BATTLE GROUND CITY COUNCIL AGENDA
MONDAY JUNE 1, 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: Public Works Priorities
Presented By: *Public Works Director Mark Herceg*
Summary: *The Council will receive a presentation reviewing potential public works priorities for the 2027 budget cycle.*

City Council Meeting Agenda

CALL TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

SUMMARY REPORTS AND PRESENTATIONS
Councilmember Reports
Mayor's Report

- Proclamation: Get Outdoors Month; June 2026
- Proclamation: Supporting US Immigration and Customs Enforcement
- Proclamation: Recognizing the Federal Executive Designation of ANTIFA as a Domestic Terror Organization & Affirming the Importance of Public Safety, the Rule of Law, and Peaceful Civic Engagement

Presentations

MOTION TO APPROVE AGENDA

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 Study Session Minutes of May 18, 2026
B. City Council Regular Meeting Minutes of May 18, 2026
C. Claim Vouchers dated 05/18/2026 and 05/22/2026 #100071-#100111 and Bank Drafts, in the amount of $759,816.87
D. Payroll dated 05/22/2026, vouchers #29316-#29323 in the amount of $2,318.42 and direct deposits of $331,918.40 for a total payroll of $334,236.82
E. July 1, 2026 – July 1, 2031, Interlocal Agreement with Clark County for Prosecution Services
F. Parkway/Main Intersection Improvements – Bid Award
G. SE Grace Avenue Phase 2 – Right of Way (ROW) Purchase Approval - Haberman

PUBLIC HEARING

Battle Ground Municipal Code Updates – GMA Required: Public Hearing/Motion

- **Ordinance No. 2026-13:** Amending Battle Ground Municipal Code Title 17 Zoning; Chapter 17.103 Definitions; Chapter 17.106 Residential Districts; Chapter 17.118 Commercial Districts; Chapter 17.120 Light Industrial, Employment Campus, And Westside Employment Districts; Chapter 17.122 Mixed Use Districts; Chapter 17.133 Parking And Loading Requirements; Chapter 17.135 Supplementary Regulations For Specific Uses; Providing For Severability; Providing For Corrections; And Establishing An Effective Date.

Presented By: *Community Development Director Kristin Lehto*
Summary: *The City Council will hear public testimony and consider the adoption of proposed revisions to the Battle Ground Municipal Code as defined in Ordinance No. 2026-13 that are intended to comply with recent state laws surrounding housing, the Growth Management Act (GMA), and to implement the City's Comprehensive Plan.*

BUSINESS

Invocation at City Council Meetings: Presentation/Discussion
Presented By*: City Manager Kris Swanson*
Summary: *The council will receive a brief presentation, discuss the topic of adding an invocation or moment of silence at City Council meetings, and may provide policy direction to staff.*

ADMINISTRATIVE REPORTS

COUNCIL COMMUNICATIONS

ADJOURNMENT

NEXT MEETING DATE: Monday, June 15, 2026 – Study Session at 6:00 p.m. – Regular Meeting at 7:00 p.m.

Public Notices:

- Persons requiring special arrangements in order to participate in meetings should call the City Clerk's office at (360) 342 – 5008 at least two (2) business days prior to the scheduled meeting.
- The public is invited to view the full City Council packet on our website at www.cityofbg.org.
- This institution is an equal opportunity provider and employer.
- Any subject placed on the agenda, regardless of how the matter is stated on the agenda, may be acted on by the council.
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CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Mark Herceg, Public Works Director
Date:	June 1, 2026
Proceeding Type:	Work Session
Subject:	2027 Public Works Priorities

Legislative History:	
• Council Retreat:	March 6, 2026
• Work Session:	June 1, 2026

Staff Report Summary

The Public Works Director will provide City Council with a presentation on possible public works type priorities that can be focused on as we enter the budget process for 2027.

Background

Some Public Works Department priorities for 2027 were presented at the Council Retreat on March 6, 2026. Due to the time spent on other items there wasn't sufficient time to discuss these items. Staff will go back through this so more time can be given for discussion.

Fiscal and Policy Implications

N/A

Goals & Objectives

N/A

Options

N/A

Staff Recommendation

This presentation is for information only. No action is required.

Attachments

N/A

Legal Review

N/A

~PROCLAMATION~

WHEREAS, Southwest Washington is home to some of the most diverse and magnificent natural landscapes in the nation, including the Gifford Pinchot National Forest, the Columbia River Gorge National Scenic Area, Mount St. Helens National Volcanic Monument, and countless county & cities parks, trails and waterways; and,

WHEREAS, National Get Outdoors Day (GO Day) is celebrated annually on the second Saturday in June, this year June 13, 2026, to encourage our community members, especially youth, to connect with nature, embrace active lifestyles, and enjoy the physical and mental health benefits of the great outdoors; and,

WHEREAS, on June 6 & 7, WA state parks celebrates Free Fishing Weekend, the Fort Vancouver National Historic Site and U.S. Fish & Wildlife Service celebrate June 14th as Flag day, Clark County Parks and Nature celebrate June 21st for the Summer Solstice, will waive standard day-use parking / use fees to enhance public access and encourage first-time visitors to explore our public lands; and,

WHEREAS, the many agencies, stakeholders and partners across the Lower Columbia Nature Network offer events, activities and educational opportunities to explore, steward, conserve and enjoy our local parks, greenways, rivers and creeks, trails and open spaces; and;

WHEREAS, the residents of Southwest Washington recognize the importance of conserving these regional treasures for future generations through stewardship and adhering to "Leave No Trace" principles to protect our forests, waterways, air and views; and,

WHEREAS, during this "Great Outdoors Month" of June 2026, we encourage families and individuals to take advantage of local recreation opportunities—from hiking to Beacon Rock, fishing on the Lewis River, paddling on Vancouver Lake, or walking the trails at Columbia Springs; and;

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

~GET OUTDOORS MONTH~

And JUNE 13, 2026, as:

~GET OUTDOORS DAY~

In the City of Battle Ground, Washington. I invite all citizens to join in celebrating this day by stepping outside, exploring our public lands, and enjoying the natural splendor that makes our region a truly special place to live, work, learn, and play.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Battle Ground to be affixed this 1st day of June 2026.

Mayor Eric Overholser

~PROCLAMATION~

In Support of U.S. Immigration and Customs Enforcement

WHEREAS without a defined and enforced border, no nation exists; and

WHEREAS the United States is a nation founded upon the rule of law, and the consistent enforcement of that law is essential to national sovereignty, public safety, and democratic governance; and

WHEREAS U.S. Immigration and Customs Enforcement (ICE) is the federal agency charged by Congress with enforcing immigration, customs, and transnational crime laws duly enacted by the representatives of the American people; and

WHEREAS ICE officers and agents work daily to identify, apprehend, and remove individuals who have violated immigration laws, including those who pose demonstrable threats to public safety through involvement in violent crime, human trafficking, drug trafficking, and organized criminal enterprises; and

WHEREAS the effective enforcement of immigration law protects citizens and lawful immigrants alike; and

WHEREAS ICE personnel routinely perform their duties under difficult, complex, and often dangerous conditions, demonstrating professionalism, restraint, and dedication to their oath to uphold the Constitution of the United States; and

WHEREAS attempts to undermine, delegitimize, or obstruct ICE's lawful mission erode respect for the rule of law and place both officers and communities at greater risk; and

WHEREAS a secure and orderly immigration system is not incompatible with compassion but rather depends upon firm enforcement paired with lawful processes and accountability.

NOW, THEREFORE, I, Eric Overholser, Mayor of the City of Battle Ground, by virtue of the authority vested in me, do hereby proclaim that support for U.S. Immigration and Customs Enforcement is a reaffirmation of the rule of law, national security, and the principle that laws passed by a democratic society must be enforced; and

BE IT FURTHER PROCLAIMED, that ICE officers and agents deserve respect, institutional backing, and public support as they carry out their lawful responsibilities in service to the United States and its people.

THE CITY OF BATTLE GROUND SEAL

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Battle Ground to be affixed this 1st day of June 2026.

Mayor Eric Overholser

~PROCLAMATION~

RECOGNIZING THE FEDERAL EXECUTIVE DESIGNATION OF ANTIFA AS A DOMESTIC TERROR ORGANIZATION AND AFFIRMING THE IMPORTANCE OF PUBLIC SAFETY, THE RULE OF LAW, AND PEACEFUL CIVIC ENGAGEMENT

WHEREAS the protection of life, liberty, property, and the rule of law is the highest obligation of government; and

WHEREAS communities are strengthened when residents, organizations, and public servants work together to promote safety, mutual respect, and civic responsibility; and

WHEREAS peaceful protest and lawful civic engagement are fundamental rights that contribute to a healthy and free society; and

WHEREAS the Mayor of Battle Ground acknowledges growing public concern regarding incidents across the nation involving individuals and groups engaging in unlawful conduct, including violence, assault, vandalism, arson, intimidation, harassment, and obstruction of lawful assemblies; and

WHEREAS on or about September 22, 2025, the federal government issued an executive order addressing Antifa, identifying it as a domestic terrorist organization and citing concerns regarding coordinated unlawful activity and threats to public safety; and

WHEREAS the Mayor of Battle Ground recognizes the significance of this federal action and the broader national concern regarding Antifa-associated activity reported in multiple jurisdictions; and

WHEREAS such unlawful conduct—regardless of affiliation or ideology—undermines public safety, damages communities, imposes financial and social costs, and threatens the constitutional rights of all citizens; and

WHEREAS violence and intimidation carried out under any political ideology are incompatible with the principles of a free and orderly society; and

WHEREAS law enforcement officers and first responders serve with dedication and place themselves at risk to preserve public safety and uphold the law; and

WHEREAS the preservation of a free society depends upon the consistent and impartial enforcement of the law and the clear rejection of political violence in all forms;

NOW, THEREFORE, I, Eric Overholser, Mayor of the City of Battle Ground, by virtue of the authority vested in me, do hereby proclaim:

The importance of upholding public safety, the rule of law, and peaceful civic participation within the community; and

That violence, intimidation, and property destruction associated with unlawful activity in various jurisdictions constitute serious threats to community safety and civil order; and

A reaffirmation of strong support for law enforcement and public safety agencies in the lawful prevention, investigation, and prosecution of criminal conduct; and

That while peaceful protest and lawful expression are protected rights, violence, intimidation, and destruction of property are criminal acts that will be met with full enforcement of the law; and

I encourage all residents to uphold the rule of law, reject political violence in all forms, report criminal activity, and work together to preserve a safe, orderly, and free community.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Battle Ground to be affixed this 1st day of June 2026.

Mayor Eric Overholser

Battle Ground City Council Study Session
Monday, May 18, 2026

The study session of the Battle Ground City Council was called to order in the Battle Ground Council Chambers at 6:00 p.m. by Deputy Mayor Vaile. The meeting was live-streamed on YouTube.

The following were present:

COUNCIL: Mayor Eric Overholser (via Zoom), Deputy Mayor Aimee Vaile (Serving as Chair), and Council Members Troy McCoy, Victoria Ferrer, Jeanie Kuypers, Brian Munson and Shane Bowman

ABSENT: None.

STAFF: City Manager Kris Swanson, Deputy City Manager Robert Ferrier, Finance and Information Services Director Meagan Lowery, Public Works Director Mark Herceg, Community Development Director Kristin Lehto, Planning Supervisor Samuel Crummett, Building Official Josh Weeks, Police Chief Dennis Flynn, Acting City Attorney Aziza Foster (via Zoom), and City Clerk Elizabeth Halili

Deputy Mayor Vaile announced she would Chair the Study Session as the Mayor was attending the meeting via Zoom.

TOPIC: Ordinance 2026-04 Storage of Trailers and Recreational Vehicles in Residential Areas
Presented By: *Deputy City Manager Robert Ferrier*
Summary: *The Council received a presentation and discussed fire safety concerns and setback requirements associated with Ordinance 2026-04 Storage of Trailers and Recreational Vehicles in Residential Districts which was adopted on April 20, 2026. Fire District #3 Fire Marshal Chris Drone (via Zoom), and City of Battle Ground Building Official Josh Weeks attended the meeting to address Council questions.*

Deputy City Manager Robert Ferrier provided a brief presentation.
Fire Marshal Chris Drone provided a statement (via Zoom).

Discussion was held by Council.

Fire Marshal Chris Drone (via Zoom), Deputy City Manager Robert Ferrier, Acting City Attorney Aziza Foster (via Zoom), Community Development Director Kristin Lehto, Building Official Josh Weeks, and City Manager Kris Swanson responded to questions from the Council.

ADJOURNMENT
The meeting adjourned at 6:47 p.m.

_____	_____
Eric Overholser	Elizabeth Halili
Mayor	City Clerk

Date of approval by the City Council: June 1, 2026

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DRAFT

Battle Ground City Council Meeting Minutes
Monday, May 18, 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 Deputy Mayor Aimee Vaile. The meeting was recorded via Zoom and live-streamed on YouTube.

The Pledge of Allegiance was recited.

Deputy Mayor Vaile announced that due to Mayor Overholser's attendance via zoom, she would Chair the meeting.

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

COUNCIL:	Mayor Eric Overholser (via Zoom), Deputy Mayor Aimee Vaile (serving as Chair), and Councilmembers Troy McCoy, Shane Bowman, Victoria Ferrer, Jeanie Kuypers, and Brian Munson
ABSENT:	None.
STAFF:	City Manager Kristina Swanson, Deputy City Manager Robert Ferrier, Finance and Information Services Director Meagan Lowery, Public Works Director Mark Herceg, Community Development Director Kristin Lehto, Building Official Josh Weeks, Planning Supervisor Samuel Crummett (via Zoom), Police Chief Dennis Flynn, Acting City Attorney Aziza Foster (via Zoom), and City Clerk Elizabeth Halili.

MOTION TO APPROVE AGENDA **7:01 p.m.**
MOTION: Councilmember McCoy moved to add to the agenda consideration of Council waiving legal privilege (clarified as: Attorney Client Privilege) on our legal opinion on invocation (prayer)
SECOND: Councilmember Bowman
VOTE: Motion Failed 4-3
AYES: Councilmember McCoy, Councilmember Bowman, Councilmember Kuypers
NAYs: Mayor Overholser, Deputy Mayor Vaile, Councilmember Ferrer, Councilmember Munson

MOTION: Councilmember Ferrer moved to approve the agenda in its entirety as presented.
SECOND: Councilmember Munson
VOTE: Motion carried 4-3
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Ferrer, Councilmember Munson
NAYS: McCoy, Kuypers, Bowman

SUMMARY REPORTS AND PRESENTATIONS **7:05 p.m.**

Councilmember Reports:

- *Councilmember Kuypers: Provided a report that the Clark County Council will review information from the Regional Parks Funding Task Team at the County Council meeting on May 20, 2026. Councilmember Kuypers noted she would attend in person to listen to the meeting.*
- *Councilmember Ferrer: Provided a report on the recent Ending Community Homelessness Organization (ECHO) Board meeting, noting she is now serving on an ECHO Outreach Services subcommittee.*
- *Councilmember McCoy: Provided a report on the recent Regional Transportation Council (RTC) Board Meeting noting a copy of a Resolution was provided to council regarding extending light rail stations. The Council discussed the report.*

Mayor's Report:

- **Proclamation: Tourette Syndrome Awareness Month, May 15, 2026 – June 15, 2026**
  On behalf of Mayor Overholser, Deputy Mayor Vaile proclaimed May 15, 2026 – June 15, 2026, as Tourette Syndrome Awareness Month in the City of Battle Ground and read the proclamation aloud. Stephanie Holt and her son Samson Ross accepted the proclamation and provided a brief statement.

Deputy Mayor Vaile recessed the meeting at 7:15 p.m.
Deputy Mayor Vaile reconvened the meeting at 7:21 p.m.

- **Proclamation: National Therapeutic Court Month, May 2026**
  On behalf of Mayor Overholser, Deputy Mayor Vaile proclaimed May 2026, as National Therapeutic Court Month in the City of Battle Ground and read the proclamation aloud. Battle Ground Municipal Court Administrator Carol Landwehr and Court Coordinator Kirstyn Kilbourne accepted the proclamation. Court Administrator Landwehr provided a brief statement and recognized Court Coordinator Kirstyn Kilbourne for her work on the Battle Ground Municipal Court.

Presentations:

- None.

CITIZEN'S COMMUNICATIONS **7:27 p.m.**

- *Skyler Martin provided public comment*
- *Wynn Grcich provided public comment and handouts to Council*
- *Xander Garcia provided public comment*
- *Alexander Gardner provided public comment*
- *Tyler Long provided public comment*
- *Sergio Ochoa provided public comment*
- *Vern Jeremica provided public comment*
- *Jessica Cole provided public comment and handouts to Council*
- *Simon provided public comment*

At 7:55, Deputy Mayor Vaile extended the public comment period for an additional 15 minutes beyond the set 30-minute time limit.

