



Town of Yacolt

Council Special Meeting Agenda

Monday, October 16, 2023
6:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Unfinished Business

- [1.](#) BGSD Capital Facilities Plan and Proposed School Impact Fees
- [2.](#) Goat Living in Town Limits
- [3.](#) Offensive Halloween Yard Decorations

New Business

- [4.](#) FEMA Floodplain Ord #593

Citizen Communication

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Executive Session

Adjourn



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

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Group Name: Staff

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ITEM INFORMATION:

Item Title: Battle Ground School District – Capital Facilities Plan and Proposed School Impact Fee Amounts. (YMC 3.15)

Proposed Meeting Date: October 16, 2023. (Special Meeting)

Action Requested of Council: Continue review of the School District’s proposed Capital Facilities Plan (CFP) and impact fees (SIF).

Proposed Motion: No motion is expected at this time. The Council may take such action that it feels is appropriate.

Summary/ Background: The Town’s Mayor and other representatives met on Tuesday, October 10, 2023 with representatives of the Battle Ground School District (BGSD) to discuss questions and concerns about the Capital Facilities Plan and the School Impact Fee calculations.

The Town’s concerns fell into four categories: 1). General planning procedures for deciding on the location and size of new schools; 2). Opportunities to improve the Town’s Codes for School Impact Fees; 3). Whether the CFP properly distinguishes between the general need for new school facilities and a specific need for new facilities caused by new housing projected in the District; and 4). Whether the District’s Impact Fee calculation follows the letter and spirit of the statutes and Yacolt’s Codes. Perhaps the most immediate of these concerns is understanding how the School District arrived at costs for new facilities needed because of expected “new growth” in the District.

The School District must identify the new facilities that it will need for any and all reasons over the 6-year life of the Plan. As a separate matter, the School District must determine whether new housing that may be built in the District will add to the need for new facilities. If so, the local communities in the District may require that an impact fee be collected for the benefit of new school facilities from the developers of new housing to pay for a portion of that impact.

In short, the District's expectations for "new growth" affect not only the overall need for new facilities, but the separate calculation of school impact fees as well.

Staff has been concerned that the CFP does not properly distinguish between the need for new schools generally, and the need for new schools solely because of "new growth". For example, BGSD says that certain schools have been running over capacity, (compare current enrollment on page 12 CFP to permanent capacity on page 13). The Town's staff understands that the BGSD is working on plans to correct that over-capacity by constructing additional facilities.

But when it comes to identifying facilities needed because of "new growth", the CFP provides confusing information. Section 4 of the CFP (page 12) suggests that overall enrollment is expected to decline for every type of school other than primary schools, where enrollment projections suggest the need for one additional large primary school holding 530 students.

Since the School District includes over-capacity problems when describing "growth", they conclude that new facilities are needed to house 1,218 students, "for growth", (Section 5, page 13). That number grows higher at Table 8 on page 14, where the "additional capacity" attributed to "growth" rises to 1,864 students, (plus \$5 million dollars for a new warehouse building and a new maintenance building – all attributable to "growth").

In short, the CFP is not clear about whether this information is describing "new growth" for the purpose of calculating school impact fees. If it is, the CFP appears to be incorrect on its face. If it is not, then the CFP does adequately address the issue of "new growth" anywhere.

During Tuesday's workshop, BGSD acknowledged that they believe school impact fees may be used to address existing over-capacity problems in the District. The parties have different opinions on this subject, and have agreed to do further research to see whether an answer can be found.

The parties also acknowledged that the impact fee calculation may set impact fees correctly regardless of conceptual differences about

allocating costs in the narrative of the CFP. (Appendix A of the CFP, page 17). By following the calculation in Yacolt's Code, it is possible that the SIF can be correct, regardless of confusion created in the body of the CFP.

Again, the parties agreed to further analyze the calculation methodology in the hope that we can confirm it is correct. If true, then the Town can verify that the builders of new homes are not being charged a fee far in excess of what is allowed.

Since the meeting, BGSD has been providing additional information to support the methodology and calculation of the impact fees in Appendix A of the CFP. Most of that information is being included in your packet. BGSD representatives plan to be at the workshop to answer questions and participate in the discussion.

Attachments:

- 1). BGSD Capital Facilities Plan, 2022-2028.
- 2). YMC 3.15 – Impact Fees.
- 3). 2022-28 Enrollment Projections.
- 4). Memo – Additional Support for SIF.
- 5). Background Info for CFP and SIF.
- 6). Average Property Value per Unit.
- 7). BG Student Generation Rates.

Staff Contact(s):

Stephanie Fields, Town Clerk.
David W. Ridenour, Town Attorney.

**BATTLE GROUND SCHOOL DISTRICT
CAPITAL FACILITIES PLAN**

2022-2028

BOARD OF DIRECTORS

**Mark Watrin, President
Jackie Maddux, Vice-President
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SUPERINTENDENT

Denny Waters

**Presented to the Battle Ground School Board
May 9, 2022**

**Adopted by the Battle Ground School Board
May 23, 2022**

SECTION 1 INTRODUCTION

A. Purpose of the Capital Facilities Plan

The Washington State Growth Management Act (the “GMA”) includes schools in the category of public facilities and services. School districts have adopted capital facilities plans to satisfy the requirements of the GMA and to identify additional school facilities necessary to meet the educational needs of the growing student populations anticipated in their districts.

The Battle Ground School District (the “District”) has prepared this Capital Facilities Plan (the “CFP”) to provide Clark County (the “County”) and the City of Battle Ground (“Battle Ground”) and the Town of Yacolt (“Yacolt”) and the City of Vancouver (“Vancouver”) with a schedule and financing plan for capital improvements over the next six years (2022-2028).

In accordance with the Growth Management Act, Clark County Code Sections 40.620.030 – 40.620.040, City of Battle Ground Municipal Code Sections 3.60.064, City of Vancouver Code Section 20.915.060 and Town of Yacolt Code Section 3.15.010-110, this CFP contains the following required elements:

- The District's standard of service, which is based on program year, class size by grade span, number of classrooms, types of facilities and other factors identified by the District.
- Future enrollment forecasts for each grade span (primary, middle, and high schools).
- An inventory of existing capital facilities owned by the District, showing the locations and capacities of the facilities, based on the District's standard of service.
- A forecast of the future needs for capital facilities and school sites based on the District's enrollment projections.
- The proposed capacities of expanded or new capital facilities over the next six years based on the inventory of existing facilities and the standard of service.
- A six-year plan for financing facilities within projected funding capacities, which clearly identifies sources of public money for such purposes. The financing plan separates projects and portions of projects which add respond to growth from those which do not, since the latter are generally not appropriate for impact fee funding.
- A calculation of impact fees to be assessed and supporting data substantiating such fees.

B. Overview of the Battle Ground School District

The Battle Ground School District is situated along the Interstate 5 corridor in northern Clark County. It encompasses the City of Battle Ground, a community that is experiencing accelerated growth, the town of Yacolt, a portion of City of Vancouver and is bordered by Evergreen, Vancouver, Ridgefield, La Center, Hockinson, Washougal, Woodland, and Green Mountain School Districts. Total land is approximately 271 square miles.

The District serves a population of 11,719 students (headcount October 2021), with seven primary schools (K-4), six middle schools (5-8), two comprehensive high schools (grades 9-12), one high school science magnet program, one alternative high school, one alternative K-12 school and one alternative school grades 3-12 program. For purposes of facility planning, the Capital Facility Plan considers grades K-4 as primary, grades 5-8 as middle school and grades 9-12 as high school.

In April 2021 the District was notified that they would no longer be able to lease the building housing the 3-12 alternative program after the 2021-22 school year. Plans have been made to transition the school building onto the campus adjacent to the former Lewisville campus. Students will temporarily be split between a ten-plex and the surplus A and B building on the campus. The District attempted to address overcrowding and failing building concerns, specifically for schools located in the southern end of the District through three attempts to pass a bond. (November 2016, Feb 2018 and April 2018) Each of those attempts failed to reach the 60% supermajority required by state law. Through a boundary adjustment and enrollment losses during the COVID-19 pandemic overcrowding has subsided but outdated and failing buildings remain a concern. Additionally, with the use of the Lewisville campus a need for District storage has increased due to spaces being used to pivot the alternative 3-12 into a different facility.

The most significant issues facing the District in terms of providing classroom capacity to accommodate existing and projected demands are:

- The continued expansion of the Urban Growth Boundaries in Clark County and the resulting increase in students;
- The District will be implementing Transitional Kindergarten programs at 4 sites in 2022-23. This will require the ability to add multiple classroom spaces.
- Increased student enrollment due to the implementation of Transitional Kindergarten puts a strain on building core facilities such as cafeterias, gyms, libraries, office space, playgrounds and parking lots. The District anticipates having to expand the capacity of such facilities in order to meet program expectations for students, families and staff.
- Many school sites in our District house students in excess of the capacity of the facility. Portable and modular classrooms are used at all sixteen (100%) school sites and will continue to be used until new brick and mortar sites can be financed and built.
- The COVID-19 pandemic and a switch to remote learning, as well as additional strategies to address learning loss, has created a need for increased emphasis on technology use. This has been seen in the number of student devices needed as well as the infrastructure to run those devices.
- Increased needs associated with student safety including modernizing either existing buildings to secure campuses and buildings from outside intruders or building new schools that feature modern safety features and limited access from the outside.
- Citizens approved Initiative 1351, which when implemented will require lower class sizes. Lower class sizes will require additional classrooms and facility improvements, and funding to pay for them.

SECTION 2

DISTRICT EDUCATIONAL PROGRAM STANDARDS

School facility and student capacity needs are dictated by the types and amounts of space required to accommodate the District's adopted educational program. The role that quality education plays in growing a strong local economy is vital. In order to accomplish the community value of having a strong local economy, schools must have quality facilities. These facilities serve as the supporting space for developing the whole child within a community to prepare them for a competitive global economy. The educational program standards which typically drive needs for educational space for students include grade configuration, optimum facility size, class size, educational program offerings, supplemental program offerings, specialty spaces, classroom utilization and scheduling requirements.

In addition to the student population, other factors such as collective bargaining agreements, government mandates, and community expectations affect classroom space requirements. Space is necessary for regular classrooms, the fine and performing arts, physical education, STEM, Special Education, Title I, Highly Capable, Bilingual Education, technological applications, computer labs, preschool and daycare programs, intervention programs, and other specialized programs. Space must be provided for common areas such as media centers, cafeterias, kitchens, and auditoriums. Space is needed for groups of students/staff to work together. These programs can have a significant impact on the available student capacity within school facilities. Further, the community expects all spaces to be well utilized during the school day and available after the school day for public use.

A. District Educational Program Standards:

Core program includes the following:

- Core classroom space for all curriculum areas which includes space for group learning, direct instruction, and individual student work to meet the rigors set forth in state standards.
- Science classroom space that supports advanced coursework (including water, sinks, gas, hoods, and safety equipment). Students must achieve rigorous state mandated science standards. This requires specialty space that is not met by adding portables. High school and middle school science lab space is a high priority.
- With the added emphasis on STEM education there is a need to offer flexible classroom space where project based labs and classroom instruction can happen in adjacent classrooms.
- Physical education space is needed for students to meet rigorous health and fitness standards. This includes covered areas outdoors, fields, gymnasiums, and other multi-use spaces.
- Technological competency is expected for all students. Space must be allocated for technology equipment and applications in classrooms and specialty spaces. Square footage for this equipment and its infrastructure is not calculated in current state allowances, but must be provided.
- Art, music, and theater arts spaces are critical to the core program for students. Spaces are necessary to adequately meet the rigorous standards of these state required programs.
- Library/Media services (research, technology, collaboration) and space must be provided for students to achieve the rigors in the core program. Information driven educational environments require that students have access to information through appropriately sized library/media space.
- Classroom spaces for the implementation of calming rooms at all K-12 comprehensive sites to support dysregulated students and the social-emotional needs of all students.
- Extra-curricular activities need adequate space in order to safely support program activities.
- Office spaces for support staff that work within specific programs supporting District programs.

Special services are essential to meet the needs of special populations.

- Special Education services are delivered at each of the schools within the District. Program standards and services vary based on the disability of the students and their individual education plan (IEP). Implementing each student's IEP often requires large and small specialty spaces, which the District must provide. Program standards change as a result of various external or internal influences. External influences include changing federal mandates, funding changes, and the introduction of new technological applications which meet the needs of students. Internal influences include modifications to the program year, class size, grade configurations, and specialized facilities.
- Special populations receive additional support through Federal, State, and Levy funding, including Title 1 Reading and Math, State Learning Assistance Program for reading and math, Highly Capable, and Bilingual. Funding for these programs does not include the expense of adding facilities to support them.

- Early Childhood programs, such as preschool programs, are essential to develop early childhood literacy skills, and are vital to the community. These programs require specialty space which is not funded by the state.
- Supplementary services (Career and Technical Education programs) provide multiple pathways to prepare students for a broader range of post-secondary learning opportunities. The services require additional spaces that have not been calculated in current state square footage allowance formulas.
- Adequate facilities for an 18-21 year old transition program as mandated by state and federal law.

