

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, January 23, 2025

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AGENDA
CITY COUNCIL REGULAR MEETING
January 23, 2025 | 7:00 p.m.

Stanwood-Camano School District, Admin. Building Board Room
26920 Pioneer Highway, Stanwood, WA 98292

Members of the public may attend Stanwood City Council meetings
in-person or via Zoom. The Zoom link is posted on the City's website calendar
<https://www.stanwoodwa.org>

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA**
- 4. PRESENTATIONS**
Lincoln Hill High School Update - Student Representative Luke Hoffman
- 5. PUBLIC COMMENTS**
 - Verbal comments may be provided in-person.
 - Written comments must be provided to the Clerk by 12:00 p.m. the day of the meeting via this link: <https://stanwoodwa.org/FormCenter/City-Clerk-5/City-Council-Meeting-Remote-Public-Comme-61>
 - Remote (online or phone-in) comments can be received by reasonable accommodation only. Any requests for reasonable accommodation for remote participation, must be sent in writing to the City Clerk at cityclerk@stanwood.wa.us by 12:00 p.m. the day of the meeting.
- 6. STAFF / DEPARTMENT REPORTS**
- 7. COUNCIL COMMITTEE REPORTS**
 - a. Community Development Committee Meeting Minutes - January 2, 2025 [7.1](#)
 - b. Planning Commission Meeting Minutes - November 18, 2024 [7.3](#)
 - c. Public Safety Committee Meeting Minutes - January 9, 2025 [7.7](#)
- 8. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks [8.1](#)
 - b. Approve City Council Regular Meeting Minutes - January 9, 2025 [8.7](#)
 - c. Approve the Second Reading and Adopt Ordinance 1545 SMC Title 14, Building and Fire Codes Update [8.11](#)
 - d. Authorize the Mayor to Sign the Snohomish County ILA for Traffic Control Device and Street Light Maintenance [8.15](#)
 - e. Authorize the Mayor to Sign On-Call Professional Service Agreements with 19 Consultant Firms [8.35](#)
- 9. UNFINISHED BUSINESS**
- 10. PUBLIC HEARING**
 - a. First Reading of Ordinance 1543: SMC Title 18 Code Structure and Permitting Procedures [10.1](#)
 - i. Open Public Hearing
 - ii. Approve First Reading of Ordinance 1543: SMC Title 18 Code Structure and Permitting Procedures
- 11. NEW BUSINESS**
 - a. Approve Council Committee Selection 2025 [11.1](#)
- 12. PUBLIC CLOSING COMMENTS**
- 13. EXECUTIVE/LEGISLATIVE REPORTS**
 - a. Mayor's Report
 - b. City Administrator's Report
 - c. Councilmember's Reports/Questions
- 14. RECESS TO EXECUTIVE SESSION**
- 15. ADJOURN**

Upcoming Meetings:

Monday, Feb 10, 2025 City Council & Planning Commission Joint Meeting 6:30 pm
Thursday, Feb 13, 2025 City Council Workshop 5:00 pm
Thursday, Feb 13, 2025 City Council Meeting 7:00 pm
Thursday, Feb 27, 2025 City Council Meeting 7:00 pm

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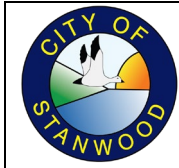


**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7a
DATE: January 23, 2025
SUBJECT: Community Development Committee Meeting Minutes
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A – January 2, 2025 Meeting Minutes

SUMMARY STATEMENT:

Minutes from the January 2, 2025 Community Development Committee Meeting are attached to this staff report for approval as presented.



Community Development Committee
Meeting Minutes
Thursday, January 2, 2025 | 5:00 pm

Council Members Present: Andreena Bergman, Dani Gaumond, Steve Shepro

Staff Present: Patricia Love, Audrey Rotrock

Others Present: N/A

Steve Shepro called the meeting to order at 5:01 p.m.

1. Unified Development Code: Housing and Development Flexibility Discussion

Commercial Conversions: Council members would like more information on types of commercial buildings that could be converted to residential such as schools, churches, and storage containers. They would also like to see a clearer definition of the term “accessory”.

Accessory Dwelling Units (ADU's): Consider adding a maximum limit on the sizes of ADU's. There are concerns that parking would become an issue. With a maximum height of 25 feet, ADU's could potentially block sunlight from neighbors. Consider restricting types of structures that will be allowed to be used as an ADU. Also consider restricting ADU's for short-term rentals.

Council members are supportive missing middle housing types such as cottages, townhomes and duplexes, unit lot subdivisions, lot size averaging, and cluster/onsite density transfers. Members would like to see more examples of lot size averaging and cluster/onsite density transfers.

Split Lot Subdivisions: The CDC is supportive of this only in areas that won't require new roads or road improvements. Limit how this would be allowed, such as for infill only.

Model Home Ordinance: Council members are supportive of allowing a Model Home Ordinance of up to 4 model homes.

Development Code Amendments: The CDC is supportive of using the PRD standards as the new base standard. Council members are supportive of a width to depth ratio as a standard but would first like to learn more about it.

2. Year in Review

Staff asked the CDC to email in any questions they may have about the Year in Review.

Adjourn: 7:00 p.m.





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7b
DATE: January 23, 2025
SUBJECT: Planning Commission Meeting Minutes
CONTACT PERSON: Tansy Schroeder, Senior Planner
ATTACHMENTS: A – November 18, 2024, Meeting Minutes

SUMMARY STATEMENT

Minutes from the November 18, 2024, Planning Commission Meeting are attached to this staff report for approval as presented. These minutes were approved at the January 13, 2025, Planning Commission Meeting.



Planning Commission
Meeting Minutes
Monday, November 18, 2024 – 6:30 pm

Call to Order: 6:30 p.m.

Roll Call

Commissioners Present:

Eric Warnat, Commissioner
Melissa Toner, Commissioner
Patrick Hosterman, Commission Chair
Cody Davis, Commission Vice-Chair
Gabrielle Braley, Commissioner
Jeff Wheatley, Commissioner

Staff Present:

Patricia Love, Community Development Director
Tansy Schroeder, City Planner

Absent: Kathy Moe, Commissioner

Also known to be present: Nate Jones (Transpo Group – online)

Public Requests and Comments: None

Approval of Minutes:

The minutes from the October 14, 2024, Planning Commission meeting were unanimously approved.

Special Presentation:

Transpo Group -Land Use Economic Analysis (Supplement to Permitted Use Discussion)

As part of the permitted use code amendments discussion, the City needs to plan for missing middle housing which includes cottages, duplexes, townhouses, small apartments, and mixed-use developments. Missing middle housing can help address housing shortages, create more affordable housing options, and provide options for people wanting to downsize from traditional larger detached single-family homes.

One of the common complaints that the City hears about mixing housing types in traditional single-family neighborhoods is the negative impact on property values. To evaluate how missing middle housing affects property values and city tax revenue, the City is working with TranspoGroup to analyze the differences in land values for various uses such as residential, mixed-use, multifamily, or commercial developments. Using existing Snohomish County data, we can compare property valuations to land use types as a prediction of how zoning changes could affect property values.

Nate Jones from Transpo Group gave a presentation on determining how the taxation values of parcels change based on their zoning code.

Commissioner Questions & Comments

- This maps in the presentation analyze individual property value. Is there a correlation to adding mixed use or multi-family zoning areas next to single family homes, and do the values of the SFR's increase or decrease? If so by what percentage? This is something that staff and Transpo will look into as they continue to analyze the data.
- Is there a way to project (every 5 years) on how this data relates to the Comprehensive Plan in 25 years? Once the permitted use matrix is done, we can run another analysis to look at this topic as well.



Planning Commission Meeting Minutes Monday, November 18, 2024 – 6:30 pm

Old Business:

Approval of Findings of Facts and Conclusions for the Unified Development Code Structure and Permitting Procedures

At the October 14, 2024 Planning Commission meeting, the Commission held a public hearing on the draft of the new Unified Development Code outline and permit procedures code. This code amendment merges Title 17, Zoning with Title 16, Subdivisions into a new Title 18 to be referred as the Unified Development Code (UDC). A UDC combines traditional zoning codes with subdivisions, design standards, utility and engineering regulations into a single document to provide a comprehensive set of development standards and to avoid overlapping regulations. Staff discussed a few minor changes from the previous version the Planning Commissioners have seen.