- *Ayo Idowu provided public comment*
- *Karin Idowu provided public comment*

- *Jordan Shaw provided public comment*
- *Sharon Murphin provided public comment*
- *Reggie Howell provided public comment*
- *Heidi provided public comment*

Deputy Mayor Vaile recessed the meeting at 8:10 p.m.
Deputy Mayor Vaile reconvened the meeting at 8:15 p.m.

CONSENT AGENDA **8:15 p.m.**

A. **City Council Regular Meeting Minutes of May 4, 2026**
B. **Claim Vouchers dated 05/11/2026 #99943-#100070 and Bank Drafts, in the amount of $1,332,342.14**
C. **Payroll dated 05/08/2026, vouchers #29312-#29315 in the amount of $1,850.91 and direct deposits of $306,227.41 for a total payroll of $308,078.32**
D. **Clark County Emergency Medical Service District #2 (EMSD2) Interlocal Cooperation Agreement Amendment #1**
E. **NE 1st Street Sidewalk Improvements Phase 2 – Bid Award**
F. **West 15th Avenue/West Main Street – Right of Way (ROW) Purchase Approval - Greenbridge**

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

PUBLIC HEARING **8:16 p.m.**

Spring Battle Ground Municipal Code Amendments: Public Hearing/Motion

- **Ordinance No. 2026-05:** Amending Battle Ground Municipal Code Title 2 Administration and Personnel; Section 2.28.010 Planning Commission Terms; Section 2.60.010 PACE Board Youth Member Criteria; Section 2.8.050 LEOFF Officers
- **Ordinance No. 2026-06:** Adding Battle Ground Municipal Code Title 6 Animals; Section 6.10.400 Rabbits; 6.20 Feral Cats
- **Ordinance No. 2026-07:** Amending Battle Ground Municipal Code Title 8 Health & Safety; Section 8.32 Regulatory Standards for Emergency Services; Section 8.36 Special Event Permits.
- **Ordinance No. 2026-08:** Amending Battle Ground Municipal Code Title 12 Streets and Sidewalks; Chapter 12.108 Maintenance of Sidewalks; Chapter 12.116 Transportation Standards; Chapter 12.118 Construction in Public Right-Of-Way; Chapter 12.122 Street Use and Encroachment.
- **Ordinance No. 2026-09:** Amending Battle Ground Municipal Code Title 13 Water and Sewers; Chapter 13.120 Sewer System – Connection; Chapter 13.126 Storm Drainage System; and Adding Chapter 13.130 Vacation of Utility Easements.
- **Ordinance No. 2026-10:** Amending Battle Ground Municipal Code Title 15 Buildings and Construction; Chapter 15.104 Building Code; Chapter 15.136 Public Works Construction Specifications.
- **Ordinance No. 2026-11:** Amending Battle Ground Municipal Code Title 17 Zoning; Chapter 17.118 Commercial Districts; Chapter 17.120 Light Industrial, Employment Campus, and Westside Employment Districts; Chapter 17.122 Mixed Use Districts.
- **Ordinance No. 2026-12:** Amending Battle Ground Municipal Code Title 18 Environmental Protection;

Chapter 18.250 Stormwater Control and Drainage; Chapter 18.257 Clearing and Grading; Chapter 18.280 Fish and Wildlife Habitat Conservation Areas**.**

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

Summary: *The City Council heard public testimony and considered the adoption of proposed revisions to the Battle Ground Municipal Code as defined in Ordinance No. 2026-05, Ordinance No. 2026-06, Ordinance No. 2026-07, Ordinance No. 2026-08, Ordinance No. 2026-09, Ordinance No. 2026-10, Ordinance No. 2026-11, and Ordinance No. 2026-12.*

Deputy City Manager Ferrier, Community Development Director Kristin Lehto, and Public Works Director Mark Herceg provided a brief presentation.

Deputy Mayor Vaile opened the public hearing at 8:18 p.m.

- *Reggie Howell of Battle Ground provided public testimony.*

Deputy Mayor Vaile closed the public hearing at 8:22 p.m.

City Clerk Elizabeth Halili read the Title of Ordinance 2026-05 (2nd Reading)

MOTION: Councilmember Kuypers moved to adopt Ordinance No. 2026-05 amending Battle Ground Municipal Code Title 2 Administration and Personnel as presented.
SECOND: Councilmember Ferrer
The Council discussed the Motion
VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember McCoy, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: None

City Clerk Elizabeth Halili read the Title of Ordinance 2026-06 (2nd Reading)

MOTION: Councilmember Bowman moved to adopt Ordinance No. 2026-06 adding Battle Ground Municipal Code Title 6 Animals as presented.
SECOND: Councilmember Ferrer
The Council discussed the Motion
Police Lieutenant Jim Keller, Deputy City Manager Robert Ferrier, City Manager Kris Swanson, and Community Development Director Kristin Lehto responded to questions from the Council
VOTE: Motion carried 6-1
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: Councilmember McCoy

City Clerk Elizabeth Halili read the Title of Ordinance 2026-07 (2nd Reading)

MOTION: Councilmember McCoy moved to adopt Ordinance No. 2026-07 amending Battle Ground Municipal Code Title 8 Health and Safety as presented.
SECOND: Councilmember Munson
The Council discussed the Motion
VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson

NAYS: None.

City Clerk Elizabeth Halili read the Title of Ordinance 2026-08 (2nd Reading)

MOTION: Councilmember Kuypers moved that we Table this particular Ordinance No. 2026-08 for further study.
SECOND: Mayor Overholser
The Council discussed the Motion
Public Works Director Mark Herceg responded to questions from the Council.
Acting City Attorney Aziza Foster responded to questions from the Council.

A Verbal Vote was taken by Council. As the results were unclear, Councilmember Bowman requested a Roll Call Vote be taken.

ROLL CALL VOTE: Motion Failed 4-3
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Ferrer
NAYS: Councilmember McCoy, Councilmember Bowman, Councilmember Kuypers, Councilmember Munson

Further discussion was held by the Council.

MOTION: Councilmember Munson moved to strike Chapter 12.108 in its entirety from Ordinance No. 2026-08
SECOND: Councilmember Ferrer
The Council discussed the Motion

VOTE: Main Motion: Carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: None.

MOTION: Councilmember McCoy moved to adopt Ordinance No. 2026-08 as amended with Chapter 12.108 and Chapter 12.116 subsection j struck from the Ordinance.
SECOND: Councilmember Ferrer
The Council discussed the Motion

VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: None.

City Clerk Elizabeth Halili read the Title of Ordinance 2026-09 (2nd Reading)

MOTION: Councilmember Ferrer moved to adopt Ordinance No. 2026-09 amending Battle Ground Municipal Code Title 13 Water and Sewers as presented.
SECOND: Councilmember McCoy
VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer,

Councilmember Kuypers, Councilmember Munson
NAYS: None.

City Clerk Elizabeth Halili read the Title of Ordinance 2026-10 (2nd Reading)

MOTION: Councilmember Ferrer moved to adopt Ordinance No. 2026-10 amending Battle Ground Municipal Code Title 15 Buildings and Construction as presented.
SECOND: Councilmember Kuypers
VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: None.

City Clerk Elizabeth Halili read the Title of Ordinance 2026-11 (2nd Reading)

MOTION: Councilmember Kuypers moved to adopt Ordinance No. 2026-11 amending Battle Ground Municipal Code Title 17 Zoning as presented.
SECOND: Councilmember Ferrer
VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: None

City Clerk Elizabeth Halili read the Title of Ordinance 2026-12 (2nd Reading)

The Council discussed Ordinance No. 2026-12
Public Works Director Mark Herceg responded to questions from the Council
Acting City Attorney Aziza Foster responded to questions from the Council

MOTION: Councilmember McCoy moved to adopt Ordinance No. 2026-12 amending Battle Ground Municipal Code Title 18 Environmental Protection as presented.
SECOND: Councilmember Kuypers
The Council discussed the Motion
Director Herceg responded to questions from the Council
City Manager Swanson responded to questions from the Council

VOTE: Motion carried 7-0
AYES: Mayor Overholser, Deputy Mayor Vaile, Councilmember Bowman, Councilmember Ferrer, Councilmember Kuypers, Councilmember Munson
NAYS: None

BUSINESS **9:39 p.m.**

Battle Ground Police Department (BGPD) Annual Report: Presentation
Presented By: *Police Chief Dennis Flynn*
Summary: *The council was presented with an annual report for the city's Police Department.*

Police Chief Dennis Flynn provided a brief presentation.

The Council discussed the presentation
Chief Flynn, Police Lieutenant Jim Keller, and City Manager Swanson responded to questions from the Council.

A minor interruption to the Council Chambers sound and video system occurred at 10:12 p.m. The Council Chambers sound and video system was fully restored at 10:14 p.m.

2027-2032 Six-Year Transportation Improvement Program (TIP) Presentation/Set Public Hearing
Presented by: *Public Works Director Mark Herceg*
Summary: *The council set aside the presentation and considered setting a public hearing for the June 15, 2026, Regular City Council Meeting to hear public testimony regarding the Six-Year Transportation Improvement Program (TIP) for the years 2027-2032.*

Per the direction of Council, the presentation was set aside and not provided.
Director Herceg responded to questions from the Council.

MOTION: Councilmember McCoy moved to set a Public Hearing for the June 15, 2026, City Council Hearing to hear public testimony regarding the 2027-2032 Six-Year Transportation Improvement Program.
SECOND: Councilmember Bowman
VOTE: Motion carried 7-0

2026 Street Preservation Program Bid Award: Presentation/Motion
Presented by: *Public Works Director Mark Herceg*
Summary: *The council received a presentation and considered awarding contracts related to the 2026 Street Preservation Program project.*

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

MOTION: Councilmember Munson moved to Suspend the Rules
SECOND: Councilmember Ferrer
VOTE: Motion Carried 7-0

Further discussion was held by the Council regarding the 2026 Street Preservation Program Bid Award.
Director Herceg responded to additional questions from the Council.

MOTION: Councilmember McCoy moved to award the bid for the 2026 Street Preservation Program – Reconstruction – Project A to Western United Civil Group in the amount of $2,561,512.95 and authorize the City Manager to sign the Contract.
SECOND: Councilmember Munson
VOTE: Motion carried 7-0

MOTION: Councilmember McCoy moved to award the bid and alternate B1 for the 2026 Street Preservation Program – Reconstruction – Project B to Western United Civil Group in the amount of $1,477,540.50 and authorize the City Manager to sign the Contract.
SECOND: Councilmember Bowman
VOTE: Motion carried 7-0

MOTION: Councilmember McCoy moved to award the bid and alternate C1 for the 2026 Street Preservation Program – Reconstruction – Project C to Clark & Sons Excavating in the amount of $1,746,668.70 and authorize the City Manager to sign the Contract.
SECOND: Councilmember Ferrer
VOTE: Motion carried 7-0

MOTION: Councilmember McCoy moved to award the bid for the 2026 Street Preservation Program – Reconstruction – Project D to Western United Civil Group in the amount of $1,452,274.10 and authorize the City Manager to sign the Contract.
SECOND: Councilmember Bowman
VOTE: Motion carried 7-0

Director Herceg noted that an Open House Event was scheduled for May 27, 2026; from 5:00- 6:30 p.m. in the Council Chambers

ADMINISTRATIVE REPORTS **10:34 p.m.**

- *None.*

COUNCIL COMMUNICATIONS **10:34 p.m.**

- *Councilmember Kuypers:*
  - *Requested whether the Council would be interested in revisiting the RV Ordinance for further consideration*
    The Council discussed the request

MOTION: Councilmember Kuypers moved to bring the RV Municipal Code Ordinance back for Reconsideration
SECOND: Councilmember McCoy
VOTE: Motion carried 7-0

- *Councilmember Munson*
  - *Recognized the Prairie High School Softball team for advancing to the State Championship and congratulated players Mack and Miller for completing four years on varsity*

ADJOURNMENT
The regular meeting was adjourned at 10:36 p.m.

Next Meeting Date: Monday, June 1, 2026 – Study Session at 6:00 p.m. - Regular meeting at 7:00 p.m.

Eric Overholser
Mayor

Elizabeth Halili
City Clerk

Date of approval by the City Council: June 1, 2026

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

- This institution is an equal opportunity provider and employer.
- Información será traducida al español a petición de *cityclerk.info@cityofbg.org*
- Информация имеется на русском языке по запросу на *cityclerk.info@cityofbg.org*.
- 如需相关信息的中文版本，请来函索取：*cityclerk.info@cityofbg.org*
- 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 $759,816.87 ON THIS, THE 22ND DAY OF MAY, 2026.

	ACCTG DATE	AMOUNT	
100071-100109	05/18/2026	$ 565,749.63	REGULAR AP
100110-100111	05/22/2026	$ 13,083.98	PAYROLL AP
BANK DRAFT	05/22/2026	$ 180,983.26	PAYROLL AP
		$ 759,816.87	

Check Register

Battle Ground, WA

Packet: APPKT05158 - R AP 5/18/2026

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOLED CASH-POOLED CASH						
00075	AKS ENGINEERING & FORESTRY	05/18/2026	Regular	0.00	536.25	100071
02747	ALLEN, ADAM	05/18/2026	Regular	0.00	185.08	100072
04394	SOUND DISTRIBUTION INC	05/18/2026	Regular	0.00	747.40	100073
03311	CENTRALSQUARE TECHNOLOGIES, LI	05/18/2026	Regular	0.00	733.33	100074
00424	CERTIFIED LANGUAGES INTERNATIO	05/18/2026	Regular	0.00	213.15	100075
04480	COLUMBIA CREDIT UNION	05/18/2026	Regular	0.00	1,000.00	100076
01497	CONSOR NORTH AMERICA INC	05/18/2026	Regular	0.00	2,357.75	100077
00693	DEPT OF LICENSING	05/18/2026	Regular	0.00	723.00	100078
00732	DISCOVERY CLEAN WATER ALLIANCE	05/18/2026	Regular	0.00	364,001.11	100079
00778	ECOLOGICAL LAND SERVICES, INC	05/18/2026	Regular	0.00	758.08	100080
00836	ESRI, INC	05/18/2026	Regular	0.00	23,085.12	100081
00863	FEDERAL EXPRESS	05/18/2026	Regular	0.00	11.39	100082
00908	FURROW PUMP	05/18/2026	Regular	0.00	1,993.00	100083
03080	GREYSTONE TACTICAL	05/18/2026	Regular	0.00	1,751.39	100084
00990	GUNTER, TAMARA	05/18/2026	Regular	0.00	168.00	100085
01001	HALL, JOAN	05/18/2026	Regular	0.00	917.25	100086
01007	HAMER ELECTRIC INC	05/18/2026	Regular	0.00	2,467.91	100087
01023	HARRY'S KEY SERVICE	05/18/2026	Regular	0.00	408.38	100088
01036	HELENA GREEN	05/18/2026	Regular	0.00	75.00	100089
04050	LEHTO, KRISTIN	05/18/2026	Regular	0.00	116.90	100090
01394	MACKAY & SPOSITO, INC	05/18/2026	Regular	0.00	10,532.65	100091
02716	MENKE JACKSON BEYER, LLP	05/18/2026	Regular	0.00	22,544.60	100092
01447	METROWATCH	05/18/2026	Regular	0.00	751.47	100093
01728	PBS ENGINEERING & ENVIRONMENT	05/18/2026	Regular	0.00	72,573.75	100094
01907	RICOH USA INC	05/18/2026	Regular	0.00	32.83	100095
02034	SKAMANIA COUNTY SHERIFF'S OFFIC	05/18/2026	Regular	0.00	241.62	100096
02096	STATE AUDITOR'S OFFICE	05/18/2026	Regular	0.00	23,095.11	100097
02719	STEWART MECHANICAL INC	05/18/2026	Regular	0.00	2,072.00	100098
02155	SYMBOL ARTS	05/18/2026	Regular	0.00	1,578.79	100099
02585	TAPANI INC	05/18/2026	Regular	0.00	85.00	100100
02585	TAPANI INC	05/18/2026	Regular	0.00	7,095.00	100101
03611	TERRACON CONSULTANTS, INC	05/18/2026	Regular	0.00	2,515.50	100102
04210	TOTAL MECHANICAL INC	05/18/2026	Regular	0.00	4,108.52	100103
03170	TRANSPO GROUP USA, INC	05/18/2026	Regular	0.00	6,385.69	100104
02294	UNIFIRST CORPORATION	05/18/2026	Regular	0.00	357.84	100105
02305	UNIVERSAL FIELD SERVICES, INC	05/18/2026	Regular	0.00	239.65	100106
03951	VERTEX CONTRACTING LLC	05/18/2026	Regular	0.00	3,780.30	100107
02415	WASHINGTON STATE CRIMINAL JUST	05/18/2026	Regular	0.00	761.07	100108
03149	WINDSOR MEP ENGINEERS, LLC	05/18/2026	Regular	0.00	4,748.75	100109

Bank Code POOLED CASH Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	52	39	0.00	565,749.63
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	52	**39**	**0.00**	**565,749.63**

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	5/2026	565,749.63
			565,749.63

Battle Ground, WA

Check Register

Packet: APPKT05161 - PRAP052226

By Vendor Name

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: POOLED CASH-POOLED CASH						
00667	DEFERRED COMPENSATION	05/22/2026	Bank Draft	0.00	3,539.03	DFT0003030
00702	DEPT OF RETIREMENT SYSTEMS	05/22/2026	Bank Draft	0.00	53,635.95	DFT0003031
00706	DEPT OF SOCIAL & HEALTH SERVICE	05/22/2026	Bank Draft	0.00	143.68	DFT0003032
02559	INTERNAL REVENUE SERVICE- FED T	05/22/2026	Bank Draft	0.00	114,811.91	DFT0003033
01368	LIFE INSURANCE CO. OF NORTH AM	05/22/2026	Regular	0.00	1,715.65	100110
03434	MISSIONSQUARE	05/22/2026	Regular	0.00	11,368.33	100111
01528	NAVIA BENEFIT SOLUTIONS	05/22/2026	Bank Draft	0.00	1,401.64	DFT0003034
03461	WEALTH CARE SAVER	05/22/2026	Bank Draft	0.00	7,451.05	DFT0003035

Bank Code POOLED CASH Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	7	2	0.00	13,083.98
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	22	6	0.00	180,983.26
EFT's	0	0	0.00	0.00
	29	**8**	**0.00**	**194,067.24**

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH	5/2026	194,067.24
			194,067.24

CITY OF BATTLE GROUND
STAFF REPORT

To:	City Council
From:	Kris Swanson, City Manager
Date:	June 1, 2026
Proceeding Type:	Consent
Subject:	Interlocal Agreement for Prosecution Services

Legislative History:	
• Consent Calendar	June 1, 2026

Staff Report Summary

Staff recommend the City Council consider and approve the attached Interlocal Agreement (ILA) by and between the City of Battle Ground (City) and Clark County (County) for prosecution services.