Support services are often overlooked core services, and are essential to a quality educational program.

- Food service delivery, storage, preparation, and service require spaces that are specially designed and equipped. As student populations increase, adequately calculating space needs for this core service is crucial to the overall planning of the facility. Adequacy in planning for this space has significant impacts on the overall learning environment for students if not done appropriately.
- Transportation support centers are required to handle growing transportation needs.
- Warehouse, purchasing and maintenance support facilities must also be considered and are often overlooked as core support services needed to serve both current enrollment and growth.
- Administrative support facilities must also be considered and are often overlooked as core support services need to serve both current enrollment and growth.

B. Elementary Educational Program Standards (Grades K-4 and transitional kindergarten)

The District educational program standards, which directly affect elementary school capacity, include:

- Class sizes for transitional kindergarten and kindergarten are targeted not to exceed 22 students per class.
- Class sizes for grades 1-3 are targeted not to exceed 23 students per class.
- Class sizes for grade 4 is targeted not to exceed 25 students per class.
- Specialist allocations are to include art, music and health/fitness; total average class size in grades K-3 are targeted not to exceed 17 students per class.
- Separate classroom space must be provided for music and art instruction.
- Physical education instruction requires adequate space for movement and use of equipment.
- Special education services are provided in separate classrooms for some children, while others need highly specialized spaces that likely include self-help skills, cooking, and motor development.
- Instructional intervention programs need separate instructional areas.
- All schools must have a library/media resource center large enough to meet student needs.
- All schools must have a cafeteria large enough to meet student needs.
- All schools must have adequate office space to provide counseling, mental health and nursing services.
- All schools must have adequate parking available for staff and families.

C. Middle and High School Program Standards (Grades 5-12)

The District education program standards, which directly affect middle school and high school capacity include:

- Class size for middle school grades 5-8 is targeted not to exceed 28 students.
- Class size for high school grades 9-12 is targeted not to exceed 30 students; however, some classes exceed 30 students and some have less than 30. For the purposes of determining capacity, an average class size of 28 students was used.
- Special Education for some students is provided in separate classrooms.
- All schools must have a cafeteria large enough to meet student scheduling and student body need.

- Science labs and other specialized STEM spaces.
- Specialized programs require instructional space as follows:
 - ☐ Intervention programs need separate instructional areas.
 - ☐ Space for individual and group study, practice labs, production rooms.
 - ☐ Media Center/Library.
 - ☐ Program Specific Classrooms (science, music, theater arts, visual arts, career and technical education such as woodshops, welding, culinary, automotive, video production, and many more).
- All schools must have adequate office space to provide counseling, career development, mental health and nursing services.
- All schools must have adequate parking available for staff and families.

SECTION 3 CAPITAL FACILITIES INVENTORY

The facilities inventory serves to establish a baseline for determining the facilities necessary to accommodate future demand (student enrollment) at acceptable levels of service. This section provides an inventory of capital facilities owned and operated by the District including schools, portables, undeveloped land and support facilities. School facility capacity was inventoried based on the space required to accommodate the District's educational program standards.

A. Schools

School capacity is determined based on the number of home room teaching stations within each building and the space requirements of the District's current educational program. It is this capacity calculation that is used to establish the District's baseline capacity, and to determine future capacity needs based on projected student enrollment. Grades K-4 are considered primary schools, grades 5-8 are middle schools and grades 9-12 are high schools. The school capacity inventory is summarized in Tables 1, 2, and 3.

Table 1 – Primary School Inventory (Grades K-4)

Primary School	Location	Building Area (Square Feet)	October 2021 Student Headcount Enrollment	Teaching Stations - Note 1	Permanent Student Capacity - Note 2
Captain Strong	1002 NW 6th Ave Battle Ground, WA	71,511	557	26	589
Daybreak	1900 NW 20th Ave. Battle Ground, WA	62,389	474	23	517
Glenwood	9716 NE 134th St. Vancouver, WA	44,261	527	20	452
Maple Grove	610B SW Eaton Blvd Battle Ground, WA	82,043	456	28	616
Pleasant Valley	14320 NE 50th Ave. Vancouver, WA	49,726	491	18	411
Yacolt	406 W. Yacolt Rd. Yacolt, WA	71,857	695	25	579
Tukes Valley	20601 NE 167th Ave. Battle Ground, WA	62,389	463	21	469
HL River (K-4) ALE - Note 3	610A SW Eaton Blvd Battle Ground, WA	11,603	319	6	274
CAM (3-4) ALE	715 NW Onsdorf Blvd., Battle Ground, WA	Leased Facility	93	N/A	N/A
Total		455,779	4,075	167	3,907

Notes:

1. The music rooms, physical education spaces, computer labs, special education classrooms, intervention classrooms and library/media spaces are not counted as teaching stations in the primary schools because they are pull-out programs (not homeroom classrooms).
2. Capacity for grades K-4 facilities is calculated at an average of 24 students per general education teaching station and an average of 17 for special education teaching stations.
3. HomeLink River ALE capacity for grades K-4 facilities is calculated at an average of 48 students per general education teaching station and 34 an average 34 for special education teaching stations based on program offerings.

Table 2 – Middle School Inventory (Grades 5-8)

Middle School	Location	Building Area	October 2021 Student Headcount Enrollment	Teaching Stations - Note 1	Permanent Student Capacity - Note 2
Amboy	22115 NE Chelatchie Rd, Amboy, WA	82,619	557	26	684
Daybreak	1900 NW 20th Ave. Battle Ground, WA	62,389	438	15	343
Laurin	13601 NE 97th Ave. Vancouver, WA	64,953	687	18	427
Chief Umtuch	700 NW 9th St. Battle Ground, WA	79,268	569	24	606
Pleasant Valley	14320 NE 50th Ave. Vancouver, WA	49,726	429	14	359
Tukes Valley	20601 NE 167th Ave. Battle Ground WA	62,389	499	18	449
CAM (5-8) (ALE)	715 NW Onsdorf Blvd. Battle Ground, WA	Leased Facility	229	N/A	NA
HL River (5-8) ALE - Note 3	610A SW Eaton Blvd. Battle Ground, WA	11,603	327	6	314
Total		412,947	3,735	121	3,182

Notes:

1. The music rooms, physical education spaces, computer labs, art rooms, CTE rooms, special education classes, intervention classes, and library/media spaces are not included as teaching stations in the middle schools because they are exploratory programs (not homeroom classrooms).
2. Capacity for grades 5-8 facilities is calculated at an average of 28 students per general education teaching station and an average of 17 for special education teaching stations.
3. HomeLink River ALE capacity for grades 5-8 facilities is calculated at an average of 56 students per general education teaching station and 34 an average 34 for special education teaching stations based on program offerings.

Table 3 – High School Inventory (Grades 9-12)

High School	Location	Building Area (Square Feet)	October 2021 Student Headcount	Teaching Stations - Note 1	Permanent Student Capacity - Note
Battle Ground	300 W Main Street Battle Ground, WA	264,234	1,706	78	2,019
Prairie	11500 NE 117 Ave. Vancouver, WA	215,580	1,469	72	1,702
CASEE B – HS Magnet Program - Note 3	11104 NE 149 St. Brush Prairie, WA	Leased Facility*	Students are counted in BGHS and PHS count	N/A	N/A
Summit View (ALE) - Note 4	11104 NE 149 St. Brush Prairie, WA	Leased Facility*	221	N/A	NA
CAM (9-12) ALE	715 NW Onsdorf Blvd. Battle Ground, WA	Leased Facility*	124	N/A	N/A
HL River (9-12) ALE - Note 5	610A SW Eaton Blvd, Battle Ground, WA	11,603	389	5	280
Total		491,417	3,909	155	4,001

Notes:

1. The music rooms, physical education spaces, and computer labs are counted as teaching stations because they are not special pull-out programs at the high school. The instructional space that is used for shop class and for library/media was not counted as teaching stations because they are used for special programs and pull-out programs.
2. Capacity for grades 9-12 facilities is calculated at an average of 28 students per general education teaching station and an average of 17 for special education teaching stations.
3. Summit View High School is an alternative high school program located on an 80-acre site that is leased from the Department of Natural Resources
4. The CASEE B High School Magnet Program is located on an 80-acre site that is leased from the Department of Natural Resources.
5. HomeLink River ALE capacity for grades 5-8 facilities is calculated at an average of 56 students per general education teaching station and 34 an average 34 for special education teaching stations based on program offerings.

B. Portables

Portable classrooms are used on an interim basis to house students until funding can be secured to construct permanent classrooms. Capacity that is provided by portables is not considered permanent facility capacity. Table 4 outlines an inventory of these facilities. The District currently uses 174 portable classrooms plus cafeterias, office buildings and daycare centers. Portable classrooms are used for regular education, special education pull-out, and other special programs, until these programs can be provided in permanent brick and mortar facilities.

Table 4 – Inventory of Portable Classrooms

School	Portable Classrooms	School	Portable Classrooms
Captain Strong Primary	14	Chief Umtuch Middle	10
Daybreak Primary	8	Amboy Middle	4
Glenwood Heights Primary	24 + cafeteria and one daycare	Laurin Middle	12
HomeLink River	16 + cafeteria and daycare	Pleasant Valley Middle	12
Tukes Valley Primary	10	Tukes Valley Middle	10
Pleasant Valley Primary	14	Battle Ground High	9
Yacolt Primary	16 + 1 daycare portable	Summit View Middle School Program	NA
Maple Grove K-8	4	Prairie High	1
Daybreak Middle	10		

C. Support Facilities

In addition to schools, the District owns and operates additional facilities that house operational support programs and offices for the District. An inventory of these facilities is provided in Table 5.

Table 5- Support Facility Inventory

Facility	Building Area	Site Location
Administrative Offices – (CASEE A&C)	28,737	11104 NE 149 th St., Brush Prairie, WA 98606

District Print Shop, Community Education, Science Resource Center, Nutrition Services Offices/Storage and Professional Development Classrooms	57,130	406 NW 5th Avenue, Battle Ground, WA 98604 These office occupy portions of the Former Lewisville Middle School – The admin/media center building, cafeteria, building A and building C
District Warehouse	12,240	400 N. Parkway Ave., Battle Ground, WA 98604
450 Buildings – Maintenance and Grounds Department	22,771	300 W. Main St., Battle Ground, WA 98604
Dodge House	1,754	612 N.W. 9th St., Battle Ground, WA 98604
450 Modular Building – Facilities and Transportation Office	1,792	300 W. Main Street, Battle Ground, WA 98604

D. Land Inventory

The District owns the following undeveloped sites:

Future School Sites:

- A 50-acre site intended for future schools located on NE 199th Street in Vancouver.
- A 20-acre site intended for future schools located on NE 152nd Ave in Vancouver.
- A 4.24 acre site including a 2,232 sq. ft. house at 9916 NE 134th St., Vancouver. This property is adjacent to the Glenwood/Laurin school sites.
- A 2.88 acre site at 602 NW 5th Avenue, Battle Ground, WA 98604. This property abuts the Battle Ground High School site.
- A 51.32 acre site intended for future schools located on Highway 503 at NE Chelatchie Road in Amboy.

Other Property:

- A 2.51 acre building lot donated to the District in 2018. The lot will likely be surplussed and sold.

- A one acre site that is topographically unsuitable for school site development. This property is known as the Tum Tum Lodge.

SECTION 4 STUDENT ENROLLMENT PROJECTIONS

A. Projected Student Enrollment 2021-2028

The District's enrollment projections are based on an enrollment forecast update prepared by the District. Enrollment trends prior to the Covid19 pandemic were used to determine enrollment forecasts.

Grade	2021	2022	2023	2024	2025	2026	2027	2028
Kindergarten	806	885	885	885	885	885	885	885
Grade 1	815	833	914	914	914	914	914	914
Grade 2	781	816	834	916	916	916	916	916
Grade 3	829	793	828	846	929	929	929	929
Grade 4	833	847	810	846	865	949	949	949
Total Primary School	4,064	4,174	4,271	4,408	4,509	4,594	4,594	4,594
Grade 5	887	837	851	814	850	869	954	954
Grade 6	933	912	861	875	837	874	893	981
Grade 7	884	942	921	869	883	844	883	902
Grade 8	1,042	878	935	914	863	877	838	876
Total Middle School	3,746	3,569	3,567	3,471	3,433	3,465	3,568	3,713
Grade 9	1,003	1,071	902	961	939	886	901	861
Grade 10	1,047	1,007	1,075	905	964	943	890	905
Grade 11	940	919	884	944	795	847	828	781
Grade 12	919	971	950	913	975	821	875	855
Total High School	3,909	3,968	3,810	3,723	3,674	3,497	3,493	3,402
Total	11,719	11,710	11,649	11,602	11,615	11,556	11,656	11,709

2021 enrollment is the actual number of students that were enrolled in October 2021. The District's CFP focuses on short term enrollment forecasts with an eye towards long range facility needs.

