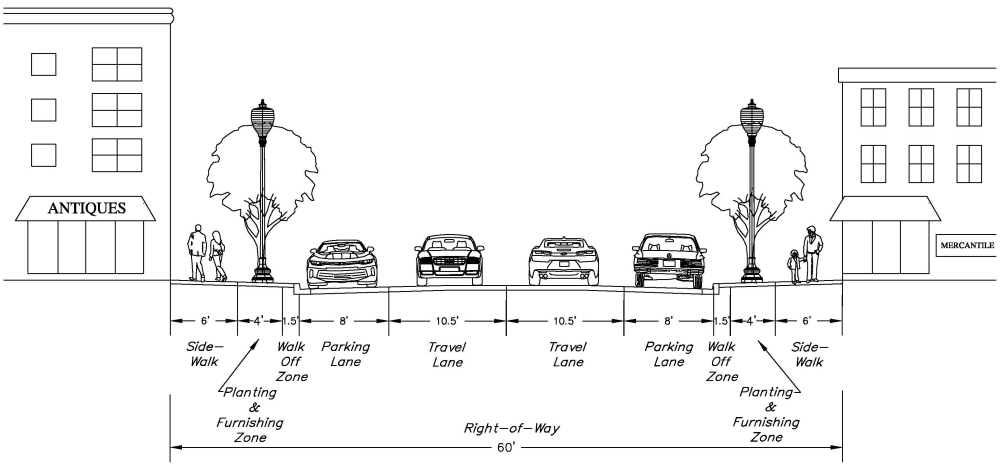



**Figure 12.116.040A.4**

**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” means 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.

L. “MUTCD” means the Manual on Uniform Traffic Control Devices for streets and highways as adopted by the Federal Highway Administration, current edition.

**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 certificate of liability insurance 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, beyond the original approval, 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 the surety is 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 the container on a 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 director 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.

## 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 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 |

| Table 17.120-1 | | | |
|---|---|---|---|
| Use | ML | EC | WE |
| ~~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] |
| 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] |

| Table 17.120-1 | | | |
|---|---|---|---|
| Use | ML | EC | WE |
| 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 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 |

| Table 17.120-1 | | | |
|---|---|---|---|
| Use | ML | EC | WE |
| 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 |
| 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, | P | P | P |

| Table 17.120-1 | | | |
|---|---|---|---|
| Use | ML | EC | WE |
| private, vocational, technical, business and others, nonprofit or operated for profit | | | |
| 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 |
| 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 |

| Table 17.120-1 | | | |
|---|---|---|---|
| Use | ML | EC | WE |
| 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 |
| 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 |

| Table 17.118-1 | | | | |
|---|---|---|---|---|
| Use | RC | D | CC | NC |
| 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 |
| 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, | X | X | X | X |

| Table 17.118-1 | | | | |
|---|---|---|---|---|
| Use | RC | D | CC | NC |
| 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 | | | | |
| 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 |
| 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 |

| Table 17.118-1 | | | | |
|---|---|---|---|---|
| Use | RC | D | CC | NC |
| 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 |
| 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**

Consider any public testimony. Direct staff to prepare Ordinances for adoption.

**Legal Review**

Yes

# CITY OF BATTLE GROUND
# STAFF REPORT

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| To: | City Council |
| | Kris Swawnson, City Manager |
| From: | Kristin Lehto, Community Development Director |
| Date: | April 20, 2026 |
| Proceeding Type: | Public Hearing |
| 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 |
| City Council Public Hearing: | April 20, 2026 |

**Background**

Presented are changes intended to comply with the recent state laws and to implement the City's Comprehensive Plan.

**Public Hearing**

At this time, Council will conduct a public hearing and consider any public testimony. No action is needed at this time. Staff will prepare Ordinances for a future Council meeting, at which time staff will ask for a decision from Council.

**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**<br><br>"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.<br><br>"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**<br><br>"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 |

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| | | 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**<br><br>"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 36.01.290 | **17.103.210 T definitions**<br><br>"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.<br><br>~~17.103.700 Transitional housing.~~<br>~~"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.~~<br>~~(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** | City code must allow indoor emergency shelters and indoor | **See Table 17.118-1 (Commercial Uses), below for edits** |

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| **Table 17.122.020-1** | 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* | ▪ Add ES and EH as conditional uses<br>**See Table 17.122.020-1 (Mixed Use), below for edits**<br>▪ Add ES and EH as conditional uses |
| **Table 17.106-1**<br>**Table 17.118-1**<br>**Table 17.120-1**<br>**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*<br>▪ 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*<br>▪ *Commerce note: This includes traditional single-family detached housing zones.* | **See Table 17.106-1 (Residential uses), below for edits**<br>Adds transitional Housing.<br>▪ Adds transitional housing wherever residential dwelling units and hotels are permitted.<br>**See Table 17.118-1 (Commercial Uses), below for edits**<br>▪ Adds transitional housing where MF is permitted.<br>▪ Adds transitional housing wherever residential dwelling units and hotels are permitted.<br>**See Table 17.120-1 (Industrial Uses), below for edits**<br>▪ Adds transitional housing where MF is permitted.<br>▪ Adds transitional housing wherever residential dwelling units and hotels are permitted.<br>**See Table 17.122.020-1 (Mixed Use), below for edit**<br>▪ Adds transitional housing where MF is permitted.<br>▪ 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 | **See Table 17.120-1 (Industrial Uses), below for edits**<br>▪ Permit group homes wherever other residential types are permitted. |