Background

Pursuant to Revised Code of Washington (RCW) 39.34.180, each city is responsible for the prosecution of misdemeanor and gross misdemeanor offenses committed in its jurisdiction and may elect to carry out this responsibility through an ILA that provides that service. Individuals arrested without a warrant and held in custody are entitled to have a neutral magistrate determine within 48 hours of arrest whether probable cause exists to continue to hold such person, with the result that weekend probable cause hearings must be held Friday afternoons and Sundays, as well as some other days during holiday weeks.

Since 2001 the Clark County Prosecuting Attorney's Office has provided prosecution services for weekend probable cause hearings to all cities in Clark County (Battle Ground, Camas, La Center, Ridgefield, Vancouver, and Washougal) through separate ILAs. The terms of those individual ILAs have not been revised since 2001, and the total combined annual compensation paid by the cities to the County for prosecution services is $13,000, or $250/week.

Because the amount of work time required of a deputy prosecuting attorney for a single probable cause hearing is approximately 6 hours, and because the terms of the separate ILAs have not been revised in 25 years, the County has requested that each Clark County city considers and adopts a new ILA that provides a more reasonable total annual compensation that

takes into consideration changes in population, the effects of inflation, and fair compensation for services rendered.

Fiscal and Policy Implications

The annual total cost for the County to provide prosecution services for all Clark County cities under the new ILA is $65,000. That annual amount is paid on a quarterly basis ($16,250/quarter), with each city paying a proportional share of the cost according to population.

The Washington Office of Financial Services estimates there are a total of 294,780 residents within the incorporated communities of Clark County, of which approximately 22,790 (7.73%) are Battle Ground residents. This yields an total annual cost to the City of $5,057.27 for prosecution services, paid to the County in the amount of $1,256.32 per quarter.

Goals and Objectives Relevance

The City Council's approval of the ILA would help realize Goal 2 (*Continue to Promote Public Safety and Livability*) of the City Council's Goals and Objectives.

Options

Option	***Results***
• *Consider and approve the ILA*	The City will receive prosecution services from Clark County.
• *Consider but not approve the ILA*	The City will not receive prosecution services from Clark County.
• *No Action*	The City will not receive prosecution services from Clark County.

Staff Recommendation

Staff recommend that the City Council consider and approve the ILA.

Attachments

A.	Interlocal Agreement

Legal Review

N/A

INTERLOCAL AGREEMENT BETWEEN CLARK COUNTY, WASHINGTON, AND THE CITY OF BATTLE GROUND, WASHINGTON, FOR THE PROVISION OF PROSECUTION SERVICES, DATED AS OF JULY 1, 2026

THIS AGREEMENT is made and entered into by and between Clark County, a governmental subdivision of the State of Washington (the "County"), and the City of Battle Ground, a municipal corporation of the State of Washington (the "City"). The City and the County may be each referred to as a "Party" and collectively referred to as "the Parties" to this Agreement.

RECITALS

Whereas, RCW 39.34.180 provides that each city is responsible for the prosecution of misdemeanor and gross misdemeanor offenses committed by adults in its jurisdiction and referred from its law enforcement agency, whether filed under state law or city ordinance, and may elect to carry out this responsibility by entering into an interlocal agreement to provide this service; and

Whereas, CrR 3.2.1 provides that persons arrested without a warrant and held in custody are entitled to have a neutral magistrate determine within 48 hours after arrest whether probable cause exists to continue to hold such persons, with the result that weekend probable cause hearings must be held Friday afternoons and Sundays, and sometimes on other days during holiday weeks; and

Whereas, the most efficient way to prosecute probable cause hearings for the mutual benefit of the City, the County, and the Court is to centralize and consolidate prosecution of city cases at those hearings; and

Whereas, the Clark County Prosecuting Attorney's Office (the "Prosecutor's Office") has provided prosecution services for weekend probable cause hearings since 2001 to the Cities of Battle Ground, Camas, La Center, Ridgefield, Vancouver, and Washougal pursuant to statute and an interlocal agreement with each of those cities that set a total annual compensation to the Prosecutor's Office for these services from all of these cities together of $13,000, or $250 a week, divided among the cities based upon their relative populations; and

Whereas, the terms of the interlocal agreement between the City and the County have not been revised since 2001; and

Whereas, the work required of a Deputy Prosecuting Attorney to provide services for one weekend's probable cause hearings is estimated at approximately six hours, for which the County must compensate the Deputy Prosecuting Attorney; and

Whereas, the Parties now desire to revise and update the terms of their interlocal agreement regarding prosecution services for weekend probable cause hearings to more accurately reflect

conditions in the current year, including changes in population, the effects of inflation, and fair current compensation for attorneys working on weekends and holidays; and

Whereas, more reasonable total annual compensation from all the cities for weekend and holiday probable cause prosecution services would be $65,000, or $1,250 a week; and

Whereas, the Clark County Council and the Battle Ground City Council have determined that it is in the interest of the public health, safety, and welfare to enter into this Agreement.

Now, therefore, in consideration of the terms, conditions, and covenants contained herein, the Parties hereby agree as follows:

AGREEMENT

Section 1 – Adoption of Recitals. The foregoing recitals are hereby agreed up, ratified, and confirmed as being true and correct, and they are hereby made part of this Agreement.

Section 2 – Purpose of Agreement.

2.1 Purpose. The purpose of this Agreement is to set forth the terms pursuant to which the Prosecutor will represent the City in probable cause hearings before Clark County District Court that occur on Friday afternoons, Sundays, and sometimes other days of the week during holiday weeks.

2.2 Mutual intent. The Parties mutually intend and agree that implementation of the City's obligation to prosecute misdemeanors and gross misdemeanors over the weekends is most efficiently performed by the Prosecutor's Office in exchange for fair compensation and other consideration from the City as set forth below.

Section 3. – Duration of Agreement.

3.2 Effective date. The effective date of this Agreement is July 1, 2026, provided that it is filed with the Clark County Auditor by that date, or if the filing date is later, on that date.

3.3 Expiration. The duration of the Agreement is until July 1, 2031, on which date it expires.

3.4 Negotiated extensions. Except as provided by RCW 39.34.180(3), this Agreement does not automatically renew. The Parties agree to negotiate updated and appropriate terms to extend the Agreement prior to January 31, 2031, and every five years following an extension.

3.5 Arbitration; notice. If the Parties cannot agree on the levels of compensation for prosecution services when negotiating an update and extension of this Agreement, either party may invoke binding arbitration pursuant to RCW 39.34.180(3) by issuing notice to the other Party at least 120 days prior to the Agreement's expiration.

3.6 Termination. Except as provided by Section 3.4, Section 3.5, and RCW 39.34.180(3), either Party may terminate this Agreement for any reason or no reason by giving six months' written notice to the other Party.

Section 4 – Duties of the Prosecutor's Office.

4.1 Probable cause hearings. The Prosecutor's Office shall provide Deputy Prosecuting Attorneys to represent the City and the other cities in the County at probable cause determination hearings scheduled on Friday afternoons, Sundays, and other days of the week as required for compliance with CrR 3.2.1 during holiday weeks.

4.2 Declaration of probable cause. The Deputy Prosecuting Attorney representing the City at such a hearing shall present to the Court the declaration of probable cause to arrest the defendant authored by the arresting law enforcement officer. If the Deputy Prosecuting Attorney determines that the declaration of probable cause is insufficient, the Deputy Prosecuting Attorney shall, prior to submitting the probable cause statement to the magistrate, make reasonable efforts to contact the law enforcement agency that authored the declaration to request a supplemental statement of probable cause. If the Deputy Prosecuting Attorney does not receive a supplemental statement from that law enforcement agency before probable cause statements are due, the case will be exonerated, and the defendant will be released on that case.

Section 5 – Compensation for Prosecution Services.

5.1 Quarterly fee. As compensation for the services provided to the City by the Prosecutor's Office, each quarter the City shall pay the Prosecutor's Office its proportionate percentage share of $16,250 (one-quarter of $65,000), as set forth in Sections 5.2 and 5.3.

5.2 Proportionate payment. The City shall pay the Prosecutor's Office the percentage portion of the total quarterly fee of $16,250 that is equal to the portion that its population bears to the total populations of the following incorporated cities in Clark County: Battle Ground, Camas, La Center, Ridgefield, Vancouver, and Washougal. The Parties agree that those percentages are as follows:

County	Jurisdiction	2020 Population Census	2021 Population Estimate[1]	2022 Population Estimate	2023 Population Estimate	2024 Population Estimate	2025 Population Estimate	Percent %	$ / Week	$ / Quarter	$ / Year
Clark	Clark County	503,311	513,100	520,900	527,400	536,300	542,400				
Clark	Unincorporated Clark County	233,048	236,200	237,650	240,155	243,830	245,750				
Clark	Incorporated Clark County	270,263	276,900	283,250	287,245	292,470	296,650	294,780			
Clark	Battle Ground	20,743	21,160	21,780	21,910	22,470	22,790	7.73%	$ 96.64	$ 1,256.32	$ 5,025.27
Clark	Camas	26,065	26,870	27,250	27,420	27,660	27,970	9.49%	$ 118.61	$ 1,541.87	$ 6,167.48
Clark	La Center	3,424	3,605	3,835	3,890	4,045	4,270	1.45%	$ 18.11	$ 235.39	$ 941.55
Clark	Ridgefield	10,325	11,910	13,640	15,180	15,790	16,290	5.53%	$ 69.08	$ 898.00	$ 3,592.00
Clark	Vancouver	190,915	194,400	197,600	199,600	202,600	205,100	69.58%	$ 869.72	$ 11,306.31	$ 45,225.25
Clark	Washougal	17,039	17,200	17,390	17,490	18,150	18,360	6.23%	$ 77.85	$ 1,012.11	$ 4,048.44
Clark	Woodland (part)	84	85	85	85	85	85				
Clark	Yacolt	1,668	1,670	1,670	1,670	1,670	1,785				
							TOTAL	100.00%	$1,250	$ 16,250.00	$ 65,000.00

Attached and incorporated by reference as EXHIBIT A is the 2025 Washington State Office of Financial Services estimated population totals for Clark County, Battle Ground, Camas, La Center, Ridgefield, Vancouver, and Washougal.

5.3 Payment dates. For services rendered pursuant to this Agreement, the County shall bill the City quarterly, and the City shall remit its quarterly payment to the County according to the percentage shown in the table above, within 30 days of receipt of the quarterly bill.

5.4 Billings. Billings and payments shall be either emailed, or mailed by first-class mail if appropriate, postage prepaid, to the addresses set forth as follows:

a. If to the City:

Attn: Meagan Lowery, Finance Director, Accounts Payable
Mailing address: 109 SW 1st Street, Suite 217
Suite 217
Battle Ground, WA 98604-2818
Phone (360) 342-5025
Email AccountsPayable@cityofbg.org

b. If to the County:

Clark County
Attn: Dave Ratliff, Payroll and Accounts Receivable Manager
1300 Franklin St. Suite 575
Vancouver, WA 98660
564-397-4693
dave.ratliff@clark.wa.gov

Section 6 – Administration of Agreement.

6.1 No new entity. No separate legal or administrative entity exists or will be created to administer the provisions of this Agreement.

6.2 Representatives of the Parties. The Parties agree that their representatives responsible for administering the terms of this Agreement are as follows:

a. **For the City:** The City Manager, or the City Manager's designee.
b. **For the County:** The Clark County Prosecuting Attorney or the Prosecuting Attorney's designee.

6.3 Notices: All notices shall be in writing and deemed received on the day the notice is personally served or emailed, or three (3) days after the date the notice is mailed by first-class mail. Either Party may change the name and address to which notices shall be directed by giving the other Party notice of the change as provided in this Section.

a. **Notice to the City:**
Kristina Swanson, City Manager
Mailing address: 109 SW 1st Street
Suite 221
Battle Ground, WA 98604-2818
Phone: (360) 342-5008
Email: Kris.Swanson@cityofbg.org

b. **Notice to the County:**
Tony Golik, Clark County Prosecuting Attorney
Mailing address 1013 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
Phone(564) 397-2261
Email tony.golik@clark.wa.gov

With a copy to:
Gayle Hutton, Prosecuting Attorney's Administrator
Mailing address 1013 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
Phone (564) 397-2261
Email gayle.hutton@clark.wa.gov

Section 7 – Property. Any real or personal property acquired, held, or used to effectuate this Agreement shall become the sole property of the Party that provided the property, and the Party that owns the property may dispose of it according to that Party's lawfully exercised discretion.

Section 8 – Budget. No joint fund will be established, and no joint budget will be prepared, to carry out this Agreement. Each Party shall be responsible for budgeting its own projected and actual financial impacts from the activities described in this Agreement.

Section 9 – Indemnification and Defense. To the maximum extent permitted by law, the City shall defend, indemnify and hold harmless the County, its officers, officials, employees, and agents, or any of them, from any and all claims, injuries, actions, liabilities, suits, damages, losses, fees, expenses, and costs of any nature whatsoever, including attorney fees and costs on appeal, resulting from or arising out of duties performed pursuant to this Agreement, except where the County is the sole cause of negligence and any resulting damages thereof. The foregoing indemnification obligations of the City are a material inducement to the County to enter into this Agreement, are reflected in the consideration afforded to each Party hereunder, and have been mutually negotiated by the Parties. The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses or expenses and such participation shall not constitute a waiver of City's indemnity obligations under this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

Section 10 – Miscellaneous Provisions.

10.1 Further cooperation. The Parties shall cooperate in good faith and execute such documents as reasonably necessary and take all additional actions which are reasonably necessary and appropriate to give full force and effect to the provisions and intent of this Agreement.

10.2 Entire agreement. This Agreement contains the entire understanding between the Parties and supersedes any prior agreements relating to the subject matter hereof.

10.3 Amendments. This Agreement may be amended only by an instrument in writing that is formally approved and executed by the Parties subsequent to the date hereof.

10.4 Assignment. No party hereto shall assign its rights or obligations under this Agreement without the prior written consent of the other party.

10.5 Ratification. Acts taken in conformity with this Agreement prior to its execution or filing with the County Auditor are hereby ratified and affirmed by the Parties.

10.6 Governing law and venue. This Agreement shall be governed by the laws of the State of Washington. Any action arising out of this Agreement shall be brought in the Clark County Superior Court.

10.7 Waiver. Waiver by any party of the right to strict performance of any provision of this Agreement or of any breach of this Agreement shall not constitute a waiver of any other provision or breach.

10.8 No employment relationship created. The Parties agree that nothing in this Agreement shall be construed to create an employment relationship between one Party and any employee, agent, representative or contractor of the other Party.

10.9 No rights conveyed to others. It is understood and agreed that this Agreement is solely for the benefit of the Parties hereto and that it conveys no right to any other person or entity. There are no indirect or third-party beneficiaries to this Agreement. The Parties do not intend by this Agreement to assume contractual obligations to any person or entity other than the Parties named in this Agreement.