SECTION 5 CAPITAL FACILITIES NEEDS

A. Facility Needs

The District's facility needs are identified by subtracting existing capacity from the student enrollment forecast in 2028. Facility needs are expressed in terms of "unhoused" students or students that cannot be housed in permanent (brick/mortar) facilities and, therefore, would attend basic education classes in portable classrooms. In and utilize additional portable classrooms. The cost of the portables is not included in the impact fee calculation; however, impact fee revenue can be used to fund the purchase of portable facilities.

As shown in Table 7, the District needs to add capacity to serve 11,709 students.

Table 7 – Facility Needs

Facility	Permanent Capacity	Forecast Enrollment	Facility Needs for Growth
Primary Schools (K-4)	3,907	4,594	687
Middle Schools (5-8)	3,182	3,713	531
High Schools (9-12)	3,987	3,402	0
Totals	11,076	11,709	1,218

The District shows facility needs to construct two new 450 student primary K-4 facilities and two new 450 student middle school 5-8 facilities, however only one new 450 student primary K-4 and one new 450 student middle school is listed. The District also shows facility needs to replace or modernize one new primary and middle school, utilize modular portables, improve and expand support facilities such as maintenance shops and warehouses. Table 8 identifies the costs and anticipated financing for these facilities.

Table 8 – Cost and Financing

Future Projects	Additional Capacity	Cost	Portion of cost attributed to growth (2)	Financing			
Modernize or Replace One K-4 Schools	0	\$28,734,750					
Modernize or Replace One 5-8 School	0	\$30,882,600					
Construct Two K-4 Schools	900	\$57,469,500	\$43,868,385				
Construct Two 5-8 Schools	900	\$61,765,200	\$36,441,468		\$ -	\$ -	\$ 24,000,000
Modular Portables	200	\$3,000,000	\$3,000,000	Unsecured Financing			
District Warehouse	Support due to growth	\$2,500,000	\$2,500,000		Bonds (1)	State Funding Assistance (4)	Impact Fees (3)
District Maintenance Bldg	Support due to growth	\$2,500,000	\$2,500,000				
CAM Campus Portables - Three 10-Plex	446	\$9,000,000	\$9,000,000		\$ 115,384,617	\$ 14,501,683	\$ 42,465,750
Futures Program (18-21 year olds)	15	\$500,000					
TOTAL		\$196,352,050	\$97,309,853		\$115,384,617	\$ 14,501,683	\$ 66,465,750

1) The estimate for unsecured bonds represents the funds the District must secure to fully fund the improvements (total costs minus secured impact fees, unsecured impact fees, and state funding assistance); 2) Projects and portions of projects which remedy existing deficiencies are not appropriate for impact fee funding. Thus, impact fees will not be used to finance projects or portions of projects which do not add capacity or respond to growth. Support facilities are included in response to growth; 3) The estimate for unsecured impact fees is based on the average number of permits issued in 2020 and 2021 multiplied by the requested impact fee. The District is assuming it will collect impact fee revenue at that rate for the six-year planning period; and 4) The estimate for unsecured state funding assistance is provided by OSPI based on aging K-8 facilities eligible for modernization or replacement. The state formula for unhoused students does not currently provide funding assistance. State funding will be available for the new K-4 and 5-8 schools for future enrollment that also serve as the basis for impact fees. The state formula for current unhoused students does not provide funding assistance but is available for facilities needed for growth.

SECTION 6 CAPITAL FACILITIES FINANCING PLAN

As shown in table 8, the District needs to construct two K-4 facilities and two 5-8 facilities to serve growth, modernize or replace existing K-8 facilities and make other capital improvements for a total estimated cost of \$196,352,050. The improvements will be paid for with \$24,000,000 in secured funding, plus \$172,352,050 in unsecured funds. Financing the improvements is dependent on the state providing funding assistance and the voters approving a bond.

Specifically, funding for planned improvements is typically secured from a number of sources including voter approved bonds, state funding assistance, and impact fees. Each of these funding sources is discussed in greater detail below.

A. Financing for Planned Improvements

1. General Obligation Bonds

Bonds are typically used to fund construction of new schools and other capital improvement projects. A 60% voter approval is required to approve the issuance of bonds. Bonds are then retired through collection of property taxes. The District must pass a bond since it is the primary source of funding for the capital improvements listed in this plan.

2. State Funding Assistance

State funding assistance comes from the Common School Construction Fund (“the Fund”). Bonds are sold on behalf of the Fund, and then retired from revenues accruing predominantly from the sale of timber from the common school lands. If these sources are insufficient, the legislature can appropriate funds or the State Board of Education can change the standards. School districts may qualify for state funding assistance for specific capital projects based on a prioritization system. Based on the District’s assessed valuation per student and the formula in the state regulations, the District is currently eligible for state funding assistance for new schools based on the unhoused students at a level of approximately 60.27% of the state defined funding formula. The funding assistance percentage typically does not equal the total share of state assistance. It can be much less because the actual construction costs are typically more than what’s provided in the state defined formula. Currently the state formula for construction costs is \$246.83 per square foot and actual construction costs are approximately \$550.00 per square foot.

Impact Fees

The collection of school impact fees generates partial funding for construction of public facilities needed to accommodate new development. School impact fees are collected by the City/County on behalf of the District. Impact fees are calculated based on a formula, which includes the portion of District construction resulting in increased capacity in schools. Impact fees account for a small fraction of the total cost to fund facility improvements. See next Section.

SECTION 7 SCHOOL IMPACT FEES

The GMA authorizes jurisdictions to collect impact fees to supplement funding of additional public facilities needed to accommodate new development. Impact fees cannot be used for the operation, maintenance, repair, alteration, or replacement of existing capital facilities used to meet existing service demands.

A. School Impact Fees

The County’s and Cities’ impact fee programs require school districts to prepare and adopt Capital Facilities Plans meeting the specifications of the Growth Management Act. Impact fees are calculated in accordance with the local jurisdiction’s formula, which is based on projected school facility costs necessitated by new growth, and are contained in the District’s CFP.

B. Methodology and Variables Used to Calculate School Impact Fees

The District's impact fees have been calculated utilizing the formula in the Clark County, City of Battle Ground, City of Vancouver, and Town of Yacolt Impact Fee Ordinances. The resulting figures in the attached Appendix A are based on the District's cost per dwelling unit to construct the improvements that are needed for growth. These schools will add capacity that is needed to serve new development. Credits have also been applied in the formula to account for future state match funds the District could receive. At this time, credit for projected future property taxes that will be paid by the owner of the dwelling unit is not included because without a current capital projects levy, no taxes are collected for capital projects in the District at this time.

C. Proposed Battle Ground School District Impact Fee Schedule

The school impact fee calculation results in a fee of \$11,535 per single family home and \$4,963 per multi-family home.

The District requests collection of school impact fees in the amounts of:

Single Family	\$ 10,760
Multi-Family	\$ 3,845

Battle Ground Public Schools 2022-2028 Capital Facility Plan

Single-Family			
Elementary	Middle School	High School	Formula
\$43,868,385	\$36,441,468	0	Facility Cost
687	531	0	Additional Capacity
\$63,855.00	\$68,628.00	0	Cost per Student (CS)
0.139	0.128	0.134	Student Factor (SF)
\$8,875.85	\$8,784.38	\$0.00	CS x SF
\$246.83	\$246.83	\$246.83	Boeck Index
90	117	130	OSPI Sq Ft
60.27%	60.27%	60.27%	State Match Eligibility %
\$1,861.04	\$2,227.90	\$0.00	State Match Credit (SM)
\$7,014.80	\$6,556.49	\$0.00	CS x SF – SM
		\$13,571.29	Cost per Single Family Residence
		\$0.00	Cost per Single Family Residence - Tax Credit
		(\$2,035.69)	15% reduction (A)
		\$11,535.60	Calculated Single Family Fee Amount
		\$10,760.00	Requested Fee Amount
Multi-Family			
Elementary	Middle School	High School	Formula
\$43,868,385	\$36,441,468	0	Facility Cost
687	531	0	Additional Capacity
\$63,855.00	\$68,628.00	0	Cost per Student (CS)
0.068	0.047	0.053	Student Factor (SF)
\$4,342.14	\$3,225.52	\$0.00	CS x SF
\$246.83	\$246.83	\$246.83	Boeck Index
90	117	130	OSPI Sq Ft
60.27%	60.27%	60.27%	State Match Eligibility %
\$910.44	\$818.06	\$0.00	State Match Credit (SM)
\$3,431.70	\$2,407.46	\$0.00	CS x SF – SM
		\$5,839.16	Cost per Single Family Residence
		\$0.00	Cost per Single Family Residence - Tax Credit
		(\$875.87)	15% reduction (A)
		\$4,963.29	Calculated Single Family Fee Amount
		\$3,845.00	Requested Fee Amount

Appendix A

Chapter 3.15**IMPACT FEES**

Sections:

Article I. School Impact Fees

- 3.15.010 Findings and authority.
- 3.15.020 Definitions.
- 3.15.030 Assessment of impact fees.
- 3.15.040 School impact fee component.
- 3.15.050 Credits.
- 3.15.060 Appeals.
- 3.15.070 Capital facilities plans adopted.
- 3.15.080 Refunds.
- 3.15.090 Use of funds.
- 3.15.100 Review.
- 3.15.110 School impact fee component.

Article II. Fire, Park and Traffic Impact Fees

- 3.15.120 Findings and authority.
- 3.15.130 Purpose.
- 3.15.140 Definitions.
- 3.15.150 Service areas.
- 3.15.160 Level of service.
- 3.15.170 Imposition of fire, park, and traffic impact fees.
- 3.15.180 Computation of the fire, park, and traffic impact fee amount – Fee schedule.
- 3.15.190 Alternative method of computation.
- 3.15.200 Credits.
- 3.15.210 Adjustments.
- 3.15.220 Payment of fees.
- 3.15.230 Appeals – Payment under protest.
- 3.15.240 Impact fee accounts.
- 3.15.250 Use of impact fees.
- 3.15.260 Impact fee refunds.
- 3.15.270 Exemptions.
- 3.15.280 Annual report.

Article III. Deferral of Impact Fees

- 3.15.290 Definitions.
- 3.15.300 Deferral of impact fees.

Article I. School Impact Fees**3.15.010 Findings and authority.**

The town council of the town of Yacolt (the “council”) hereby finds and determines that new growth and residential development in the town of Yacolt (“town”) will create additional demand and need for school facilities in the town of Yacolt, and the council finds that new growth and development should pay a proportionate share of the cost of new school facilities needed to serve the new growth and development and school district. Therefore, pursuant to Chapter 82.02 RCW, the council adopts the ordinance codified in this article to assess impact fees on new residential development within the Battle Ground School District No. 119 (“district”). The provisions of this article shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. [Ord. 352 § 1, 1994.]

3.15.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this article, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

“Building permit” means the permit required for new construction and additions. The term “building permit,” as used in this article, shall not be deemed to include:

1. Permits required for the remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure; provided, that there is no increase in the number of dwelling units resulting therefrom;

2. Permits required for temporary dwellings.

The term “building permit” shall include mobile home placement permits.

“Encumber” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

“Project improvements” means site improvements and facilities that are planned and designated to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a

capital facilities plan adopted by the council shall be considered a project improvement.

“System improvements” means school facilities that are included in the district’s capital facilities plan and are designed to provide service to the community at large, in contrast to project improvements. [Ord. 352 § 2, 1994.]

3.15.030 Assessment of impact fees.

A. The town shall collect impact fees from any applicant seeking residential development approval from the town for any development activity within the town, where such development activity requires the issuance of a building permit as defined in this article. Impact fees shall be assessed for each dwelling unit created which may include the expansion of existing uses which creates a demand for additional school facilities.

B. Impact fees shall be assessed at the time a sufficiently complete building application that complies with existing zoning ordinances and building codes is submitted for each unit in the development. Impact fees shall be collected from the feepayer at the time the building permit is issued for each unit in the development.

C. Except if otherwise exempt, the town shall not issue the required building permit unless and until the impact fees have been paid. [Ord. 352 § 3, 1994.]

3.15.040 School impact fee component.

The school impact fee shall be calculated using the formula contained in YMC 3.15.110. The amount of the impact fee shall be set forth in the Battle Ground School District’s capital facilities plan, as it currently exists or is hereinafter amended, and such plan or amendment is adopted by the town. The town in consultation with the district and upon application by the developer, supported by studies or data, may reduce or eliminate the school impact fee if it is shown that either: (A) the formula contained in YMC 3.15.110 does not accurately reflect a school impact or (B) due to unusual circumstances such as the facility improvements identified in the capital facilities plan are not reasonably related to the proposed development, or the facility improvements will not reasonably benefit the proposed development. This exemption shall not be available based on the sole reason that the current or prospective occupant of a

development does not or will not have school-aged children. [Ord. 352 § 4, 1994.]

