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RESOLUTION NO. 2017- 09-13

A RESOLUTION relating to the 2015 Buildable Lands Report (BLR) for the jurisdictions within Clark County and submitting an addendum of the 2015 BLR to Washington State Department of Commerce for incorporating reasonable measures in the growth boundary expansions on the Cities of Battle Ground, Ridgefield, and La Center.

WHEREAS, the *Clark County Buildable Lands Report* submitted in June 2015 concluded that the Cities of Battle Ground, La Center, and Ridgefield had a lower density range than that outlined in the county-wide planning policy and that all had more vacant, buildable residential land than was needed for the 2035 planning horizon; and

WHEREAS, as part of the county's 2016 Comprehensive Plan update, the cities of Battle Ground, La Center and Ridgefield requested small expansions to the urban growth areas (UGAs); and

WHEREAS, the UGA expansions were challenged as part of the appeals of the Comprehensive Plan update; and

WHEREAS, in response to the Growth Management Hearings Board Case No. 16-2-0005c Final Decision and Order that determined the urban growth expansions were noncompliant and invalid, the cities of Battle Ground, La Center, and Ridgefield have provided additional information about their reasonable measures including changes made to their Comprehensive Growth Management Plans and development regulations; and

WHEREAS, the BLR describes the actions identified as necessary revisions to local development regulations, and the addendum to the June 2015 BLR notes each city's adopted changes in regulations to gradually allow for higher density development within the planning horizon, and that to date have allowed for higher density development;

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:

The BLR is hereby amended to include new Appendix E, which sets forth the summaries of reasonable measures taken, and updated information regarding the density of urban development, within the UGA's of the Cities of Battle Ground, Ridgefield and La Center.

ADOPTED this 26<sup>th</sup> day of September, 2017.

Attest:

*Rebecca J. Ha*  
Clerk to the Board

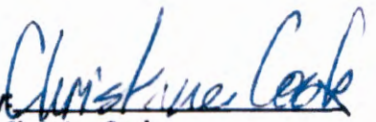
BOARD OF COUNTY COUNCILORS  
FOR CLARK COUNTY, WASHINGTON

By: *Marc Boldt*  
Marc Boldt, Chair



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

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By:   
Christine Cook  
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne Stewart, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Eileen Quiring, Councilor

## **APPENDIX E- ADDENDUM**

### **Background:**

In response to the Growth Management Hearings Board Case No. 16-2-0005c Final Decision and Order as seen in Issue 5: UGA EXPANSION AND BUILDABLE LANDS REPORTS, the Cities of Battle Ground, La Center, and Ridgefield have provided additional information about their Comprehensive Growth Management Plans and development.

Appendix E describes their following actions that were identified as necessary revisions to local development regulations. These revisions were incorporated into the update process and adopted in an ordinance to ensure compliance with the GMA. These measures reflect changes in regulation that would gradually allow for higher density development within the planning horizon.



# City of Battle Ground

Community Development Department  
109 SW 1<sup>st</sup> Street, Suite 127, Battle Ground, WA 98604  
360.342.5047

May 12, 2017

Clark County Board of Councilors  
Clark County Planning Commission  
Attn: Oliver Orjiako  
P.O. Box 9810  
Vancouver, WA 98666

RE: Growth Management Hearings Board Compliance

Dear Mr. Orjiako,

In order to come into compliance with issue 5 in the Growth Management Hearings Board Final Decision and Order, the City of Battle Ground is proposing to remove the 82 acres that was added to the urban growth boundary during the 2015 Comprehensive Plan Update.

Attached please find two documents providing justification and background for why removing the additional acreage brings Battle Ground into compliance. Part 1 of the attached addresses actions and observations regarding density and employment capacity in regards to projected numbers verses actual development patterns as well as addresses reasonable measures. Part 2 of the attached is an analysis of capacity using updated numbers and accounting for recent development. The combination of these two documents show that Battle Ground's UGA, while perhaps slightly undersized, is sufficient to meet the 20-year projections.

The expansion area currently has a comprehensive plan designation of mixed use and an urban holding overlay. The City understands that this property, once removed from our UGA, will return to the original R-5 zoning and the urban holding overlay will be removed. The City is requesting that the urban reserve 20 overlay be placed on this 82 acres to protect against undue parcelization at this location and to preserve this area for future economic development.

We thank you for working with us throughout this process. If you need any addition information or have any questions, please do not hesitate to contact me. You can reach me at [erin.erdman@cityofbg.org](mailto:erin.erdman@cityofbg.org) or (360) 342-5044.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Erdman".

Erin Erdman  
Community Development Director

cc: Jeff Swanson, City Manager  
Sam Crummett, Planning Supervisor  
Susan Drummond, Contract City Attorney

May 18, 2017

**Battle Ground Response to Issue 5 - Part I of 2  
Supplement to Buildable Lands Report for City of Battle Ground**

**Residential Land**

In Issue 5 of the Order, the Growth Management Hearings Board found that Battle Ground's expanded Urban Growth Area (UGA) was larger than necessary to accommodate its projected growth over the 2015-2035 horizon. Based on the County's most recent Buildable Lands Report (BLR), the Board found the County erred by expanding the Battle Ground UGA by 82 acres.

**Action Item 1.** To resolve this issue, Battle Ground will be working with the County to eliminate the 82 acres added to its UGA. As part of this process, the zoning will revert to R-5 and the UH-20 zoning overlay will be removed, as this designation applies to lands located inside an urban growth area. To ensure this area is protected for economic development, and is not further subdivided,<sup>1</sup> the City will be working with the County to apply the rural area's UR-20 zoning overlay to these properties. The UR-20 Overlay would replace the UH-20 Overlay.

**Action Item 2.** In 2013, the City observed that residential densities were not being built to the 6 unit per acre targets established in the Plan. Staff found that the minimum lot size standards as well as the density transfer provisions in the City's development code were not allowing for developers to realize the densities authorized in the low density residential districts. The low-density districts authorized a maximum density as established in the Plan, with the imposed minimum lot sizes and the amount of land needed for infrastructure deductions; density targets were not being met. The City fixed this by reducing the minimum lot size standards within the low-density residential districts. As a result, the development trends since ordinance passage have proven to create higher density plats as indicated in Table 1 below. Please see Exhibit A, Ordinance 13-07 for the specific code changes. Given the recent adoption of these measures, the BLR land capacity analysis was unable to account for the increased densities resulting from Ordinance 13-07, which are described below.

**Observation 1.** Development trends have changed dramatically since BLR publication, so the VBLM analysis lacked current data on development capacity and density occurring in Battle Ground. This concern is noted in the BLR, as the report states, "it is important to note that the observed densities occurred at a period of a deep recession having a significant impact to development occurring in the housing sector. However, Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal and Clark County have adopted local development regulations that may reflect higher density development within the planning horizon" (p. 11). Given the data the BLR analysis was based on was derived from a period of no or low growth, this BLR analysis is now being supplemented to account for recent development trends. With current development figures factored in, the County will have a more accurate picture of Battle Ground's residential density.

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<sup>1</sup> As the Mayor addressed in prior testimony, this has been a challenge for lands just outside UGA borders.

Since the publication of the BLR, multi-family density took a sharp increase to 51.3 units per acre, due to new projects built during this time frame. For single-family residential platted lots, density is above 7 units per acre on average. In summary, Battle Ground's present densities are not 4.2 units per acre, and the City is being developed out at fairly high urban densities. As indicated in Table 1 below, Battle Ground's residential density is **13.37 units per acre**, far exceeding its residential density targets. This change is largely the result of the passage of Ordinance 13-07 along with the upturn in the market since the recession.

**Table 1. Battle Ground Residential Densities from January 2015 to March 2017.**

Single Family Subdivisions	Preliminary Approval	Net Acres	#Lots/ Units	Density
Cedars Landing	8/28/2014	24.72	172	6.96
Creekside Heights	5/21/2015	9.75	98	10.05
Cedars Village	7/7/2016	20.26	117	5.77
Eastbrook Subdivision	5/13/2016	9.23	80	8.67
Bloomquist Subdivision	2/24/2017	19.88	123	6.19
Parkway Heights	4/10/2017	8.45	39	4.62
<b>Multi-Family Density</b>		3.86	198	<b>51.3</b>
<b>Platted Single-Family Density</b>				<b>7.04</b>
<b>Combined Residential Density</b>				<b>13.37</b>

**Employment Land**

**Action Item 1.** As noted earlier, the City will be removing the requested 82 acres from the City's Urban Growth Boundary that was brought in with this Plan update. Further detail is above.

**Action Item 2.** Second, the City has adopted the following policies in the Plan update to introduce more compact and efficient employment land use developments via mixed-use objectives, updating City long range plans, and promoting Old Town businesses through partnerships and other means. These new goals and objectives are listed below:

<p><b><i>Economic Development Goal 2:</i></b>  <i>Provide a sufficient amount of land for commercial and business uses, through a supportive Land Use Plan and development regulations.</i></p> <p><b>Objectives</b>  <b>EDO2.1</b> Maintain and update the City's land use, transportation and utility plans on a regular basis to guide the future of the City's major commercial areas and help them respond to change.</p>
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EDO2.2 Provide a mix of uses that allows for the daily needs of resident to be met within Battle Ground.

**Economic Development Goal 3:**

*The City encourages regional and local economic development strategies.*

**Objectives**

EDO3.3 Partner with the Battle Ground Chamber of Commerce and Old Town Battle Ground Association to promote and market the City's retail establishments. Assist the Chamber and Old Town Battle Ground in development of community marketing materials.