10.10 Section headings. Section and subsection headings contained in this Agreement are included solely for the convenience of the reader, and are not intended to be a part of this Agreement.

10.11 Severability. In the event any term or condition of this Agreement or the application thereof to any Party, person or circumstance is held invalid or unenforceable, such invalidity shall not affect other terms, conditions, or applications of this Agreement which can be given effect without the invalid or unenforceable term, condition or application. To this end, the terms and conditions of this Agreement are declared severable.

10.12 Drafting. The Parties have mutually and fully negotiated the provisions of this Agreement. Therefore, the Agreement shall be construed according to its fair meaning without regard to which Party drafted a particular provision.

IN WITNESS WHEREOF, the City of Battle Ground and Clark County have executed this Agreement on the dates indicated below.

EXECUTED on this _____day of ____, 2026.

CITY OF BATTLE GROUND, WASHINGTON

Attest:

By:_____
Elizabeth Halili, City Clerk

By:_____
Kristina Swanson, City Manager

Approved as to Form Only:

By:_____
City Attorney

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

Attest:

_____
Clerk to the Council

By:_____
Sue Marshall, Chair

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By:_____
Glen Yung, Councilor

By: _____
Katie L. Jolma
Deputy Prosecuting Attorney

By:_____
Michelle Belkot, Councilor

By:_____
Wil Fuentes, Councilor

By:_____
Matt Little, Councilor

EXHIBIT A

Attached as Excel Sheet – 2025 Washington State Office of Financial Services Estimated Population for Clark County, Battle Ground, Camas, La Center, Ridgefield, Vancouver, and Washougal with Percentages and Cost Shares.

County	Jurisdiction	2020 Population Census	2021 Population Estimate[1]	2022 Population Estimate	2023 Population Estimate	2024 Population Estimate	2025 Population Estimate	Percent %	$ / Week	$ / Quarter	$ / Year
Clark	Clark County	503,311	513,100	520,900	527,400	536,300	542,400				
Clark	Unincorporated Clark County	233,048	236,200	237,650	240,155	243,830	245,750				
Clark	Incorporated Clark County	270,263	276,900	283,250	287,245	292,470	296,650				
								294,780			
Clark	Battle Ground	20,743	21,160	21,780	21,910	22,470	22,790	7.73%	$ 96.64	$ 1,256.32	$ 5,025.27
Clark	Camas	26,065	26,870	27,250	27,420	27,660	27,970	9.49%	$ 118.61	$ 1,541.87	$ 6,167.48
Clark	La Center	3,424	3,605	3,835	3,890	4,045	4,270	1.45%	$ 18.11	$ 235.39	$ 941.55
Clark	Ridgefield	10,325	11,910	13,640	15,180	15,790	16,290	5.53%	$ 69.08	$ 898.00	$ 3,592.00
Clark	Vancouver	190,915	194,400	197,600	199,600	202,600	205,100	69.58%	$ 869.72	$ 11,306.31	$ 45,225.25
Clark	Washougal	17,039	17,200	17,390	17,490	18,150	18,360	6.23%	$ 77.85	$ 1,012.11	$ 4,048.44
Clark	Woodland (part)	84	85	85	85	85	85				
Clark	Yacolt	1,668	1,670	1,670	1,670	1,670	1,785				
							TOTAL	100.00%	$1,250	$ 16,250.00	$ 65,000.00

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Mark Herceg, Public Works Director
Date:	June 1, 2026
Proceeding Type:	Consent
Subject:	Parkway/Main Intersection Improvements – Bid Award

Legislative History:	
• Action (Consent):	June 1, 2026

Staff Report Summary

The City Council will consider awarding a contract to Northeast Electric of Woodland, WA for the Parkway/Main Intersection Improvements project in the amount of $993,000.00 through passage of the consent agenda.

Background

The City has been working on the Parkway/Main Intersection Improvements project for a couple of years. This project will reconstruct the signal at Parkway/Main to meet current standards. Staff put this project out to Bid so that it can move forward to construction.

A total of 3 bids were received for the project. Northeast Electric of Woodland, WA was identified as the low responsible/responsive bidder on the project.

Fiscal and Policy Implications

This project is included in the Budget and there are sufficient funds in the budget to cover the cost of this project.

Goals and Objectives Relevance

Approving this Bid would achieve the City Council's goal to improve and maintain infrastructure by replacing an obsolete traffic signal.

Options

Option	Results
• Award Bid	Construction will proceed.
• Reject Bid	The project will need to rebid in order to move forward.
• No Action	Construction would be delayed until a final decision was made.

Staff Recommendation

Staff recommends that City Council award the Parkway/Main Intersection Improvements project to Northeast Electric via passage of the Consent agenda in the amount of $993,000.00 and authorize the City Manager to sign the Contract.

Attachments

A.	Bid Tabs

Legal Review

N/A

PARKWAY AND MAIN SIGNAL IMPROVEMENTS - BID TABS

DIVISION 1 - GENERAL REQUIREMENTS				Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1-1	Minor Change	1	CALC	$25,000.00	$25,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00
1-2	Roadway Surveying	1	LS	$22,000.00	$22,000.00	$9,000.00	$9,000.00	$10,000.00	$10,000.00	$15,000.00	$15,000.00
1-3	ADA Features Surveying	1	LS	$5,000.00	$5,000.00	$3,500.00	$3,500.00	$5,000.00	$5,000.00	$2,000.00	$2,000.00
1-4	SPCC Plan	1	LS	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$1,250.00	$1,250.00	$14,000.00	$14,000.00
			DIVISION 1 TOTAL		$53,000.00		$23,500.00		$26,250.00		$41,000.00

DIVISION 2 - EARTHWORK				Engineer's Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
2-1	Mobilization	1	LS	$120,000.00	$120,000.00	$66,183.20	$66,183.20	$100,000.00	$100,000.00	$101,000.00	$101,000.00
2-2	Project Temporary Traffic Control	1	LS	$100,000.00	$100,000.00	$54,000.00	$54,000.00	$55,000.00	$55,000.00	$123,000.00	$123,000.00
2-3	Work Zone Contingency	1	EST	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00
2-4	Construction Staging and Access Plan	1	LS	$10,000.00	$10,000.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$10.00	$10.00
2-5	Temporary Pedestrian Access Plan and Management	1	LS	$10,000.00	$10,000.00	$1,500.00	$1,500.00	$3,000.00	$3,000.00	$10.00	$10.00
			DIVISION 2 TOTAL		$245,000.00		$128,183.20		$164,500.00		$229,020.00

DIVISION 3 - EARTHWORK				Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
3-1	Clearing and Grubbing	1	LS	$10,000.00	$10,000.00	$1,700.00	$1,700.00	$15,000.00	$15,000.00	$5,000.00	$5,000.00
3-2	Roadside Cleanup	1	EST	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00
3-3	Removal of Structures and Obstructions	1	LS	$3,000.00	$3,000.00	$9,000.00	$9,000.00	$15,000.00	$15,000.00	$98,542.00	$98,542.00
3-4	Roadway Excavation Incl. Haul	250	CY	$50.00	$12,500.00	$115.00	$28,750.00	$65.00	$16,250.00	$90.00	$22,500.00
			DIVISION 3 TOTAL		$30,500.00		$44,450.00		$51,250.00		$131,042.00

DIVISION 4 -BASES				Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
4-1	Crushed Surfacing Base Course	220	TON	$40.00	$8,800.00	$120.00	$26,400.00	$50.00	$11,000.00	$80.00	$17,600.00
			DIVISION 4 TOTAL		$8,800.00		$26,400.00		$11,000.00		$17,600.00

DIVISION 5 - Surface Treatments and Pavements				Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
5-1	HMA CL. 3/8" PG 58H-22	230	TON	$140.00	$32,200.00	$200.00	$46,000.00	$215.00	$49,450.00	$300.00	$69,000.00
5-2	Planing Bituminous Pavement	1,250	SY	$8.00	$10,000.00	$23.00	$28,750.00	$16.00	$20,000.00	$10.00	$12,500.00
			DIVISION 5 TOTAL		$42,200.00		$74,750.00		$69,450.00		$81,500.00

DIVISION 7 - DRAINAGE STRUCTURES, STORM SEWERS, SANITARY SEWERS, WATER MAINS, AND CONDUITS				Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
7-1	Adjust Valve Box	6	EA	$3,000.00	$18,000.00	$200.00	$1,200.00	$850.00	$5,100.00	$50.00	$300.00
7-2	Hydrant Assembly	1	EA	$13,000.00	$13,000.00	$15,000.00	$15,000.00	$20,000.00	$20,000.00	$14,700.00	$14,700.00
			DIVISION 7 SUBTOTAL		$31,000.00		$16,200.00		$25,100.00		$15,000.00
			Sales Tax - 8.9%		$2,759.00		$1,441.80		$2,233.90		$1,335.00
			DIVISION 7 TOTAL		$33,759.00		$17,641.80		$27,333.90		$16,335.00

DIVISION 8 - Miscellaneous Construction				Engineer's Estimate		Northeast Electric LLC		Western United Civil Group LLc		AES Advanced Excavating Specialists LLC	
Item Number	Item	Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
8-1	Erosion Control and Water pollution Precention	1	LS	$5,000.00	$5,000.00	$1,700.00	$1,700.00	$2,500.00	$2,500.00	$6,000.00	$6,000.00
8-2	Property Restoration	1	EST	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00
8-3	Cement Conc. Traffic Curb and Gutter	500	LF	$40.00	$20,000.00	$37.00	$18,500.00	$62.00	$31,000.00	$60.00	$30,000.00
8-4	Cement Conv. Vertical Curb	200	LF	$40.00	$8,000.00	$45.00	$9,000.00	$66.00	$13,200.00	$50.00	$10,000.00
8-5	Adjust Monument Case and Cover	1	EA	$500.00	$500.00	$1,000.00	$1,000.00	$2,300.00	$2,300.00	$2,500.00	$2,500.00
8-6	Cement Conc. Sidewalk	275	SY	$120.00	$33,000.00	$85.00	$23,375.00	$128.00	$35,200.00	$100.00	$27,500.00
8-7	Cement Conc. Curb Ramp Type 1A	3	EA	$5,000.00	$15,000.00	$3,400.00	$10,200.00	$3,000.00	$9,000.00	$5,500.00	$16,500.00
8-8	Cement Conc. Curb Ramp Type 3B	5	EA	$5,000.00	$25,000.00	$3,400.00	$17,000.00	$2,000.00	$10,000.00	$5,500.00	$27,500.00
8-9	Traffic Signal System	1	LS	$650,000.00	$650,000.00	$553,000.00	$553,000.00	$600,000.00	$600,000.00	$560,000.00	$560,000.00
8-10	Illumination System	1	LS	$15,000.00	$15,000.00	$11,000.00	$11,000.00	$38,000.00	$38,000.00	$11,000.00	$11,000.00
8-11	Permanent Signing	1	LS	$4,400.00	$4,400.00	$6,000.00	$6,000.00	$8,000.00	$8,000.00	$3,500.00	$3,500.00
8-12	Plastic Line	750	LF	$3.00	$2,250.00	$4.00	$3,000.00	$2.50	$1,875.00	$3.00	$2,250.00
8-13	Plastic Wide Lane Line	130	LF	$8.00	$1,040.00	$10.00	$1,300.00	$2.50	$325.00	$8.00	$1,040.00
8-14	Plastic Traffic Arrow	5	EA	$600.00	$3,000.00	$500.00	$2,500.00	$445.00	$2,225.00	$400.00	$2,000.00
8-15	Plastic Crosswalk Line	520	SF	$14.00	$7,280.00	$20.00	$10,400.00	$18.00	$9,360.00	$17.00	$8,840.00
8-16	Plastic Stop Line	120	LF	$25.00	$3,000.00	$30.00	$3,600.00	$25.00	$3,000.00	$27.00	$3,240.00
8-17	Plastic Bicycle Lande Symbol	3	EA	$360.00	$1,080.00	$500.00	$1,500.00	$435.00	$1,305.00	$400.00	$1,200.00
			DIVISION 7 TOTAL		$798,550.00	TOTAL	$678,075.00	TOTAL	$772,290.00	TOTAL	$718,070.00

Project Total	$1,209,050.00	$993,000.00	$1,122,073.90	$1,234,567.00

Rank	N/A	First	Second	Third
% under (Over) Engineer's Estimate	N/A	(17.87)	(7.19)	2.11

Approved By: Ryan M Jeynes
City Engineer

Date: 5/15/2026

CITY OF BATTLE GROUND
STAFF REPORT

To:	Kris Swanson, City Manager
	City Council
From:	Mark Herceg, Public Works Director
Date:	June 1, 2026
Proceeding Type:	Consent
Subject:	SE Grace Avenue Phase 2 – ROW Purchase Approval – Haberman

Legislative History:	
• Admin:	April 6, 2026
• Consent:	June 1, 2026

Staff Report Summary

The City Council will consider approving the purchase of property and easements for the SE Grace Avenue Phase 2 Improvements project through passage of the consent agenda.

Background

The city has been working on the SE Grace Avenue Phase 2 Improvements project for many years. Most recently, the City has been working to purchase the property and easements that will be necessary to construct the project. Through the design process it was determined that acquisition and easements would be necessary for twenty-three parcels. Per RCW 35A.11.020 the City Council has the authority to approve acquisition of property.

As discussed during the Admin portion of the April 6, 2026 Council Meeting, City staff would negotiate within the limits of City Policy to acquire said properties.

The City was able to negotiate a settlement with the owners of the Haberman properties for $8,900, which is the Fair Market Value. This purchase includes a permanent acquisition and two temporary construction easements. This is the first and second of twenty-three acquisitions that are necessary to construct the project.

Fiscal and Policy Implications

This project is included in the 2026 budget.

Goals and Objectives Relevance

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

Options

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

Staff Recommendation

Staff recommends that City Council approve purchase of a permanent acquisition and two temporary construction easements on the Haberman properties in the amount of $8,900 through passage of the consent agenda.

Attachments

A.	Warranty Deed
B.	Temporary Easement

Legal Review

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

After recording return document to:

CITY OF BATTLE GROUND
109 SW 1ST STREET
BATTLE GROUND, WA 98604

Document Title: Warranty Deed
Reference Number of Related Document: N/A
Grantor(s): Brett Haberman, a married man as his separate estate
Grantee(s): CITY OF BATTLE GROUND
Legal Description: Lot #202-A, Section 2, Township 3 North, Range 2 East & PTN Lot 2, SP3-011
Description is on Page 4 of Document.
Assessor's Tax Parcel Number: 91057149

WARRANTY DEED

SE Grace Avenue Phase 2 Improvements

The Grantor(s), **Brett Haberman, a married man as his separate estate,** for and in consideration of the sum of TEN AND NO/100 ($10.00) Dollars, and other valuable consideration, hereby convey(s) and warrant(s) to the **CITY OF BATTLE GROUND**, a Washington municipal corporation Grantee, the following described real property situated in CLARK County, in the State of Washington, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain:

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

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

WARRANTY DEED

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

Date: May 12 2026

Brett Haberman

STATE OF WASHINGTON)
: ss
County of Clark)

On this 12th day of May 2026 before me personally appeared **Brett Haberman** to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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

(SEAL)

JILL WYATT
NOTARY PUBLIC
STATE OF WASHINGTON
COMM. NO. 24009180
COMM. EXPIRES 02/06/2028

Notary Public in and for the State of Washington, residing at Jefferson OR

My commission expires 2-6-2028

Accepted and Approved

WARRANTY DEED

CITY OF BATTLE GROUND

By:_____
AUTHORIZED NAME/TITLE

Date:_____

STATE OF WASHINGTON)
: ss
County of _____)

On this _____ day of _____, 2026 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 _____

MacKay Sposito

17787LD4_ACQ
1/21/2026
GAH

Vancouver Office

18405 SE Mill Plain Boulevard, Suite 100, Vancouver, WA 98683
360-695-3411 | www.mackaysposito.com

EXHIBIT "A"

LEGAL DESCRIPTION
RIGHT-OF-WAY ACQUISITION
CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON

A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN STATUTORY WARRANTY DEED CONVEYED TO BRETT HABERMAN, RECORDED UNDER AUDITOR'S FILE NO. 5353945, RECORDS OF CLARK COUNTY WASHINGTON, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

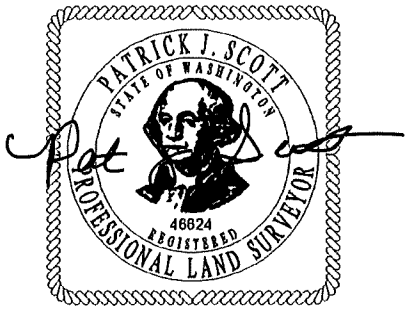
BEGINNING AT A POINT LYING 59.36 FEET LEFT OF STATION 3+79.00 OF THE SE GRACE AVENUE CONSTRUCTION CENTERLINE, AS DESCRIBED IN EXHIBIT "B", ATTACHED;

THENCE NORTHERLY IN A STRAIGHT LINE TO A POINT LYING 56.23 FEET LEFT OF STATION 3+92.33 OF SAID CONSTRUCTION CENTERLINE;

THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT LYING 25.75 FEET LEFT OF STATION 4+13.00 OF SAID CONSTRUCTION CENTERLINE AND THE **TERMINUS** THEREOF;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE PUBLIC RIGHT-OF-WAY.