3.15.050 Credits.

A feepayer can request that a credit or credits be awarded to him/her for the value of dedicated land, improvements, or construction provided by the feepayer if the land, improvements, and/or the facility constructed are included within the adopted capital facilities plan and the district makes the finding that such land, improvements, and/or facilities would serve the goals and objectives of the capital facilities plan. In the event the land, improvements and/or facilities are accepted by the district, the feepayer shall be responsible for supplying an independent appraisal based on objective standards which indicates the fair market value of the dedicated land, improvements and/or facilities. The credit amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the fee, the feepayer shall pay the difference. In the event the amount of the credit exceeds the amount of the impact fee due and owing by the feepayer, neither the district nor the town shall be liable to the feepayer for the difference. [Ord. 352 § 5, 1994.]

3.15.060 Appeals.

A. Any feepayer may pay the impact fees imposed by this article under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

B. Determinations of the town with respect to the applicability of the impact fees to a given development activity or the availability or value of a credit can be appealed to the town council.

C. Appeals shall be taken within 10 working days of payment of the fee or within 10 working days of the town’s issuance of a written determination of a credit or exemption decision by filing with the town a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of land use decisions. The appeals shall be processed in the same manner as other land use decisions pur-

suant to applicable Yacolt ordinances. [Ord. 352 § 6, 1994.]

3.15.070 Capital facilities plans adopted.

The 1994 Capital Facilities Plan for Battle Ground School District No. 119, attached to the ordinance codified in this article as Exhibit “B” and incorporated herein by this reference, is approved as meeting the requirements of this article and is hereby adopted as a subelement of the town of Yacolt’s comprehensive land use plan. [Ord. 352 § 7, 1994.]

3.15.080 Refunds.

A. If a district fails to expend or encumber the impact fees within six years of when the fees were paid, unless extraordinary or compelling reasons exist, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the town and/or the district within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

C. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by a district and expended on the appropriate public facilities.

D. Refunds of impact fees under this section shall include any interest earned on the impact fees by the town or the district. [Ord. 352 § 8, 1994.]

3.15.090 Use of funds.

A. Pursuant to this article, impact fees:

1. Shall be used for system improvements that will reasonably benefit new school facilities and shall not be used for project improvements;

2. Shall not be imposed to make up for deficiencies in school facilities serving existing developments; and

3. Shall not be used for maintenance or operation.

B. Impact fees may be spent for public improvements, including but not limited to school planning, land acquisition, site improvements, portables, necessary off-site improvements, construc-

tion, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.

C. Impact fees may also be used to recoup public improvement costs previously incurred by the district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. [Ord. 352 § 9, 1994.]

3.15.100 Review.

Impact fees shall be reviewed by the council as it may deem necessary and appropriate or in conjunction with the annual update of the capital facilities plan element of the town’s comprehensive plan. [Ord. 352 § 10, 1994.]

3.15.110 School impact fee component.

The impact fee component for schools shall be separately calculated for each participating school district using the following formula:

$$\text{SIF} = [\text{CS} (\text{SF}) - (\text{TC})] \times \text{A} - \text{FC}$$

A. “SIF” means the school component of the total development impact fee.

B. “CS” means the cost of each type of facility listed in a school district’s capital facilities plan attributable to new growth divided by the number of students representing a six-year increase in students for each type of school facility. Each type of facility means elementary school, middle school and high school.

C. “SF” means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility. This is determined by dividing the total number of residential units in a school district into the current enrollment numbers for each type of school facility. The student factor for each school

district shall be calculated annually. Separate student factors shall be calculated for single-family and multifamily dwelling units.

D. “SM” means state match. State match is that amount received from the state of Washington towards school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor x Boeck index (average annual construction cost of a school facility per square foot) x square foot standard per student established by the Superintendent of Public Instruction x state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for each school district shall be calculated annually.

E. “TC” means tax credit. This is calculated as:

$$((1 + i)_{10}) - 1 \quad \times \text{average assessed value for the dwelling unit within a school district}$$

$$\times \text{current school district capital property tax levy rate.}$$

where i = the average annual interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index. The tax credit for each school district shall be calculated annually.

F. “FC” means facilities credit. This is the value of any improvement listed in a school district’s capital facilities plan provided by the developer.

G. “A” means an adjustment for the portion of the anticipated increase in the public share resulting from exempt residential development prorateable to new residential development. This adjustment for school impact is determined to be 85 percent. [Ord. 352 Exh. A, 1994.]

Article II. Fire, Park and Traffic Impact Fees

3.15.120 Findings and authority.

The demand for fire, parks and recreation, and traffic facilities is proportionate to the size of a user population. The larger a population grows the greater the demand for town fire, parks and recreation, and traffic facilities. In order to offset the impacts of new residential development on the town’s fire protection, park, and traffic systems,

the town has determined to levy fire, park, and traffic impact fees consistent with town standards as new development occurs. Impact fees are authorized under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) to help offset the cost of capital facilities brought about by new growth and development. Impact fees imposed under this article will be used to acquire and/or develop fire protection, parks and recreation, and traffic facilities that are consistent with the capital facilities element of the Yacolt comprehensive growth management plan. [Ord. 548 § 1, 2016; Ord. 444 § 1, 2006.]

3.15.130 Purpose.

A. The purpose of this article is to implement the capital facilities element of the Yacolt comprehensive growth management plan by:

1. Ensuring that adequate fire protection; park, open space, and recreation; and traffic facilities are available to serve new development;

2. Maintaining the high quality of life in Yacolt by ensuring that growth pays for growth and that existing service levels for existing residents and businesses are not adversely impacted by growth and new development activity; and

3. Establishing standards and procedures whereby new development pays its proportionate share of the cost of fire protection; park, open space, and recreation; and traffic facilities that are reasonably related to the new development, and whereby fire protection; park, open space, and recreation; and traffic facilities are jointly financed by public and private interests.

B. The provisions of this article shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, and welfare. [Ord. 548 § 1, 2016; Ord. 444 § 2, 2006.]

3.15.140 Definitions.

As used in this article, the following terms have the meanings set forth below:

“Building permit” means a permit issued by the town of Yacolt and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. As the term relates to fire, park, and traffic

impact fees, “building permit” includes a permit issued for the siting or location of a mobile or manufactured home.

“Capital facilities” means those fire protection; park, open space, and recreation; and traffic facilities or improvements addressed in the capital facilities element of the Yacolt comprehensive growth management plan, as the same now exists or may be hereafter amended. Capital facilities costs include the cost of fire protection, park, and traffic planning, land acquisition, site improvements, buildings, and equipment, but exclude the cost of maintenance and operation.

“Capital facilities program (CFP)” means a six-year plan that is approved by the town council in order to finance the development of capital facilities necessary to support the projected population of Yacolt over the six-year period. The town’s CFP is found in the capital facilities element of the Yacolt comprehensive growth management plan, as the same now exists or may be hereafter amended.

“Developer” means an individual, a group of individuals, a partnership, a corporation, an association, a municipal corporation, a state agency, or other person proposing or undertaking development activity within the town.

“Development activity” as the term relates to fire, park, and traffic impact fees, means any construction or expansion of a building, structure, or use, any changes in the use of a building or structure, or any changes in the use of land, that creates additional demand and need for public fire protection; park, open space, and recreation; or traffic facilities.

“Development approval” means any written authorization from the town that authorizes commencement of a development activity.

“Encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for fire protection; park, open space, and recreation; or traffic capital facilities. Impact fees shall be considered encumbered on a first in, first out basis.

“Existing development” means that development which physically exists or for which the developer holds a valid building permit as of the effective date of the ordinance codified in this article.

“Impact fee” means a payment of money imposed upon new growth or development as a condition of development approval in order to pay for fire protection; park, open space, and recreation; and traffic facilities needed to serve such new growth or development. “Impact fee” does not include any permit or application fee.

“Level-of-service – existing/proposed (ELOS/PLOS)” means the ratio of fire protection; park, open space, and recreation; and traffic facility units (acres, fields, square feet, etc.) to the number of persons in the town’s population (expressed as unit per 1,000 persons).

“New development” means any and all development for which a permit is issued after the effective date of the ordinance codified in this article.

“Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered to be the owner of the real property if the contract is recorded.

“Previously incurred system improvements” means system improvements that were accomplished in order to serve new growth and development.

“Prior system improvement deficiencies” means deficiencies in public facilities serving existing development and that do not meet the proposed level of service.

“Private recreational facility” means any recreational facility not owned or dedicated to the public or a government agency.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. No fire protection; park, open space, and recreation; or traffic improvement or facility included in the capital facilities plan shall be considered a project improvement.

“Proportionate share” means that portion of the cost of fire protection; park, open space, and recreation; and traffic improvements that are reasonably related to the service demands and needs of new development.

“Service area” means a geographic area defined by the town or, in the case of facilities providing service to areas outside the town, by interlocal

agreement, as being that area in which a defined set of fire protection; park, open space, and recreation; and traffic facilities provide service to development within the area.

“System improvements” means fire protection; park, open space, and recreation; and traffic facilities that are included in the capital facilities plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements.

“Town” means the town of Yacolt, Washington. [Ord. 548 § 1, 2016; Ord. 444 § 3, 2006.]

3.15.150 Service areas.

The fire protection; park; and traffic service area for the existing and proposed fire protection; park, open space, and recreation; and traffic facilities of the town of Yacolt is hereby defined as that area which is coextensive with the corporate boundaries of the town, as they now exist or as they may be amended through annexation or other means from time to time. [Ord. 548 § 1, 2016; Ord. 444 § 4, 2006.]

3.15.160 Level of service.

The level of service for each type of fire protection, park, and traffic facility for which an impact fee is imposed under the provisions of this article is

established by the capital facilities element of the Yacolt comprehensive growth management plan. [Ord. 548 § 1, 2016; Ord. 444 § 5, 2006.]

3.15.170 Imposition of fire, park, and traffic impact fees.

A. Any person or entity who, after the effective date of the ordinance codified in this article, seeks to develop land within Yacolt by applying for a building permit for a commercial building, a building permit for a residential building, or a permit for a residential mobile or manufactured home installation, is hereby required to pay a fire, park, and traffic impact fee in the manner and the amount set forth in this article.

B. No commercial building permit, residential building permit, or permit for residential mobile or manufactured home installation shall be approved or issued unless and until the fire, park, and traffic impact fee has been paid as provided in this article. [Ord. 548 § 1, 2016; Ord. 444 § 6, 2006.]

3.15.180 Computation of the fire, park, and traffic impact fee amount – Fee schedule.

The fire, park, and traffic impact fee for each development activity on which an impact fee is imposed as provided in this article shall be determined according to the following schedule:

IMPACT FEE	SINGLE-FAMILY DETACHED	SINGLE-FAMILY ATTACHED (DUPLEX)	MOBILE/ MANUFACTURED HOME	COMMERCIAL
Fire	\$ 250	\$ 250	\$ 250	\$ 1,150
Park	\$ 2,300	\$ 2,300	\$ 2,300	\$ 0
Traffic	\$ 2,750	\$ 2,750	\$ 2,750	\$ 3,850

[Ord. 548 §§ 1, 2, 2016; Ord. 444 § 7, 2006.]

3.15.190 Alternative method of computation.

A. As an alternative to calculation of the fire, park, and traffic impact fee according to the schedule set forth in YMC 3.15.180, a developer may opt to prepare and submit an independent fee calculation study for the requested development activity to the town council. Any such study shall be prepared at the developer’s sole cost and expense.

B. The independent fee calculation study shall comply with the following standards:

1. The study shall follow accepted impact fee assessment practices and methodologies.

2. The study shall use acceptable data sources and the data shall be comparable with the uses and intensities proposed for the proposed development activity.

3. The study shall comply with the applicable state laws governing fire, park, and traffic impact fees.

4. The study, including any data collection and analysis, shall be prepared and documented by professionals qualified in their respective fields.

5. The study shall show the basis upon which the independent fee calculation was made.

C. The town council shall consider the independent fee calculation study submitted by the developer but is not required to accept such study if the town council decides that the study is not accurate or reliable. The town council may, in the alternative, require the person submitting the study to submit additional or different documentation for consideration. If the town council decides that outside experts are needed to review the study, the developer shall be responsible for paying the cost of review by outside experts.

D. If an acceptable independent fee calculation study is not presented, the developer shall pay the impact fees based upon the process and schedule set forth in YMC 3.15.180. If an acceptable independent fee calculation study is presented, the town council may adjust the fee to that appropriate to the particular development activity. [Ord. 548 § 1, 2016; Ord. 444 § 8, 2006.]

3.15.200 Credits.

A. Pursuant to RCW 82.02.060(3), a reasonable credit shall be allowed for the conveyance of land for, improvements to, or new construction of any fire, park, or traffic improvements provided by a developer, to fire protection; park, open space, and recreation; and traffic facilities identified in the capital facilities element of the Yacolt comprehensive growth management plan and that are the subject of impact fees to be paid by the developer under this article. Any request for a credit against impact fees shall be made and decided no later than the approval of the permit triggering the imposition of impact fees.