**Observation 1.** Similar to Residential trends, Battle Ground's employment sector is densifying at a greater rate than outlined in the BLR. The trends represented in the BLR were largely derived from the recession and not representative of Battle Ground's employment density. Since that time, Battle Ground's top 10 employers on average have grown by 8.4%. This growth has occurred within their existing site acreage, except for Anderson Plastics, which expanded a portion of their growth outside of the City. Tapani Underground, Battle Ground's second largest employer, has experienced the largest amount of growth at 40%, adding 107 jobs. This has initiated on-site construction of approximately 27,000 square feet of warehousing and office space.

**Battle Ground's Top 10 Employers, Growth from 2015 – March 2017.**

Employer	Employee Count		Percent change
	January 2015	March 2017	
BG School District	714	716	0.3%
Tapani Underground	270	377	40%
Cascade Student Transportation	192	200	4%
Walmart	183	172	-6%
Vancouver Clinic	131	148	13%
Anderson Plastics/Dairy	155	137*	*This decrease is a result of the company splitting operations outside of the City, but the company is experiencing overall growth.
JRT Mechanical	119	122	3%
Victory Health Care	88	102	16%
Safeway	87	87	0%
City of Battle Ground	75	79	5%
<b>Average Growth</b>			<b>8.4%</b>

With this growth, the City is exceeding its employment goals. Neither the City nor the County have an employment density target (i.e., jobs per acre). The Countywide land capacity analysis

assumed 20 employees per acre, but this is an average and extremely difficult to measure given the varying degrees of employment densities throughout the County. For Battle Ground it is understood that 10 employees per acre is a more reasonable assumption for considering the adequacy of commercial land supplies. However, to be conservative, the City's update analysis for the compliance matter continues to assume 20 employees per acre. Updated information on commercial land supplies is separately provided. That analysis also addresses the City's overall UGA size, population allocation, and whether there is sufficient land within the UGA to accommodate the next twenty years of growth.

<P:\Comprehensive Plan\2016 Update\Appeal\BG Reasonable Measures Response.docx>



May 18, 2017

**Battle Ground Response to Issue 5 - Part 2 of 2**  
**Supplement to Buildable Lands Report for City of Battle Ground**

**Residential Land**

The land capacity analysis was based on an estimated January 1, 2015 population of 20,871. The current population as of January 2015 is 19,250.

UGA	Population estimated (January 1, 2015)	Population Allocation	2035 estimated population
Battle Ground	20,871	17,572	38,443

The Vacant Buildable Lands model has not accounted for some recent development that has occurred in the City. There have been 3 recent subdivisions that have occurred on 31.82 acres of land, resulting in 116 single family lots. The original analysis was also built off the 2015 model; the numbers below have been updated based on the 2016 model.

Land Use	Developable Net Acres per VBLM	Deductions	Current Net Developable acres	Housing Units	Persons
Residential	1,055.8	31.82	1,023	6,139	16,329

Housing units are calculated based on 6 units per acre target.  
Persons are calculated at with the factor of 2.66 persons per household

The capacity analysis indicates we have capacity for 16,329 people and we are allocated 17,572. If the numbers are based off the actual population for January 2015 then the UGA is still slightly undersized, and as such does not have a surplus of residential land as indicated in the Growth Management Hearings Board FDO.

**Employment Land**

During the Comprehensive Plan update process the City of Battle Ground was allocated 10,060 jobs. Of that total number, 8,605 jobs were allocated based on capacity in 2015. The county projected that 24,175 jobs would occur countywide due to redevelopment and public sector jobs. The City was allocated 6% of this assumption totaling 1,455 additional jobs, bringing the total allocation to 10,060.

The 2015 VBLM capacity analysis includes the 82-acre expansion area, which has a net of 55 developable acres. The model also only accounted for a portion of the Alder Point Apartment project, since the model was run 5.29 acres have fully developed on this mixed-use project, as well as an office development on .34 acres. These current developments along with the loss of the 55 net acres totals 60.63 acres.

Several small industrial developments have occurred since the last model was run - averaging around 2 acres apiece and totaling 9.44 acres.

Below are the numbers from the 2016 model coupled with updated analysis on development that has occurred since. The City has an employment capacity of 8,058 jobs, which is just shy of the allocation of 8,605.

Land Use	Developable Net Acres per VBLM	Deductions	Current Net Developable acres	Jobs
Commercial	398.5	60.63	337.87	6,757
Industrial	154	9.44	144.56	1,301
				8,058

**Conclusion**

With the removal of the 82 acres added to the UGA and the update to the VBLM model to account for current development, the City of Battle Ground’s residential and employment capacity while adequate to meet the proposed 2035 projections for population and job growth, the UGA is on the small side. The City falls slightly short on both residential and employment capacity, but given market volatility and to be conservative, the City is not requesting additional acreage at this time. As a policy matter, rather than bringing in land incrementally, if the area proposed for economic development is to be brought in, it should be planned for and brought in a single action. Also, given recent market dynamics, the City wishes to wait to see if the present development patterns continue before requesting an expansion.

**ORDINANCE NO. 13-07**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLES 2, 9, 10, 12, 13, 16, 17, AND 18  
OF THE BATTLE GROUND MUNICIPAL CODE**

WHEREAS, the Growth Management Act allows for comprehensive plan and zoning text amendments to occur once per year; and

WHEREAS, the Planning Commission conducted a public hearing on Wednesday May 1, 2013 and recommended approval of the proposed changes as presented by staff with a modification; and

WHEREAS, the proposed changes have been provided to the Department of Commerce for review; and

WHEREAS, the City Council met on February 19, 2013 and April 15, 2013 to review the proposed amendments; and

WHEREAS, the City Council finds it in the public interest to amend various chapters of the Battle Ground Municipal Code;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND,  
WASHINGTON DOES ORDAIN AS FOLLOWS:**

**Section 1.** New. Section 2.80, Indemnity of Personnel, of the Battle Ground Municipal Code is hereby added to read:

Chapter 2.80, Indemnity of Personnel

BGMC 2.80.010 Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meaning:

- A. "Employee" means any person who is or has been employed by the city in either a full-time or part-time capacity and for compensation.
- B. "Official" means any person who is serving or has served as an elected City Official and any person who is serving or has served as an appointed member of any board, commission or committee created by any elected City official. Official does not include independent contractors performing the duties of appointed positions.

BGMC 2.80.020 Legal Representation.

As a condition of service or employment with the City of Battle Ground, the City shall provide to an official or employee and their marital community, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the City, such legal representation as may

be reasonably necessary to defend a claim or lawsuit filed against such officer or employee resulting from any good faith performance, conduct, act or omission of such official or employee performed or omitted on behalf of the City of Battle Ground in their capacity as a city official or employee, which act or omission is within the scope of their service or employment with the City. Such legal representation shall be provided by the City Attorney, or designee.

**BGMC 2.80.030 Representation and Payment of Claims – Conditions.**

The provisions of this chapter shall be applicable, provided that the following conditions are met:

A. In the event of any incident or cause of conduct potentially giving rise to a claim for damage or the commencement of a suit, the official or employee involved shall as soon as practicable but no more than seven (7) calendar days, give the City Clerk written notice thereof, indentifying the official or employee involved, information with respect to the date, time, place of the incident, and circumstances surrounding the incident or conduct giving rise to the potential claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

B. Officials and employees named as a party to a claim or a defendant in a lawsuit, shall cooperate to the fullest extent with the City Attorney and any other authorized representatives so designated by the City. This shall include, but is not limited to, providing requested information, statements, testimony, exhibits and documents. Failure to fully cooperate shall result in the City's withdrawal of defense and shall absolve the City of all responsibility for payment of judgments and settlements.

**BGMC 2.80.040 Settlements.**

If legal representation of any official or employee is undertaken under this chapter, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the City shall pay such judgment or settlement, provided that the City may, at its discretion, appeal as necessary such judgment. The City may agree to settlements of any claim or suit as it deems expedient and/or in the best interest of the City.

**BGMC 2.80.050 Reimbursement of Incurred Expenses.**

If the City Attorney determines that an official or employee does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the City shall pay any judgment rendered against the official or employee and costs or expenses, including reasonable attorney's fees, incurred in defending against the claim or obtaining the determination that such claim is covered by the provisions of this chapter.

If the City Attorney determines that a claim against an official or employee is not within the provisions of this chapter, and a court of competent jurisdiction later finds that such a claim does not come within the provisions of this chapter, then the city shall be reimbursed for costs or expenses, including reasonable attorney's fees, incurred in obtaining the

determination that such claim is not covered by the provisions of this chapter. The losing official or employee shall pay the reimbursement due to the City.

**BGMC 2.80.060 Conflict with Provisions of Insurance Coverage.**

Nothing contained in this chapter shall be construed to modify or amend any provision of any coverage of insurance where any City official or employee thereof is named insured. In the event of any conflict between this chapter and the provisions of such insurance coverage, the coverage provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any official's or employee's right to full coverage pursuant to this chapter, it being the intent of this ordinance to provide complete coverage outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such coverage by any conflicting provision contained in this chapter.

**BGMC 2.80.070 Pending Claims.**

The provisions of this chapter shall apply to any pending claim or lawsuit against an official or employee, or any such claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

**BGMC 2.80.080 Exclusions.**

The obligations assumed under this ordinance by the City shall not apply to:

- A. Any dishonest, fraudulent, criminal, or malicious act of any official or employee;
- B. Any act of an official or employee which is not performed on behalf of the City;
- C. Any act which is outside the scope of an official's or employee's service or employment within the City;
- D. Officials or employees who fail to, neglects or refuses to comply with any condition or section of this ordinance; or
- E. Any lawsuit brought by or on behalf of the City.

The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the City or the official or employee is insured against the loss or damage under the terms of any valid City purchased insurance coverage.