CONTAINS 562 SQUARE FEET, MORE OR LESS.



1-21-2026

MacKay Sposito

17787SS1-GRACE CL
9/17/2025
GAH
Vancouver Office

18405 SE Mill Plain Boulevard, Suite 100, Vancouver, WA 98683
360-695-3411 | www.mackaysposito.com

EXHIBIT "B"
SE GRACE AVENUE
CONSTRUCTION CENTERLINE

A CONSTRUCTION CENTERLINE LOCATED IN THE NORTH HALF OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 2 EAST AND THE SW QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS DISK MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 2; THENCE SOUTH 01°13'14" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE 2027.72 FEET; THENCE LEAVING SAID WEST LINE SOUTH 89°20'58" EAST A DISTANCE OF 2.00 FEET TO THE **BEGINNING** OF THE SE GRACE AVENUE CONSTRUCTION CENTERLINE, ALSO BEING STATION 0+00;

THENCE NORTH 01°13'14" EAST A DISTANCE OF 41.58 FEET TO SE GRACE CONSTRUCTION CENTERLINE STATION 0+41.58; ALSO BEING THE BEGINNING OF A 500.00 FOOT RADIUS CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°49'25", AN ARC DISTANCE OF 120.63 FEET TO CONSTRUCTION CENTERLINE STATION 1+62.21;

THENCE NORTH 12°36'10" WEST A DISTANCE OF 1100.33 FEET TO THE BEGINNING OF A 620.00 FOOT RADIUS CURVE TO THE LEFT, ALSO BEING CONSTRUCTION CENTERLINE STATION 12+62.54;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°06'25", AN ARC DISTANCE OF 152.65 FEET TO CONSTRUCTION CENTERLINE STATION 14+15.19;

THENCE NORTH 26°42'36" WEST A DISTANCE OF 414.15 FEET TO THE BEGINNING OF A 500.00 FOOT CURVE TO THE RIGHT, ALSO BEING CONSTRUCTION CENTERLINE STATION 18+29.34;

THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 26°48'26", AN ARC DISTANCE OF 233.94 FEET TO CONSTRUCTION CENTERLINE STATION 20+63.28;

THENCE NORTH 00°05'51" EAST A DISTANCE OF 286.72 FEET TO CONSTRUCTION CENTERLINE STATION 23+50.00 AND THE **TERMINUS** OF SAID CONSTRUCTION CENTERLINE.

E MAIN STREET
CONSTRUCTION CENTERLINE

A CONSTRUCTION CENTERLINE LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 2 EAST AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2, SAID POINT BEING THE E MAIN STREET CONSTRUCTION CENTERLINE STATION 110+85.77.

THENCE NORTH 89°31'57" WEST ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 785.77 FEET TO THE **TERMINUS** OF SAID CONSTRUCTION CENTERLINE, ALSO BEING CONSTRUCTION CENTERLINE STATION 103+00.00.



1-21-2026

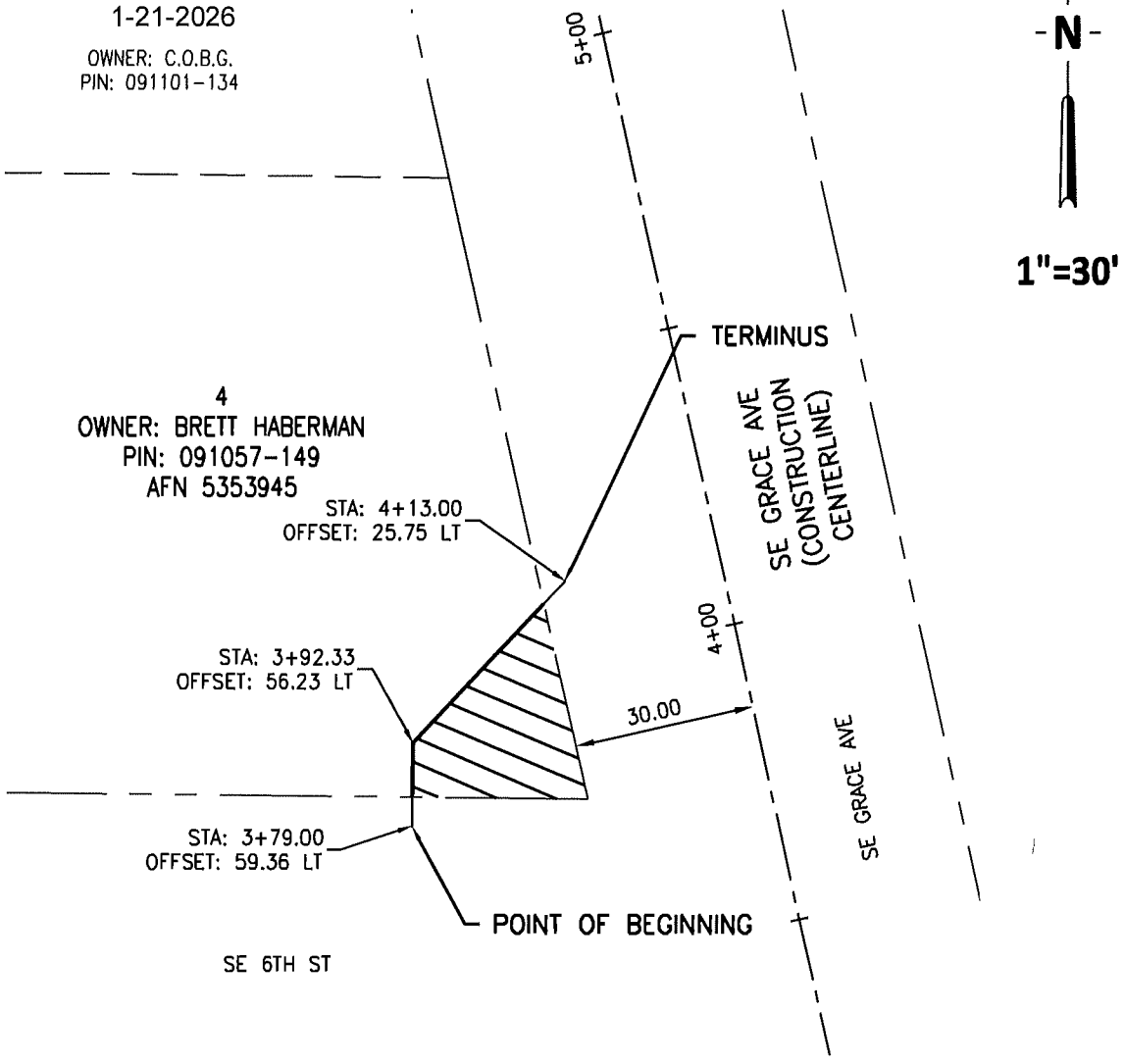
EXHIBIT "C"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR RIGHT-OF-WAY ACQUISITION

CITY OF BATTLE GROUND
CLARK COUNTY, WASHINGTON

PATRICK J. SCOTT
STATE OF WASHINGTON
46624
REGISTERED
PROFESSIONAL LAND SURVEYOR

1-21-2026

OWNER: C.O.B.G.
PIN: 091101-134



MacKay Sposito
ENERGY PUBLIC WORKS LAND DEVELOPMENT
www.mackaysposito.com

18405 SE MILL PLAIN BLVD., SUITE 100
VANCOUVER, WA 98683
PHONE: (360) 695-3411

After recording return document to:

CITY OF BATTLE GROUND
109 SW 1ST STREET
BATTLE GROUND, WA 98604

Document Title: Temporary Easement
Reference Number of Related Document: N/A
Grantor(s): Brett Haberman, a married man as his separate estate
Grantee(s): CITY OF BATTLE GROUND
Legal Description: Lot #202-A, Section 2, Township 3 North, Range 2 East & PTN Lot 2, SP3-011; Adj Lot 1 Short Plat Volume 3 Page 11
Additional Legal Description is on Page 4 of Document.
Assessor's Tax Parcel Number: 91057149 & 91057047

TEMPORARY EASEMENT

SE Grace Avenue Phase 2 Improvements

The Grantor(s), **Brett Haberman, a married man as his separate estate**, 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, a Washington municipal corporation** and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege, and easement over, upon, and across the hereinafter described lands for the purpose of facilitating the construction of improvements in the Right of Way Easement.

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 on March 10, 2029, hereinafter the "Term".

It is further agreed that this Temporary Easement may be extended by up to 12 months at the Grantee's option, before the termination date provided herein. The rate associated with this extension shall be at the same rate as the original Temporary Easement, or at the newly established rate determined by an updated Waiver Valuation; whichever is higher. Grantee shall

notify Grantor in writing and render payment prior to exercising this option.

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** unless and until accepted and approved hereon in writing for the **CITY OF BATTLE GROUND**, by its authorized agent.

Dated: May 12, 2026

Brett Haberman

STATE OF WASHINGTON)
: ss
County of Clark)

On this 12th day of May 2026 before me personally appeared **Brett Haberman** to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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

(SEAL)

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

Notary Public in and for the State of Washington, residing at Jefferson OR

My commission expires 2-6-2028

TEMPORARY EASEMENT

Accepted and Approved

CITY OF BATTLE GROUND

By:_____
Authorized Name/Title

Date: _____, 2026

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 _____

MacKay Sposito

17787LD4_TCE
9/16/2025
KDB
Vancouver Office

18405 SE Mill Plain Boulevard, Suite 100, Vancouver, WA 98683
360-695-3411 | www.mackaysposito.com

EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON

A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN STATUTORY WARRANTY DEED CONVEYED TO BRETT HABERMAN, RECORDED UNDER AUDITOR'S FILE NO. 5353945, RECORDS OF CLARK COUNTY WASHINGTON, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT LYING 64.26 FEET LEFT OF STATION 3+80.00 OF THE SE GRACE AVENUE CONSTRUCTION CENTERLINE, AS DESCRIBED IN EXHIBIT "B", ATTACHED;

THENCE NORTHERLY IN A STRAIGHT LINE TO A POINT LYING 59.97 FEET LEFT OF STATION 3+98.25 OF SAID CONSTRUCTION CENTERLINE;

THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT LYING 37.00 FEET LEFT OF STATION 4+13.82 OF SAID CONSTRUCTION CENTERLINE;

THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT LYING 37.00 LEFT OF STATION 4+85.00 OF SAID CONSTRUCTION CENTERLINE AND THE **TERMINUS** THEREOF;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE PUBLIC RIGHT-OF-WAY.

CONTAINS 762 SQUARE FEET, MORE OR LESS.



9-17-2025

MacKay Sposito

17787SS1-GRACE CL
9/17/2025
GAH
Vancouver Office

18405 SE Mill Plain Boulevard, Suite 100, Vancouver, WA 98683
360-695-3411 | www.mackaysposito.com

EXHIBIT "B"
SE GRACE AVENUE
CONSTRUCTION CENTERLINE

A CONSTRUCTION CENTERLINE LOCATED IN THE NORTH HALF OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 2 EAST AND THE SW QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS DISK MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 2; THENCE SOUTH 01°13'14" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE 2027.72 FEET; THENCE LEAVING SAID WEST LINE SOUTH 89°20'58" EAST A DISTANCE OF 2.00 FEET TO THE **BEGINNING** OF THE SE GRACE AVENUE CONSTRUCTION CENTERLINE, ALSO BEING STATION 0+00;

THENCE NORTH 01°13'14" EAST A DISTANCE OF 41.58 FEET TO SE GRACE CONSTRUCTION CENTERLINE STATION 0+41.58; ALSO BEING THE BEGINNING OF A 500.00 FOOT RADIUS CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°49'25", AN ARC DISTANCE OF 120.63 FEET TO CONSTRUCTION CENTERLINE STATION 1+62.21;

THENCE NORTH 12°36'10" WEST A DISTANCE OF 1100.33 FEET TO THE BEGINNING OF A 620.00 FOOT RADIUS CURVE TO THE LEFT, ALSO BEING CONSTRUCTION CENTERLINE STATION 12+62.54;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°06'25", AN ARC DISTANCE OF 152.65 FEET TO CONSTRUCTION CENTERLINE STATION 14+15.19;

THENCE NORTH 26°42'36" WEST A DISTANCE OF 414.15 FEET TO THE BEGINNING OF A 500.00 FOOT CURVE TO THE RIGHT, ALSO BEING CONSTRUCTION CENTERLINE STATION 18+29.34;

THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 26°48'26", AN ARC DISTANCE OF 233.94 FEET TO CONSTRUCTION CENTERLINE STATION 20+63.28;

THENCE NORTH 00°05'51" EAST A DISTANCE OF 286.72 FEET TO CONSTRUCTION CENTERLINE STATION 23+50.00 AND THE **TERMINUS** OF SAID CONSTRUCTION CENTERLINE.

E MAIN STREET
CONSTRUCTION CENTERLINE

A CONSTRUCTION CENTERLINE LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 2 EAST AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2, SAID POINT BEING THE E MAIN STREET CONSTRUCTION CENTERLINE STATION 110+85.77.

THENCE NORTH 89°31'57" WEST ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 785.77 FEET TO THE **TERMINUS** OF SAID CONSTRUCTION CENTERLINE, ALSO BEING CONSTRUCTION CENTERLINE STATION 103+00.00.



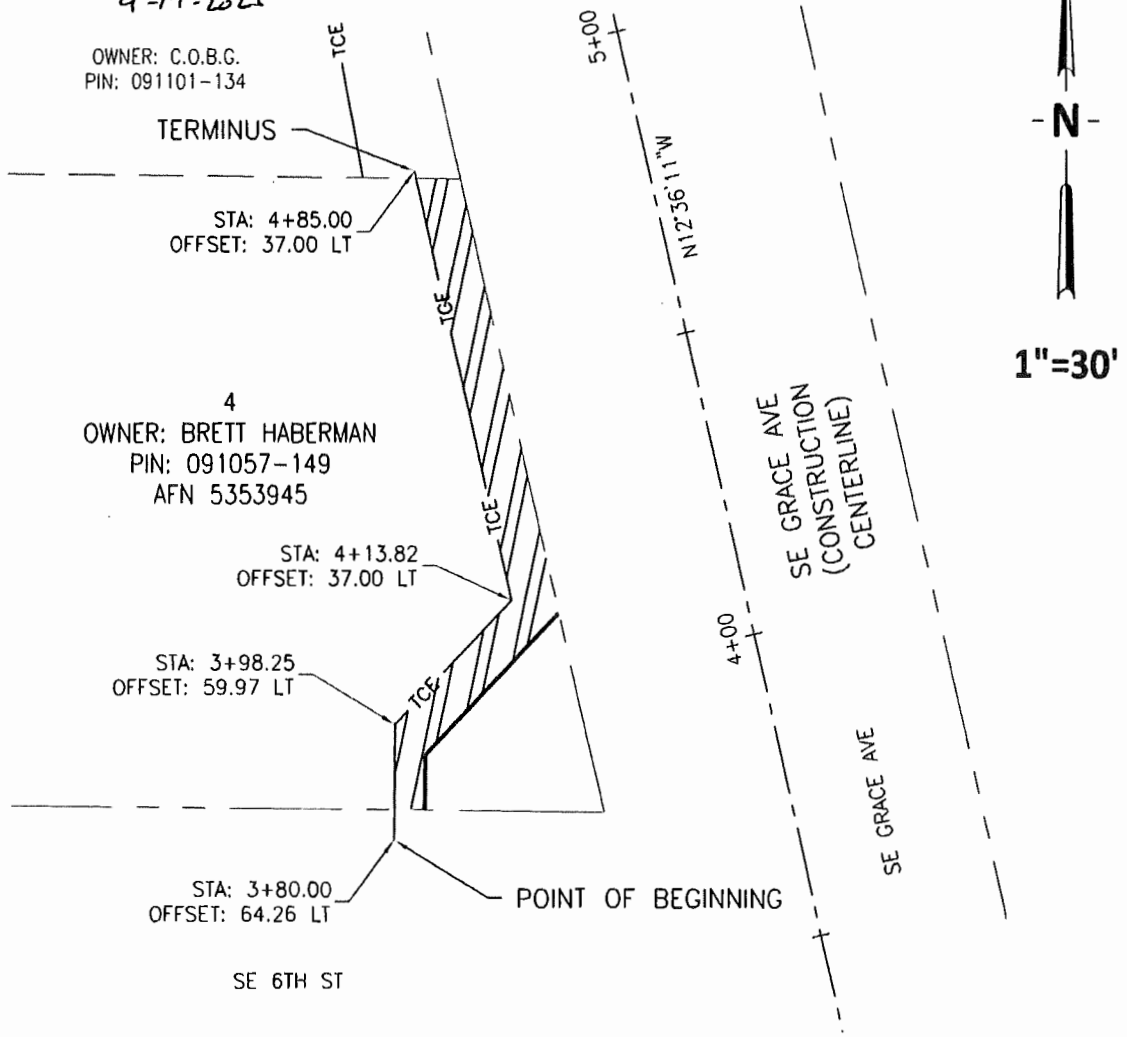
4-17-2025

EXHIBIT "C"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT

CITY OF BATTLE GROUND
CLARK COUNTY, WASHINGTON

PATRICK J. SCOTT
STATE OF WASHINGTON
46624
REGISTERED
PROFESSIONAL LAND SURVEYOR

9-17-2025



MacKay Sposito
ENERGY PUBLIC WORKS LAND DEVELOPMENT
www.mackaysposito.com

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EXHIBIT "A"