B. All land proposed to be conveyed to the town in exchange for a credit against impact fee shall meet all of the following requirements:

1. The land must be conveyed free and clear of all liens and encumbrances;

2. The land must be readily accessible to the general public;

3. The land must have a site, size, and location consistent with a fire, park, or traffic improvement described in the Yacolt comprehensive growth management plan; and

4. The land must be suitable for the proposed fire, park, and traffic uses and for inclusion in the town's fire protection, park, and traffic facilities as determined by the town council.

The town may decide to accept land which does not meet all of these standards in unusual circumstances where the land to be conveyed provides a unique benefit, such as location, access, or condition.

C. The amount of the credit shall be the value of the land and improvements conveyed to the town; provided, that in no case shall the amount of the credit exceed the amount of the impact fee imposed on the development activity. If the value of the land and improvements exceeds the total fire, park, and traffic impact fees to be paid by the development, no impact fees shall be due. If the value of the land and improvements is less than the impact fees due, the developer will be required to pay the difference.

D. Credits shall not be transferable from one property, project, or development activity to another. [Ord. 548 § 1, 2016; Ord. 444 § 9, 2006.]

3.15.210 Adjustments.

The town council is authorized to adjust the impact fees to be calculated under this article where the developer demonstrates that unusual circumstances make the standard impact fees applied to such development unfair or unjust. The circumstances that form the basis for the adjustment shall not be circumstances that are generally applicable to similar land uses or to all development activity in the vicinity. Unusual circumstances may include that the development activity will have substantially less impact on the system improvements than other development activities in the same land use category. Any request for an adjustment shall be made no later than the time of the application triggering imposition of impact fees. Adjustments granted under this section shall not be transferable from one property, project, or development activity to another. [Ord. 548 § 1, 2016; Ord. 444 § 10, 2006.]

3.15.220 Payment of fees.

A. Impact fees shall be imposed upon development activity in the town, based upon the schedule set forth in this article, and shall be collected by the town from any applicant where such development activity requires issuance of a residential building permit, issuance of a commercial building permit, or issuance of a mobile or manufactured home permit and the fee for the lot or unit has not been previously paid.

B. Arrangement may be made for later payment of the impact fee with the approval of the town only if the town determines that it will be unable to use or will not need the payment until a later time; provided, that sufficient security, as defined by the town, is provided to assure payment. Security shall be made to and held by the town, which will be responsible for tracking and documenting the security interest. [Ord. 548 § 1, 2016; Ord. 444 § 11, 2006.]

3.15.230 Appeals – Payment under protest.

A. Determinations made by the town pursuant to this article may be appealed in writing within 60 days to the town council.

B. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity. [Ord. 548 § 1, 2016; Ord. 444 § 12, 2006.]

3.15.240 Impact fee accounts.

A. Fire, park, and traffic impact fee accounts are hereby established for the purpose of depositing and maintaining the funds received under this article. Separate fire, park, and traffic impact fee accounts shall be maintained for fire protection; park, open space, and recreation; and traffic facilities.

B. The town clerk shall earmark all funds collected under this article as to the person paying, the date paid, and the development or property for which paid. The account shall be separate from all other accounts of the town and shall be interest-bearing. All interest paid shall be retained in the account and expended for the purposes for which the impact fee was imposed. [Ord. 559 § 2(A), 2017; Ord. 548 § 1, 2016; Ord. 444 § 13, 2006.]

3.15.250 Use of impact fees.

A. Impact fees shall be expended solely for fire protection; park, open space, and recreation; and traffic facilities under the jurisdiction of Yacolt described in and in conformance with the capital facilities program. Impact fees may be expended for facility planning, land acquisition, site improvements, application fees, necessary off-site improvements, required mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment, repayment of system improvement costs previously incurred to the extent that new growth and development will be served by such system improvements, and any other expenses which could be capitalized and which are consistent with the capital facilities program. Impact fees shall not be used for maintenance or operations.

B. In the event that bonds or similar debt instruments are issued for the advanced provision of system improvements for which impact fees may be expended and where consistent with provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities are consistent with the requirements of this section.

C. Impact fees collected under this article shall be expended or encumbered for a permissible use within six years of the date they are received by the town, unless the town council finds that there exists an extraordinary and compelling reason for the fees to be held longer than six years. Such a finding shall be made in writing.

D. Funds may be used to provide refunds as described in YMC 3.15.260.

E. Yacolt shall be entitled to retain not more than six percent of the funds collected as compensation for the expense of collecting the fees and administering this article. [Ord. 548 § 1, 2016; Ord. 444 § 14, 2006.]

3.15.260 Impact fee refunds.

A. If a development approval for which an impact fee has been paid under this article expires without commencement of construction, then the developer shall be entitled to a refund, with interest, of the impact fee paid, except that Yacolt shall retain a percentage of the fee to offset a portion of the costs of collection and refund.

B. The current owner of property on which impact fees have been paid may receive a refund of such fees, or any portion thereof if the town has failed to expend or encumber the impact fees, or any applicable portion, within the time period specified in YMC 3.15.250.

C. The town shall notify potential claimants for impact fee refunds by first class mail deposited with the United States Postal Service at the last known address of the said claimants.

D. A request for a refund must be submitted to the town council in writing within one year of the date that the right to claim the refund arises or the date that the notice is given, whichever is later. Any impact fees that are not expended or encumbered and for which no application for refund has been made within the one-year period shall be retained and expended on the indicated capital facilities. Refunds under this subsection shall include interest earned on the impact fees; provided, that if the town's failure to expend or encumber the fee within the time period set forth in YMC 3.15.250 is due to delay attributable to the developer of the project for which the fee was collected, the refund shall be without interest.

E. If the town should terminate the impact fee requirements of this article, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon a determination to terminate such impact fee requirements, the town shall publish a notice of such termination and the availability of refunds in the town's official newspaper at least two times and shall notify all potential claimants by first class mail at the last known address of claimants. A request for a refund must be submitted to the town council in writing within one year of the date that the notice is given.

Any impact fees for which no application for refund has been made within the one-year period shall be retained and expended on the indicated capital facilities. No notice shall be required if there are no unexpended or unencumbered balances within the account at the time of termination. [Ord. 548 § 1, 2016; Ord. 444 § 15, 2006.]

3.15.270 Exemptions.

The following development activities shall be exempted from payment of impact fees:

A. Rebuilding or replacement of an existing legally established dwelling unit where no additional dwelling unit is created.

B. Alteration or expansion:

1. Of an existing building where no additional residential units are created and where the use is not changed; and/or

2. The construction of accessory buildings or structures.

C. Mobile or manufactured homes where the installation of a replacement mobile or manufactured home on a lot or other such site when impact fees for such mobile or manufactured home have previously been paid pursuant to this article or where a mobile or manufactured home legally existed on such site on or prior to the effective date of the ordinance codified in this article. [Ord. 548 § 1, 2016; Ord. 444 § 16, 2006.]

3.15.280 Annual report.

The town clerk shall prepare an annual report to the town council showing the source and amount of all monies collected, earned, or received and the fire protection, park, and traffic system improvements that were financed in whole or in part by impact fees imposed under this article. The report may be part of an existing annual report or may be a separate report. [Ord. 559 § 2(A), 2017; Ord. 548 § 1, 2016; Ord. 444 § 17, 2006.]

Article III. Deferral of Impact Fees

3.15.290 Definitions.

"Applicant for impact fee deferral" means an applicant for a building permit that also makes application for impact fee deferral. It includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

"Transfer" means sale as defined in RCW 82.345.010, forfeiture, foreclosure, trade, gift, receivership, bankruptcy or other change in ownership interest in real property or improvements. [Ord. 545 § 1, 2016.]

3.15.300 Deferral of impact fees.

In accordance with ESB 5923 (2015)¹, impact fees assessed for single-family detached or attached new residential construction may be deferred at the election of an applicant for impact fee deferral under the following conditions:

A. For each single-family residence for which any impact fee deferral is applied for, an administrative fee is set in the amount of \$250.00 and must be paid to the town due to the increased burden placed on the town staff for processing and monitoring such deferral.

B. A separate application must be submitted for each single-family residence being constructed. Only the first 20 applications per calendar year by each applicant for impact fee deferral are eligible for impact fee deferral under this article.

C. The period of deferral expires at the earliest of:

1. The time of final inspection by the building inspector as reported to town officials;
2. The time of issuance of a certificate of occupancy by the town;
3. The time of closing of the first transfer of the property occurring after the issuance of applicable building permit; or
4. Eighteen months after the building permit is issued by the town.

D. Final inspection approval, certificate of occupancy, and any future utility hookups will not be issued or made until payment in full of the impact fees is made. For the first transfer of the property, the impact fees shall be paid at closing if they have not been previously paid.

E. The applicant for impact fee deferral must grant and record in favor of the town of Yacolt an impact fee lien in the amount of the deferred impact fees. The lien must be in a form signed, dated and approved by the mayor of Yacolt, and signed by all owners of the property and persons or entities holding any interest in the property, with all signatures acknowledged as required for a deed, and recorded among the appropriate land records of Clark County. Proof of such recording shall be submitted to the town of Yacolt before a building

permit may be issued. The lien must specify that it is binding on all successors in title after the recording. The lien may specify that it is subordinate to one mortgage for the purpose of construction upon the same real property granted by the applicant for impact fee deferral. A mortgage, deed of trust or other financing mechanism shall be limited to the property upon which construction on one single-family residence will occur. A lien not paid when due shall bear interest at the statutory rate. A lien shall become due at the expiration of the deferral date.

F. If impact fees are not paid in accordance with ESP 5923 (2015) the town of Yacolt may institute foreclosure proceeding in accordance with Chapter 61.12 RCW.

G. After full payment of impact fees, and upon written request of the person paying said fees containing the name and address of the requester together with a copy of a proposed lien release form, the town of Yacolt, upon approval of the clerk and town attorney, shall sign a lien release and deliver it to the person paying said fees either in person or by first class mail. [Ord. 559 § 2(A), 2017; Ord. 545 § 2, 2016.]

1. Code reviser's note: ESB 5923 (2015) is attached to the ordinance codified in this article.

											Primary	4,064	4,174	4,271	4,408	4,509	4,594	4,594	
											Middle	3,746	3,569	3,567	3,471	3,433	3,465	3,568	
											High	3,380	3,968	3,810	3,723	3,674	3,497	3,493	
												11,190	11,710	11,649	11,602	11,615	11,556	11,656	
											Primary		110	98	136	101	85	0	
											Middle		-177	-1	-96	-39	32	104	
											High		588	-157	-87	-50	-176	-4	
											Grade	2021	2022	2023	2024	2025	2026	2027	2028
											Kindergarten	806	885	885	885	885	885	885	885
											Grade 1	815	833	914	914	914	914	914	914
											Grade 2	781	816	834	916	916	916	916	916
											Grade 3	829	793	828	846	929	929	929	929
											Grade 4	833	847	810	846	865	949	949	949
											Total Primary School	4,064	4,174	4,271	4,408	4,509	4,594	4,594	4,594
											Grade 5	887	837	851	814	850	869	954	954
											Grade 6	933	912	861	875	837	874	893	981
											Grade 7	884	942	921	869	883	844	883	902
											Grade 8	1,042	878	935	914	863	877	838	876
											Total Middle School	3,746	3,569	3,567	3,471	3,433	3,465	3,568	3,713
											Grade 9	1,003	1,071	902	961	939	886	901	861
											Grade 10	1,047	1,007	1,075	905	964	943	890	905
											Grade 11	940	919	884	944	795	847	828	781
											Grade 12	919	971	950	913	975	821	875	855
											Total High School	3,909	3,968	3,810	3,723	3,674	3,497	3,493	3,402
											Total	11,719	11,710	11,649	11,602	11,615	11,556	11,656	11,709

ADDITIONAL SUPPORT FOR BATTLE GROUND PUBLIC SCHOOLS

CAPITAL FACILITIES PLAN AND IMPACT FEE PROPOSAL

I. Basic Statutory Requirements – RCW 82.02.050.

(4) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

From Table 8 in CFP, the following costs of the proposed schools attributed to growth are inserted in the SIF formula. For example:

Elementary schools: \$43,868,385 (total cost of schools is \$57,469,500)

Cost attributed to growth is determined by taking the total cost of the schools divided by 900 capacity x 6-year enrollment projection (687)

This calculation makes sure that the cost of a new school is reduced by only that needed to serve projected future enrollment (687) from whatever source

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

Total cost of schools attributed to growth is then inserted into the SIF formula and again divided by the 687 enrollment projection to come up with the cost per student of that portion of a new school needed for growth which is \$63,855.00. That number is further reduced by the student factor and state match credit to come up with the impact fee.

(c) Shall be used for system improvements that will reasonably benefit the new development.