**BGMC 2.80.090 Determination of Exclusion.**

The determination of whether an official or an employee is entitled to a defense by the City under the terms of this ordinance shall be made by the City Attorney. There shall be no appeal from such determination, except to the Superior Court by means of an action for declaratory judgment.

**Section 2.** Amendatory. Section 9.68.010 Violations - Penalties, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 9.68.010 Violations—Penalties.**

A. Every person convicted of a gross misdemeanor under BGMC Title 9 shall be punished by imprisonment in a jail contracted by the City of Battle Ground, Washington, for a maximum term fixed by the court of not more than three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

B. Every person convicted of a misdemeanor under BGMC Title 9 shall be punished by imprisonment in a jail contracted by the City of Battle Ground, Washington, for a maximum term fixed by the court of not more than ninety days; or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 11-13 § 1, 2011; Ord. 97-844 § 37, 1997)

**Section 3.** Amendatory. Section 10.14.060 Truck parking regulations, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 10.14.060 Truck parking regulations.**

There are hereby established certain truck parking regulations throughout the city of Battle Ground. Said regulations are:

A. It is unlawful for any person, business, firm or corporation to park or cause to be parked any semitrailer or truck in excess of twelve thousand pounds gross weight from the hours of 6:00 p.m. to 6:00 a.m. along Main Street, and along the cross streets intersecting Main Street running from S.E. and S.W. 1st Street north to Main Street, and running from N.E. 1st Street south to Main Street.

B. For the purpose of this chapter, the following words and phrases shall have the following designated meanings unless a different meaning is expressly provided:

1. "Residential area" means any area of the city of Battle Ground that is zoned as residential.
2. "Trailer" means any vehicle without motive power, designed for carrying persons or property on its own structure, and to be drawn by a vehicle with motor power. The term "trailer" includes trailer coach, semi-trailer or utility trailer, but does not include recreational vehicles as defined herein.
3. "Truck" means any motor vehicle designed primarily for the transportation of property.
4. "Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities or recreational vehicles are: travel trailer, camping trailer, truck camper and motor home.

C. No person shall park or leave standing on any public right-of-way in any residential area of the city of Battle Ground any of the following:

1. A truck with a gross weight capacity in excess of twelve thousand pounds;
2. A trailer in excess of twenty feet in length;
3. An unattached boat or utility trailer for a period of seventy-two hours or more;
- 3.4. The provisions of this section shall not apply to any vehicle which is parked or left standing expressly for the purpose of loading or unloading, providing the vision of traffic is not obstructed. For the purposes of this section, a reasonable amount of time on any day or successive days shall be allowed for loading and unloading; the amount of time is to be determined according to the nature and extent of the loading and unloading operation.

D. No recreational vehicle will be allowed to park or be stored permanently in a public right-of-way in a residential area of the city of Battle Ground. For the purposes of this section, "permanent" shall be defined as more than ten days within a one-hundred-twenty-day period of successive days.

E. No person shall park or leave standing on any public right-of-way any truck weighing more than twelve thousand pounds gross vehicle weight on S.W. 1st Street from South Parkway Avenue to S.W. 7th Avenue on both sides of the street, on S.W. 7th Avenue from West Main Street to the entrance of Battle Ground Mobile Estates on both sides of the street, and on S.E. Grace Avenue from one thousand three hundred feet south of the centerline of S.E. Rasmussen Boulevard to one thousand nine hundred and fifty feet south of the centerline of S.E. Rasmussen Boulevard on the west side of the street.

F. Except for the provisions in section C. above, no person shall park or leave standing in any public right-of-way in any area of the city any trailer that is not attached to a tractor. (Ord. 07-08 § 2, 2007; Ord. 03-018 § 6, 2003)

**Section 4.** Amendatory. Section 12.110.090 Responsibility for maintenance of right-of-way landscaping, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 12.110.090 Responsibility for maintenance of right-of-way landscaping.**

Whenever any right-of-way landscaping in the city of Battle Ground has been improved, including, but not limited to, the planting of trees, shrubs, plants, grass, or the installation of bark dust, or any existing landscaping, the duty, burden, and expense of the maintenance, watering, and general upkeep of such landscaping shall devolve upon the owner of the private property directly abutting the sidewalk abutting the planter strip or directly abutting the planter strip. The abutting property owner, at the abutting property owner's cost, must replace any dead trees, shrubs, plants, or ground cover, pursuant to this section. (Ord. 04-021 § 4 (part), 2004)

**Section 5.** Amendatory. Section 12.112.030 Specifications for affixing numbers to building, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 12.112.030 Specifications for affixing numbers to building.**

A. Every person, occupant, owner, householder, or organization shall cause to be affixed suitable numbers at least ~~three~~ four inches in height, and of metal or appropriate construction, at or near the front entrance of such home, residence or place of business, readily visible from a point on the sidewalk and street in front of such home or building.

B. Homes whose vehicular access is via an alley shall additionally affix suitable numbers and letters at least ~~three~~ four inches in height, and of metal or appropriate construction, to include the direction (NW, SW, etc.), street name (Main, 8th, etc.), and type of street (Avenue, Street, etc.), on the alley side of the home or building. Acceptable abbreviations for the type of street are as follows:

1. Street—ST;
2. Avenue—AVE;
3. Way—WAY;

4. Place—PL;
5. Circle—CIR;
6. Court—CT;
7. Drive—DR;
8. Road—RD;
9. Path—PTH;
10. Common—COM;
11. Boulevard—BLVD. (Ord. 04-021 § 5, 2004; Ord. 95-769 § 1 (part), 1995)

**Section 6.** Amendatory. Section 12.116.130 Transportation facilities—Private streets—General specifications, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 12.116.130 Transportation facilities—Private streets—General specifications.**

**A. General Requirements—Applicable to All Private Streets.**

1. Private streets, alleys and courts (cul-de-sac streets and streets with hammer-head turn-arounds) shall be allowed only for such streets that have no public interest for traffic circulation and are to be built in accordance with the standards adopted in this chapter. Private streets are not allowed when in conflict with the adopted street circulation plans or studies.

2. The city shall not maintain streets, street lights, or signs within private rights-of-way.

3. The cover sheet of any development plan, including subdivision plats, containing a private street shall bear the following language: "The city of Battle Ground has no responsibility to improve or maintain the private streets, including street lights and signs, contained within, or private streets providing access to, the property designed in this development."

4. When three or more lots are served, a turnaround having an improved radius of twenty-five feet, or an equivalent, workable maneuvering area, shall be provided at the end of the private street unless modified pursuant to BGMC 12.116.290. Hammerhead designs shall be acceptable as an alternative to the standard thirty-five foot turnaround. Easements may be required to be expanded to accommodate turnaround requirements.

5. A private maintenance agreement shall be required for any development.

6. Private street signs with street designations shall be provided by the developer at the intersection of private streets with private and public streets. Such signs shall meet the specifications shown in the MUTCD as a portion of the standard specifications and, in the case of intersections with public streets, shall either be located within the public right-of-way or a separate maintenance easement shall be provided.

7. Private streets are the responsibility of the developer to construct in accordance with the criteria of this section and BGMC 12.116.140. Upon completion of the required improvements, certification by the developer and his contractor shall be required stating that the improvements have been completed in accordance with the adopted standards.

**B. Reduced Private Street Requirements—When Permitted.** The right-of-way width requirements for extensions of existing private streets which were created before the effective date of the ordinance codified in this chapter may be reduced in accordance with the provisions of BGMC 12.116.290 so long as the following is found:

1. No traffic hazard will result; and
2. No additional extensions will be necessary or permitted; and



3. There is no public street access alternative available to serve the additional lots; and
4. The right-of-way of the existing private street cannot be expanded.

**C. Units Served—Determination of.**

1. Lots abutting and having a legal right of access to a private street but gaining access to a public street shall be excluded from the units being served by each abutting private street.
2. Where potential additional lots are planned to be served by the private street, there shall be established on the plat an easement for roadway and utility installations which provides for future extensions of the private street to serve the remainder of the potential lots for which the street is designed. (Ord. 04-021 § 7 (part), 2004; Ord. 99-004 § 1 (part), 1999; Ord. 95-769 § 1 (part), 1995)

**Section 7.** Amendatory. Section 12.116.175 Developments—Traffic impact study, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 12.116.175 Developments—Traffic impact study.**

A. In order to assess the traffic impacts of a proposed development, the planning director or development approval authority will require submittal of a traffic study, unless exempted by subsection C of this section, undertaken by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and transportation. The city engineer shall develop guidelines, in accordance with recognized traffic engineering and transportation principles, regarding the content of such studies, which is available from the city.

B. A queuing analysis shall be performed as part of the traffic impact study for any driveway where the queuing distance is under seventy-five feet for arterials, fifty feet for collectors, and twenty-five feet for local streets, as measured from the edge of the right-of-way to the first conflict point.

**C. Exemptions:**

1. For development of property with an existing use, no traffic impact study shall be required, pursuant to the provisions of this chapter, where the proposed development will generate less than ten new p.m. and a.m. peak hour vehicle trips.
2. For development of bare land no traffic impact study shall be required, pursuant to the provisions of this chapter, where the proposed development will generate less than ten new p.m. and a.m. peak hour vehicle trips. However, an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and transportation shall provide a letter addressing trip generation, trip distribution, and any safety related issues, such as but not limited to sight distance. (Ord. 04-021 § 7 (part), 2004)

**Section 8.** Amendatory. Section 13.112.110 Cross-connections prohibited when, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 13.112.110 Cross-connections prohibited when.**

Regulations of the Washington State Department of Health prohibit cross-connections between the public water supply and unapproved sources. No cross-connections of any type shall be permitted with other sources of supply, or where the circumstances are such that

there is danger of backflow of sewer water from unapproved sources or other contaminated liquids through plumbing fixtures, while using or treating equipment, storage tanks and reservoirs, unless prior evidence of compliance with the state plumbing code and approval of the State Health Department is presented.