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| | 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* | |
| 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*<br>▪ 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*<br>Moratoria may not be used to prevent the permitting or construction of supporting housing types. *RCW 36.70A.390*<br>▪ City and county development regulations must not violate the Landlord-Tenant Act's legal causes for evictions. *RCW 59.18.650*<br>*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**<br>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). |

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| | | 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 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*<br>*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.* | **17.135.056 [NEW] Affordable Housing Development Density Bonuses for Religious Organizations.**<br>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.<br>▪ For example, any religious organization hosting the homeless with a publicly funded managing agency must utilize HMIS. *RCW 35.21.915(5).*<br>○ *(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* | **17.135.055 Temporary encampments for the homeless.**<br>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:<br>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.<br>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. |

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| | *experiencing or at risk of homelessness.)* | 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.<br>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.<br>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)<br>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 |

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| | | 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.<br>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**<br><br>~~17.103.265 Duplex.~~<br><br>~~"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)~~<br><br>"Duplex" is a residential building with two attached dwelling units. |

## Zoning Code

| Revisions | Rationale for Change | Recommended Final Edited Code |
|---|---|---|
| **Table 17.106-1** | Zoning designations are consistent and implement land use | **See Table 17.106-1 (Allowed Residential Uses), below for more information.** |

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| **Table 17.122.020-1** | 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) | ▪ Expanded allowed uses of housing typologies that are currently permitted in Battle Ground to all residential uses.<br>**See Table 17.122.020-1 (Allowed Mixed Use), below for more information**<br>▪ Allow residential development with 10 units or greater in MU-R. |
| **17.106.060** | Planning Commission modifications are highlighted in green.<br><br>Allows more flexibility – larger units.<br><br>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.<br><br>Allows more flexibility where private open space may be provided, and defines the minimum amount required. | **17.106.060 Cottage housing standards.**<br><br>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.<br>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.<br>C. A minimum of four and a maximum of twelve cottages are allowed in any single cluster and development.<br>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.<br>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.<br>F. Each cottage shall be provided with private use open space contiguous to the cottage of at least 200 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 |

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| | Allows more flexibility where parking can be located.<br><br>General Comments:<br>Cottage Housing targets the top 4 Goals in our Housing Action Plan. These are:<br><br>1. Encourage production of homes that meet community needs.<br>2. Increase variety of housing types.<br>3. Expand supply and access to affordable homes.<br>4. Support homeownership<br><br>Vancouver and Clark County do not require cottage housing to be on individual lots. Wolf Industries, a local cottage housing builder, supports this policy.<br><br>Staff recommends maintaining Section L., to promote Goal 4 of the housing action plan – "support homeownership."<br><br>Staff Discussion with PC: Per Section I, consider striking the 10' and reverting to building code separation per Wolf Industries dialog. | space for cottage housing must be at least 20 percent.<br>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.<br>H. ~~Vehicular parking shall be provided in a shared parking facility that is clustered 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, as required in Section F.<br>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.<br>J. Interior fences may not exceed thirty-six inches in height.<br>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.<br>L. Each cottage shall be located on a separate lot or shall be a condominium.<br>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.<br>O. If common trash and recycling are proposed, identify their location and provide appropriate screening as identified in BGMC 17.131.020.<br><br>(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**<br><br>"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**<br><br>"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**<br><br>"Sleeping unit" means 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 | 17.133.120 [NEW] Residential Parking Design Standards.<br><br>The following design standards are required for all residential parking, pursuant to RCW 36.70A.622: |

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| | addressed with the periodic update. | A. minimum parking spaces cannot be wider and longer than eight (8) feet by twenty (20) feet<br>B. tandem parking spaces are permitted<br>C. Required parking spaces can be enclosed or unenclosed<br>D. Required parking spaces can be paved with grass block pavers<br>E. up to six parking spaces in legally established non-conforming gravel parking areas can be counted toward minimum parking requirements<br>F. Minimum parking spaces are not required if compliance with tree retention would otherwise make a residential development infeasible. |
| | | |
| **Table 17.106-1**<br>**Table 17.118-1**<br>**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**<br>▪ Add Co-living housing as an allowed typology anywhere where at least six MF units are permitted<br>**See Table 17.118-1 (Commercial Uses), below for edits**<br>▪ Add Co-living housing as an allowed typology anywhere where at least six MF units are permitted<br>**See Table 17.122.020-1 (Mixed Use), below for edits**<br>▪ 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. | 17.106.100 [NEW] Co-living Housing<br><br>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:<br>A. Density. A city or county may not treat a sleeping unit in co-living housing as more than one-quarter of |