Commissioner Questions & Comments

- Is there an expedited process for reviews for an additional fee? That was not written into this draft. The City does have a process to send out reviews to a consultant if staff has a high workload. This allows staff to stay within the specified review timelines.
- Who verifies that the RCW's listed are accurate? Our consultants and staff both verify that the citations are correct.
- Did the City receive any comments from the Department of Commerce and their 60-day review period? No, but the City did receive comments on Critical Areas that are reflected in the staff report.
- Commissioner Wheatley motioned and Commissioner Warnat seconded Motion 1: Findings of Fact; to Approve the Findings of Fact and Conclusions for the Unified Development Code Ordinance 1543 as Presented on November 18, 2024. All Commissioners were in favor.
- Commissioner Warnat motioned and Commissioner Wheatley seconded Motion 2: City Council Recommendation; to Recommend Approval of the Unified Development and Procedures Code Ordinance 1543 to the Stanwood City Council as Presented on November 18, 2024. All Commissioners were in favor.

New Business:

Conceptual Approach for the Updated permitted Use Zoning Matrix

Work continues on the Municipal Code Update project by merging Title 16, Subdivisions and Title 17, Zoning into a new Title 18 titled Unified Development Code. A major component of a UDC includes evaluating what uses should be allowed in each zone and the building site dimensional standards. Prior to preparing the first draft of permitted use matrix and site dimensional standards, it is important to identify key issues of importance to the community and state mandates that need to be addressed. Responses to the following topics will set the foundation for the first draft. Staff discussed how the permitted use matrix was restructured for ease of use.

Commissioner Questions & Comments

- The Commissioners would like to see examples what other Cities who have different adjacent uses that are less savory (e.g., airports, prisons, etc.) and what they're zoning rules require.



Planning Commission Meeting Minutes Monday, November 18, 2024 – 6:30 pm

- The Commissioners would like to learn more about homeless housing since it will be allowed in all zones.
- Commissioners approve of the approach for the Updated Permitted Use Zoning Matrix.
- Staff asked Commissioners to look over the matrix and let staff know what hot topics they would like to have more information on.

Draft Subdivision Code Approach

Staff and the consultants are in the process of preparing the outline and approach for the land division portion of Title 18, Unified Development Code. The land division portion of the UDC covers the different ways land can be subdivided and alteration of lot lines can occur.

Commissioner Questions & Comments

- Commissioners would like to learn more on the new Accessory Dwelling Unit (ADU) legislation, and how the rules will be applied to individual lots.
- Adult entertainment zones are required by the State. The City can't disallow this use.
- If the City is meeting the Comprehensive Plan, some Commissioners would like to see the lot sizes become larger not smaller than what they currently are. The City will be able to meet the standard, so it is unlikely that the lot sizes will be mandated to be smaller.
- The majority of the remaining developable residential land is in the 9.6 zone, which the minimum lot size is 9,600 square feet.
- Open space is a hot topic. Make open spaces more usable/interactive. Use detention ponds with added urban trails, benches, and wildlife viewing for open space instead of vaults. Or, if vaults are considered open space, require additional open space beyond just the vault.
- Staff asked Commissioners to look over the Subdivision Code Approach and let staff know what hot topics they would like to have more information on or add to the list.

Miscellaneous Business:

December Meeting Canceled

Recent Council Action on Commission Items:

- None

Upcoming Items:

- Staff is preparing the Critical Areas Code for a Public Hearing in January.

Adjourn: 8:14 p.m.



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7d
DATE: January 23, 2025
SUBJECT: Public Safety Committee Meeting Minutes
CONTACT PERSON: Jason Toner, Police Chief
ATTACHMENTS: A – Safety Committee Meeting Minutes 1/9/2025

SUMMARY STATEMENT

The minutes of the January 9, 2025, Public Safety Committee Meeting are attached to this staff report for approval as presented.



STANWOOD

PUBLIC SAFETY COMMITTEE

Meeting Minutes

January 9, 2025

LOCATION: School Admin Bldg., 26920 Pioneer Hwy Stanwood WA

ATTENDANCE:

- City Council Members – Tim Schmitt, Marcus Metz, and Robert Hicks
- Stanwood Police – Chief Jason Toner
- North County Regional Fire- Chief Jon Cermak

CALLED TO ORDER: Meeting Called to Order at 6:00 pm

DISCUSSION:

Fire Update:

Chief Cermak provided an update on another successful year for the Santa Run, which traversed several neighborhoods in the Stanwood area. The event collected 3,604 pounds of food and \$518 in monetary donations for the Stanwood-Camano Food Bank.

Additionally, North County Fire and EMS deployed four firefighters and a brush truck as part of a Snohomish County task force to assist with firefighting efforts in the Los Angeles area. The task force, which includes approximately 12 fire trucks and 45 firefighters from multiple Snohomish County agencies, is expected to remain in Southern California for several weeks to support efforts in combating the fires.

Chief Cermak also shared the positive news that there were no residential fires reported during the recent holiday season.

Police Update:

Chief Toner addressed the rise in vehicle thefts during November and December, attributing to the majority of these incidents to two juveniles who were recently arrested for possession of a stolen vehicle. He highlighted the challenges posed by the juvenile justice system, noting that one of the juveniles is believed to have stolen nearly 50 cars, been arrested multiple times, and received minimal jail time.

The Chief also provided an update on the installation of the Flock Safety Cameras, which are scheduled to be installed by the end of February. He assured the committee that policies and procedures are in place to prevent misuse of the system.

Chief Toner discussed a meeting with representatives from the Stanwood-Camano Community Center and the Stanwood-Camano Food Bank regarding the proposed establishment of a "Homeless Resource Hub" in an office next to the food bank. The hub aims to provide homeless individuals with access to social workers, support services, showers, and laundry facilities. The resource hub will be open five days a week, staffed by at least two workers.

While expressing concerns about the potential for increased homelessness, loitering, and calls for service in the area, Chief Toner acknowledged the representatives' assurance that the facility would serve only homeless individuals from the Stanwood-Camano community. They also emphasized their intention to be good neighbors to nearby businesses and residents.

Finally, Chief Toner shared a success story from the new Blue Bridge Alliance Program. Deputy Kargopolstev responded to a 911 call involving a child in need of hospitalization. The child's mother had no gas in her vehicle and no means to pay for it. Through the Blue Bridge debit card program, Deputy Kargopolstev was able to provide \$25 in gas money, ensuring the mother could accompany her child to the hospital.

Adjourn: Meeting Adjourned at 6:35 pm

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 8a

DATE: January 23, 2025

SUBJECT: Approval of Voucher and Payroll Checks

CONTACT PERSON: Amy Bergemeier, Accounting Specialist

ATTACHMENTS: A - Voucher Check Detail 2024
B - Voucher Check Detail 2025

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank voucher checks 39156 through 39197 and electronic fund transfers in the amount of \$790,605.30 Approve issuance of Washington Federal payroll electronic fund transfers in the amount of \$411,558.34.

RECOMMENDED MOTION

MOTION TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 39156 THROUGH 39197 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$790,605.30. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$411,558.34.