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CITY OF BATTLE GROUND, CLARK COUNTY, WASHINGTON

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BEGINNING AT A POINT LYING 45.86 FEET LEFT OF STATION 4+79.00 OF THE SE GRACE AVENUE CONSTRUCTION CENTERLINE, AS DESCRIBED IN EXHIBIT "B", ATTACHED;

THENCE NORTHERLY IN A STRAIGHT LINE TO A POINT LYING 44.17 FEET LEFT OF STATION 5+18.35 OF SAID CONSTRUCTION CENTERLINE;

THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT LYING 36.00 FEET LEFT OF STATION 5+35.40 OF SAID CONSTRUCTION CENTERLINE;

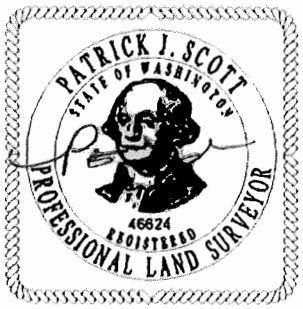
THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT LYING 36.00 LEFT OF STATION 6+81.29 OF SAID CONSTRUCTION CENTERLINE;

THENCE WESTERLY IN A STRAIGHT LINE TO A POINT LYING 45.00 FEET LEFT OF STATION 6+81.29 OF SAID CONSTRUCTION CENTERLINE;

THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT LYING 45.00 FEET LEFT OF STATION 7+24.00 OF SAID CONSTRUCTION CENTERLINE AND THE **TERMINUS** THEREOF;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE PUBLIC RIGHT-OF-WAY.

CONTAINS 2,143 SQUARE FEET, MORE OR LESS.



9-18-2025

MacKay Sposito

17787SS1-GRACE CL
9/17/2025
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THENCE NORTH 12°36'10" WEST A DISTANCE OF 1100.33 FEET TO THE BEGINNING OF A 620.00 FOOT RADIUS CURVE TO THE LEFT, ALSO BEING CONSTRUCTION CENTERLINE STATION 12+62.54;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°06'25", AN ARC DISTANCE OF 152.65 FEET TO CONSTRUCTION CENTERLINE STATION 14+15.19;

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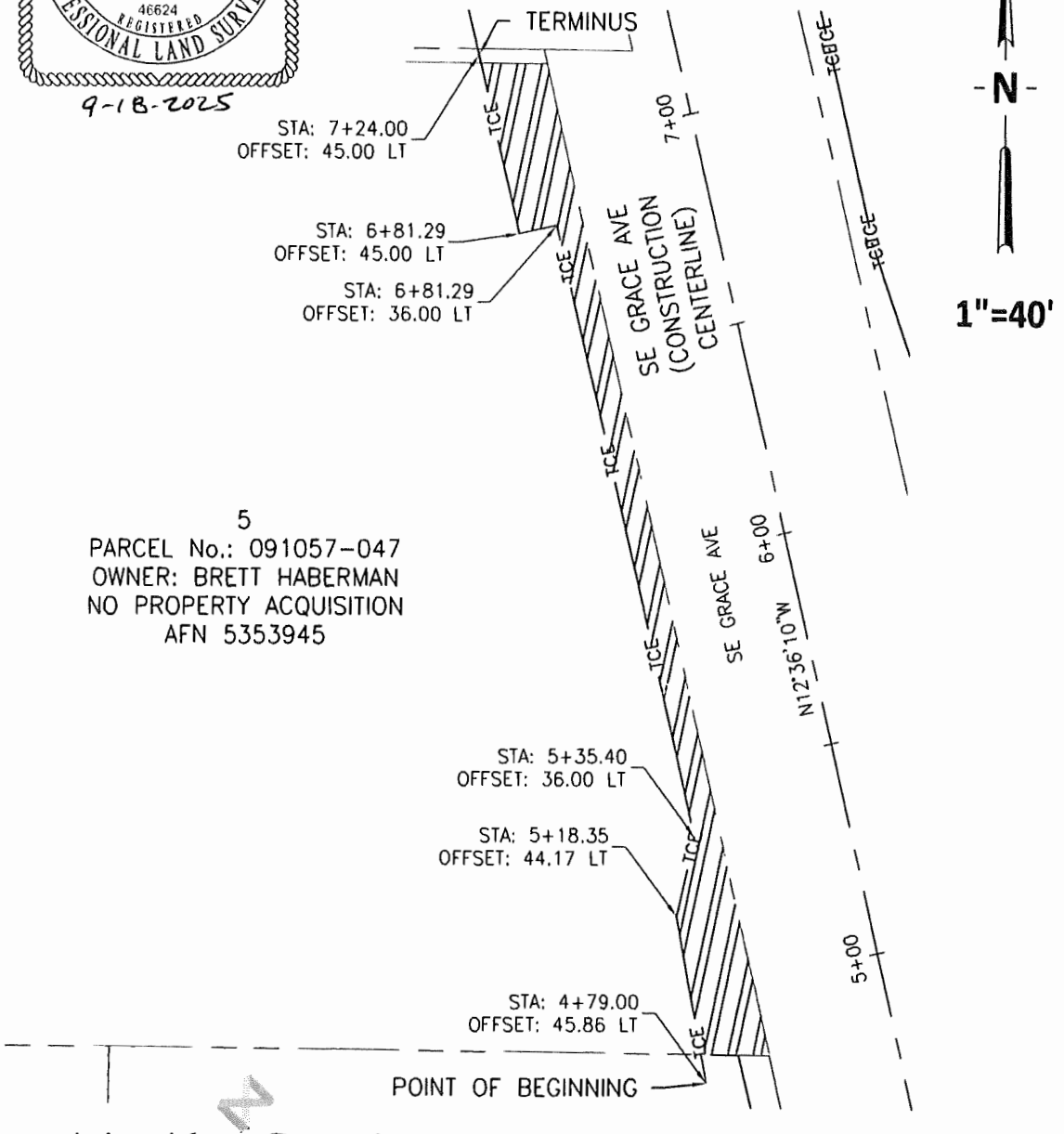
9-17-2025

EXHIBIT "C"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT

CITY OF BATTLE GROUND
CLARK COUNTY, WASHINGTON

PATRICK J. SCOTT
STATE OF WASHINGTON
46624
REGISTERED
PROFESSIONAL LAND SURVEYOR

9-18-2025



5
PARCEL No.: 091057-047
OWNER: BRETT HABERMAN
NO PROPERTY ACQUISITION
AFN 5353945

MacKay Sposito
ENERGY PUBLIC WORKS LAND DEVELOPMENT
www.mackaysposito.com

18405 SE MILL PLAIN BLVD., SUITE 100
VANCOUVER, WA 98683
PHONE: (360) 695-3411

CITY OF BATTLE GROUND
STAFF REPORT

To:	City Council
	Kris Swanson, City Manager
From:	Kristin Lehto, Community Development Director
Date:	June 1, 2026
Proceeding Type:	Public Hearing/Ordinance Adoption
Subject:	Municipal Code Updates – GMA Required

Legislative History:	
• Set Public Hearing:	March 16, 2026
• Presentation:	April 6, 2026
• Public Hearing:	April 20, 2026
• Consent -Set Public Hearing:	May 4, 2026
• Public Hearing and Ordinance Adoption	June 1, 2026

Staff Report Summary

Presented are changes intended to comply with the recent state laws surrounding housing, the Growth Management Act (GMA), and to implement the City's Comprehensive Plan.

Background

The Planning Commission recommended (4-1) to approve the code changes.

Council conducted a public hearing on this item on April 20, 2026.

Council set the public hearing date for Ordinance adoption on May 4, 2026.

Municipal Changes to the Code

Proposed changes to BGMC are included in Ordinance 2026-13

Ordinance #	Title
Ord. No. 2026-13	AN ORDINANCE AMENDING BATTLE GROUND MUNICIPAL CODE TITLE 17 ZONING; CHAPTER 17.103 DEFINITIONS; CHAPTER 17.106 RESIDENTIAL DISTRICTS; CHAPTER 17.118 COMMERCIAL DISTRICTS; CHAPTER 17.120 LIGHT INDUSTRIAL, EMPLOYMENT CAMPUS, AND WESTSIDE EMPLOYMENT

	DISTRICTS; CHAPTER 17.122 MIXED USE DISTRICTS; CHAPTER 17.133 PARKING AND LOADING REQUIREMENTS; CHAPTER 17.135 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES.

Options

1. Conduct a public hearing and adopt the ordinances as drafted.
2. Conduct a public hearing and modify the ordinances.
3. Take no action.

Staff Recommendation

Conduct a public hearing and consider any public testimony.
Make a motion to adopt Ordinance 2026-13 as drafted, or as modified.

Attachments

Ord. No. 2026-13

Legal Review

Yes

ORDINANCE NO. 2026-13

AN ORDINANCE AMENDING BATTLE GROUND MUNICIPAL CODE TITLE 17 ZONING; CHAPTER 17.103 DEFINITIONS; CHAPTER 17.106 RESIDENTIAL DISTRICTS; CHAPTER 17.118 COMMERCIAL DISTRICTS; CHAPTER 17.120 LIGHT INDUSTRIAL, EMPLOYMENT CAMPUS, AND WESTSIDE EMPLOYMENT DISTRICTS; CHAPTER 17.122 MIXED USE DISTRICTS; CHAPTER 17.133 PARKING AND LOADING REQUIREMENTS; CHAPTER 17.135 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

WHEREAS, the Planning Commission of the City of Battle Ground held a public hearing on March 11, 2026, for the purpose of allowing citizens of the City of Battle Ground to comment on changes; and

WHEREAS, the Planning Commission has made a recommendation to the City Council of the City of Battle Ground to adopt the code changes reflected herein; and

WHEREAS, the City Council of the City of Battle Ground held a public hearing on April 20, 2026, for the purpose of allowing citizens of the City of Battle Ground to comment on changes; and

WHEREAS, the Municipal Code amendments were submitted to the State Department of Commerce for review on March 23, 2026, pursuant to RCW36.70A.106; and

WHEREAS, the Municipal Code amendments were issued a non-project Determination of Non-Significance (DNS) on April 1, 2026; and

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

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

SECTION 1. TITLE 17 ZONING; CHAPTER 17.103 DEFINITIONS, IS HEREBY AMENDED AS FOLLOWS:

17.103.050 D Definitions

~~17.103.265 Duplex.~~

~~"Duplex" means a form of attached housing comprised of a single building located on one legal lot of record designed or arranged for a maximum of two dwelling units. (Ord. 18-10 § 1 (part), 2018: Ord. 17-06 § 1 (part), 2017: Ord. 16-02 § 1 (part), 2016: Ord. 01-014 § 1, 2001: Ord. 95-769 § 5 (part), 1995)~~

"Duplex" is a residential building with two attached dwelling units.

Section 17.103.173 "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.~~173~~ 174 Commercial recreation facility, enclosed.
§ 17.103.~~174~~ 175 Commercial recreation facility, unenclosed.

Section 17.103.274. "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.

Section 17.103.276. "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.

Section 17.103.523 "Outdoor encampment" means any temporary tent or structure encampment, or both.

Section 17.103.535 "Permanent supportive housing (PSH)" is defined as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect them with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

Section 17.103.~~562~~554 Public Use.

Section 17.103.558 "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

Section 17.103.645 "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.

Section 17.103.700 “Transitional housing (TH)” is defined as a project that provides housing and supportive services to homeless persons or families for up to two years with the purpose of facilitating the movement of homeless persons and families into independent living.

~~17.103.700 Transitional housing.~~
~~“Transitional housing” means public or nonprofit living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents where tenancy is typically less than thirty days. Examples include: homeless shelters and drug/alcohol treatment facilities. (Ord. 18-10 § 1 (part), 2018: Ord. 17-06 § 1 (part), 2017: Ord. 16-02 § 1 (part), 2016: Ord. 15-04 § 22 (part), 2015)~~

SECTION 2. TITLE 17 ZONING; CHAPTER 17.106 RESIDENTIAL DISTRICTS (R3, R5, R7, R10, R12, R16, R20), IS HEREBY AMENDED AS FOLLOWS:

Table 17.106.-1

Table 17.106-1 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
Permanent Supportive Housing	X	X	P	P	P	P	P
Transitional housing as defined in BGMC § 17.103.700	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P

Table 17.106-1 Permitted Uses in Residential Zones							
Use	R3	R5	R7	R10	R12	R16	R20
Apartments	X	X	~~C~~P	P	P	P	P
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

1. Adult care homes are permitted by right subject to an inspection by the building official for compliance with applicable state law.

(Ord. 99-004 § 4 (part), 1999; Ord. 00-004 § 1(B), 2000; Ord. 00-024 § 2 (part), 2000; Ord. 04-024 § 16 (part), 2004; Ord. 05-014 § 2, 2005; Ord. 06-07 § 3, 2006; Ord. 13-07 § 16, 2013; Ord. 15-04 § 23 (part), 2015; Ord. 17-06 § 2 (part), 2017; Ord. 20-09 § 2 (part), 2020; Ord. 21-35 § 2, 2021; Ord. 22-20 § 2, 2022)

17.106.060 Cottage housing standards.

A. The total floor area of each cottage shall not exceed ~~one thousand two hundred~~ 1,600 square feet. Floor area shall not include any space with a floor-to-ceiling height of less than six feet.

B. Cottage housing shall comply with the density provisions of the underlying zone except within the R5 and R7 districts where ~~one and one-half~~ two cottage units are allowed in place of each allowed single-family unit.
C. A minimum of four and a maximum of twelve cottages are allowed in any single cluster and development.
D. The height limit is ~~twenty-five~~ 35 feet; provided, that all parts of the roof above eighteen feet shall be pitched with a slope of at least 6:12.
E. Cottage units shall be oriented around, and have covered porches and main entries facing, a common usable open space of at least ~~two hundred fifty~~ 200 square feet per unit that is generally square or round. Each common open space shall have a minimum dimension of 15 feet on any side.
F. Each cottage shall be provided with private use open space contiguous to the cottage of at least 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 space for cottage housing must be at least 20 percent.
G. A covered porch of at least sixty square feet in size with a minimum dimension of ~~six~~ five feet on any side shall be provided for each cottage.
H. ~~Vehicular parking shall be provided in a shared parking facility that is clustered 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.
I. Setbacks for the exterior of the project shall be the same as the base zoning district. There are no required setbacks for interior lot lines provided the ten-foot minimum separation to buildings shall be met.
J. Interior fences may not exceed thirty-six inches in height.
K. A pedestrian pathway a minimum of ~~four~~ five feet in width shall connect the public street with all cottages and from the shared parking areas to all cottages.
L. Each cottage shall be located on a separate lot or shall be a condominium.
M. If a legally established single-family dwelling is located on the parent parcel of a cottage development, the dwelling may remain and be incorporated into the development. The dwelling is considered grandfathered and does not need to meet the size limitations.
O. If common trash and recycling are proposed, identify their location and provide appropriate screening as identified in BGMC 17.131.020.
(Ord. 17-06 § 2 (part), 2017: Ord. 09-08 § 12, 2009: Ord. 07-15 § 10, 2007: Ord. 04-024 § 16 (part), 2004)

17.106.100 Co-living Housing

In addition to the standards required through site plan review or other chapters of this title, the following provisions shall apply to co-living housing development:

A. Density. A sleeping unit may not be counted in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density. A cap on the number of co-living sleeping units allowed per building is invalid where there are no equivalent limits on the number of units permitted in a multifamily building in the same zone.

1. Co-living housing may not be excluded from participating in affordable housing incentive programs.

B. Sleeping unit dimensional standards. Sleeping units must be at a minimum 70 square feet. An in-unit bathroom and in-unit kitchen is optional. However, if not provided, each sleeping unit must have access to a shared bathroom and a shared kitchen.