A. Any and all cross-connections between the city water system and any other water source shall be controlled (or eliminated) under the direction and supervision of the public works director or his/her authorized designee. All such connections shall include backflow prevention assemblies approved by the Clark County health district or the Washington State Department of Health or air-gap separations in lieu thereof. Such installations shall be inspected and tested by a Washington State certified backflow assembly tester (B.A.T.) not less than once each year and may be inspected more often in the discretion of the public works director or his/her designee.

B. Inspections shall be conducted at the user's expense by a qualified B.A.T. to be approved by the public works director. Results of the inspection and testing shall be certified to the city within thirty days of the date the inspection is ordered and notice given to the user.

C. Persons authorized by the public works director shall have access to any premises where such cross-connection exists or is hereafter installed for the purpose of inspecting said installation. Failure of the user to cooperate in the installation, maintenance, repair, inspection or testing of backflow prevention assemblies shall be subject to termination of water service in addition to any other penalties provided by law.

D. The public works director, and/or his/her designee, shall be guided by Chapter 10, Uniform Plumbing Code, state of Washington, and the current edition of the Cross-Connection Control Manual—Accepted Procedure and Practice, published by the Pacific Northwest Section, American Waterworks Association, or as it may hereafter be amended.

E. The owner and/or user of any property where a cross-connection now or hereafter exists shall be liable to third parties for any and all damages sustained as a result of said cross-connection. This liability shall include indemnification of the city of Battle Ground for any such damages suffered by it, including attorneys' fees and costs of defense. (Ord. 07-02 § 1, 2007; Ord. 00-028 § 6 (part), 2000)

F. The minimum backflow protection on an irrigation or any other system shall be a double-check valve assembly (DCVA). Atmospheric Vacuum Breakers (AVB) shall not be used as the sole backflow preventer in any type of system. Residential hose bibs are excluded. Irrigation systems or any other system with chemical injection of any kind shall have a minimum of a Reduce Pressure Backflow Preventer (RPBA) installed.

**Section 9.** Amendatory. Section 16.105.050 Exemptions, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.105.050 Exemptions.**

The provisions of this title shall not apply to the following:

A. Cemeteries and other burial plots, while used for that purpose;

B. Divisions of land into lots or tracts, each of which is one one-hundred-twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that such lots or tracts meet applicable zoning and land use regulations, the plat is recorded in the office of the county auditor, the plat does not

involve land to be publicly dedicated, and the city is not obligated to issue building permits or other approvals should said lots or tracts fail to meet applicable city regulations;

C. Divisions made by testamentary provisions, or the laws of descent;

D. Divisions of land into lots or tracts classified for industrial, commercial or institutional use when the planning director has approved a binding site plan pursuant to BGMC 17.143.060 for commercial, industrial and institutional uses (i.e., shopping centers);

E. Divisions for the purpose of creating leaseholds for mobile homes, manufactured homes, and planned unit residential developments when a binding site plan has been approved pursuant to BGMC 17.143.060 for such developments;

F. Divisions for the purpose of creating residential condominiums, when a binding site plan has been approved for such use of the land as a condominium pursuant to BGMC 17.143.060;

G. Divisions made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which do not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet the city's minimum requirements for width and area for a building site;

H. Assessor's plats; provided, that they contain a survey of subdivision and contain permanent control monuments as required by Chapter 58.17 RCW and this title;

I. Division of land for sale or lease to an agency or division of government vested with the power of eminent domain. (Ord. 10-08 § 3, 2010; Ord. 04-023 § 3, 2004; Ord. 99-008 § 1(B) (part), 1999; Ord. 95-769 § 4 (part), 1995)

**Section 10.** Amendatory. Section 16.125.010 Conformance to comprehensive plan, transportation standards and zoning regulations, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.125.010** Conformance to comprehensive plan, transportation standards and zoning regulations.

All subdivisions or short subdivisions shall conform to the comprehensive plan, including any adopted major thoroughfare or street plan, and to all zoning regulations and applicable development standards in effect at the time any plat of a subdivision is submitted for approval. Compliance with Chapter 12.116 BGMC, Transportation Standards, is also required. Lots shall be of sufficient area, width and length to satisfy zoning requirements. (Ord. 04-023 § 8, 2004; Ord. 99-008 § 1(F) (part), 1999; Ord. 99-004 § 2 (part), 1999; Ord. 95-769 § 4 (part), 1995)

**Section 11.** Amendatory. Section 16.125.020 Protective improvements required for topographical hazards, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.125.020** Protective improvements required for topographical hazards.

Land on which exist any topographical conditions hazardous to the safety or general welfare of persons or property in or on a proposed subdivision or short subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards, or unless land subject to hazard is reserved for such uses as will not expose persons or property

to the hazard. Protective improvements shall be clearly noted on the final plat or short plat as applicable. (Ord. 99-008 § 1(F) (part), 1999; Ord. 99-004 § 2 (part), 1999; Ord. 95-769 § 4 (part), 1995)

**Section 12.** Amendatory. Section 16.125.030 Continuation of existing streets, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.125.030** Continuation of existing streets.

Existing streets adjacent to the land proposed for subdivision or short subdivision shall be continued in conformance with the standards of Chapter 12.116 BGMC (Transportation Standards). (Ord. 99-008 § 1(F) (part), 1999; Ord. 99-004 § 2 (part), 1999; Ord. 95-769 § 4 (part), 1995)

**Section 13.** Amendatory. Section 16.125.070 Lot access requirements and restrictions, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.125.070** Lot access requirements and restrictions.

Every lot shall contain the minimum frontage on a public or private street as required by the applicable section of BGMC Title 17. Lots adjacent to a street which has been designated as an arterial by the city council shall be provided with access other than the arterial, unless a specific exemption is granted to this requirement. The plat of a subdivision or short subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat recites a waiver of the right of direct access to the arterial, for example, a ten-foot-wide no-access easement. (Ord. 04-023 § 10, 2004; Ord. 99-008 § 1(F) (part), 1999; Ord. 99-004 § 2 (part), 1999; Ord. 95-769 § 4 (part), 1995)

**Section 14.** Amendatory. Section 16.130.010 Underground utility installation, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.130.010** Underground utility installation.

Subdivisions or short subdivisions shall provide underground utility lines, including but not limited to those for electricity and communications. Where topography, soil or other conditions make underground installation impracticable, and when the city council so finds upon written evidence presented by the supplier of such utilities, it may waive this requirement for underground utilities. (Ord. 99-008 § 1(G) (part), 1999; Ord. 99-004 § 3, 1999; Ord. 95-769 § 4 (part), 1995)

**Section 15.** Amendatory. Section 16.130.030 Water and sanitary sewer systems, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 16.130.030** Water and sanitary sewer systems.

Water supply facilities adequate to provide potable water from a public or community water supply source to each lot within a subdivision or short subdivision shall be installed in conformance with the standards of the city code. Water and sanitary sewer service within or

along the frontage of a development shall be extended to the extreme property lines of that development unless the applicant demonstrates to the decision body that such extension is undesirable, impractical or unfeasible. Each lot shall be provided with a sanitary sewer system connection as provided by BGMC 13.120.010. Water service mains shall meet applicable standards, and fire hydrants shall be installed in accordance with BGMC 15.105.100. (Ord. 09-08 § 9, 2009; Ord. 99-008 § 1(G) (part), 1999; Ord. 99-004 § 3, 1999; Ord. 95-769 § 4 (part), 1995)

**Section 16.** Amendatory. Section 17.106.020 Permitted uses, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.106.020 Permitted uses.

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

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	XP	P	P	P	P	P	X
Single-family detached buildings, existing	P	P	P	P	P	P	P
Single-family attached dwellings (townhouses)	X	X	P	P	P	P	P
Two-family dwellings (duplexes)	X	X	C	P	P	P	X
Two-family dwellings (duplexes) on corner lots	X	P	P	P	P	P	X
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
Residential, institutionalized, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses							

< 5 Residents	C	C	C	C	P	P	P
5—10 Residents	C	C	C	C	P	P	P
> 10 Residents	C	C	C	C	C	P	P
Apartments	X	X	C	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 <u>17.103.360</u> 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

(Ord. 06-07 § 3, 2006; Ord. 05-014 § 2, 2005; Ord. 04-024 § 16 (part), 2004; Ord. 00-024 § 2 (part), 2000; Ord. 00-004 § 1(B), 2000; Ord. 99-004 § 4 (part), 1999)

**Section 17.** Amendatory. Section 17.106.030 Dimensional requirements, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 17.106.030 Dimensional requirements.**

Dimensional requirements within the residential districts shall be in accordance with Table 17.106-2.