Courts have determined that new development will benefit from a school anywhere in the district. Specifically the court in Wellington River Hollow, LLC v Northshore School District, 121 Wn.App 224 held:

As an initial matter, Growth Management Act impact fees need not be spent on infrastructure that would specifically benefit a particular development, but instead need only provide a general benefit to the entire school district. New Castle, 98 Wash.App. at 236, 989 P.2d 569. In this case, the 1997 school impact fees—including Wellington's fees—were collected to fund classroom improvements throughout Northshore School District. Although the fees have not yet been spent, Wellington alleges that the students it generates will not directly benefit from the improvements. But a direct benefit is not required. The school impact fees are to ensure adequate facilities for the school district as new students enroll. Northshore School District will benefit from the infrastructure improvements set forth in the 1996 Capital Facilities Plan, and the students from Wellington's development will have adequate facilities to be able to attend. If Wellington's fees are not expended or encumbered for a permissible use within six years, it may request a refund. KCC 21A.43.090(E).

II. Why the Enrollment Projections Do Not Need to be limited to Projected Enrollment from New Housing

The constant in any calculation is the full cost of the new schools and their capacity. If the enrollment projections only include projections from new housing, the cost per student of the new school doesn't change the fee based on how the formula works:

	Scenario 1	
A	Total cost of elementary schools	\$57,469,500
B	Capacity of new schools	900
C	Enrollment projections from all sources	687
D	Total cost attributed to growth (A/B*C)	\$43,868,385
E	Total cost attributed to growth per student (D/C)	\$63,855.00
	Scenario 2	
A	Total cost of elementary schools	\$57,469,500
B	Capacity of new schools	900
C	Enrollment projections from only new housing	400*
D	Total cost attributed to growth (A/B*C)	\$25,542,000
E	Total cost attributed to growth per student (D/C)	\$63,855.00

*made up number

First, in Row Ds, the formula ensures that the cost of a new school will be reduced to only the cost of the schools needed to serve future enrollment, not cure current deficiencies.

Then, the formula calculates a per student cost for new schools:

- New development only pays a fee based on students coming from new development (application of student factor).
- Impact fees cannot be charged against existing housing so if a family with 5 school-aged children move into an existing house, the new schools will benefit them but they don't pay the fee.
- In an extreme example to make a point, if only 10 new houses are built in the District in 6 years, those 10 houses only pay a fee based on their student generation not anyone else's. It still costs \$57,469,500 to build a new school, and there still is a cost per student for that school, but new housing only pays a fraction of the cost based only the number of students they generate.
- The total cost of the new school does not change whether a new student comes from an existing family or comes from a new house; it's \$57,469,500
- In the District's plan, the new schools are needed to both house current unhoused students and new students. The calculation ensures that that the number that gets plugged into the formula does not include the cost to house current unhoused students.
- New housing is not increasing the cost of a new school; it's demonstrating the need for one.
- Demographers should look at projected housing units as one factor in determining enrollment growth.
- As long as it can be reasonably shown that there will be new housing in the District and that students from new housing will place additional demands on the school system, then the District can collect impact fees.

**BACKGROUND INFORMATION
FOR
BATTLE GROUND PUBLIC SCHOOLS
2022-2028 CAPITAL FACILITIES PLAN AND IMPACT FEE
CALCULATION**

October 9, 2023

CAPITAL FACILITIES PLAN

- I. Current Facilities
- II. Current Capacity and Enrollment
- III. Enrollment Projections
- IV. Growth in Housing
- V. Projected New Facilities
 - a. Facilities Need to Accommodate Growth
- VI. Financing Plan
 - a. Current funds
 - b. Projected revenue

IMPACT FEE CALCULATION

- I. Cost of Facilities Need for Growth and Additional Capacity
- II. Student factor (aka student generation rate)
- III. Boeckh Index
- IV. Square Footage Funded by Office of Superintendent of Public Instruction
- V. State Match Percentage
- VI. Tax Credit
- VII. 15% Reduction

CAPITAL FACILITIES PLAN

1. Current Facilities: see capital facilities plan
2. Current Capacity and Enrollment: see capital facilities plan and note as of today:

Yacolt primary school's permanent capacity is 579 and current enrollment is 712.

3. Enrollment Projections:

Kindergarten: Live births in the District times a conservative rate of 85% attending District schools for 2023 (813) plus new transition to kindergarten program for 4 year olds of (72) = 885. The average attending rate prior to pandemic is 95%.

Grades 1-12: Applied AVG 3-year pre-pandemic cohort rates to Actual October 2021 headcounts (11,190) to forecast enrollment to 2028 (11,709).

See **Appendix A**

4. Growth in Housing:

Source: Clark County Buildable Lands Report (June 2022):

<https://clark.wa.gov/sites/default/files/media/document/2023-01/Final%20BLR.pdf>

On page 23 of this report, the population in the Battle Ground UGA in 2020 was 24,019 and in 2035 is expected to be 38,443. The County forecasts a need for 5,422 residential units by 2035. In the Yacolt UGA, 76 residential units are needed to serve growth. This does not include growth in the rural areas the District.

5. Projected New Facilities and Costs: see capital facilities plan and note:

Currently, new facility costs are approximately \$650 per square foot.

K-4 capacity 450 - \$28,734,750

450 students x 116.10 ft per student x \$550 per sq ft = \$28,734,750

5-8 capacity 450 - 30,882,600

450 students x 124.78 ft per student x \$550 per sq ft = \$30,882,600

Also note:

Statewide Average Square Foot Cost for Construction at Time of Bid

Design-Bid-Build Projects:

Square foot costs are based on the awarded contract amount for construction at time of bid and do not reflect final construction cost.

GC/CM – General Contractor / Construction Manager Projects:

Included is both the average square foot cost for construction at time of MACC negotiation and at final negotiated Guaranteed Maximum Price and may not reflect final construction cost.

All Projects:

Square foot costs represent state recognized cost of construction. The costs do not include construction costs for off-site work, hazardous waste abatement/asbestos removal (unless part of an eligible modernization project) and demolition of existing building. Square foot costs, at the time of bid, reflect only "hard costs" (brick and mortar) and any reported site costs.

Not included in square foot costs are soft costs like furnishings, equipment, design fees, sales tax in excess of 7.0% allowance, permit fees, and any contingencies.

Note: All square foot costs in the tables below include 7.0% sales tax.

SUMMARY OF SQ. FT. COST FOR CONSTRUCTION PROJECTS BID 2012 - 2018

YEARS	* New Construction *		* Modernization *		* Includes both New & Mod Projects *		
	DESIGN-BID-BUILD		DESIGN-BID-BUILD		GCCM/MACC	GCCM/GMP	
	AVERAGE SQ. FT.	NO. OF	AVERAGE SQ. FT.	NO. OF	AVERAGE SQ. FT.	AVERAGE SQ. FT.	NO. OF
	COST BASED ON	PROJECTS	COST BASED ON	PROJECTS	COST BASED	COST BASED	PROJECTS
	CONTRACT AWARD		CONTRACT AWARD		ON MACC	ON GMP/GCC/TCC	
2012-13	\$256.87	16	\$229.90	6	\$297.87	\$324.08	5
2013-14	\$265.20	18	\$212.11	9	\$257.48	\$295.11	4
2014-15	\$309.81	26	\$219.69	5	\$263.37	\$301.48	5
2015-16	\$304.91	15	\$242.44	9	\$327.41	\$351.93	11
2016-17	\$325.04	24	\$190.08	10	\$303.93	\$338.49	13
2017-18	\$373.01	27	\$249.21	19	\$382.83	\$425.84	6

6. Financing Plan:

- Current funds. See capital facilities plan.
- Projected revenue: See capital facilities plan and note:

2023-2024

Continued

Run: 9/13/2023 1:

Battle Ground School District No.119

F-195F

SUMMARY OF GENERAL FUND BUDGET

	2023-2024 Current	2024-2025 Forecast	2025-2026 Forecast	2026-2027 Forecast
REVENUES AND OTHER FINANCING SOURCES				
1000 Local Taxes	29,004,555	30,453,445	32,208,200	34,208,200
2000 Local Nontax Support	5,139,469	5,190,864	5,242,772	5,295,200
3000 State, General Purpose	125,907,805	132,816,646	137,964,384	141,222,856
4000 State, Special Purpose	41,474,967	42,900,348	44,181,629	45,100,671
5000 Federal, General Purpose	500	500	500	500
6000 Federal, Special Purpose	20,329,162	12,782,348	13,089,125	13,337,818
7000 Revenues from Other School Districts	35,000	36,365	37,238	37,945
8000 Revenues from Other Entities	55,000	57,145	58,516	59,628
9000 Other Financing Sources	0	0	0	0
A. TOTAL REVENUES AND OTHER FINANCING SOURCES	221,946,458	224,237,661	232,782,364	239,262,818

7. Other:

We would also like to point out the following with respect to Yacolt:

In 2017, a 10 classroom portable was added in Yacolt for \$2.4M. Divided by the fee at the time of \$6,397, that would have required 375 houses to pay for it.

In 2023, the cost of a 10 classroom portable is \$5.9M. This would take 1187 new homes to pay for it under the current fee.

This shows two things:

1. The Town does not have enough new homes to finance adding a 10 classroom portable in its jurisdiction without funding from other sources. This is why impact fees collected in a jurisdiction do not always pay for schools just in that jurisdiction. This was particularly found permissible in *Wellington River Hollow, LLC v. King County*, 121 Wn.App. 224 (2002).
2. It shows prices have doubled since 2017.

IMPACT FEE CALCULATION

YMC 3.15.110 School Impact Fee Component:

3.15.110 School impact fee component.

The impact fee component for schools shall be separately calculated for each participating school district using the following formula:

$$\text{SIF} = [\text{CS} (\text{SF}) - (\text{TC})] \times \text{A} - \text{FC}$$

A. "SIF" means the school component of the total development impact fee.

B. "CS" means the cost of each type of facility listed in a school district's capital facilities plan attributable to new growth divided by the number of students representing a six-year increase in students for each type of school facility. Each type of facility means elementary school, middle school and high school.

C. "SF" means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility. This is determined by dividing the total number of residential units in a school district into the current enrollment numbers for each type of school facility. The student factor for each school district shall be calculated annually. Separate student factors shall be calculated for single-family and multifamily dwelling units.

D. "SM" means state match. State match is that amount received from the state of Washington towards school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor x Boeck index (average annual construction cost of a school facility per square foot) x square foot standard per student established by the Superintendent of Public Instruction x state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for each school district shall be calculated annually.

E. "TC" means tax credit. This is calculated as:

$$\begin{aligned} & ((1 + i)_{10}) \times \text{average assessed value for the} \\ & - 1 \quad \text{dwelling unit within a school district} \\ & \quad \times \text{current school district capital} \\ & \quad \text{property tax levy rate.} \end{aligned}$$

where i = the average annual interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index. The tax credit for each school district shall be calculated annually.

F. "FC" means facilities credit. This is the value of any improvement listed in a school district's capital facilities plan provided by the developer.

G. "A" means an adjustment for the portion of the anticipated increase in the public share resulting from exempt residential development proratable to new residential development. This adjustment for school impact is determined to be 85 percent. [Ord. 352 Exh. A, 1994.]

Data supporting variables inserted into formula:

1. Cost of Facilities Need for Growth and Additional Capacity: taken from CFP.
2. Student factor. From CFP:

Single-Family		
Elementary	Middle	High School
0.139	0.128	0.134
Multi-Family		
Elementary	Middle	High School
0.068	0.047	0.053

Source: For single-family rates based on Clark County data of 29,222 single-family units as of March 2022 compared to then enrollment per school type per formula:

Sent: 3/25/2022 11:46 AM
Subject: RE: School Impact Fees: Updated Student Generation
From: Paul Newman (Paul.Newman@clark.wa.gov)
To: Bremer, LeAnne M. (LeAnne.Bremer@MillerNash.com)
CC: Bob Pool (ROBERT.POOL@clark.wa.gov)
Attachments: ClarkSchoolDistricts_AveragePropValuePerUnit_20220325.xlsx

Hi LeAnne

Attached is the requested report showing the latest average value of single family and multi-family units by school district. The number of units is also included.

Please let me know if there are questions.

Take care,
Paul

A. Paul Newman
GIS Analyst
Clark County, WA
564-397-4653

See attached report from Mr. Newman.

For multi-family rates: Eric Hovee, demographer. Report attached.

3. Boeckh Index (average annual construction cost of a school facility per square foot). See impact fee calculation.

Source: <https://ospi.k12.wa.us/policy-funding/school-buildings-facilities/school-construction-assistance-program-scrap>

July 1, 2022 figure used when CFP prepared.

SCAP Eligibility

Student Enrollment Projections

+

Construction Cost Allocation

–

The construction cost allocation is the maximum cost per square foot of construction that the state will recognize. This amount is established by the legislature in the biennium budget.