C. Common Spaces. Common spaces are required as part of any co-living housing development.

D. Off-street parking standards. A maximum of 0.25 off-street parking spaces per sleeping unit may be required.

E. Conversions. Existing buildings can be converted into co-living housing.

1. For co-living units, a density bonus is authorized up to 50 percent more than what is allowed in the underlying zone.

2. Additional parking requirements cannot be imposed on the addition of co-living units added within an existing building.

3. No additional exterior design or architectural requirements on the existing building shall be imposed.

4. For co-living authorized in the commercial districts, ground-floor units are prohibited.

F. Water and Sewer. For the purpose of calculating sewer connection fees, a co-living unit may not be calculated at more than one-half of a unit, unless the city engineer makes a finding of fact that connection fees should exceed the one-half threshold.

G. Impact fees. The impact fee schedule should reflect the proportionate impact of new housing units, including multifamily and condominium units.

H. Short-term rentals. Co-living housing sleeping units shall not be used as short-term rentals.

SECTION 3. TITLE 17 ZONING; CHAPTER 17.118 COMMERCIAL DISTRICTS (RC, D, CC, NC), IS HEREBY AMENDED AS FOLLOWS:

Table 17.118-1

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

Table 17.118-1				
Use	RC	D	CC	NC
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. Colleges and universities	C	X	X	X
13. Commercial recreation facilities, enclosed only	P	P	P	X
14. Commercial recreation facilities, unenclosed	C	X	X	X
15. Conical burners and incinerators, including biomedical waste	X	X	X	X
16. Contractor's establishments	X	X	X	X
17. Cooperative (marijuana)	X	X	X	X
18. Day care centers, subject to BGMC 17.135.070	P	P	P	P
19. Distribution facilities	X	X	X	X
20. Dog day care, subject to BGMC 17.135.075	P	P	P	P
21. Dry-cleaning plants	X	X	X	X
22. Emergency housing	P	P	P	X
23. Emergency shelter	P	P	P	X
22. Explosives manufacture and storage	X	X	X	X
23. Exterminators and pest control businesses	X	X	X	X
24. Fertilizer manufacture	X	X	X	X
25. Finance, insurance and real estate offices	P	P	P	X
26. Group living as defined in BGMC 17.103.325	P	P	P	~~C~~P
27. Hospitals, health and medical clinics	P	P	P	P
28. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	X	X	X	X
29. Kennels	X	X	X	X
30. Landfills	X	X	X	X
31. Live/work, subject to BGMC 17.135.095	X	C	P	P
32. Lumber yards, planing and saw mills	X	X	X	X
33. Machine shops	X	X	X	X

Table 17.118-1				
Use	RC	D	CC	NC
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	X	X	X	X
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	X	X	X	X
36. Marijuana production, processing and research facilities	X	X	X	X
37. Marijuana retail, subject to BGMC 17.135.105	P	X	P	X
38. 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
39. Mobile food pod	P	P	P	C
40. Offices	P	P	P	X
41. Paper and pulp mills	X	X	X	X
42. Parking lot/structure[3]	P	P	P	X
43. Personal service establishments, in conjunction with one or more permitted uses	P	P	P	P
44. Printing, publishing, bookbinding and blueprinting establishments	P	P	P	X
45. Public and semipublic buildings and uses	P	P	P	P
46. Radio and television studios	P	P	X	X
47. Radio, television and cellular phone towers and antennas	X	X	X	X
48. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P	P	P
49. Recycling plants, including any processing facilities	X	X	X	X
50. Residences for a caretaker or night watchman	X	X	X	X
51. Residences of all types, when located on upper floors of commercial buildings[1]	P	P	P	P
52. 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

Table 17.118-1				
Use	RC	D	CC	NC
56. Restaurants	P	P	P	P
57. Retail trade establishments, enclosed less than 5,000 sq. ft. in floor area	P	P	P	P
58. Retail trade establishments, enclosed from 5,001 sq. ft. to 50,000 sq. ft. in floor area	P	P	P	X
59. Retail trade establishment, enclosed from 50,001 sq. ft. in floor area and greater	P	X	X	X
60. Retail trade establishments, unenclosed	P	C	C	X
61. Retail trade establishment, unenclosed less than 500 sq. ft. on an existing developed parcel and associated with a permitted use	P	P	P	P
62. Retail trade gasoline sales, enclosed or unenclosed	P	X	P	X
63. Rubber manufacture	X	X	X	X
64. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P	P	P
65. Services, automotive	P	X	P	X
66. Services, business, health, miscellaneous and personal	P	P	P	P
67. Services, lodging[1, 2]	P	P	P	X
68. Emergency Housing	P	P	P	P
69. Emergency Shelters	P	P	P	P
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
71. Storage buildings and storage yards, for nonhazardous raw materials and finished products	X	X	X	X
72. Temporary uses which may be approved by the planning director	P	P	P	P
73. Tire retreading and recapping	X	X	X	X
74. Transitional housing as defined in BGMC 17.103.700	~~C~~P	~~C~~P	~~C~~P	~~C~~P
75. Transportation, communication and utility facilities, not otherwise specifically permitted	C	C	P	X
76. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P	P	P
77. 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

Table 17.118-1				
Use	RC	D	CC	NC
78. Welding shops	X	X	X	X
79. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	X	X	X	X
80. Wineries, breweries and distilleries	X	X	P	X
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)

SECTION 4. TITLE 17 ZONING; CHAPTER 17.120 LIGHT INDUSTRIAL, EMPLOYMENT CAMPUS, AND WESTSIDE EMPLOYMENT DISTRICTS (ML, EC, WE), IS HEREBY AMENDED AS FOLLOWS:

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

Table 17.120-1			
Use	ML	EC	WE
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. Colleges and universities	X [1]	P	P
13. Commercial recreation facilities, enclosed only	P	X [1]	C
14. Commercial recreation facilities, unenclosed	P	X [1]	C
15. Conical burners and incinerators, including biomedical waste	X [1]	X [1]	X [1]
16. Contractors' establishments	P	X [1]	P
17. Cooperative (marijuana)	X	X	X
18. Day care centers, subject to BGMC 17.135.070	P	P	C
19. Distribution facilities	P	X [1]	P
20. Dog day care subject to BGMC 17.135.075	P	X	X
21. Dry-cleaning plants	P	X [1]	P
22. Explosives manufacture and storage	X [1]	X [1]	X [1]
23. Exterminators and pest control businesses	P	X [1]	P
24. Fertilizer manufacture	X [1]	X [1]	X [1]

Table 17.120-1			
Use	ML	EC	WE
25. Finance, insurance and real estate offices	X [1]	P	P
26. Hospitals, health and medical clinics	X [1]	P	P
27. 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]
28. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	P	X [1]	X [1]
29. Kennels	P	X [1]	X [1]
30. Landfills	X [1]	X [1]	X
31. Lumber yards, planing and saw mills	P	X [1]	X [1]
32. Machine shops	P	X [1]	P
33. 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
34. 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;	P	X [1]	P

Table 17.120-1			
Use	ML	EC	WE
extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper			
35. Marijuana production, processing, and research facilities	P [2]	X	X
36. Marijuana retail, subject to BGMC 17.135.105	X	X	X [1]
37. Food pods	X [1]	P	P
38. Offices	P	P	P
39. Paper and pulp mills	X [1]	X [1]	X
40. Parking garages and parking lots	P	X [1]	X
41. Personal service establishments, in conjunction with one or more permitted uses	P	P	P
42. Printing, publishing, bookbinding and blueprinting establishments	P	P	P
43. Public and semipublic buildings and uses	P	P	P
44. Radio and television studios	P	P	P
45. Radio, television and cellular phone towers and antennas	P	X [1]	P
46. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P	P
47. Recycling plants, including any processing facilities	P	X [1]	X
48. Research and scientific laboratories	P	P	P
49. Residences for a caretaker or night watchman	P	X [1]	P
50. Residences of all types, when located on upper floors, in the rear	X [1]	X [1]	X [1]

Table 17.120-1			
Use	ML	EC	WE
of, or otherwise clearly secondary to commercial buildings			
51. Lounges and taverns	X [1]	X [1]	C
52. Restaurants	X [1]	P	C
53. Restaurants, drive-through	X [1]	X [1]	C
54. Retail trade establishments, enclosed	X [1]	X [1]	C
55. Retail trade establishments, unenclosed	X [1]	X [1]	C
56. Retail trade gasoline sales, enclosed or unenclosed	P	X [1]	X
57. Rubber manufacture	X [1]	X [1]	X [1]
58. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P	P
59. Services, automotive, including gasoline sales	P	X [1]	C
60. Services, business, health, miscellaneous and personal	X [1]	P	C
61. Services, lodging	X [1]	X [1]	X [1]
62. Services, lodging, but only when accessory to another principal use	X [1]	P	P
63. 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
64. Storage buildings and storage yards, for nonhazardous raw materials and finished products	P	X [1]	X [1]
65. Temporary uses which may be approved by the planning director	P	P	P

Table 17.120-1			
Use	ML	EC	WE
66. Tire retreading and recapping	P	X [1]	X [1]
67. 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)

SECTION 5. TITLE 17 ZONING; CHAPTER 17.122 MIXED USE DISTRICTS (MU-R, MU-E), IS HEREBY AMENDED AS FOLLOWS:

17.122.020 Permitted uses.

The following list includes the uses that are permitted, conditional, or prohibited in the mixed-use zones. "P" means permitted outright, "C" means permitted via a conditional use permit, "X" means prohibited.

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
3. Co-living Housing	P	P
4. Accessory uses and structures normally incidental to one or more permitted principal uses	P	P
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
11. Residences for a caretaker or night watchman	P	P

Table 17.122.020-1		
Use	MU-R	MU-E
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
23. Bulk gasoline storage and fuel oil distributors	X	X

Table 17.122.020-1		
Use	MU-R	MU-E
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
38. Dry-cleaning plants	X	X
39. Explosives manufacture and storage	X	X

Table 17.122.020-1		
Use	MU-R	MU-E
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, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel,	X	C

Table 17.122.020-1		
Use	MU-R	MU-E
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	P	P
76. Emergency Shelter	P	P
77. Transitional housing, as defined in BGMC 17.103.700	P	P
~~75~~ 78. Storage buildings and storage yards, for nonhazardous raw materials and finished products	X	P
~~76~~ 79. Tire retreading and recapping	X	X
~~77~~ 80. Transportation, communication and utility facilities, not otherwise specifically permitted	C	P
~~78~~ 81. 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~~ 82. 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~~ 83. Welding shops	X	P
~~81~~ 84. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	X	P
~~82~~ 85. 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~~ 86. 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.

SECTION 6. TITLE 17 ZONING; CHAPTER 17.133 PARKING AND LOADING REQUIREMENTS, IS HEREBY AMENDED AS FOLLOWS:

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
6. Co-living	0.25/dwelling unit
Commercial	
1. Auto parts store	1 space/250 square feet of gross floor area
2. Bank	1 space/400 square feet of gross floor area
3. Bed and breakfast inn	1 space/guest room plus 2 spaces for the permanent residence
4. Billiard hall/amusement arcade	1 space/200 square feet of gross floor area
5. Bowling alley	3 spaces/each lane plus 1 space for each employee
6. Commercial meeting rooms	2 spaces/each 5 occupants of total meeting rooms based on total maximum capacity
7. Commercial parking	To be determined through site plan review
8. Commercial retail and grocery stores, 1,500 square feet or less	1 space/350 square feet of gross floor area
9. Commercial retail and grocery stores, 1,501 square feet or more	1 space/200 square feet of gross floor area
10. Commercial recreation facilities, enclosed	1 space/400 square feet of gross floor area
11. Commercial recreation facilities, unenclosed	1 space/300 square feet of usable recreational area square footage
12. Dance hall or school	1 space/200 square feet of gross floor area
13. Day care centers, preschools, kindergartens	2 spaces/teacher or employee
14. Dental office	1 space/150 square feet of gross floor area

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
15. Equipment rental, moving supplies	1 space/1,000 square feet of site area
16. Funeral home	1 space/4 seats or 8 feet of bench length
17. Gasoline service station without convenience or food store	3 spaces
18. Gasoline service station with convenience or food store	1 space/pump plus 1 space/200 square feet of gross floor area
19. Health club, spa	1 space/150 square feet of gross floor area
20. Hotel without convention center	1 space/bedroom plus 1 space for each 2 employees on the largest shift
21. Hotel with convention center	1 space/bedroom plus 1 space per 400 square feet of gross floor area for the convention center
22. Laundry, self-service	1 space/each 2 washer-dryer combination
23. Medical office	1 space/150 square feet of gross floor area
24. Miniature golf course	1 space/hole
25. Motel	1 space/bedroom plus 1 space for each 2 employees on the largest shift
26. Office (except medical and dental)	1 space/400 square feet of gross floor area
27. Retail garden nursery	1 space/400 square feet of gross floor area
28. Retail business, unenclosed	1 space/each 500 square feet of open sales/display area
29. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space/600 square feet of gross floor area
30. Restaurants with drive-through	1 space/200 square feet of gross floor area up to 2,000 square feet, plus 1 space/300 square feet over 2,000 square feet
31. Restaurants without drive-through	1 space/300 square feet of gross floor area
32. Service or repair shops	1 space/600 square feet of gross floor area
33. Shopping centers having a gross leasable area (GLA) of 25,000 to 400,000 square feet	4 spaces/1,000 square feet of gross leasable area

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
34. Shopping centers having a gross leasable area (GLA) of 400,000 to 600,000 square feet	4 to 5 spaces in a linear progression, with an average of 4.5 spaces/1,000 square feet of gross leasable area
35. Shopping centers having a gross leasable area (GLA) of over 600,000 square feet	5 spaces/1,000 square feet of gross leasable area
36. Skating rink	1 space/300 square feet of gross floor area
37. Tennis, racquetball clubs	1 space/1,000 square feet of gross floor area
38. Theater, cinema	1 space/3 seats
39. Truck, trailer, boat, auto rental and sales	1 space/600 feet of gross floor area
40. Veterinarian, animal hospital	1 space/300 square feet of gross floor area
41. Wholesale garden nursery	1 space/1,500 square feet of building and outside display
42. Wholesale merchandise	1 space/each 2,000 square feet of gross floor area
Industrial	
1. Industrial commercial services	1 space/1,000 square feet of gross floor area
2. Laboratories, research and development facilities	3 spaces/1,000 square feet of gross floor area
3. Manufacturing, processing, packing, assembly and fabrication establishment	1 space/800 square feet of gross floor area
4. Self-storage facility	1 space/each 20 stalls plus two spaces for resident manager's office
5. Warehouse, freight movement and distribution and storage	1 space/2,000 square feet gross floor area
Institutional and Places of Assembly	
1. Arena	1 space/3 seats or 12 feet of bench length
2. Art gallery	1 space/500 square feet of gross floor area
3. Assisted living facility	1 space/4 residents
4. Auditoriums, other meeting rooms	1 space/5 seats or 12 feet of bench length
5. Child care facility, kindergarten	1 space/teacher or employee plus 1 space per 12 persons served
6. Church	1 space/4 seats or 12 feet of bench length in the main auditorium

Table 17.133-1
Minimum Vehicular Parking Requirements

Use	Minimum Number of Vehicular Spaces Required
7. Clubs and lodges	Spaces as determined by the planning director or hearing examiner to meet the combined requirements of the uses being conducted within the club or lodge
8. College	1 space/3 classroom seats
9. Commercial school for adults	1 space/3 classroom seats
10. Convalescent facility, nursing home, congregate care facility	1 space/3 beds for patients or residents
11. Elementary school, public or private	1 space/8 feet of bench length or 6 seats in an auditorium or assembly room, whichever is greater
12. High school, public or private	1 space/employee plus 1 space/each 4 students or 1 space/4 seats or 8 feet of bench length in the auditorium, whichever is greater
13. Library	1 space/250 square feet of gross floor area
14. Medical centers and hospitals	2 spaces/1,000 square feet of gross floor area
15. Middle school, public or private	1 space/6 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater
16. Museum	1 space/400 square feet of gross floor area
17. Park and ride lots	To be determined through site plan review
18. Park without recreational facilities	To be determined by the planning director
19. Park with recreational facilities	To be determined by the planning director
20. Private utility operation	1 space/each employee on largest shift
21. Residential care facility	1 space/7 residents served under the age of 12 1 space/5 residents served ages 12—17 1 space/4 residents served ages 18 years or older
22. Retirement home facilities	1 space/each 3 units
23. Reading room	1 space/400 square feet
24. Stadium	1 space/4 seats or 12 feet of bench length
25. Theater, noncommercial	1 space/4 seats
26. Welfare or correctional institutions	0.3 spaces per bed based on maximum capacity

(Ord. 22-20 § 9, 2022; Ord. 18-10 § 3 (part), 2018: Ord. 17-06 § 6 (part), 2017: Ord. 16-24 § 3 (part), 2016: Ord. 15-04 § 29 (part), 2015; Ord. 04-024 § 31 (part), 2004: Ord. 99-004 § 8 (part), 1999)

17.133.072 Residential Parking Design Standards.

The following design standards are required for all residential parking pursuant to RCW 36.70A.622:

A. Minimum parking spaces cannot be wider and longer than eight (8) feet by twenty (20) feet.

B. Tandem parking spaces are permitted.

C. Required parking spaces can be enclosed or unenclosed.

D. Required parking spaces can be paved with grass block pavers.

E. Up to six parking spaces in legally established non-conforming gravel parking areas can be counted toward minimum parking requirements.