Table 17.106-2

**Residential Lot Development Standards**

	R3	R5	R7	R10	R12	R16	R20
Minimum average lot area (square feet)	<del>14,500</del> <u>10,500</u>	<del>8,700</del> <u>6,300</u>	<del>6,200</del> <u>4,500</u>	N/A	N/A	N/A	N/A
Minimum average lot area for density transfer (square feet)	<del>12,000</del> <u>8,000</u>	<del>7,000</del> <u>4,600</u>	<del>5,000</del> <u>3,300</u>	N/A	N/A	N/A	N/A
Minimum lot area (square feet)	<del>8,700</del> <u>6,300</u>	<del>6,200</del> <u>4,000</u>	<del>4,300</del> <u>3,000</u>	2,000	2,000	2,000	2,000
Maximum density (units per gross acre)	3	5	7	10	12	16	20
Minimum density (units per net acre) 1	N/A	N/A	N/A	5	6	8	10
Minimum lot frontage (feet)	30	25 2	20 2	20 2	16 2	16 2	16
Minimum setbacks (feet)	Residence front yard 3	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 10'	Minimum 3'
	Garage (minimum) 4	20	20	20	20	20	20
	Side yard 5	<del>10 5</del>	<del>10 5</del>	5	5	5	5
	Street side yard	10	10	10	10	10	10
	Rear yard 4	20 <u>note 8</u>	20 <u>note 8</u>	<del>20</del> <u>10</u>	<del>15</del> <u>10</u>	10	10
Minimum distance between principal buildings (feet)	20	14	10	10	10	10	10

Maximum lot coverage (%)	35	40	45	50	60	70	80
Maximum height (feet)	35	35	35	35	45	45	45
Front yard landscape strip (feet)	N/A	N/A	N/A	N/A	10 7	10 7	3 7
Side yard landscape strip (feet)	N/A	N/A	N/A	N/A	5	5	5
Minimum landscaped open space (%)	N/A	N/A	N/A	20 6	20 6	20 6	20 6

- 1 Net acres shall be based on the total area of the site minus public-private road rights-of-way, stormwater facilities, and land voluntarily or required to be set aside for parks, open space or environmental protection.
- 2 Lots may be approved without any frontage where they are part of a cottage development where appropriate easements are granted to gain access to the public or private street and the shared parking areas.
- 3 Attached front porches may intrude into required minimum front yard setbacks up to six feet.
- 4 Garages accessed via alleys may be located zero lot line to the edge of alley right-of-way if side entry and five feet from edge of alley right-of-way if front entry.
- 5 Where a permitted use by the code, townhouses are not required to meet the side yard setback on the attached side(s).
- 6 For townhouse or single-family detached development, the minimum landscaped area shall apply to the project as a whole and each individual lot.
- 7 If parking is placed adjacent to the public right-of-way or front yard, then a minimum landscaping buffer of fifteen feet will be required.
8. A rear yard setback abutting a park, open space, wetland, or other critical area may be reduced to 10 feet. (Ord. 06-07 § 4, 2006; Ord. 04-024 § 16 (part), 2004; Ord. 00-024 § 7 (part), 2000; Ord. 00-004 § 1(C), 2000; Ord. 99-004 § 4 (part), 1999)

**Section 18.** Amendatory. Section 17.106.040 Neighborhood design standards, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.106.040 Neighborhood design standards.

- A. Applicability. The provisions of this section shall apply to all new residential development projects within the city of Battle Ground.
- B. Development Compatibility and Continuity. Development within residential districts shall be designed to the following standards to assure compatibility and continuity between developments:

The provisions of this subsection shall apply only to developments with a density equivalent to that of an R3 zone or greater. Residential developments shall be designed with the following transition design elements:



1. Where directly abutting residential uses, new developments shall not exceed an average minimum lot size differential of twenty-five percent;

2. Where adjacent properties are undeveloped or developed with lot sizes substantially greater than what is permitted by the zone, the minimum average lot size allowed in the zone shall be used to determine what the average minimum lot size of the abutting property is for the purposes of compliance with this subsection.

C. Architectural Variety. To assure variety in architecture and to reduce the dominance of garages on the streetscape, the following provisions shall apply to new residential development:

1. In single-family detached or duplex residential developments, no five or fewer linearly contiguous lots shall have repetitious facades. Facades shall be substantially different beyond simple mirrored plans, garage or window relocation, and shall include combinations of architectural variety such as: front porches, dormers, gables, bay windows, hipped or pitched roofs or other such architectural features that substantially differentiate house facades.

2. Garages with entry doors facing the street in single-family or duplex residential development shall be set back from the front face of the residential structure, including covered porches, by at least four feet. To qualify as a porch under this subsection, the porch must extend the full length of the street-fronting building facade that is not devoted to the garage. Garage doors may be located forward of the front face of the residential structure and be located in the front yard setback, if placed so their entrance doors are perpendicular to the right-of-way; and provided, that they have windows, doors or other architectural treatments covering at least thirty percent of the wall facing the street.

3. Where houses are served by alleys, all garages and on-site parking shall be accessible from the alley and the facade of the house facing the public street shall be designed as the front of the house including, but not limited to, a primary building entrance consisting of inward swinging door(s), porches, windows and pathways to the public sidewalks.

4. Applicants for building permits shall demonstrate compliance with the provisions of this section.

5. All single-family residences shall be constructed with a roof of nominal 6:12 pitch or steeper for the main portion of the roof and containing eaves of a minimum of six inches. Roofs with a lower pitch are acceptable if they contain multiple roof lines, gables, dormers or other features that serve to reduce the visual impact of the lesser pitched roof. Hipped, gambrel, saltbox and shed roofs are also permitted. Roofs not meeting these specific standards may be approved by the planning director if they are found to be consistent with the overall intent of this section.

6. Each single-family residence shall contain a porch or covered entry area for the primary entrance facing or accessible from the public or private street serving the residence.

7. Each single-family residence shall contain at least three of the following features:

- a. An attached or detached garage;
- b. Bay window(s) facing the street;
- c. Cross gable roof (separate gable ends that intersect meeting in a valley);
- d. Roof dormers;
- e. Trim a minimum of two inches wide around the windows facing a public street;

f. Varied roof line with at least one intersecting plane. (Ord. 09-08 § 11, 2009; Ord. 07-15 § 6, 2007; Ord. 05-014 § 3, 2005; Ord. 04-024 § 16 (part), 2004; Ord. 01-006 § 1, 2001; Ord. 99-004 § 4 (part), 1999)

D. Parking. Off-street parking for single-family residential uses may be placed in the required front yard and setback; provided, that parking outside of an enclosed garage shall only be permitted on a paved surface occupying not more than forty percent of the width of the lot.

**Section 19.** Amendatory. Section 17.106.070 Multifamily development standards, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 17.106.070 Multifamily development standards.**

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

A. Building Location and Orientation. Multifamily development shall be constructed consistent with the following requirements:

1. Parking lots shall be located to the side and/or behind buildings.

2. Units adjacent to public or private streets shall have the primary building entrances located on the facade facing the street.

B. Pedestrian Access and Circulation. Pedestrian access routes shall be provided from the public street(s) to all primary building entrances in the form of a continuous separated pathway of at least five feet in width.

C. Building Modulation. Building facade modulation or appropriate architectural treatment shall occur at least every twenty-five feet along the length of facades facing adjacent properties or public street. Minimum modulation depth shall be three feet.

D. Roof Line Variation. Roof lines shall be varied to break up the overall bulk and mass of multifamily buildings. Roof line variation shall be accomplished by using one or more of the following methods: vertical or horizontal off-set ridge line, variations in roof pitch, or other technique shown to break up the overall bulk and mass of the building.

E. Building Variation. Developments with multiple structures shall use appropriate architectural variations and use of colors to differentiate buildings within the development.

F. Site Design. Developments shall be divided into blocks with perimeters of eight hundred to two thousand feet (two hundred to five hundred feet per side). Blocks shall be defined by public streets.

G. Recreation. Multifamily development shall provide common open space/recreation areas on site for use and enjoyment of owners and residents within the development, according to the following minimum provisions:

1. The area required for open space/recreation shall be 15 percent of the overall site area, consisting of usable open space, critical areas and buffers and perimeter landscaping. Of the overall total open space areas, 75 percent must be usable open space. Recreation space must be designed specifically to serve the centralized recreational functions and not merely be leftover space along the edges of required yards and standard landscaping.

2. Usable open space includes open play areas, play structures, sport courts, outdoor recreational features, trails and paths, community gardens, and other similar types of areas. It shall be located and designed to be conveniently accessible to all residents from the

interior of the development, and it shall be at a grade and with dimensions suitable for recreation use.

3. The open space/recreation areas shall be consistently maintained and shall be preserved through appropriate legal measures ensuring the continuation of the open space/recreation area, and prohibiting current and future owners from partitioning the open space/recreation areas and from converting the areas to other uses.

4. Open space/recreation areas do not include the following: parking lots, driveways, private/public street rights-of-way, required storage areas, etc.

**Section 20.** Amendatory. Section 17.118.030 Dimensional requirements, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.118.030 Dimensional requirements.

**BGMC Table 17.118-2**

**Lot Requirements for Nonresidential Districts**

Lot and Yard Performance Standards*	Zone			
	RC	D	CC	NC
Landscaped open space, in percentage of total lot area	20	0	20	20
Maximum height, feet	45	60	45	35
Minimum distance between principal buildings, feet	None	None	None	20
Minimum lot frontage, feet	70	16	30	50
Minimum lot size, in square feet	3,000	1,600	3,000	3,000
Front and street side yard building setback in feet	10' maximum <sup>1</sup>	0' maximum	10' maximum <sup>1</sup>	
Rear yard building setback in feet	None			20
Side yard building setback in feet	None			5

Minimum yard setbacks adjacent to residential district	Pursuant to the screening and buffering standards contained in Chapter <u>17.131</u> BGMC, Table 17.131-1, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped.
Maximum building coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter <u>17.131</u> BGMC, Table 17.131-1, parking and loading standards of Chapter <u>17.133</u> BGMC, the Stormwater Control Ordinance (Chapter <u>18.250</u> BGMC) and all other applicable standards.

1. An exception to the 10' maximum setback may be allowed pursuant to the design standards of 17.118.040.
- \* Setbacks and buffers shall comply with this table or Table 17.131-1, whichever is more restrictive.