CHECK REGISTER

ATTACHMENT A - 2024 DETAIL

City Of Stanwood

Time: 09:10:42 Date: 01/15/2025

12/31/2024 To: 12/31/2024

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
6490	12/31/2024	Claims	3	EFT	Bowman Consulting Group, Ltd	2,050.00	City of Stanwood
6491	12/31/2024	Claims	3	EFT	Databar Inc.	486.04	8952 -13th
6492	12/31/2024	Claims	3	EFT	Databar Inc.	1,256.11	8952 - 13th
6493	12/31/2024	Claims	3	EFT	Eurofins Environment Testing NW	33.00	STA01
6494	12/31/2024	Claims	3	EFT	Eurofins Environment Testing NW	461.00	STA23
6495	12/31/2024	Claims	3	EFT	Eurofins Environment Testing NW	259.00	STA23
6496	12/31/2024	Claims	3	EFT	Cole F Ferguson	212.15	City of Stanwood- Boots Reimbursement
6497	12/31/2024	Claims	3	EFT	ICONIX Waterworks (US) Inc.	5,403.19	CITSTA
6498	12/31/2024	Claims	3	EFT	MyFleetCenter.com	138.94	167571 City of Stanwood -13th
6499	12/31/2024	Claims	3	EFT	MyFleetCenter.com	135.70	167571 City of Stanwood -13th
6500	12/31/2024	Claims	3	EFT	MyFleetCenter.com	108.25	167571 City of Stanwood -13th
6501	12/31/2024	Claims	3	EFT	MyFleetCenter.com	59.98	167571 City of Stanwood -13th
6502	12/31/2024	Claims	3	EFT	MyFleetCenter.com	146.52	167571 City of Stanwood -13th
6503	12/31/2024	Claims	3	EFT	MyFleetCenter.com	157.33	167571 City of Stanwood - 13th
6504	12/31/2024	Claims	3	EFT	MyFleetCenter.com	157.33	167571 City of Stanwood -13th
6505	12/31/2024	Claims	3	EFT	Snohomish County Public Def Association	2,574.00	City of Stanwood
6506	12/31/2024	Claims	3	EFT	Thompson Guildner & Associates Inc. P.S.	3,268.10	City of Stanwood
6507	12/31/2024	Claims	3	EFT	Vestis	52.68	937963000
6552	12/31/2024	Claims	3	EFT	Washington Federal Bank	6.00	Bank error in deposit they will adjust in 2025 Permit #240098 check was \$7,717.50 bank used \$7,711.50
6508	12/31/2024	Claims	3	39156	APSCO, LLC	49,350.09	City of Stanwood
6509	12/31/2024	Claims	3	39157	Badger Meter, Inc	187.98	460708
6510	12/31/2024	Claims	3	39158	Bonner Electrical Contracting LLC	1,080.00	City of Stanwood
6511	12/31/2024	Claims	3	39159	Cascade Natural Gas Corp	32.32	931 607 9072 6; 953 540 0000 2
6512	12/31/2024	Claims	3	39160	Core & Main LP	1,196.01	110855
6513	12/31/2024	Claims	3	39161	Dataquest, LLC	126.62	CITYSTA
6514	12/31/2024	Claims	3	39162	H D Fowler Company, Inc	76,852.07	City of Stanwood -13th; City of Stanwood; City of stanwood; City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood
6515	12/31/2024	Claims	3	39163	Hamilton Lumber & Rentals	295.00	66 -13th
6516	12/31/2024	Claims	3	39164	Linda Hein	52.50	01 1070 10 - 27315 76TH DR NW
6517	12/31/2024	Claims	3	39165	KGS Northwest LLC	900.39	1212024WWME
6518	12/31/2024	Claims	3	39166	Lenz Enterprises, Inc.	371.50	City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood
6519	12/31/2024	Claims	3	39167	National Barricade Co LLC	622.40	City of Stanwood; City of Stanwood
6520	12/31/2024	Claims	3	39168	ODP Business Solutions, LLC	84.84	36274097 -13th
6521	12/31/2024	Claims	3	39169	Owen Equipment Company	735.23	36577; 36577
6522	12/31/2024	Claims	3	39170	PROCUM LLC	72.00	City of Stanwood
6523	12/31/2024	Claims	3	39171	PUD Of Snohomish County *	19,012.92	200208858; 200633634; 200128742; 200367373; 200240505
6524	12/31/2024	Claims	3	39172	Pacific Golf & Turf	2,363.53	City of Stanwood
6525	12/31/2024	Claims	3	39173	Platt Electric Supply, Inc	294.64	24127 -13th; 24127; 24127
6526	12/31/2024	Claims	3	39174	Pollardwater	3,314.28	37807
6527	12/31/2024	Claims	3	39175	Republic Services #197	1,064.11	3-0197-0080305
6528	12/31/2024	Claims	3	39176	Ricoh USA, Inc-Maint	190.74	4250811; 4250811; 4250811
6529	12/31/2024	Claims	3	39177	Safeway	47.10	191483
6530	12/31/2024	Claims	3	39178	Shred-it US JV LLC	46.30	1000283524
6531	12/31/2024	Claims	3	39179	Skagit Farmers Supply	134.43	135052 -13th
6532	12/31/2024	Claims	3	39180	Skagit Valley Publishing	476.19	48893 -13th; 48893 -13th; 48893 -13th

CHECK REGISTER

ATTACHMENT A - 2024 DETAIL

City Of Stanwood

Time: 09:10:42 Date: 01/15/2025

12/31/2024 To: 12/31/2024

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
6533	12/31/2024	Claims	3	39181	Stanwood Ace Hardware #14901	572.05	20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013
6534	12/31/2024	Claims	3	39182	Stilly Auto Parts LLC	53.15	27197
6535	12/31/2024	Claims	3	39183	USA Bluebook	1,868.31	478228; 478228
6536	12/31/2024	Claims	3	39184	Uline	272.31	9638073
6537	12/31/2024	Claims	3	39185	Utilities Underground Loc	50.16	134200
6538	12/31/2024	Claims	3	39186	Verizon Wireless	357.13	742373248-00001
6539	12/31/2024	Claims	3	39187	Western Exterminator Company	535.12	683591; 683591; 683591
6540	12/31/2024	Claims	3	39188	Ziply Fiber	1,620.98	360-629-4907-072497-5; 206-188-0411-053105-5
						001 General Fund	12,008.91
						101 Street Fund	2,426.61
						401 Sewer Fund	68,121.28
						403 Sewer Construction Fund	840.50
						410 Drainage Fund	502.74
						411 Drainage Construction Fund	471.50
						421 Water Fund	12,752.12
						422 Water Construction Fund	84,074.06
							Claims: 181,197.72
						* Transaction Has Mixed Revenue And Expense Accounts	181,197.72

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Stanwood, and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer Wendy Dowhower Date: 1/15/2025
 () Deputy Finance Director

CHECK REGISTER

ATTACHMENT B - 2025 DETAIL

City Of Stanwood

Time: 09:11:38 Date: 01/15/2025

01/01/2025 To: 01/15/2025

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
12	01/08/2025	Payroll	3	EFT		4,126.40	December 2024 Payroll
13	01/08/2025	Payroll	3	EFT		5,214.52	December 2024 Payroll
14	01/08/2025	Payroll	3	EFT		6,087.61	December 2024 Payroll
15	01/08/2025	Payroll	3	EFT		2,922.08	December 2024 Payroll
16	01/08/2025	Payroll	3	EFT		3,020.70	December 2024 Payroll
17	01/08/2025	Payroll	3	EFT		526.47	December 2024 Payroll
18	01/08/2025	Payroll	3	EFT		3,994.55	December 2024 Payroll
19	01/08/2025	Payroll	3	EFT		1,875.73	December 2024 Payroll
20	01/08/2025	Payroll	3	EFT		5,149.58	December 2024 Payroll
21	01/08/2025	Payroll	3	EFT		8,113.92	December 2024 Payroll
22	01/08/2025	Payroll	3	EFT		4,719.37	December 2024 Payroll
23	01/08/2025	Payroll	3	EFT		2,724.40	December 2024 Payroll
24	01/08/2025	Payroll	3	EFT		4,142.15	December 2024 Payroll
25	01/08/2025	Payroll	3	EFT		4,665.81	December 2024 Payroll
26	01/08/2025	Payroll	3	EFT		546.47	December 2024 Payroll
27	01/08/2025	Payroll	3	EFT		5,003.57	December 2024 Payroll
28	01/08/2025	Payroll	3	EFT		2,352.21	December 2024 Payroll
29	01/08/2025	Payroll	3	EFT		549.84	December 2024 Payroll
30	01/08/2025	Payroll	3	EFT		7,892.11	December 2024 Payroll
31	01/08/2025	Payroll	3	EFT		6,141.38	December 2024 Payroll
32	01/08/2025	Payroll	3	EFT		2,726.28	December 2024 Payroll
33	01/08/2025	Payroll	3	EFT		6,470.14	December 2024 Payroll
34	01/08/2025	Payroll	3	EFT		6,995.17	December 2024 Payroll
35	01/08/2025	Payroll	3	EFT		4,500.03	December 2024 Payroll
36	01/08/2025	Payroll	3	EFT		546.36	December 2024 Payroll
37	01/08/2025	Payroll	3	EFT		7,281.04	December 2024 Payroll
38	01/08/2025	Payroll	3	EFT		5,371.10	December 2024 Payroll
39	01/08/2025	Payroll	3	EFT		496.26	December 2024 Payroll
40	01/08/2025	Payroll	3	EFT		2,647.30	December 2024 Payroll
41	01/08/2025	Payroll	3	EFT		3,525.54	December 2024 Payroll
42	01/08/2025	Payroll	3	EFT		2,485.58	December 2024 Payroll
43	01/08/2025	Payroll	3	EFT		2,038.97	December 2024 Payroll
44	01/08/2025	Payroll	3	EFT		4,844.60	December 2024 Payroll
45	01/08/2025	Payroll	3	EFT		546.26	December 2024 Payroll
46	01/08/2025	Payroll	3	EFT		3,223.89	December 2024 Payroll
47	01/08/2025	Payroll	3	EFT		4,937.14	December 2024 Payroll
48	01/08/2025	Payroll	3	EFT		546.47	December 2024 Payroll
49	01/08/2025	Payroll	3	EFT		5,309.91	December 2024 Payroll
50	01/08/2025	Payroll	3	EFT		4,807.96	December 2024 Payroll
51	01/08/2025	Payroll	3	EFT		4,822.57	December 2024 Payroll
52	01/08/2025	Payroll	3	EFT		4,874.27	December 2024 Payroll
53	01/08/2025	Payroll	3	EFT		3,259.05	December 2024 Payroll
54	01/08/2025	Payroll	3	EFT		6,967.06	December 2024 Payroll
55	01/08/2025	Payroll	3	EFT		5,403.01	December 2024 Payroll
81	01/08/2025	Payroll	3	EFT	AFLAC	259.87	Pay Cycle(s) 01/08/2025 To 01/08/2025 - AFLAC, Pre-Tax; Pay Cycle(s) 01/08/2025 To 01/08/2025 - AFLAC, Post-Tax
82	01/08/2025	Payroll	3	EFT	AWC Employee Benefit Trust	29,571.43	Pay Cycle(s) 01/08/2025 To 01/08/2025 - AWC - Health First 250; Pay Cycle(s) 01/08/2025 To 01/08/2025 - AWC - Dental J; Pay Cycle(s) 01/08/2025 To 01/08/2025 - AWC - Vision; Pay Cycle(s) 01/08/2025 To
83	01/08/2025	Payroll	3	EFT	Colonial Life Insurance	66.75	Pay Cycle(s) 01/08/2025 To 01/08/2025 - Colonial Life Insurance