F. Minimum parking spaces are not required if compliance with tree retention would otherwise make a residential development infeasible.

SECTION 7. TITLE 17 ZONING; CHAPTER 17.135 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES, IS HEREBY AMENDED AS FOLLOWS:

17.135.055 Temporary encampments for the homeless.

Pursuant to RCW 35.21.915 and RCW 36.01.290, temporary encampments for the homeless are authorized by right by a hosting religious organization. The following standards shall apply:

A. A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

B. The building official shall perform a site inspection of the facility to assure the necessary measures are in place to protect public health and safety. Any actions determined to be corrected shall not substantially burden the religious organization.

C. The religious organization shall pay the city the actual costs associated with the review and approval of the encampment. The city shall not impose permit fees in excess of actual costs associated with the review and approval of permit applications.

D. For the purposes of this section, “religious organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

E. Any appointed or elected public official, public employee of this city is immune from civil liability for (1) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (2) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section. (Ord. 18-10 § 4 (part), 2018: Ord. 17-06 § 7 (part), 2017: Ord. 15-04 § 30 (part), 2015)

F. Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious

organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

G. For the purposes of this section, "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

17.135.056 Affordable Housing Development Density Bonuses for Religious Organizations.

A. A density bonus of up to 50 percent is authorized for any affordable housing development of single-family or multifamily residences located on real property owned or controlled by a religious organization, per RCW 36.70A.545.

17.135.200 Transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing.

A. Transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing are authorized pursuant to the zoning district use tables.

B. Reasonable occupancy, spacing, and intensity of use requirements shall be reviewed under a site plan review process pursuant to BGMC Chapter 17.143.

C. 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).

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

SECTION 9. REGULATORY CONFLICTS. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

SECTION 10. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 11. EFFECTIVE DATE. This ordinance shall be published in summary form and be in full force and effective thirty (30) days from the final passage date in accordance with law.

ADOPTED IN OPEN MEETING OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON THIS 1ST DAY OF JUNE 2026.

_____
Eric Overholser, Mayor

Attested to by:

_____
Elizabeth Halili, City Clerk

Approved as to form:

_____
Kirk Ehlis, Contract City Attorney

CITY OF BATTLE GROUND
STAFF REPORT

To:	City Council
From:	Kris Swanson, City Manager
Date:	June 1, 2026
Proceeding Type:	Presentation (Business)
Subject:	Invocation at City Council meetings

Legislative History:	
• Council Communications	June 1, 2026

Staff Report Summary

Staff recommend the City Council discuss the matter and provide policy direction.

Background

During the "Council Communications" portion of the May 4, 2026, City Council meeting, the City Council asked that the matter of including an invocation for future meetings be placed on an agenda for further discussion.

This matter has been discussed by the City Council recently. For example, during the Council Communication portion of City Council meeting that occurred on November 4th, 2024, councilmembers requested that staff provide information and sample local government policies for prayer at public meetings. Staff provided councilmembers with information curated on the matter by the Municipal Research and Services Center (MRSC), which is a nonprofit organization that helps local governments across Washington State better serve their communities through legal and policy guidance on any topic, including the topic of prayer, pledges, and land acknowledgment in public meetings (see MRSC - Opening Your Meeting: Prayers, Pledges, and Land Acknowledgements).

Subsequently, during the "Administrative Reports" portion of the City Council meeting that occurred on January 6, 2025, the topic of "moment of silence" was discussed by the City Council. As part of that discussion, City Attorney Harper responded to questions from the City Council, and a consensus was reached to ask the City Attorney to look further into any legal issues regarding a separate pre-business meeting gathering to hold a moment of silence or prayer with or without a quorum present (Attachment A – Meeting Minutes, posted online at https://www.cityofbg.org/AgendaCenter/ViewFile/Minutes/_01062025-768).

That legal research and opinion was provided to the City Council on January 22, 2025, and then shared again with current councilmembers by City Manager Swanson on May 5, 2026.

Fiscal and Policy Implications

N/A

Goals and Objectives Relevance

N/A

Options

Option	*Results*
• *Consider the matter and provide policy direction to staff.*	Staff will implement policy direction from the City Council.

Staff Recommendation

Staff recommend that the City Council discuss the matter and provide policy direction.

Attachments

Attachment A – Minutes to the January 6, 2025, City Council Meeting

Legal Review

N/A

Battle Ground City Council Meeting Minutes
Monday, January 6, 2025

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 McCoy. 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 Troy McCoy, Deputy Mayor Shane Bowman, and Councilmembers, Tricia Davis, Cherish DesRochers, Victoria Ferrer, Adrian Cortes and Eric Overholser

ABSENT: None.

STAFF: City Manager Kris Swanson, Deputy City Manager Rob Ferrier, Finance and Information Services Director Meagan Lowery, Police Chief Dennis Flynn, Public Works Director Mark Herceg, Community Development Director Kristin Lehto, Communications Manager/Public Information Officer Alisha Smith (via Zoom), Recreation & Facilities Manager Kim Cederholm (via Zoom), Acting City Attorney Ken Harper and City Clerk Elizabeth Halili.

MOTION TO APPROVE AGENDA 7:01 p.m.

MOTION: Councilmember Bowman moved to approve the Meeting Agenda as presented.
SECOND: Councilmember Cortes
VOTE: Motion carried. 7-0

SUMMARY REPORTS AND PRESENTATIONS 7:01 p.m.

Councilmember Reports:

- ***Ending Community Homelessness Organization (ECHO) Meeting Report Meeting Report***
  Councilmember Ferrer provided a report.

Consensus was reached by the Council to authorize Jordan Boege, Senior Policy Analyst for the Clark County Council and County Manager's Office, to draft a letter on behalf of the City of Battle Ground. The letter will request that ECHO funding not be reduced during the next biennium. The council will review and consider approving the draft letter at a future meeting.

- ***Discovery Clean Water Alliance (DCWA) Meeting Report***
  Deputy Mayor Bowman provided a report.
- ***SW WA Regional Transportation Council (RTC) Report Meeting Report***
  Mayor McCoy noted that he will continue to serve on this Council in 2025.

- ***C-TRAN Board of Directors Meeting Report***
  Mayor McCoy provided a report. Mayor McCoy noted that he met with the C-TRAN CEO regarding transportation for Community Court.

Mayor's Report:

- ***Appointment of Zacharey French to the Parks & Community Engagement Advisory Board, Youth Position, unexpired term ending 6/30/2025***
  Mayor McCoy called for a motion to approve the appointment of Zacharey French to PACE Advisory Board, Youth Position, unexpired term ending on June 30, 2025

MOTION: Councilmember Ferrer moved to approve the appointment of Zacharey French to PACE Advisory Board, Youth Position, unexpired term ending on June 30, 2025
SECOND: Councilmember DesRochers
VOTE: Motion carried 7-0

Zacharey French provided a brief statement.

- ***Service Recognition – Councilmember Adrian Cortes***
  Mayor McCoy recognized and thanked Councilmember Adrian Cortes for his years of service to the community on the Battle Ground City Council, noting his accomplishments, and presented him with a commemorative gavel and plaque. Councilmember Cortes made a brief statement.

- ***Re-appointment of Evelina Kurilenko to Salary Commission Position #3, term ending 12/31/2027***
  Mayor MCoy called for a motion to approve the re-appointment of Evelina Kurilenko to Salary Commission Position #3, term ending 12/31/2027.

MOTION: Councilmember Bowman moved to approve the re-appointment of Evelina Kurilenko to Salary Commission Position #3, term ending December 31, 2027.
SECOND: Councilmember DesRochers
VOTE: Motion carried 7-0

- ***City Council Liaison and Ad Hoc Committee Appointments***
  Mayor McCoy sought the interest of Council members and recommended the following City Council Liaison and Ad Hoc Committee appointments:
  - ***Clark County Mosquito District Board of Trustees**, Delegate position reappointment of Councilmember Tricia Davis, 2-year term ending December 31, 2026.*
  - ***Clark County Public Transportation Benefit Area (C-TRAN) Board of Directors**, Delegate position reappointment of Mayor Troy McCoy, 1-year term ending December 31, 2025.*
  - ***Clark County Public Transportation Benefit Area (C_TRAN) Board of Directors**, Alternate position reappointment of Councilmember Victoria Ferrer, 1-year term ending December 31, 2025.*
  - ***City of Battle Ground Ethics and Administration Committee**, Delegate position reappointment of Councilmember Cherish DesRochers, term ending December 31, 2026*
  - ***Emergency Medical Services (EMS) District #2 Board**, Delegate position reappointment of Councilmember Eric Overholser, 1-year term ending December 31, 2025*
  - ***Evaluation Committee**, Delegate position reappointment of Deputy Mayor Bowman, 1-year term ending December 31, 2025*
  - ***Evaluation Committee**, Delegate position reappointment of Councilmember Eric Overholser, 1-term ending December 31, 2025.*

- ***Legislative Committee,*** *Delegate reappointment of Deputy Mayor Bowman, 2-year term ending December 31, 2026*
- ***Legislative Committee,*** *Delegate appointment of Councilmember Eric Overholser 2-year term ending December 31, 2026*

MOTION: Councilmember Ferrer moved to keep all of the Council Liaison and Ad Hoc Committee appointments the same other than Councilmember Overholser replacing Councilmember Cortes on the Legislative Committee.
SECOND: Deputy Mayor Bowman
VOTE: Motion carried 7-0

Presentations:

- **Eaton Park Workforce Housing Project**
  City Manager Kris Swanson introduced T.J. Fontenette of Principal Properties and Andy Silva of the Vancouver Housing Authority (VHA). Andy Silva provided a presentation regarding the affordability and availability of workforce housing. Mr. Fontenette provided a presentation on the Eaton Park Workforce Housing Project.

  The Council discussed the presentation.
  Mr. Fontenette and Mr. Silva responded to questions from Council.
  City staff responded to questions from Council.

Councilmember DesRochers left the chambers at 8:08 p.m.

CITIZEN'S COMMUNICATIONS **8:08 p.m.**

- *Bill Osmunson provided public comment via Zoom*

Councilmember DesRochers re-entered the chambers at 8:10 p.m.

- *Derek Kemppainen provided public comment*
- *Wynn Grcich provided public comment and handouts.*
- *Geri Rubano provided public comment*
- *Justin Forsman provided public comment*
- *Jessica Cole provided public comment*

CONSENT AGENDA **8:29 p.m.**

A. City Council Executive Session and Regular Meeting Minutes of December 2, 2024
B. Claim Vouchers dated 12/09/2024, #96340-#96399, and Bank Drafts, in the amount of $1,388,280.87
C. Claim Vouchers dated 12/16/2024, #96400-#96462, and Bank Drafts, in the amount of $815,378.64
D. Claim Vouchers dated 12/23/2024, #96463-#96522, and Bank Drafts, in the amount of $724,615.64
E. Payroll dated 12/10/2024, vouchers #29200-#29204 in the amount of $4,567.84, and direct deposits of $272,595.18 for a total payroll of $277,163.02.
F. Payroll dated 12/23/2024, vouchers #29205-#29209 in the amount of $2,416.21, and direct deposits of $281,104.88 for a total payroll of $283,521.09.
G. SW Eaton Boulevard Improvements – ROW Purchase Approval – NPG Property

MOTION: Councilmember Cortes moved to approve the Consent Agenda as presented.
SECOND: Councilmember Ferrer

VOTE: Motion carried 7-0

Mayor McCoy recessed the regular meeting at 8:30 p.m.
Mayor McCoy resumed the regular meeting at 8:35 p.m.

BUSINESS **8:35 p.m.**

Filing of City Council Vacancy – Position #4: Presentation/Motion
Presented by City Manager Kris Swanson
Summary: The council received a presentation from City Manager Kris Swanson on the appointment process and two proposed timelines for filling the City Council Position #4 seat being vacated by Councilmember Cortes. The council considered directing staff to notice the vacancy and solicit applications according to proposed timelines.

City Manager Kris Swanson congratulated Councilmember Cortes on his election to the Washington State Senate and noted that his resignation from City Council Position #4 will be effective on January 7, 2025. Ms. Swanson presented the appointment process and proposed timeline for filling the City Council Position #4 seat.

Mayor McCoy explained the reason for the short timeline A
The Council discussed the presentation.

MOTION: Deputy Mayor Bowman moved to suspend the rules for council vacancies
SECOND: Councilmember DesRochers
VOTE: Motion carried 7-0

MOTION: Deputy Mayor Bowman moved to use Timeline A and switch the application deadline to 10:00 a.m. on Tuesday, January 21, 2025.
SECOND: Councilmember Overholser
VOTE: Motion carried 7-0

Councilmember Cortes left the chamber at 8:57 p.m.

Senior Center Remodel – Bid Results: Presentation/Motion
Presented by Public Works Director Mark Herceg
Summary: The council was presented with a bid from ATK Construction for the Senior Center Remodel project, discussed various project options, and considered awarding the portions of the project they wished completed.

Councilmember Cortes re-entered the chambers at 9:00 p.m.

The Council discussed the presentation.

MOTION: Councilmember Overholser moved to award the Senior Center Remodel Base Bid and Alternates 1, 2, & 3 to ATK Construction.
SECOND: Councilmember Ferrer
VOTE: Motion carried 7-0

Ordinance 2025-02 Unauthorized Encampments on Public Property: Presentation/Set Public Hearing
Presented by Deputy City Manager Robert Ferrier
Summary: The council received a presentation on a proposed policy and ordinance regarding unauthorized encampments on public property and considered setting a public hearing to hear public testimony on the matter for February 3, 2025.

The Council discussed the presentation.

Clerk Halili read the Ordinance Title (1st Reading)

MOTION: Councilmember Overholser moved to set a Public Hearing for February 3, 2025, to hear public comment regarding Ordinance 2025-02.
SECOND: Councilmember Ferrer
VOTE: Motion carried 7-0

ADMINISTRATIVE REPORTS **9:18 p.m.**

City Manager Kris Swanson reported on the following:

- *Announced that the Government Finance Officers Association (GFOA) has awarded the City with a Certificate of Achievement for Excellence in Financial Reporting for its annual comprehensive financial report for the fiscal year ending December 31, 2023. Ms. Swanson noted that the city has received this award for twenty-one years running and recognized Meagan Lowery as instrumental in the receipt of this award.*
- *Moment of Silence follow up and request for further direction from the Council.*
  The Council discussed the proposed Moment of Silence.
  Acting City Attorney Ken Harper responded to questions from City Council.

A consensus was reached by the Council to ask Legal to look further into any legal issues regarding a separate pre-business meeting gathering to hold a moment of silence or prayer in City Hall with or without a quorum present.

COUNCIL COMMUNICATIONS **9:38 p.m.**

- *None.*

EXECUTIVE SESSION **9:39 p.m.**

Pursuant to RCW 42.30.110(1)(f), the City Council will enter an Executive Session to receive and evaluate complaints or charges brought against a public officer. The Executive Session is anticipated to last twenty (20) minutes, with possible action to follow.

Mayor McCoy announced that pursuant to RCW 42.30.110(1)(f), the City Council would enter an Executive Session to receive and evaluate complaints or charges brought against a public officer. The Session would last twenty (20) minutes beginning at 9:45 p.m. and ending at 10:05 p.m. with possible action to follow.

The Council entered the Executive Session at 9:45 p.m.
At 10:05 p.m., Mayor McCoy announced that the Executive Session would be extended for an additional 10 minutes, ending at 10:15 p.m.

The Council re-entered the chambers at 10:15 p.m.
Mayor McCoy resumed the meeting at 10:15 p.m.

MOTION: Councilmember Bowman moved to have staff get us the opportunity to have more legal training through either our City Attorneys or through WCIA in our legal roles and responsibilities. I think that one place we could do that is potentially at the retreat and have some more legal training for all council members who choose to receive that.
SECOND: Councilmember Overholser
VOTE: Motion carried 7-0

ADJOURNMENT
The regular meeting was adjourned at **10:16** p.m.

Next Meeting Date: Tuesday, January 21, 2025, Special Meeting at 5:00 p.m., Regular meeting at 7:00 p.m.

Troy McCoy
Mayor

Elizabeth Halili
City Clerk

Date of approval by the City Council: January 6, 2025

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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