**Section 21.** Amendatory. Section 17.131.050 Landscape strips required, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.131.050 Landscape strips required.

New development or additions and expansions of existing development shall provide landscaping consistent with Table 17.131-1, and for parking lots as required by BGMC 17.131.133.070. (Ord. 99-004 § 7 (part), 1999; Ord. 95-769 § 5 (part), 1995)

**Section 22.** Amendatory. Section 17.133.030 Off-street parking space and access requirements, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.133.030 Off-street parking space and access requirements.

**A.** Parking areas shall be designed in accordance with Table 17.133-3 and Figure 17.133-1. Required parking shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, nor used for the parking of equipment or storage of goods. Required parking spaces shall be provided with vehicular access to a public street or alley. (Ord. 04-024 § 31 (part), 2004; Ord. 99-004 § 8 (part), 1999)

**B.** Parking for single-family residential uses may be placed in the required front yard setback; provided, that parking outside of an enclosed garage shall only be permitted on a paved surface occupying not more than forty percent of the width of the lot.

**Section 23.** Amendatory. Section 17.133.070 Parking lot design standards, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.133.070 Parking lot design standards.

All parking lots containing three or more spaces shall meet the following requirements:

- A. The lot shall be surfaced with pavers, concrete or asphalt and maintained in good condition free of obstructions.
- B. Stormwater facilities shall be installed pursuant to Chapter 18.250 BGMC.

C. All lighting facilities shall be so arranged to prevent the direct illumination of adjacent properties or public streets in conformance with BGMC 17.131.100.

D. Any off-street parking area other than for one-family or two-family dwelling unit shall be screened with a B2 buffer or equivalent on each side that abuts residentially zoned properties.

E. Parking spaces on the perimeter of a parking lot or abutting interior landscape areas or sidewalks shall be contained by a curb so placed to prevent a motor vehicle from extending into any required setback area or over an abutting property line or a street right-of-way, and to protect buildings and landscaping other than ground cover. Curbs shall be a minimum of four inches high and shall be located no more than three feet back from the front of the parking space.

F. Except when provided for neighborhood retail pursuant to BGMC 17.106.050, parking areas that contain a minimum of seven spaces shall contain landscape islands at a ratio of one island for every seven parking spaces. Landscape islands shall be distributed throughout the parking lot area. A landscape island shall be at least twenty-five square feet in total size, shall be a minimum of four feet wide, and shall be designed to prevent damage to landscaping within the island, such as by using a curb or wheel stop. Parking area landscaping shall be indicated on a landscape plan indicating the location, common and botanical name of the vegetation, initial planting size and mature planting size.

G. At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a minimum mature height of thirty feet, cast moderate to dense shade in the summer, live a minimum of sixty years, require little maintenance and be suited for use in the proposed location.

H. Parking spaces shall not be located in a required front yard or required landscape buffers except in the case of single- or two-family dwellings. Access drives and maneuvering areas shall not be located in a required yard or landscape buffer, except to the minimum extent practicable for access to the site.

I. All parking areas shall comply with all applicable local, state and federal standards regarding parking and access for disabled persons.

J. A site plan shall be submitted for review pursuant to Chapter 17.143 BGMC.

K. Screening is required in parking areas along all property lines and along all public streets. The planning director may waive or reduce the requirement for screening along property lines in those instances where it can be shown that such screening limits the ability to conform to other requirements of BGMC Title 17. Screening along public streets shall be a minimum three feet in height. Screening along property lines shall be a minimum six feet in height. Where property lines front along public streets, screening shall be three feet in height, except that screening shall not be required if buildings are located at the property line.

**Section 24.** Amendatory. Section 17.139.100 Allowability of signs by type and zoning district, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 17.139.100 Allowability of signs by type and zoning district.**

The following table specifies whether signs are permitted, permitted with conditions, not permitted or exempted in the city's existing zoning designations:

Abbreviation	Description	Abbreviation	Description
E	Exempt	RCC	Regional Center Commercial
X	Prohibited	CC	Community Commercial
P	Permitted	DC	Downtown Commercial
		EC	Employment Campus
		NC	Neighborhood Commercial
		MU-E	Mixed Use Employment
		MU-R	Mixed Use Residential
		ML	Light Industrial
		A	Airpark

**Table 17.139-1**

Sign Types	Zoning Districts										
	R3-R7	R10-20	RCC	CC	DC	EC	NC	MU-E	MU-R	ML	A
Back lit/internally lit signs	X	X	P	P	P	P	P	P	P	P	P
Canopy	X	X	P	P	P	P	P	P	P	P	P
Directional sign	P	P	P	P	P	P	P	P	P	P	P
Direct painted lettering/symbols flush mounted on vehicles	P	P	P	P	P	P	P	P	P	P	P
Electronic reader board <sup>1</sup>	X	X	P	P	X	X	X	X	X	P	X
Externally illuminated signs <sup>2</sup>	P	P	P	P	P	P	P	P	P	P	P
Exterior window	P	P	P	P	P	P	P	P	P	P	P
Freestanding sign in conformance	P	P	P	P	P	P	P	P	P	P	X

with BGMC 17.139.110 <sup>3</sup>											
Home occupation signs	P	P	P	P	P	P	P	P	P	P	P
Incidental signs	X	X	E	E	E	E	E	E	E	E	E
Logos	X	X	P	P	P	P	P	P	P	P	P
Marquee	X	X	P	P	P	P	P	P	P	P	P
Outdoor menu boards	X	X	P	P	P	P	P	P	P	P	P
Permanent produce stand signage	X	X	P	P	P	P	P	P	P	X	X
Plaques attached to benches along public rights-of- way	P	P	P	P	P	P	P	P	P	P	P
Portable signs located outside of the public right-of-way <sup>4</sup>	X	X	E	E	E	E	E	E	E	E	E
Private signs placed on public property (subject to BGMC 17.139.220)	P	P	P	P	P	P	P	P	P	P	P
Projecting signs	X	X	P	P	P	P	P	P	P	P	P
Sculptures, fountains, mosaics and design features not incorporating advertising or identification	P	P	P	P	P	P	P	P	P	P	P
Signs located in the public right- of-way	X	X	X	X	P	X	X	X	X	X	X

Sidewalk signs conforming to Table 17.139-2	X	X	X	X	P	X	X	X	X	X	X
Street banner sign	X	X	P	P	P	X	X	X	X	X	X
Vendor cart signage	X	X	P	P	P	P	P	P	P	P	P
Wall <sup>5</sup>	P	P	P	P	P	P	P	P	P	P	P

1. Electronic reader board signs are permitted for high schools and any other public use building in any zoning district provided they are installed on site.
2. Externally illuminated signs are not permitted for home occupations (refer to Table 17.139-2).
3. Unless approved through a conditional use, the only freestanding signs outright permitted in the residential zoning districts are residential subdivision identification signs, and are regulated by the standards of a freestanding sign with the exception of a sign height maximum of six feet.
4. Portable signs located outside of the public right-of-way will be allowed in the amount of one per business. This includes signage containing symbol, corporate logos, written advertising, and any other image that is specifically meant to attract attention to the site or business.
5. Wall signs for home occupations are regulated as home occupation signs (refer to Table 17.139-2).

**Section 25.** Amendatory. Section 17.143.090 Compliance required and expiration, of the Battle Ground Municipal Code is hereby amended to read:

BGMC 17.143.090 Compliance required and expiration.

A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.

B. Site plan approvals shall be valid for five years from the date of issuance, during which time substantial completion of the project improvements shall have occurred. The planning director may approve up to two one-year extensions if:

1. There have not been any substantial changes in the laws governing the development of the site, with which lack of compliance would be contrary to the changed laws; and
2. The applicant has pursued development in good faith. Good faith shall be evidenced by progress on final permitting, surveying, engineering, and construction of improvements. (Ord. 04-024 § 48, 2004)

**Section 26.** Amendatory. Section 17.200.050 Content of technically complete applications, of the Battle Ground Municipal Code is hereby amended to read:



**BGMC 17.200.050 Content of technically complete applications.**

A. All applications for approval under the development code shall include the information specified in the applicable title, unless modified by the planning director. The planning director may require additional information as reasonably necessary to fully and properly evaluate the proposal.

B. The applicant shall apply for all permits identified in the preapplication conference report and those identified in the municipal code.

C. A project application shall be declared technically complete only when it contains six copies of all of the following materials:

1. A fully completed and signed development application and all applicable review fees. The application shall be signed by the owner of record or be accompanied by a letter of authorization signed by the owner of record, and evidence that the signatory is the owner of record;

2. A fully completed and signed environmental checklist pursuant to the State Environmental Policy Act, if applicable;

3. The information specified for the desired project in the appropriate chapters of the Battle Ground Municipal Code;

4. A developer GIS packet for the subject property, produced by Clark County GIS, or equivalent information acceptable to the planning director;

5. For Type II and Type III actions; a complete deed history for the subject property from 1969 to present;

6. Copies of all technical plans, including subdivision and/or site plan layout and utility plans, on three and one-half inch magnetic disc in a format as identified by the director, if available;

7. Any supplemental information or special studies identified in writing by the planning director or specifically required by an applicable section of the development code;

8. For Type II and III applications, a certified list from the Clark County assessor's office or title company not older than ninety days containing the names of all property owners within five hundred feet of the development site on all sides. Said list shall include two sets of mailing labels;

9. A written narrative describing the uses on site, hours of operation and compliance with applicable standards.

10. For Type II and III application submittals requiring a SEPA review, the application documents must also be submitted in a PDF format on a CD, flash drive, or other portable device.

D. For Type II applications for which the director required a preapplication conference and all Type III applications, for which the preapplication conference was held more than one year prior to formal application, the director may require a new preapplication conference.

E. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon resubmittal of the application or submittal of the additional information, the city shall, within seven days, issue a letter of completeness or identify what additional information is required. The city, for completeness, shall evaluate any subsequent submittals within seven days of submittal. If the city is unable to make a technically complete determination within the time frames provided for in this section, the director shall provide notice to the applicant in writing as to when the determination will be made, which shall be no more than twenty-

eight days following submittal of initial application or fourteen days following resubmittal. (Ord. 04-024 § 56, 2004; Ord. 00-024 § 15, 2000; Ord. 99-008 § 2(A) (part), 1999)

**Section 27.** Amendatory. Section 18.155.010 Purpose of this part and adoption by reference, of the Battle Ground Municipal Code is hereby amended to read:

**BGMC 18.155.010 Purpose of this part and adoption by reference.**

This section contains uniform usage and definitions of terms under SEPA. The city adopts the following sections of Chapter 197-11 WAC by reference, as supplemented by WAC 173-806-030:

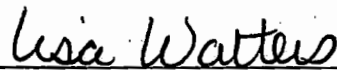
- WAC 197-11-700 Definitions.
- 702 Act.
- 704 Action.
- 706 Addendum.
- 708 Adoption.
- 710 Affected tribe.
- 712 Affecting.
- 714 Agency.
- 716 Applicant.
- 718 Built environment.
- 720 Categorical exemption.
- 721 Closed record appeal.
- 722 Consolidated appeal.
- 724 Consulted agency.
- 726 Cost-benefit analysis.
- 728 County/city.
- 730 Decision maker.
- 732 Department.
- 734 Determination of nonsignificance (DNS).
- 736 Determination of significance (DS).
- 738 EIS.
- 740 Environment.
- 742 Environmental checklist.
- 744 Environmental document.
- 746 Environmental review.
- 750 Expanded scoping.
- 752 Impacts.
- 754 Incorporation by reference.
- 756 Lands covered by water.
- 758 Lead agency.
- 760 License.
- 762 Local agency.
- 764 Major action.
- 766 Mitigated DNS.
- 768 Mitigation.

- 770 Natural environment.
  - 772 NEPA.
  - 774 Nonproject.
  - 775 Open record hearing.
  - 776 Phased review.
  - 778 Preparation.
  - 780 Private project.
  - 782 Probable.
  - 784 Proposal.
  - 786 Responsible alternative.
  - 788 Responsible official.
  - 790 SEPA.
  - 792 Scope.
  - 793 Scoping.
  - 794 Significant.
  - 796 State agency.
  - 797 Threshold determination.
  - 799 Underlying governmental action.
- (Ord. 00-015 § 2 (part), 2000)

**Section 28.** Severability. If any provision of this Ordinance is found to be invalid or unenforceable for any reason such finding shall not affect the validity of the enforceability of any other provision of this Ordinance.

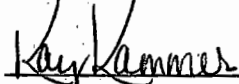
**Section 29.** Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage by the City Council and shall be published according to the law.

**ADOPTED AT A REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON AT A REGULAR MEETING THEREOF THIS 20<sup>th</sup> DAY OF MAY, 2013.**  
CITY OF BATTLE GROUND



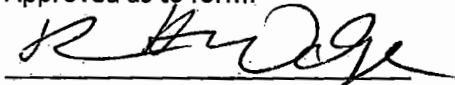
Lisa Walters, Mayor

Attest:



Kay Kammer, City Clerk

Approved as to form:



Brian H. Wolfe, City Attorney



360.263.7665 • Fax 360.263.7666 • www.ci.lacenter.wa.us

305 NW Pacific Highway • La Center, WA 98629

May 1, 2017

Clark Board of County Councilors  
1300 SW Franklin, Suite 680  
Vancouver, WA 98660

*Regarding: 2016-2035 La Center Comprehensive Plan: Reasonable Measures to Accommodate Residential Development*

Dear County Councilors;

**Background**

The La Center City Council adopted the “2016-2036 La Center Comprehensive Plan” on March 23, 2016.<sup>i</sup> Since adoption, the City has implemented various plan policies to ensure that residential development makes efficient use of land within the La Center City limits. The primary implementation measures the city employed have been to annex land for medium density residential development and to amend the mixed use and medium density regulations to provide additional residential development options at higher densities. These efforts have yielded success and help the city meet its county-mandated target of four (4) residential units per acre. The city has also taken several reasonable measures to meet its goal of providing reasonable employment measures for its current and future citizens.

**Measure A: Minimum densities for residential development**

The La Center 2016-2036 Comprehensive Plan (LCCP) establishes minimum density goals for new residential development to ensure that the city develops land within its Urban Growth Area (UGA) consistent with Clark County Community-wide goals. The minimum residential density allowed is four (4) units an acre.<sup>ii</sup> LCCP Policy 1.2.3 establishes minimum densities in all zoning districts in which residential uses are allowed.<sup>iii</sup> The mandatory minimum densities are:

- LDR-7.4 – minimum of 4 units an acre;
- MDR-16 – minimum of 8 units and acre and maximum of 16 units an acre;
- RP - minimum of 4 units and acre and maximum of 16 units an acre; and
- Mixed Use - minimum of 8 units and acre and maximum of 16 units an acre.

Residential development is regulated by La Center Municipal Code (LCMC) Title 18, Chapters 18. 110 through 18.150.

**Measure B: Manufactured housing regulations and zoning**

On July 8, 2015 the La Center City Council amended LCMC 18.140, Medium Density Residential Districts. The amendment facilitates the creation of manufactured home parks and subdivisions and establishes performance standards for parks and amenities within such developments. The Council’s action was a reasonable measure to meet the Clark County goal of encouraging a minimum of 25% of all new units to be a product type other than low density single family detached structures.<sup>iv</sup> The minimum density



allowed in a manufactured housing subdivision or park is four (4) units per net acre and the maximum allowed is twelve (12) units a net acre.<sup>v</sup>

On December 16, 2015 the La Center City Council adopted Ordinance 2015-011 rezoning a portion of Country Hills Estates from LDR 7.5 to MDR-16. The rezoning of approximately 8.54 net acres of land allowed for the creation of a 58 unit manufactured home subdivision. The resulting density of the subdivision is 6.79 units an acre.

**Measure C: Residential options in Mixed-Use Districts**

On February 23, 2017 the La Center Planning Commission conducted a public hearing on amendments to LCMC 18.150, Commercial-Mixed Use Districts 18.165, Mixed Use Districts. The Commission voted unanimously to approve the amendments which, in part, mandate that 65% of the net acres of a mixed use development shall include housing units, and the minimum density allowable is eight (8) units an acre, and the maximum density is sixteen (16) units an acre. The City Council will conduct a public hearing on the proposed amendments in June 2017.

The amendments apply most directly to the Timmen Road area which comprises approximately 43 gross acres of MX lands. The land will develop after the new sanitary sewer trunk line passes the intersection of La Center Road and Timmen Road in the fall of 2017. As the area develops 65% of the 43 gross acres will be dedicated to medium density residential uses. At a minimum of eight (8) units and acre, the Timmen Road MX zone could create approximately 223 new units of medium density units.

**Measure D: Current zoning code amendments in process**

The La Center Planning Commission is currently working on a sub-area plan for the La Center Junction. The plan would allow for the creation of approximately 15 acres of live/work mixed use development. The minimum allowed density is twelve (12) units and acre and the maximum allowed density is twenty-four (24) units a per net acre. Thirty-five percent (35%) of the net buildable area would be allowed for residential uses. The Planning Commission will conduct a public hearing on the proposed Junction sub-area plan on May 17, 2018. The City Council will complete its review of the plan and take final action prior to July 27, 2017. When fully developed, the Junction residential mixed use area could generate between 63 and 126 new medium density units in a live/work environment at the Junction.

**Measure E: Rezoning low density residential land to Residential Professional**

On February 22, 2017 the City Council approved Ordinance 2017-04 rezoning a 10,004 S.F. parcel from low density residential to Residential Professional (RP).<sup>vi</sup> The RP zone allows development consistent with LCMC 18,140, Medium Density Residential. The RP zone allows the developer to construct three units on 10,004 S.F. rather than just one unit. The density on the site will increase from 4.35 units and acre to 13 units an acre.

**Measure F: Annexation and development of medium density residential development**

On May 11, 2016, the La Center City Council approved a petition to annex the Goode properties which were in the city UGA and contiguous to the La Center city limits.<sup>vii</sup> The land added 46.59 acres to the corporate limits. The adoption ordinance zoned the land from Clark County low density residential use (one acre minimum) to La Center LDR-16 residential use. La Center LDR-16 zoning requires a minimum of eight (8) units an acre and allows a maximum of sixteen (16) units an acre.<sup>viii</sup> Therefore, annexed land could yield 372 to 652 new medium density housing units.

In 2016-2017 the developer of the property submitted a preliminary plat application to develop 40.59 acres of the site with 379 medium density units. (The remaining six acres are a reserved tract.) The

effective density of the development, called Riverside Estates, is 10.70 units per acre. Within a two year period La Center's density will increase from 1.94 units per acre to more than 3.875 units per acre.

Table 8 of the 2015 Clark County Buildable Lands Report indicates that between 2006 and 2014 La Center developed 66 single family units on 34 acres of land and no medium density units. The resulting density was 1.94 units per acre. The Riverside Estate development alone will result in a 574% increase in housing, all of which are medium density units.