CHECK REGISTER

ATTACHMENT B - 2025 DETAIL

City Of Stanwood

Time: 09:11:38 Date: 01/15/2025

01/01/2025 To: 01/15/2025

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
84	01/08/2025	Payroll	3	EFT	Great-West Life & Annuity	4,920.00	Pay Cycle(s) 01/08/2025 To 01/08/2025 - 457 - Empower (Mass Mutual); Pay Cycle(s) 01/08/2025 To 01/08/2025 - Roth 457(b)Empower(MassMutual)
85	01/08/2025	Payroll	3	EFT	HSA Bank	712.50	Pay Cycle(s) 01/08/2025 To 01/08/2025 - HSA Contributions ER; Pay Cycle(s) 01/08/2025 To 01/08/2025 - HSA Contributions EE
86	01/08/2025	Payroll	3	EFT	Internal Revenue Service (941)	81,660.47	941 Deposit for Pay Cycle(s) 01/08/2025 - 01/08/2025
87	01/08/2025	Payroll	3	EFT	Legal Shield	63.85	Pay Cycle(s) 01/08/2025 To 01/08/2025 - Legal Shield
88	01/08/2025	Payroll	3	EFT	Mission Square Retirement	3,109.14	Pay Cycle(s) 01/08/2025 To 01/08/2025 - 457 - Mission Square Ret(ICMA)
89	01/08/2025	Payroll	3	EFT	Navia Benefits	550.00	Pay Cycle(s) 01/08/2025 To 01/08/2025 - Navia Limited FSA
90	01/08/2025	Payroll	3	EFT	Western Conference of Teamsters Pension Trust	2,681.25	Pay Cycle(s) 01/08/2025 To 01/08/2025 - WCTPP Contributions; Pay Cycle(s) 12/12/2024 To 12/12/2024 - WCTPP Contributions
91	01/08/2025	Payroll	3	EFT	Teamsters Union Local 231	1,830.00	Pay Cycle(s) 01/08/2025 To 01/08/2025 - Teamsters Dues
92	01/08/2025	Payroll	3	EFT	WA St Department Of Retirement Systems	51,999.89	Pay Cycle(s) 01/08/2025 To 01/08/2025 - PERS 2; Pay Cycle(s) 01/08/2025 To 01/08/2025 - PERS 3; Pay Cycle(s) 01/08/2025 To 01/08/2025 - 457 - DRS (DCP); Pay Cycle(s) 01/08/2025 To 01/08/2025 - Roth 45
93	01/08/2025	Payroll	3	EFT	Washington Teamsters Welfare Trust	41,354.00	Pay Cycle(s) 01/08/2025 To 01/08/2025 - Teamsters Dental; Pay Cycle(s) 01/08/2025 To 01/08/2025 - Teamsters Medical; Pay Cycle(s) 12/12/2024 To 12/12/2024 - Teamsters Dental; Pay Cycle(s) 12/12/2024 T
104	01/15/2025	Payroll	3	EFT	Dept of Labor and Industries	8,700.59	4TH Quarter L&I: 10/01/2024 - 12/31/2024
105	01/15/2025	Payroll	3	EFT	ESD - PFMLA	7,762.66	Pay Cycle(s) 10/01/2024 To 12/31/2024 - PFMLA; Pay Cycle(s) 10/01/2024 To 12/31/2024 - LTC
106	01/15/2025	Payroll	3	EFT	Employment Security Dept	1,921.11	4th Quarter Unemployment: 10/01/2024 - 12/31/2024
116	01/09/2025	Claims	3	EFT	ClearGov Inc.	27,325.00	City of Stanwood
117	01/09/2025	Claims	3	EFT	Databar Inc.	997.48	8952
118	01/09/2025	Claims	3	39189	CivicPlus, LLC	2,368.82	City of Stanwood; City of Stanwood
119	01/09/2025	Claims	3	39190	Flock Safety	28,527.31	City of Stanwood
120	01/09/2025	Claims	3	39191	Puget Sound Hardware, Inc	608.84	City of Stanwood
121	01/09/2025	Claims	3	39192	Ricoh USA, Inc.	439.13	1316669-3800642; 1316669-3887639
122	01/09/2025	Claims	3	39193	Skagit Farmers Supply	92.89	135052
123	01/09/2025	Claims	3	39194	Springbrook Holding Company LLC	33,982.76	C-994
124	01/09/2025	Claims	3	39195	Stilly Auto Parts LLC	22.95	27197

ATTACHMENT B - 2025 DETAIL

CHECK REGISTER

City Of Stanwood

Time: 09:11:38 Date: 01/15/2025

01/01/2025 To: 01/15/2025

Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
125	01/09/2025	Claims	3	39196	Unum Life Insurance	88.40	0220603-036 2
126	01/09/2025	Claims	3	39197	WA Cities Insurance	514,954.00	City of Stanwood
						504,632.85	
						64,868.22	
						608.84	
						6,216.88	
						203,426.05	
						66,231.26	
						174,981.82	
						<u>1,020,965.92</u>	
						Claims:	609,407.58
						Payroll:	411,558.34

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Stanwood, and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer Wendy Dowhower Date: 1/15/2025
 () Deputy Finance Director



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8b

DATE: January 23, 2025

SUBJECT: City Council Meeting Minutes – January 9, 2025

CONTACT PERSON: Lisa Sokolik, City Clerk

ATTACHMENTS: A – Council Meeting Minutes

SUMMARY STATEMENT

The City Council meeting minutes for January 9, 2025, are attached to this staff report for Council's approval.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE JANUARY 9, 2025, CITY COUNCIL MEETING MINUTES AS PRESENTED".

CITY OF STANWOOD
Regular Meeting of the City Council
January 9, 2025 | 7:00 p.m.

MINUTES

1. Call to Order and Pledge of Allegiance

Mayor Sid Roberts called the meeting to order at 7:00 p.m. Councilmember Schmitt led the Pledge of Allegiance.

2. Roll Call

City Clerk Lisa Sokolik called the roll with the following Councilmembers Present: Dani Gaumond, Marcus Metz, Darren Robb, Robert Hicks, Steve Shepro, Andreena Bergman, and Tim Schmitt. The meeting was quorate.

Also present: City Administrator Shawn Smith, Community Development Director Patricia Love, Public Works Director Kevin Hushagen, City Attorney Nikki Thompson, Police Chief Jason Toner, Police Sgt. Kore Oyetuga, Police Sgt. Karl Gilje, Fire Chief John Cermak, City Engineer Alan Lytton, Building Official Scott Black, and City Clerk Lisa Sokolik. Utility Supervisor Leigh Danielson attended via Zoom.

3. Approval of the Agenda

*Motion by Councilmember Metz, second by Councilmember Shepro to approve the agenda as published. **Motion carried unanimously.***

4. Presentations

No presentations.

5. Public Comment

No public comments.