As part of the state construction grants, projects were funded at a construction cost allocation per square foot of eligible area:

- July 1, 2024 \$271.61
- July 1, 2023 \$258.92
- July 1, 2022 \$246.83
- July 1, 2021 \$242.26
- July 1, 2020 \$238.22
- July 1, 2019 \$232.10
- July 1, 2018 \$225.97
- July 1, 2017 \$219.58
- July 1, 2016 \$213.23
- July 1, 2015 \$206.76
- July 1, 2014 \$200.40
- July 1, 2013 \$194.26
- July 1, 2012 \$188.55
- July 1, 2011 \$183.78
- July 1, 2010 \$180.17
- July 1, 2009 \$174.26
- July 1, 2008 \$168.79
- July 1, 2007 \$162.43
- July 1, 2006 \$154.22
- July 1, 2005 \$141.95

4. Square Footage Funded by Office of Superintendent of Public Instruction.

Source: <https://ospi.k12.wa.us/policy-funding/school-buildings-facilities/school-construction-assistance-program-scrap>

06 CLARK

037	VANCOUVER	60.44%
098	HOCKINSON	61.28%
101	LA CENTER	63.57%
103	GREEN MOUNTAIN	64.36%
112	WASHOUGAL	57.89%
114	EVERGREEN	66.68%
117	CAMAS	63.77%
119	BATTLE GROUND	60.27%
122	RIDGEFIELD	56.61%

5. Square Foot Standard (amount of square footage per type of school on which state funding is based).

Source: WAC 392-343-035

Space allocations.

(1) State funding assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of students with developmental disabilities shall be based on a space allocation per enrolled student and for state funding assistance purposes shall be computed in accordance with the following table:

Grade or Area	Through June 30, 2006	Beginning July 1, 2006
	Maximum Space Allocation Per Student	Maximum Space Allocation Per Student
Grades kindergarten through six	80 square feet	90 square feet
Grades seven and eight	110 square feet	117 square feet
Grades nine through twelve	120 square feet	130 square feet
Classrooms for students with developmental disabilities	140 square feet	144 square feet

6. Tax Credit (amount of real property taxes collected to fund new facilities): None
7. 15% Reduction: from formula

School District	Single-Family: Average Total Market Value per Unit	Total Number of Single-Family Units	Multi-Family: Average Total Market Value per Unit	Total Number of Multi-Family Units
Battle Ground	\$ 431,921	29,222	\$ 210,390	2,796
Camas	\$ 543,752	12,076	\$ 150,212	1,040
Evergreen	\$ 383,935	46,435	\$ 161,161	15,640
Green Mountain	\$ 406,654	368	\$ 229,397	11
Hockinson	\$ 574,955	3,655	\$ 206,838	14
La Center	\$ 452,082	3,681	\$ 180,844	85
Mount Pleasant	\$ 683,974	6 *	*	
Ridgefield	\$ 491,140	9,117	\$ 231,652	833
Vancouver	\$ 388,144	48,741	\$ 124,980	22,947
Washougal	\$ 424,269	6,919	\$ 139,564	921
Woodland	\$ 421,025	624	\$ 171,132	9

Created by Clark County GIS

Created on March 24, 2022

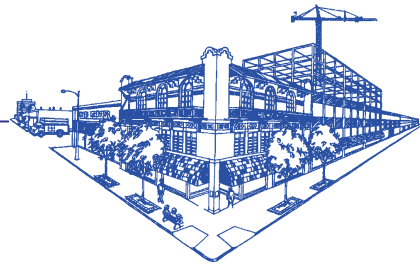
Based on Taxlots in school district boundaries

Based on Clark County Assessor data

For school districts that span county boundaries, values are only for the Clark County portion.

* The school district of Mount Pleasant does not have any Multi-Family Dwelling Units.

This report was created in folder: Q:\DataOps\Boundaries\School\ESD112\Projects\AverageValueByDistrict



MEMORANDUM

To: Marnie Allen – Assistant Superintendent, ESD 112
Meagan Hayden – Director of School Finance, Battle Ground Public Schools

From: Eric Hovee

Subject: Updated Student Generation Rates – Battle Ground School District

Date: January 28, 2019

At the request of ESD 112 and as approved by Battle Ground Public Schools, the economic and development consulting firm E. D. Hovee & Company, LLC has prepared this updated assessment of student generation rates for the Battle Ground School District. Student generation rates represent an estimate of the number of K-12 students associated with recent single- and multi-family housing development as compared with the number of students associated with the full inventory of housing across the Battle Ground. These rates are used as a basis for the district's impact fee calculations.

APPROACH TO ANALYSIS

In conducting this assessment, E. D. Hovee has applied a methodology similar to that previously used (this past year) for the Battle Ground district and as consistent with similar generation rate analyses being conducted for other districts in Clark County. Based on a student address list provided by the Battle Ground district, Clark GIS has matched these addresses to corresponding tax identification (or parcel) numbers used by the Clark County Assessor. Clark GIS has also provided a separate file with parcel-based records for all properties located within boundaries of the district – including information regarding number of housing units per tax parcel, year built, property description and preliminary single/multi-family designation.

I have joined these two files and also evaluated cases where there is not a clear match property match between the assessor's data base and the student listing. The result is that, out of 12,786 students in the district listing, 12,055 (94.3%) have been matched to an address within the boundaries of the district. Students not matched represent some undetermined combination of those attending from out-of-district plus in-district residents for which a clear address match was not identified – for reasons ranging from inaccurate or inconsistent address coding to the tax assessor having no record of a building structure on a particular property parcel.

UPDATED GENERATION RATES

Results of this updated analysis are provided as single- and multi-family units constructed over the six years of 2012-17 as compared with generation rates across the full inventory of housing in the Battle Ground district – independent of the year of construction. Rates are shown for the primary (K-4), middle (5-8), and high school (9-12) grades, then totaled.

Student Generation Rates for Battle Ground Public Schools

Grade Level	Last 6 Years (2012-17)			All Years		
	SF	MF	All	SF	MF	All
K-4	0.183	0.068	0.146	0.158	0.069	0.148
5-8	0.132	0.047	0.105	0.141	0.051	0.132
9-12	0.093	0.053	0.080	0.134	0.053	0.126
Total	0.408	0.168	0.332	0.432	0.173	0.406
# of Units	3,297	1,538	4,835	26,661	3,038	29,699
# of Students						
K-4	603	105	708	4,201	209	4,410
5-8	436	73	509	3,753	156	3,909
9-12	305	81	386	3,574	162	3,736
Total	1,344	259	1,603	11,528	527	12,055

Note: 2018 data is not applied as our analysis for this and other districts indicates that residents indicated by the Assessor as being completed in 2018 have not yet reached normalized occupancy.

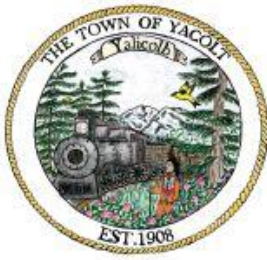
Source: E. D. Hovee from district-provided student list and Clark GIS tax parcel database.

As indicated by the above chart, the overall generation rate for units constructed from 2012-17 is 0.332 students per housing unit. The generation rate is close to 2 ½ times greater for single-family than for multi-family development.

Generation rates associated with recently constructed housing appear to be somewhat lower than for student generation for all housing district-wide. This is the case for both single family (SF) and multi-family (MF) development.

As an added note, student generation rates associated with this report are below the 0.380 rate associated with development the previous six years (of 2011-16). Rates are now lower for both single- and multi-family development. With limited development activity from 2011-14, the pace of development (or units built) is significantly greater for the more recent 2015-17 period.

E. D. Hovee appreciates the opportunity to provide this updated student generation review for ESD 112 and the Battle Ground School District. I would be happy to respond to questions or provide further information regarding any aspect of this report.



Town of Yacolt Agenda Request

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Mayor Listek

Group Name: Staff

Address: 202 W Cushman St
Yacolt, WA 98675

Phone: (360) 686-3922

Email Address: mayorlistek@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Goat in Town Limits

Proposed Meeting Date: October 16, 2023

Action Requested of Council: Discuss whether to consider a small pigmy goat living within Town Limits should be declared a nuisance or what to do about it. (ie: Require the homeowner to request permission to keep the goat per the existing living conditions, send a notice and require certain action within a specified time frame, etc.)

Proposed Motion: TBD

Summary/ Background: At the October 9th Council meeting, it was mentioned that there is a goat living within Town limits, on E. Jones St. Yacolt Municipal Code at Ch. 6.10.010 defines Livestock:

“Livestock” means domesticated animals such as horses, mules, donkeys, ponies, oxen, cattle, llamas, goats, sheep, swine and any other animal similar in nature and size.” YMC 6.10.020 goes on to say: “It is unlawful for any person to keep or maintain any livestock or fowl, as defined herein, within the corporate limits of the town of Yacolt unless previous permission has been granted by the town of Yacolt. [Ord. 415 § 2, 2002.]”.

When the Public Works Director spoke with the homeowner, he was informed that the goat is potty-trained and lives in the house. It comes out in the yard with the owner sometimes, and stays right near her, just like a dog. It even rides with her in her truck when she goes places. As of the date of this writing, no complaints have been received at Town Hall regarding the goat.

Staff Contact(s): Mayor Listek

mayorlistek@townofyacolt.com

(360) 686-3922



Town of Yacolt Agenda Request

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Ronald Homola, Council Pos. #4

Group Name: Council

Address: 202 W Cushman St
Yacolt, WA 98675

Phone: (360) 686-3922

Email Address: ronald.homola@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Offensive Halloween Yard Decorations

Proposed Meeting Date: October 16, 2023

Action Requested of Council: Discuss whether or not to consider macabre or otherwise offensive Halloween decorations in peoples' publicly visible yard areas a nuisance

Proposed Motion: TBD

Summary/ Background: At the October 9th Council Meeting, Councilmember Homola brought up that there are yards in Town with murder scenes, simulated vomiting scenes and the like. He feels that this type of décor is offensive and scares children. He asked if this sort of decoration would fall under the nuisance code, #8.05.030(2), as "unreasonably offensive to the senses", and should be declared as such.

Staff Contact(s): Mayor Listek

mayorlistek@townofyacolt.com

(360) 686-3922



Town of Yacolt

Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Stephanie Fields, Town Clerk
David W. Ridenour, Town Attorney
Group Name: Staff

Address: 202 W. Cushman St.
P.O. Box 160
Yacolt, WA 98675
Phone: David Ridenour (360) 991-7659

Email Address: david@davidridenourlaw.com
Alt. Phone: Town Clerk (360) 686-3922

ITEM INFORMATION:

Item Title: Flood Damage Prevention Program. (YMC 15.15)

Proposed Meeting Date: October 16, 2023. (Special Meeting)

Action Requested of Council: Review ongoing work to update Yacolt's Flood Damage Prevention Program pursuant to Federal and State requirements.

Proposed Motion: No motion is expected at this time. If appropriate, a motion could say: "I make a motion that staff deliver proposed Ordinance #593 to FEMA and other agencies as required to request review and approval before final adoption by the Town, subject to the following changes: (list)."

Summary/ Background: The Federal Emergency Management Agency (FEMA) and the State of Washington Department of Ecology have revised minimum standards for communities to participate in the National Flood Insurance Program (NFIP). As a result, Yacolt must update its Flood Damage Prevention Program to satisfy the new standards if its citizens are to have access to flood insurance (which is required for properties seeking loans from federally-regulated lenders on properties in designated Flood Zones). The new standards also affect the Town's review of construction and development activities on properties designated as Areas of Special Flood Hazard.

Staff has been working with representatives from FEMA on revisions to YMC 15.15 that will satisfy the new standards. A proposed ordinance to update Yacolt's program is attached for the Council's review.

Staff will continue to work on the proposed ordinance in consultation with FEMA and others prior to the special meeting. During the workshop, staff will direct the Council's attention to changes that have been made to the attached draft, and to specific subjects where the Council's decisions are particularly important.

The Town will be temporarily suspended from the NFIP if Yacolt's approved new program is not adopted by November 2, 2023. FEMA would like to avoid the additional administrative work that would be necessary to reinstate the Town, so FEMA is willing to accelerate the review and approval process. Options for accelerating the process will be discussed during the special meeting. FEMA's preferred option is to have the Town schedule the matter for possible adoption during its special meeting on October 23, 2023, which would allow publication and an Ordinance effective date of November 1, 2023.

Attachments:

DRAFT Ordinance #593.

Staff Contact(s):

Stephanie Fields, Town Clerk.
David W. Ridenour, Town Attorney.

ORDINANCE #593

AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, AMENDING CHAPTER 15.15 OF THE YACOLT MUNICIPAL CODE (FLOOD DAMAGE PREVENTION) TO REFLECT NEW FEMA STANDARDS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

Whereas, pursuant to RCW 86.16, the Legislature of the State of Washington has delegated responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry;

Whereas, the Town Council of the Town of Yacolt, (“*Town*” or “*Yacolt*”), has adopted and updated previous versions of its flood damage prevention programs in Resolution #197 adopted May 15, 1978; Ordinance #251 adopted April 3, 1984; Ordinance #440 adopted April 17, 2006; Ordinance #454 adopted July 16, 2007; Resolution #477 adopted on April 16, 2012; and Ordinance #501 adopted August 6, 2012.