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| | 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 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<br>See also RCW 36.70A.545 and WAC 365-196-410(2)(e)(i)<br>"affordable housing" is defined in RCW 84.14.010 new in 2024 (ESSB 6175) | 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 permitted in a multifamily building in the same zone.<br>1. A city or county may not exclude co-living housing from participating in affordable housing incentive programs.<br>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.<br>C. Common Spaces. Common spaces are required as part of any co-living housing development.<br>D. Off-street parking standards. A maximum of 0.25 off-street parking spaces per sleeping unit may be required.<br>E. Conversions. Existing buildings can be converted into co-living housing.<br>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.<br>2. Cities cannot impose parking requirements on the addition of dwelling units or living units added within an existing building.<br>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 |

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| | | all residential development within the building's zone.<br>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.<br>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.<br>G. Impact fees. The impact fee schedule should reflect the proportionate impact of new housing units, including multifamily and condominium units.<br>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**<br><br>**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 | **See Table 17.106-1 (Residential uses), below for edits**<br>▪ Make group homes a permitted use in all residential zones<br><br>**See Table 17.122.020-1 (Mixed Use), below for edits**<br>▪ Make group homes a permitted use in all uses where residential is allowed |

| | | |
|---|---|---|
| | disabilities. *Fair Housing Act and 1988 Amendments* | |
| **Parking -Cottage Housing** | | |
| Table 17.133-1<br>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 | P | P | P | P | P | P | P |
| Apartments | X | X | ~~C~~ P | P | P | P | P |

| Use | R3 | R5 | R7 | R10 | R12 | R16 | R20 |
|---|---|---|---|---|---|---|---|
| Co-living housing | X | X | P | P | P | P | P |
| Manufactured home parks, subject to BGMC 17.135.100 | X | X | X | X | C | C | C |
| 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~~P |

| 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 | P | P | P | P |
| 69. Emergency Shelters | P | P | P | P |
| ~~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~~ P | ~~C~~ P | ~~C~~ P | ~~C~~ P |
| ~~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 | P | P | P |
| 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<br>1 space/5 residents served ages 12—17<br>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**

Consider any public testimony. Direct staff to prepare Ordinances for adoption.

**Legal Review**

Yes

# CITY OF BATTLE GROUND
# STAFF REPORT

| | |
|---|---|
| To: | City Council |
| From: | Meagan Lowery, Finance and Information Services Director |
| Date: | April 20, 2026 |
| Proceeding Type: | PRESENTATION |
| Subject: | Councilmember Compensation |

| **Legislative History:** | |
|---|---|
| • First Presentation: | April 20, 2026 |

**Staff Report Summary**

Council requested a discussion about councilmember compensation, specifically related to the potential rescinding Ordinance 2021-40, establishment of a salary commission.

**Background**

Councilmember compensation can be set in three ways per state law, RCW 35A.13.040.

Council may adopt a salary ordinance setting councilmember compensation, which can include health benefits. No salary increase shall occur mid-term and the ordinance takes effect after the expiration of the term then being served by the incumbent.

Council may form a salary commission, RCW 35.21.015, to set and review compensation for council members. The city currently has a salary commission formed by Ordinance 2021-40 and modified by Ordinance 2025-03, Battle Ground Municipal Code Chapter 2.86. The Commission is appointed by the mayor and confirmed by the council, selected from citizen volunteer applications, with each member serving a 3-year term. The commission meets at least once annually to review and set councilmember compensation by September 30th of each year. The council is not part of this process other than the mayoral appointment. Any increases determined by the commission may occur mid-term, however, any decreases would not take effect until after the expiration of the term then being served by the incumbent.

In absence of a salary ordinance or salary commission, RCW 35A.13.040 gives a monthly salary of $400 per month for a councilmember and an additional 25% for the mayor.

If the salary commission was rescinded, no changes determined by council would occur for any councilmember sitting on council until the newly elected positions take office January 1, 2028, for the 3 seats up for re-election in 2027.

**Fiscal and Policy Implications**

No fiscal or policy implications for the changing of the way in which councilmember compensation is set. There may be budget implications depending on the council's determination.

**Options**

| ***Option*** | ***Results*** |
|---|---|
| • *Direct staff to draft an ordinance to remove the salary commission and draft an additional ordinance to set councilmember compensation, or alternative determined by council* | Staff will draft an ordinance and bring back to council at a future meeting |
| • *No Action.* | Salary Commission stays in effect |

**Staff Recommendation**

N/A

**Attachments**

N/A

**Legal Review**

N/A

# CITY OF BATTLE GROUND
# STAFF REPORT

| | |
|---|---|
| To: | Kristina Swanson, City Manager |
| From: | Meagan Lowery, Finance and Information Services Director |
| Date: | April 20, 2026 |
| Proceeding Type: | PRESENTATION |
| Subject: | 1st Quarter 2026 Financial Overview |

| **Legislative History:** | |
|---|---|
| • Presentation Only | April 20, 2026 |

## Staff Report Summary

This presentation provides council with an overview of the city's first quarter 2026 financial performance.

## Background

Quarterly, the financial performance of city operations from a budget to actual perspective is provided to city council. The presentation includes the following overviews:

1. Revenues (budget to actual)
2. Expenditures (budget to actual)
3. Investment performance
4. Debt