6. Staff / Department Report

Annual Small Works Roster Project Report

7. Council Committee Reports

Parks and Trials Advisory Committee Meeting Minutes – October 21, 2024

8. Consent Agenda

- a. Approve Vouchers and Payroll Checks.
- b. Approve City Council Regular Meeting Minutes – December 12, 2024.
- c. Approve Second Utility Account Adjustment.
- d. Approve Economic Development Board Appointment Natalie Hagglund.

*Motion by Councilmember Gaumond, second by Councilmember Metz to approve consent agenda items A. approval of vouchers and payroll checks, B. approve City Council Regular meeting minutes for December 12, 2024, C. approve a second utility bill adjustment, and D. approve Economic Development Board appointment Natalie Hagglund. **Motion carried unanimously.***

9. Unfinished Business

No unfinished business on agenda.

10. Public Hearing

Six Year Transportation Improvement Plan 2026-2031

Before the public hearing was opened, an announcement was made inviting the public to fill out the Title VI Public Involvement form. No forms were returned.

Mayor Roberts opened the public hearing at 7:07 pm. With no public testimony, the Mayor closed the public hearing at 7:08 pm.

*Motion by Councilmember Bergman, second by Councilmember Hicks to adopt Resolution 2025-01 the City of Stanwood's Six-Year Transportation Improvement Plan 2026-2031. **Motion carried unanimously.***

11. New Business

a. Elect Mayor Pro Tem

*Motion by Councilmember Schmitt to appoint Councilmember Robb as Mayor Pro Tempore to serve a one-year term in 2025. **Motion carried unanimously.***

b. Set the 2025 City Council Meeting Calendar.

*Motion by Councilmember Metz, second by Councilmember Shepro to approve and set the 2025 City Council Meeting Calendar as presented and to publish all dates on the city website. **Motion carried unanimously.***

c. Approve the First Reading of Ordinance 1545 SMC Title 14, Building and Fire Codes Update.

Black said the state has postponed adopting the Wildland Urban Interface (WUI) Code as they have not received current mapping from DNR. The removal of the WUI will align the city code with the state adopted codes and once the new mapping is produced, and is adopted at the state level, the UWI can be reintroduced into the city's code.

*Motion by Councilmember Metz, second by Councilmember Hicks to approve the first reading of Ordinance 1545 as set forth in Exhibit A, as attached, amending Title 14 of the Stanwood Municipal Code, Uniform Codes, and proceed with the second reading and final reading. **Motion carried unanimously.***

12. Public Closing Comments

No closing comments.

13. Executive/Legislative Reports

- a. Mayor's Report
- b. City Administrator Report
- c. Councilmember's Report/Questions

14. Recess to Executive Session

No executive session scheduled for this meeting.

15. Adjourn

There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 7:30 p.m.

CITY OF STANWOOD

ATTEST:

Sid Roberts, Mayor

Lisa Sokolik, City Clerk



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8c

DATE: January 23, 2025

SUBJECT: Building and Fire Code Updates

CONTACT PERSON: Patricia Love, Community Development Director
Scott Black, Building Official

ATTACHMENT: A – Amendment to the Building Code

PURPOSE

The purpose of this agenda item is for Council's second reading of Ordinance 1545 to repeal section 14.04.010 adoption of international codes #9 International Wildland Urban Interface Code of the Stanwood Municipal Code that was not adopted by the State.

BACKGROUND

The Council adopted Ordinance 1518 on February 22, 2024. At that time chapter 14.04.010(9), Wildland Urban Interface Code (WUI) was incorporated into the code, as we adopted our code prior to the effective date of adoption by the state.

During the code adoption process at the state level, it was decided that the state would postpone the adoption of the WUI for 1 ½ years to allow for Department of Natural Resources (DNR) to have the time necessary to provide more comprehensive statewide mapping.

ANALYSIS

The City of Stanwood adopted the WUI in preparation for the adoption at the State level, this adoption has been postponed. The removal of the WUI aligns with the state adopted codes and once the new mapping is produced, and is adopted at the state level, the WUI can be reintroduced into the code.

For your reference, the section to be deleted is shown below:

14.04.010 *Adoption of International Codes*

- (9) International Wildland Interface Code, published by the International Code Council, 2021 Edition, together with Washington State amendments as set forth in Chapter 51-55 WAC, is hereby adopted, except that:

(a) Section 106 is amended to add the following:

(i) 106.3 Work exempt from permit.

#1 One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area is not greater than 200 square feet.

#2 Fences not over 7' (1829mm) high.

(b) Section 113.1, Appeals, is amended. All appeals must follow the process established in SMC 14.04.020.

RECOMMENDATIONS

Staff Recommendation:

The Council accept the second and final reading of Ordinance 1545 amending Title 14 of the Uniform Codes, specifically section 14.04.010(9) until the new maps are prepared and adopted by the State.

CITY COUNCIL OPTIONS

1. Accept the second and final reading of Ordinance 1545 amending Chapter 14 the Uniform Code.
2. Request changes to the Ordinance and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

“I MOVE TO APPROVE THE SECOND AND FINAL READING OF ORDINANCE 1545 AS SET FORTH IN EXHIBIT A.”

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO.1545

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE CHAPTER 14.04.010, UNIFORM CODES, TO
REPEAL THE WILDLAND URBAN INTERFACE REGULATIONS AND ESTABLISHING
AN EFFECTIVE DATE.**

WHEREAS, the city adopted Ordinance 1518 on February 22, 2024, updating the Municipal Code as it relates to the Uniform Building and Fire Codes; and

WHEREAS, section 14.04.010(9) adopts the International Wildland Urban Interface Code as published with the International Code Council and Washington State Amendments;

WHEREAS, Washington State has not mandated the IWUIC statewide but has implemented significant wildfire mitigation policies; and

WHEREAS Washington State has directed the Department of Natural Resources (DNR) to map the Wildland-Urban Interface (WUI) as part of wildfire risk mitigation efforts; and

WHEREAS, the mapping effort is intended to help identify areas where urban development overlaps with wildfire-prone vegetation; and

WHEREAS, DNR is actively working on updating the Wildland Urban Interface maps; and

WHEREAS, the Washington State Building Code Council (SBCC), delayed the implementation of the WUI for at least one and a half years to finalize the maps; and

WHEREAS, the City of Stanwood adopted the WUI prior to the SBCC delaying the implementation of the WUI code; and

WHEREAS, the Community Development Department is not currently enforcing the WUI due to the needed map changes; and

WHEREAS, the proposed code amendment is not a “development regulation” as defined as RCW 36.70A.030(7) and is therefore exempt from State of Washington Department of Commerce noticing requirements; and

WHEREAS, the Responsible Official has determined that the adoption of building codes is exempt from the State Environmental Policy Act (SEPA) under administrative actions containing no substantive standards respecting use or modification of the environment per WAC 197-11-800(19), Procedural Actions; and

WHEREAS, the City Council of Stanwood has authority under Title 35A, RCW to adopt regulations related to operations within the City of Stanwood; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Code Revisions. Stanwood Municipal Code Section 14.04.010(9), Wildland Urban Interface Code, is repealed in its entirety.

Section 2. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this 23rd day of January 2025.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: 1/28/2025

Effective Date: 2/2/2025



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8d

DATE: January 23, 2025

SUBJECT: Authorize the Mayor to sign Intergovernmental Services Agreement (IGSA) with Snohomish County for traffic control device and street light maintenance.

CONTACT PERSON: Alan Lytton, City Engineer

ATTACHMENTS: A) Intergovernmental agreement (IGSA)

ISSUE

The issue in front of the Council is to authorize Mayor Roberts to sign an interlocal agreement with Snohomish County for traffic signal, flashing crosswalk, beacon and street lighting maintenance.

SUMMARY STATEMENT

The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively to maintain, design and construct traffic control devices and street lights on City streets. This Agreement establishes the County as the entity responsible for all aspects of the maintenance and operation of the traffic and street lighting as listed in Exhibit B of the ILA. The City shall cooperate with the County to the extent reasonably necessary for accomplishing the work.

DISCUSSION

The City owns and is responsible for the traffic signals on 72nd Avenue. Since the City has neither the equipment nor expertise to maintain these lights, the County has been performing this maintenance. For the County to continue to perform this maintenance, it has been added to the new agreement. The agreement allows for the County to perform maintenance and repairs to the lights and invoice the City for work performed. It also allows for City staff to have a point of contact should a problem arise that needs attention. This does not include traffic lighting on SR532 as those are owned and maintained by WSDOT.

FINANCIAL IMPACT

The cost for any work completed through this IGSA will be paid out of Fund 101, and the current 2025-2026 budget is considered sufficient to support the agreement.