#### **Measure G: Employment lands**

The LCCP Table 3, La Center Planning Assumptions and Targets, adopts a 'jobs to housing balance' ratio of 1 job per 0.92 households. This target is less than that adopted by Clark County but indicates the city's reasonable measures to increase employment opportunities. The LCCP anticipates that under the current zoning regime and by enhancing employment opportunities at the La Center Junction can generate 2,051 new jobs over the following 20 years.

The LCCP Policy 1.3.2 includes four commercial districts to encourage commercial development; 1) Downtown Commercial, 2) Residential/Professional, 3) Card Room, and 4) Mixed Use. LMC 18.145 and LMC 18.150 are consistent with policy 1.3.2.

These policies and development regulations are likely to increase employment density within the City of La Center. In 2016 Clark Regional Economic Development Council completed work on the "Land for Jobs" study. The study included approximately 89 acres of employment lands at the La Center Junction. In the spring of 2017 the city will adopt a new Junction sub-area plan which includes an assessment of the city's employment opportunities within its traditional market area and the impact of the opening of the Ilani Casino and resort at the western edge of the city limits. The CREDC study and the city's study indicate that the La Center Junction can generate approximately 150,000 – 200,000 S.F. of new office campus use and 200,000 S.F. of new commercial uses over the next 20 years.

Sincerely,



Greg Thornton, Mayor

<sup>i</sup> ORDINANCE NO. 2016-01 ADOPTING AMENDMENTS TO THE LA CENTER COMPREHENSIVE PLAN IN ACCORDANCE WITH RCW 36.70A, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. MOVED AND CARRIED UNANIMOUSLY THAT "THE CITY COUNCIL FINDS THE CITY OF LA CENTER HAS FULFILLED ITS OBLIGATION UNDER RCW 36.70A.130 WITH AMENDMENTS IN RESPONSE TO THE COUNTY'S CHANGES IN POPULATION; AND FURTHER MOVES THAT THE CITY ADOPT ORDINANCE 2016-01, INCLUDING EXHIBIT A, B AND C, AMENDING THE LA CENTER COMPREHENSIVE PLAN."

<sup>ii</sup> LCCP Table 3, page 16.

<sup>iii</sup> See also, LCCP Policies 3.1.3 and 3.1.4 reiterating the city's commitment to securing a minimum of four units an acre in low density zones and eight units an acre in medium density zones.

<sup>iv</sup> See Ordinance 2015-06.

<sup>v</sup> See LCMC Table 18.130.030.

<sup>vi</sup> An Ordinance Approving a Zone Change for a 10,004 SF lot from Low Density Residential (LDR 7.5) to Residential Professional (RP); and amending the La Center Zoning Map to reflect this Change.

<sup>vii</sup> ORDINANCE NO. 2016-003, AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN PROPERTY TO THE CITY OF LA CENTER (Goode, et al.) and REZONING THAT PROPERTY CONSISTENT WITH THE LA CENTER COMPREHENSIVE PLAN

<sup>viii</sup> The effective maximum density allowable in the MDR-16 zone is 14 units an acre. See LCMC Table 18.140.030.



# THE CITY OF RIDGEFIELD

230 Pioneer Street | P.O. Box 608 | Ridgefield, WA 98642

## Memorandum

To: Clark County Board of Councilors  
 From: Jeff Niten, City of Ridgefield Community Development Director  
 Date: April 18, 2017  
 Re: Reasonable Measures to Implement Comprehensive Plan Residential Density Targets

### Background

The 2016 Ridgefield Urban Area Comprehensive Plan (RUACP) was adopted in March 2016. Since adoption, the City has implemented various plan policies to ensure that residential development has efficiently used land within the City's UGA, to implemented the adopted minimum densities and related policies regarding the provision of housing units. The two primary implementation measures have been to ensure new residential developments achieve adopted density targets, and to implement mixed-use zoning to provide additional residential development options at higher densities. The City is succeeding with these two measures and has seen development of both residential and mixed-use projects at or above the 6.0 units per net developable acre density target for new development adopted in the RUACP.

### Measure: Minimum Densities for New Residential Development

The RUACP establishes minimum density goals for new residential development to ensure that the City is efficiently developing the land within its UGB. Policy HO-1, Accommodate growth, includes the following objectives to provide an adequate supply of land to meet housing needs: New overall density target of six units per net acre and a minimum density of four units per net acre for single-family dwellings in any single-family development. (RUACP, page 38.) Additional provisions establish minimum and maximum densities for residentially designated land, with Urban Low Density Residential to be developed at 4 and 8 units per net acre, and Urban medium Density Residential to be developed at 8 and 16 units per net acre. (RUACP, page 13.)

Residential development is primarily regulated by Chapters 18.210 (Residential low-density districts) and 18.220 (Residential medium-density districts). Established densities range from 4 to 16 units per acre, consistent with adopted RUACP policies.

Table 1: Minimum and Maximum Allowed Densities

Plan Designation	Zone	Minimum Density	Maximum Density
Urban Low	RLD-4	4 units/net developable acre	4 units/net developable acre
	RLD-6	4 units/net developable acre	6 units/net developable acre
	RLD-8	6 units/net developable acre	8 units/net developable acre

		acre	acre
Urban Medium	RMD-16	8 units/net developable acre	16 units/net developable acre

There are also numerous opportunities through the development code to increase the maximum density of projects, while limiting opportunities to decrease minimum density. Cottage development, a form of clustered, single-family detached housing, is allowed in all RLD zones at up to double the maximum density of the zone. (See RDC Table 18.210.150-1.) The density transfer provisions of the Critical Areas code allows transfer of a portion of the density on lands encumbered with critical areas to the developable portion of the site, and reducing minimum lot dimensions by 20 percent to accommodate the increased density. (See RDC 18.280.070.) The Planned Unit Development (PUD) process allows for an increase in density, while prohibiting a decrease in minimum density. (See RDC 18.401.100.A.6 allowing increases in density and 18.401.080.A establishing minimum densities.) Almost all of recent development in Ridgefield has been required to use the PUD process, ensuring no reductions in minimum project densities.

Recent development has achieved target densities at an average of 6.0 units per net developable acre. Table 2 below summarizes residential development projects from 2015 to 2017 that have been preliminary platted, completed a post-decision review on a previous preliminary plat, or are under review for preliminary plat approval. Projects have utilized a variety of strategies that have resulted in higher net densities, including utilizing the PUD process, the critical areas (CA) density transfer provisions, and the higher densities allowed in the RMD-16 medium-density zone.

Table 2: Recent Residential Development Densities

Development	Total Units	Net Acres	Net Density	Strategies
Canterbury Trails PUD (PLZ-15-0026)	69	11.3	6.1	PUD, CA density transfer
Bella Noche PUD (PLZ-15-0045)	34	3.5	9.7	PUD, RMD-16 base zone
Cedar Creek (PLZ-15-0050)	31	4.6	6.7	CA density transfer
Ridgecrest PUD (PLZ-16-0035)	339	69.9	4.8	PUD
Taverner Ridge (PLZ-16-0059)	115	13.1	8.8	RMD-16 base zone
Cloverhill PUD (PLZ-16-0088)	455	75.9	6.0	PUD
Teal Crest PUD (PLZ-16-0084)	63	10.0	6.3	PUD, density transfer
Hillhurst Highlands PUD (PLZ-16-0104)	69	12.4	5.6	PUD, density transfer
Village at Canyon Ridge PUD (PLZ-17-0017)	23	2.1	11.0	RMD-16 base zone
Kennedy Farms (PLZ-17-0028)	245	37.9	6.5	PUD, CA density transfer
<b>Total</b>	<b>1,443</b>	<b>240.7</b>	<b>6.0</b>	

### Measure: Residential Options in Mixed-Use Districts

The RUACP prioritizes mixed-use development to provide additional residential opportunities. Policy LU-6, Mixed-use development, states: "Facilitate development that combines multiple uses in single buildings or integrated sites. Target areas for mixed-use development include the Lake River waterfront and the central city



core, with additional opportunities at 45th & Pioneer.” (RUACP, page 14.) The adopted sub-area plans for 45th & Pioneer and the Ridgefield Junction establish more specific goals and objectives for mixed-use development in these areas that incorporates residential development.

The mixed-use districts are implemented by Chapter 18.235 of the Ridgefield Development Code (RDC). Together they provide expanded options for higher density residential development and a variety of housing types.

Table 3: Residential Development Potential in Mixed-Use Zones

District	Size (Gross Acres)	Portion Allowed as Residential	Minimum Density	Maximum Density
Downtown RDC 18.235.020, Central Mixed Use District	22 acres, estimated	25 to 70%, must be upper-story uses	8 units/nda	16 units/nda, or up to 32 units/nda with bonuses
Waterfront RDC 18.235.030, Waterfront Mixed Use District	44 acres, estimated	No percentage limit, must be upper-story uses	4 units/nda	18 units/nda
Pioneer & 45th RDC 18.235.060, Ridgefield Mixed Use Overlay	392 acres eligible for RMUO overlay	20 to 60% in commercial base zones	8 units/nda	28 units/nda, with no limit for upper-story residential above non-residential use
Ridgefield Junction, RDC 18.235.060, Ridgefield Mixed Use Overlay	661 net developable acres eligible for RMUO overlay	0 to 60% in employment base zone 40 to 80% in multifamily base zone		

Because the RMUO overlay was implemented recently (Fall 2016), it is still early to see what development patterns will result. However, early proposals are promising. The City has conducted a pre-application conference for a mixed-use development known as Ridgefield Crossing (PLZ-17-0028) that would include 232 units of multifamily housing on 13.7 net acres, for a net density of 16.9 units per net developable acre, as part of a larger 39-acre project. This project would exceed the City’s overall density goal for new residential development. Additionally, the project is proposed on non-residentially-zoned property, providing additional residential development potential beyond what was forecast in the RUACP.