Whereas, the current version of Yacolt’s Flood Prevention Program is codified at Chapter 15.15 of the Yacolt Municipal Code, (“*YMC*”);

Whereas, to continue its participation in the National Flood Insurance Program, the Town is required to update its flood damage prevention program from time to time in order to maintain compliance with new standards as they may be adopted from time to time by the Federal Emergency Management Agency, (FEMA) and/or the Washington State Department of Ecology;

Whereas, the Town Council is in special session this 23rd day of October, 2023, with proper notice having been given of the meeting’s agenda and the potential actions to be taken pursuant to RCW 42.30.080; and,

Whereas, all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 – Adoption of Recitals: The foregoing Recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2 – Amendment of YMC Chapter 15.15 – Flood Damage Prevention: Chapter 15.15 of the Yacolt Municipal Code [Flood Damage Prevention] is hereby amended by replacing the Chapter in its entirety so that Chapter 15.15 will read as follows:

Chapter 15.15 FLOOD DAMAGE PREVENTION

Sections:

- 15.15.010 Findings of fact, purpose and objectives.
- 15.15.020 Definitions.
- 15.15.030 General provisions.

- 15.15.040 Administration.
- 15.15.050 Provisions for Flood Hazard Reduction.
- 15.15.060 Variances.
- 15.15.070 Appendix A – Standards for Shallow Flooding Areas, (AO Zones)

15.15.010 Findings of fact, purpose and objectives.

A. Findings of Fact.

1. The flood hazard areas of the Town of Yacolt are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

B. Statement of Purpose. It is the purpose of this Chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
7. Notify potential buyers that the property is in a Special Flood Hazard Area;
8. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
9. Participate in and maintain eligibility for flood insurance and disaster relief.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development, which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

15.15.020 Definitions.

Alteration of Watercourse: Any action that will change the location of the channel occupied

by water within the banks of any portion of a riverine waterbody.

Appeal: A request for a review of the interpretation of any provision of this Chapter or a request for a variance.

Area of Shallow Flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.

Building: See "Structure."

Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility: This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either

final site grading or the pouring of concrete pads).

Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

Flood or Flooding:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Elevation Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study. See "Flood Elevation Study".

Floodplain or Flood Prone Area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain Administrator: The Town of Yacolt's official designated by title to administer and enforce the floodplain management regulations.

Floodplain Management Regulations: Zoning codes, subdivision regulations, building codes, health regulations, critical areas codes, environmental protection codes, special purpose codes (such as floodplain regulations, grading regulations, and erosion control regulations), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior,

or

b. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter, (i.e., provided there are adequate flood ventilation openings).

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

One Hundred Year Flood or 100 Year Flood: See "Base flood."

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

Recreational Vehicle: A vehicle,

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Variance: A grant of relief from the terms of this Chapter or other floodplain management regulation that permits construction in a manner that would otherwise be prohibited by this Chapter or other floodplain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the Town of Yacolt’s floodplain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

15.15.030 General Provisions.

A. **Lands to Which This Chapter Applies.** This Chapter shall apply to all special flood hazard areas within the boundaries of the Town of Yacolt.

B. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report titled “The Flood Insurance Study for Clark County, Washington and Incorporated Areas” dated November 2,

2023, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this Chapter. The FIS and the FIRM are on file at the Yacolt Town Hall, located at 202 W. Cushman Street, Yacolt, Washington, or at such other place as may be designated by the Town council. The best available information for flood hazard area identification as outlined in Subsection .040-C-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Subsection .040-C-2.

C. Compliance. All development within special flood hazard areas is subject to the terms of this Chapter and other applicable regulations.

D. Penalties For Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.

1. Any violation of this Chapter is hereby declared a nuisance. Any person who violates this Chapter or fails to comply with any of its requirements shall be subject to the provisions of YMC 8.05, (Nuisances).

2. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than _____ or imprisoned for not more than _____ days, or both, for each violation, and in addition shall pay all costs, expenses and attorney's fees involved in the case.

3. The Town's remedies with respect to the enforcement of the provisions of this Chapter are cumulative and not exclusive. Nothing contained herein shall prevent the Town of Yacolt or any other authorized agency from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another code, regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation.

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning And Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Yacolt, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision made hereunder.

H. Severability. This Chapter and the various parts thereof are hereby declared to be severable. If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any person or circumstances is held invalid, the remaining portion of this Chapter shall remain in

full force and effect, and the application of the provision to other persons or circumstances shall not be affected.

15.15.040 Administration.

A. Establishment of Development Permit.

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section .030. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the Floodplain Administrator.
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Subsection .050-B-2;
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- e. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;
- f. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation, and
- g. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

B. Designation of the Floodplain Administrator. The Mayor of the Town of Yacolt is hereby appointed as the Floodplain Administrator, with authority to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement the provisions of this Chapter.

C. Duties & Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to:

1. Permit Review. Review all development permits to determine that:
 - a. The permit requirements of this Chapter have been satisfied;
 - b. All necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine that the proposed development site is reasonably safe from flooding;
 - d. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Subsection .050-D are met;
 - e. Notify FEMA when annexations occur in the Special Flood Hazard Area.
2. Use of Other Base Flood Data (In A and V Zones). When base flood elevation data has not been provided (in A or V zones) in accordance with Subsection 030-B, (Basis For Establishing

the Areas of Special Flood Hazard), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Subsections .050-B, (Specific Standards), and .050.D, (Floodways). Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (Subsection .040-C-2), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

3. Information to be Obtained and Maintained.

a. Where base flood elevation data is provided through the FIS, FIRM, or required as in Subsection .040-C-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.

c. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Subsection .040-C-2:

i. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.

ii. Maintain the floodproofing certifications required in Section .040-A-2-c.

d. Certification required by Subsection .050-D-1, ((No Rise Standard).

e. Records of all variance actions, including justification for their issuance.

f. Improvement and damage calculations.

g. Maintain for public inspection all records pertaining to the provisions of this

Chapter.

4. Alteration of Watercourse. Whenever a watercourse is to be altered or relocated:

a. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means.

b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program, (NFIP), (44 CFR 59-76).

6. Review of Building Permits. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source, (Section .040-C-2), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

7. Changes to Special Flood Hazard Area.

a. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be

constructed in a manner consistent with the approved CLOMR.

b. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

8. Application Procedures and Decisions. Permit applications and decisions shall follow the procedures described in the Town of Yacolt's regulations for building and development applications, as they may be determined to applicable by the Floodplain Administrator and as they may be supplemented by the terms of this Chapter.

15.15.050 Provisions for Flood Hazard Reduction.

A. General Standards.

In all areas of special flood hazards, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (44 CFR 60.3(b)(8)). For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Storage of Materials and Equipment.

a. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

b. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

4. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

b. Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171);

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision Proposals and Development. All subdivisions, as well as new development shall:

a. Be consistent with the need to minimize flood damage;

b. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

- c. Have adequate drainage provided to reduce exposure to flood damage;
- d. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section .030-B, (Basis for Establishing the Areas of Special Flood Hazard), or Section .040-C-2, (Use of Other Base Flood Data). The following provisions are required:

1. Residential Construction.

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.

b. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.

c. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least one foot above the Highest Adjacent Grade. *[CHANGE FROM CURRENT CODE, WHICH SAYS TWO FEET, BUT IT INCONSISTENT WITH TREATMENT FOR NONRESIDENTIAL STRUCTURES AND MANUFACTURED HOMES – dwr]*

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A registered engineer or architect may design and certify engineered openings, or the designs must meet or exceed the following minimum criteria:

i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Subsections .050-B-2-a or .050-B-2-b, below.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

ii. If located in an AO zone, the structure shall meet the requirements in Appendix A.

iii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

iv. Fully enclosed areas below the lowest floor that are subject to flooding are

prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

(A). Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(B). The bottom of all openings shall be no higher than one foot above grade.

(C). Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(D). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

b. If the requirements of Subsection .050-B-2-a are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

i. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Subsection .040-C-3-b;

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection .050-B-1-e.

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:

i. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days; or,

b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or,

c. Meet the requirements of Subsection .050-B-3 above.

5. Enclosed Area Below the Lowest Floor. If residential structures, nonresidential structures, or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

6. Appurtenant Structures (Detached Garages & Small Storage Structures). For A Zones (A, AE, A1-30, AH, AO):

a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
- ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
- iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- iv. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
- v. The appurtenant structure must comply with floodway encroachment provisions in Subsection .050-D-1;
- vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Subsection .050-B-2-a-v.
- vii. The structure shall have low damage potential,
- viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
- ix. The structure shall not be used for human habitation.

b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsection .050-B-1.

c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

C. AE and A1-30 Zones with Base Flood Elevations but No Floodways. In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Floodways. Located within areas of special flood hazard established in Subsection .030-B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. No Rise Standard. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Residential Construction in Floodways. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the

minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

a. Replacement of Farmhouses in Floodway. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- ii. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- iii. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- vii. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and,
- ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

b. Substantially Damaged Residences in Floodway.

i. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

ii. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to RCW 86.16, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- (A). There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- (B). A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- (C). Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- (D). The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
- (E). New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

(F). New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

(G). All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

3. All Other Building Standards Apply in the Floodway. If Subsection .050-D-1 is satisfied or construction is allowed pursuant to Subsection .050-D-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section .050, Provisions For Flood Hazard Reduction.

E. General Requirements for Other Development. All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this Chapter or the state building codes with adopted amendments and any amendments by the Town, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this Chapter if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of Subsection .050-B-1-e, and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

F. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

15.15.060 Variances.

The variance criteria set forth in this Section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Town of Yacolt to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements described in this Chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

A. Requirements for Variances.

1. A variance can be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or policies;

2. A variance can be issued for the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

3. A variance shall only be issued:

a. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Upon a showing of good and sufficient cause;

c. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;

d. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section .020 of this Chapter in the definition of "Functionally Dependent Use."

4. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

5. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections .040 and .050 of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variance Criteria. In considering variance applications, the Town Council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the Town;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

C. Additional Requirements for the Issuance of a Variance.

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a Yacolt official stating that:

a. The issuance of a variance to construct a structure below the BFE will result in

increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and,

b. Such construction below the BFE increases risks to life and property.

2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

3. The Town Council shall condition the variance as needed to ensure that the requirements and criteria of this Chapter are met.

4. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property. They are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

15.15.070 Appendix A – Standards for Shallow Flooding Areas, (AO Zones)

A. Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures within AO zones shall either:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in Subsection .050-B-2-c.

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

4. Recreational vehicles placed on sites within AO zones on the community's FIRM shall either:

a. Be on the site for fewer than 180 consecutive days; or,

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. Meet the requirements of subsections .070-A-1 and .070-A-3 above and the anchoring requirements for manufactured homes described in Subsection .050-A-1-b.

Section 3 – Savings Clause: All terms of YMC 15.15 shall remain in full force and effect until the Effective Date of this Ordinance.

Section 4 – Codification of Ordinance: Upon the Effective Date of this Ordinance, the Town Clerk is

directed to send a copy hereof to Code Publishing Company of Seattle, Washington, so that the provisions of Section 2 of this Ordinance may be promptly reflected in the Yacolt Municipal Code.

Section 5 – Instructions to the Clerk: The Town Clerk shall:

- a). Immediately transmit a copy of this Ordinance to the Washington Department of Ecology, the Washington Department of Commerce, the Federal Emergency Management Agency, and such other agencies as may be required by law;
- b). Cause notice of the adoption of this Ordinance to be published forthwith in the Town’s official newspaper pursuant to Section 8 below;
- c). Promptly post a copy of this Ordinance on the Town’s website for public inspection.

Section 6 – Ratification and Confirmation of Prior Acts: All acts taken by Town officers and staff prior to the enactment of this Ordinance that are consistent with and in furtherance of the purpose or intent of YMC 3.15 or this Ordinance are hereby ratified, approved and confirmed by the Town Council.

Section 7 – Severability and Construction: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected. If any provision of this Ordinance is found to be inconsistent with provisions of the Yacolt Municipal Code, this Ordinance is deemed to control.

Section 8 – Effective Date and Publication of Summary: This Ordinance shall take effect immediately upon adoption and publication according to law. Notice of this Ordinance may be provided by publication of the following summary in the Town’s official newspaper:

Town of Yacolt - Summary of Ordinance #593

The Town Council of the Town of Yacolt adopted Ordinance #593 at a special meeting held pursuant to proper notice on Monday, October 23, 2023. The content of the Ordinance is summarized in its title as follows:

“AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, AMENDING CHAPTER 15.15 OF THE YACOLT MUNICIPAL CODE (FLOOD DAMAGE PREVENTION) TO REFLECT NEW FEMA STANDARDS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION”.

The effective date of the Ordinance is November 1, 2023.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 1st day of November, 2023.
Stephanie Fields, Town Clerk

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 23rd

day of October, 2023.

TOWN OF YACOLT

Katelyn J. Listek, Mayor

Attest:

Stephanie Fields, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: _____
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #593 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AMENDING YACOLT'S FLOOD DAMAGE PREVENTION PROGRAM; AMENDING CHAPTER 15.15 PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION" as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Stephanie Fields, Town Clerk

Approved: October 23, 2023

Published: November 1, 2023

Effective Date: November 1, 2023

Ordinance Number: 593