COMMITTEE RECOMMENDATIONS

This has not been to the Public Works Committee.

COUNCIL OPTIONS

- 1) Authorize the Mayor to sign an intergovernmental with Snohomish County for maintenance and repair of the traffic lighting.
- 2) Do not authorize the Mayor to sign an intergovernmental and send to public works committee. This option leaves the City without readily available repair and maintenance on the lighting until another option is decided.
- 3) Do not authorize the Mayor to sign the intergovernmental and direct staff to look for another organization/company that may be able to complete the maintenance and repair work. This option leaves the City without readily available repair and maintenance on the lighting.

RECOMMENDED MOTION

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH SNOHOMISH COUNTY FOR TRAFFIC SIGNAL, FLASHING CROSSWALK, BEACON AND STREET LIGHT MAINTENANCE.”

ATTACHMENT A

INTERGOVERNMENTAL SERVICES AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF STANWOOD FOR TRAFFIC CONTROL DEVICE AND STREET LIGHT MAINTENANCE

THIS INTERGOVERNMENTAL SERVICES AGREEMENT, hereinafter referred to as the "Agreement", is made and entered into this as of the date of the last party to sign, by and between Snohomish County, a political subdivision of the State of Washington, hereinafter referred to as "County" and the City of Stanwood, a municipal corporation of the State of Washington, hereinafter referred to as "City" for the purpose of providing traffic signal, flashing crosswalk, beacon, radar speed sign, and street light maintenance services.

RECITALS

- A. The City desires to enter into a Agreement whereby the County will perform traffic control device and street light maintenance services within the boundaries of the City.
- B. The County is agreeable to providing these services under the terms and conditions contained in this Agreement.
- C. The services provided under this Agreement are an extension of the City's authority to perform public work in accordance with RCW 35.22.620 and RCW 35.77.020 through .040.
- D. This Agreement is entered into under SCC 3.04.140 and RCW 35.77.020 through .040.

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1. Purpose of Agreement.

The purpose of this Agreement is for the County to memorialize the terms by which the County will provide the City with Traffic Control Device and Street Light Maintenance services and the City will pay the County for these services.

2. Administrators.

Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party. The parties' initial Administrators shall be the following individuals:

County

Mohammad Uddin, PE
County Traffic Engineer
Snohomish County
3000 Rockefeller Ave., M/S 607
Everett, Washington 98201

City

Alan Lytton, PE
City Engineer
City of Stanwood
10220 270th Street NW
Stanwood, Washington 98292

3. Scope of Services.

- A. For the purposes of this Agreement, “Traffic Control Devices” are all existing and future electrically powered traffic signals, pedestrian crossing beacons, radar speed signs, and school zone flashing beacons that are located within the City’s municipal boundaries and for which the City is responsible for maintaining at the locations identified in Exhibit B of this Agreement, attached hereto and incorporated herein by this reference.
- B. For the purposes of this Agreement, “Street Lights” refers to those street lights, trail lights, and pedestrian lights for which the City is responsible for maintaining.
- C. For the purpose of this Agreement, “Traffic Control Device Maintenance Services” and “Street Light Maintenance Services,” referred to collectively as the “Services,” shall be as described and defined in Exhibit A, attached and incorporated by reference into this Agreement, to the extent such Services are not subject to mandatory competitive bidding, as determined by either the County or the City in accordance with applicable state statutes.
- D. For the purpose of this Agreement, “General Materials” shall be limited to those materials that are not required to be purchased through competitive bidding, as determined by the County in accordance with applicable law, are used in conjunction with the Services, and where the County has included the cost of those materials in the yearly budget for the year in which the materials are purchased.
- E. For the purpose of this Agreement, “Other Materials” shall be limited to those materials that are not General Materials, are required in conjunction with work being completed on a Work Order Request pursuant to Section 5 of the Agreement and are not required to be purchased through competitive bidding, as determined by the County in accordance with applicable law; PROVIDED, that the City, by May 31st of each year, shall provide the County a preliminary list and cost estimate of all the Other Materials that the City wants the County to purchase the following calendar year. The City, by September 1st of each year, shall provide the County a final list

and cost estimate of all the Other Materials. The County reserves the right to accept or reject the purchase of Other Materials requested by the City.

- F. The County agrees to perform the Services for the City, and when approved by the County, additional services for limited traffic control device, street lighting engineering and construction, or other work not specifically set out in Exhibit A, as requested by Work Order Request provided in Section 5, subject to the availability of sufficient personnel, equipment, and materials to perform the requested additional services without disrupting the normal operation and functions of the County.
- G. The Administrators identified in Section 2 above are authorized to act on behalf of the County and City respectively, and shall develop working procedures associated with this Agreement.
- H. Nothing herein contained shall be construed as in any way divesting the City of any of its powers with respect to the supervision, management, and control of streets within its boundaries.
- I. The County shall not assume, nor does the City expect the County to gain, any greater responsibility and/or liability than it would normally have imposed upon it by law for the performance of services generally for the citizens of unincorporated Snohomish County.
- J. The County shall act as an independent contractor under this Agreement. Control, supervision, direction, and discipline of County personnel, who shall be employees and agents of the County and not the City, shall be the responsibility of the County. The County has the express right to direct and control the County's activities in providing the Services in accordance with the specifications set out in this Agreement. The City shall only have the right to inspect, accept, or reject the completed work.

4. Performance of Services and Work Order Requests.

- A. For the purpose of performing Services or Work Order Requests under this Agreement, the County shall furnish and supply all necessary labor, supervision, machinery, equipment, materials, and supplies, when requested, except to the extent machinery, equipment, and/or materials are supplied by the City as agreed to by the County in writing. In addition, the County may perform material sampling and equipment testing. Both parties agree that they and their officers and agents shall cooperate in the performance of the Services and that the County shall have full authority, possession, and necessary control of the work and work area, and with the

full assistance from the police of the City to assist in traffic control for safety purposes when requested by the County prior to the start of any work.

- B. For the purpose of facilitating the performance of the Services and Work Order Requests under this Agreement, it is hereby agreed that the City, upon reasonable request in writing by the County or its duly authorized representative, and at no cost to the County, shall temporarily close any streets, or portions thereof, that the County, in its sole discretion, finds necessary to be closed before any work is commenced thereon. The City will be responsible for furnishing the materials and labor needed to temporarily close any street or streets while Services are being performed unless otherwise agreed by the County.
- C. The Services and Work Order Requests provided by the County under this Agreement shall be pursued with care and diligence to County standards. The County will make efforts to accommodate pertinent schedules of the City. The County shall notify the City in writing of any hardship or other inability to perform under this Agreement, including delaying the performance of Services under this Agreement when the normal workload of County personnel so requires.
- D. The County shall serve as the lead agency for the Services.

5. Work Order Requests.

No Work Order Request is necessary for the Services set out in Exhibit A, which services will be performed on a regularly scheduled or emergency basis. Requests for limited traffic control device and street light engineering and construction and other work not specifically set out in Exhibit A shall be processed through Work Order Requests in accordance with the following:

- A. If the City desires that the County perform services other than the Services specifically listed in Exhibit A, then the City shall direct a Work Order Request to the County Administrator. These Work Orders Requests shall adequately describe the scope of the work to be performed and indicate a desired completion date. The County may require the City to prepare a road plan and profile or sketches to adequately describe the scope, intent, and detail of the work.
- B. Upon receipt of a Work Order Request, the County shall review the services requested therein. The County, in its sole discretion, may agree to accept or reject the Work Order Request. Should the County reject the Work Order Request, it shall advise the City to that effect. Should the County accept the Work Order Request, it shall (1) advise the City of such, and (2) prepare an estimate of the time and costs to complete the work, which it will provide to the City. The estimate is non-binding and

does not constitute a bid or contract maximum, and the City shall remain liable for the entire actual cost as described in Section 6 below.

- C. Upon receipt of the approval of the Work Order Request and estimate, the City may either issue a written Notice to Proceed which authorizes the County to perform the requested work or a written notice rejecting the County's estimate. The issuance of a Notice to Proceed shall constitute a representation by the City that the schedule of charges and basis of payment are acceptable, and sufficient funds are appropriated to pay for the work. The issuance of a rejection by the City shall relieve the County of all obligations to perform any work identified in the Work Order Request. If no written Notice to Proceed is received by the County from the City within twenty-one (21) days from the date of the County's response approving the Work Order Request and estimate, then the County will treat the Work Order Request and estimate as if they had been rejected.
- D. The City may make changes to the requested services under the Work Order Request by submitting a new Work Order Request outlining in detail the desired changes to the services. The County may, in its sole discretion, accept or reject the new Work Order Request, PROVIDED that the County's acceptance is not required where the City is terminating work pursuant to Section 14 below. The City shall be liable for all increases in cost, if any, which may be incurred by changes to the services, including but not limited to clean-up and any non-cancelable costs.
- E. After issuance of a Notice to Proceed, the County shall provide the City with written notification of any changes to the Work Order Request required by the County when such changes will substantially alter the nature of the services or the estimate. The County shall obtain the City's written approval to any such changes before implementing them.

6. Basis of Payment.

- A. Unless otherwise provided in this Agreement, the City shall pay to the County Treasurer, for work performed within the scope of this Agreement, the entire cost incurred by the County for performing such work including: salaries, wages, and benefits of all employees engaged therein; costs of clerical work and travel expenses incurred in the performance of the work, including mileage of employees; prorated departmental overhead; office supplies; materials; all other costs and incidental expenses; and depreciation on machinery and equipment. The County agrees that only those costs directly allocable to the work under generally accepted accounting principles will be charged to the City. In computing the cost of the use of machinery and equipment, the full cost to the County of rental machinery and equipment, any

operator furnished therewithin, and the County equipment rental rate on County-owned machinery and equipment shall be included.

- B. The County shall be reimbursed in full by the City for work provided by the County in accordance with the schedule of estimated costs set forth in Exhibit C incorporated herein, or as otherwise incurred in connection with approved Work Order Requests. The estimated costs set forth in Exhibit C are as of the effective date of this Agreement. Estimated costs may be adjusted annually to reflect current labor, material, and equipment costs. The County shall document all costs for labor, materials, and equipment with its billing to the City. The County agrees that only those costs directly allocable to work under accepted accounting procedures will be charged.
- C. The County shall be reimbursed in full by the City for General Materials purchased by the County that are used in conjunction with the Services. The County shall also be reimbursed in full by the City for Other Materials purchased by the County that are used in conjunction with Work Order RFequests approved by the City.
- D. For the purpose of determining the compensation to be paid by the City to the County for the work rendered, it is hereby agreed that there shall be included in each billing, to cover administrative costs, an amount not to exceed the County administrative rate. This rate is currently set at 20% of the total labor cost incurred by the County in performing services for the City during any given billing period under this Agreement. This rate may be adjusted administratively by the County annually to reflect changes in actual administrative costs, and such adjustment shall not be subject to the amendment process as indicated in Section 15 of this Agreement. The County shall notify the City of any change to the rate.
- E. The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. The County shall include in each invoice documentation of all costs incurred for labor, materials and equipment. Unless the City delivers written notice to the County disputing the amount of a particular invoice, the City agrees to make payment on billings submitted by the County within thirty (30) days following receipt by the City of said billing.

7. **Records.**

The County shall maintain accurate time and accounting records related to performing Services under this Agreement in the same manner as prescribed for normal County road projects. Such records shall be available for inspection in the County Department of Public Works for a period of six (6) years following final payment of billings for such project. The City shall have the right to inspect, review, and copy such records at all times with reasonable notice to the County.

8. Facilities To Be Provided By The City.

- A. The City certifies to the County that the City owns or controls the real property or rights-of-way upon which the work shall be rendered, and additional real property or rights-of-way are not needed to complete the Services. The City further grants to the County, for the purpose of performing work pursuant to this Agreement, permission and right-of-entry on, over, under, above, and through real property owned by the City and those City rights-of-way and WSDOT rights-of-way that the City is responsible for maintaining that are necessary or convenient for the County to access in performing the Services.
- B. At least thirty (30) days prior to the delivery of any requested work, the City shall obtain and provide to the County copies of all necessary permits..
- C. All electrical power billings for the operation of the traffic control devices and street lighting systems will be paid by the City.

9. Indemnification/Hold Harmless.

- A. The County agrees to indemnify, protect, defend, and hold harmless the City, its elected and appointed officials, employees and agents from and against all claims, demands, and causes of action of any kind or character, including any cost of defense and attorney's fees, arising out of any actions, errors, or omissions of the County, its officials, employees, and agents in performing this Agreement, to the extent the same are caused by any negligent or wrongful act of the County, except for those arising out of the sole negligence of the City.
- B. The City agrees to indemnify, protect, defend, and hold harmless the County, its elected and appointed officials, employees and agents, from and against all claims, demands, and causes of action of any kind or character, including any cost of defense and attorney's fees, arising out of any actions, errors, or omissions of the City, its officials, employees and agents in performing this Agreement, to the extent the same are caused by any negligent or wrongful act of the City, except for those arising out of the sole negligence of the County.
- C. Waiver of Immunity Under Industrial Insurance Act. The indemnification provisions of Sections 9 A and B above are specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Title 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the

indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

D. Survival. The provisions of this Section 9 shall survive the expiration or earlier termination of this Agreement.

10. Insurance.

Each party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof, insurance and/or self-insurance shall not limit the liability of the indemnifying part to the indemnified party(s).

11. Compliance with Laws.

In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, and local laws, rules and regulations.

12. Default and Remedies.

A. Default. If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have thirty (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said thirty (30) day period, then the non-performing party shall not be in Default if it commences cure within said thirty (30) day period and thereafter diligently pursues cure to completion.

B. Remedies. In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to Section 12.A. above, the non-Defaulting party shall have the right to exercise any or all rights and remedies available to it in law or equity.

13. Effective Date and Duration.

A. Effective Date. This Agreement, and any amendment there to, shall take effect upon mutual execution.

B. Duration. This Agreement shall remain in effect for an initial period of six years or until either amended as provided in Section 15 or terminated as provided in Section 14; PROVIDED, that the term of this Agreement may be extended or renewed for up

to two (2) additional six (6) year terms pursuant to Section 15 of this Agreement; PROVIDED FURTHER, that each party's obligations after December 31st of the year in which this Agreement is approved and becomes effective, are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with applicable laws.

14. Termination.

Termination of this Agreement by either party is subject to the following:

- A. Either party may terminate this Agreement at any time, with or without cause, upon no less than thirty (30) days' written notice to the other party.
- B. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated by either party's legislative authority after the Effective Date of this Agreement, this Agreement may be terminated by either party immediately upon notice to the other party.
- C. Upon termination of this Agreement by either party as provided in this section:
 - i. The County shall notify the City within thirty (30) days of termination of all remaining costs for any equipment purchased by the County that is proprietary to the City's traffic control device or streetlight systems that has not been paid for by the City, as well as the costs of any and all non-cancelable obligations and/or purchases.
 - ii. The City shall pay the County for all work performed up to the Effective Date of termination, the cost of any equipment purchased by the County that is proprietary to the City's traffic control device or streetlight systems that have not been paid for by the City, as well as the costs of any and all non-cancelable obligations and/or purchases. No payment shall be made by the City for any expense incurred or work done following the Effective Date of termination unless authorized in writing by the City.
 - iii. The County shall return to the City within ninety (90) days of termination all equipment that has been paid for by the City.

15. Amendments.

This Agreement may be amended at any time by written Agreement of the parties if executed with the same formalities as this Agreement; PROVIDED, that the extension of

this Agreement for the two 6 year additional terms pursuant to section 13.B shall be approved administratively in writing by the Administrators of each party; PROVIDED FURTHER, that the addition or deletion of traffic control devices and street lights may be made without amendment of this Agreement.

16. Entire Agreement.

This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document executed with the same formalities as required for this Agreement and signed by the party against whom such modification is sought to be enforced.

17. Dispute Resolution.

In the event differences between the parties should arise over the terms and conditions or the performance of this Agreement, the parties shall use their best efforts to resolve those differences on an informal basis. If those differences cannot be resolved informally, the matter shall be referred for mediation to a mediator mutually selected by the parties. If mediation is not successful, either of the parties may institute legal action for specific performance of this Agreement or for damages.

18. Data Collection.

- A. The County and City agree to the mutual exchange of historical, current and future traffic data as it exists or becomes available through traffic programs and/or projects.
- B. For the convenience of the County, City, and the general public, the County may post some or all of the traffic data provided by the City on the County website along with the standard disclaimer.
- C. Any request for traffic data other than historical, scheduled collections or traffic control device related information (unless otherwise agreed upon) shall be processed through a Work Order Request, under Section 5 of this Agreement. The appropriate fees will be charged to the requestor requiring the special collection effort.

19. Choice of Law and Venue.

The laws of the state of Washington shall apply to the construction and enforcement of this Agreement. Any action at law, suit in equity, or judicial proceedings to enforce this

Agreement or any provision included in this Agreement shall be in the Superior Court of Snohomish County, Everett, Washington.

20. Severability.

Should any clause, phrase, sentence, or paragraph of this Agreement be declared invalid or void, the remaining provisions of this Agreement shall remain in full force and effect.

21. Written Notices.

All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 2 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

22. Conflicts between Attachments and Text.

Should any conflicts exist between any attached exhibit or schedule and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

23. Interpretation.

This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

24. No Waiver.

A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at

issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

25. No Assignment.

This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

26. Warranty of Authority.

Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

27. No Joint Venture.

Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

28. Ownership of Property.

Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

29. No Third Party Beneficiaries.

This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

30. No Separate Entity Necessary.

The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement, effective on the last date indicated below.

“County”
SNOHOMISH COUNTY

“City”
CITY OF STANWOOD

By: _____
County Executive

By: _____
Mayor

/s/ George B Marsh 1/7/2025

Deputy Prosecuting Attorney

City Attorney

EXHIBIT A

TRAFFIC CONTROL DEVICE MAINTENANCE SERVICES

Traffic Signal Maintenance Services covered by this Agreement consist of the following Services for the traffic signals listed in Exhibit B of this Agreement:

Routine Maintenance - This is a monthly activity that includes inspection of the traffic signal cabinet/controller/program; a visual inspection of the display system; and a check of pedestrian push buttons, emergency pre-emption, and detection systems. Furthermore, appropriate records will be maintained in the controller cabinet and in the office file. Approximately one hour per month per signal will be spent on routine maintenance.

Re-lamp – Traffic signal indicators will be replaced as needed. It is estimated that approximately three hours per intersection will be spent on this activity.

On-Call Emergency Response - This service provides 24 hour emergency response for malfunctions or damage. For estimating purposes, it is assumed that each signal will have two emergencies per year. There is a minimum of three hours of labor per call-out. This does not include any additional materials, equipment charges, or labor costs associated with extraordinary circumstances such as weather-related problems, knock-downs, and acts of Nature that may result in significant equipment damage or destruction.

Materials - Miscellaneous supplies and materials for both routine and on-call maintenance. This does not include replacement of major components of a traffic signal.

STREET LIGHT MAINTENANCE SERVICES

Street Light Maintenance Services covered by this Agreement consist of the following services for the street lights described in Exhibit B of this Agreement:

Routine Maintenance - Yearly re-lamping activity that includes the replacement of a percentage of the total number of lamps consistent with the manufactures estimated lamp service life. For estimating purposes, it is assumed that the County will replace 50 lamps each year.

Damage Repair - This service includes rewiring and other electrical work done to damaged street lighting. City forces will perform all other associated repair work.

Materials - The County will supply street lighting lamps and miscellaneous components not supplied by the City.

EXHIBIT B

CITY OF STANWOOD

TRAFFIC SIGNAL INVENTORY

No.	North/South Street	East/West Street
1.	72 nd Ave NW	265 th St NW
2.	Pioneer Highway	267 th PL NW

FLASHING CROSSWALK INVENTORY

No.	Located On	Intersection
The County is currently not maintaining any Flashing Crosswalk Beacons as of the effective date of this Agreement.		

SCHOOL ZONE FLASHING BEACON INVENTORY

Number of School Zone Flashing Beacons
The County is currently not maintaining any School Zone Flashing Beacons as of the effective date of this Agreement.

STREET LIGHTING INVENTORY

Location	Number of Street Lights
Intersection of 72 nd Ave W and 265 th St NW	3

EXHIBIT C

The County will The estimated costs below include the 20% administration charge identified in Section 6.D of this Agreement. The total estimated annual costs below do not include the cost of work performed by County personnel in response to Work Orders issued upon request by the City in accordance with Section 5 of this Agreement. Costs are estimated as of the effective date of this Agreement and are adjusted annually to reflect current labor and material charge and will be billed on an actual time and materials basis.

Table 1: Estimated Cost For Traffic Signal Maintenance Services

Item	Cost Per Intersection	No. of Locations	Total Cost
Routine Maintenance	12 hours @ \$108/hr = \$1,296	2	\$2,592
Annual Relamp	3 hours @ \$108/hr = \$324	2	\$648
On-Call Emergency Maintenance	6 hours @ \$108/hr = \$648	2	\$1,296
General Materials	\$500	2	<u>\$1,000</u>
Total Estimated Annual Traffic Signal Maintenance Service Costs			\$5,536

Table 2: Estimated Cost For Crosswalk Maintenance Services

Item	Cost Per Location	No. of Locations	Total Cost
Routine Maintenance	8 hours @ \$108/hr = \$864	2	\$1,728
Annual Relamp	3 hours @ \$108/hr = \$324	2	\$648
On-Call Emergency Maintenance	6 hours @ \$108/hr = \$648	2	\$1,296
General Materials	\$500	2	<u>\$1,000</u>
Total Estimated Annual Pedestrian Crossing Beacon Service Costs			\$4,672

Table 3: Estimated Street Light Maintenance Services Cost

Item	Hourly Rate	Hours	Total Cost
Routine Maintenance	\$108	12	\$1,296
Damage Repair	\$108	20	\$2,160
General Materials			\$1,000
Reserve Contingency			<u>\$3,000</u>
Total Estimated Annual Street Light Maintenance Service Costs			\$7,456



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8e

DATE: January 23, 2025

SUBJECT: Authorize the Mayor to sign On-Call Professional Service Agreements

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Sample Agreement

PURPOSE

The purpose of this agenda item is for Council to authorize the mayor to sign three-year on-call professional service agreements with nineteen (19) firms. The agreements will include an option to renew the contract for one (1) additional one (1) year term upon the same terms and conditions.

BACKGROUND

The City currently has multiple projects under design and construction, with additional projects planned for the upcoming years. In addition, the City routinely performs maintenance projects throughout the city limits. Many of these projects require specialized consultation from a licensed professional firm. The city currently has on-call contracts with all the proposed professional consultants. The current agreements will expire at the end of January and the city would like to have a new contract signed to be able to continue using their services. The city selected the on-call contracts from the MRSC Roster, and local businesses. They are qualified to provide the City with on-call professional services which may arise during the 2025 to 2028 calendar years and subsequent year 2029.

Services requested include civil engineering, transportation engineering, utility system modeling, roadway design, land use and environmental permitting, surveying services, forestry, grant applications, GIS and CAD support, and SCADA and telemetry technology.

Selecting a team of on-call professional service firms allows the city more flexibility in matching firm expertise with project tasks. In some circumstances it will also allow the city to award consulting contracts more quickly ensuring the city's needs are addressed as quickly and efficiently as possible.

By selecting firms of various sizes (small, medium and large) with expertise in different disciplines (general civil engineering, utilities, environmental, transportation, planning, surveyors, and cultural) will allow the city to match the most qualified firm with each project.

The city will be responsible for assigning projects depending on the city's needs. Selected firms are not guaranteed work as a result of the on-call agreement. Some projects will require a separate competitive bidding process because the funding source requires advertisement and competitive bidding according to the Local Agency Guideline (LAG) Manual.

ANAYLSIS

There is no cost to enter into the on-call professional service agreements. The actual agreement cost is based on the city's needs and project estimates.

City staff recommend negotiating with each firm a specific scope of work matching the firm's skills and expertise with projects identified in the 2025-2028 budget.

RECOMMENDATIONS

Staff Recommendation:

Staff recommend the Mayor or designee to enter into an On-Call Professional Service Agreement with nineteen (19) firms:

Associated Earth Science	Lankford Associates
Atwell	Maul Foster Alongi
Berk Consulting	Metron & Associates
BHC Consultants	Pelletier + Schaar
Confluence Environmental	Perteet
Designs Northwest Architects	Quality Control Corporation
Gray & Osborn	West Coast Code Consultants
Hamsen	Transpo Group USA
Hough Beck & Baird Landscape Architects	Urban Forestry/Bertlett Consulting
J.A. Brennan	

Committee/Board Recommendation:

The Public Works Committee has not reviewed this item.

CITY COUNCIL OPTIONS

1. Authorize the mayor or designee to negotiate on-call professional service agreements with all nineteen (19) firms.

2. Authorize the mayor to negotiate on-call professional service agreements with one or more firms. Council will need to direct staff on which firms they have selected.
3. Reject all agreements. This option will mean that staff will have to go out for an RFQ for each new project.

PROPOSED MOTIONS

1. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH ASSOCIATED EARTH SCIENCE, INC."**
2. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH ATWELL."**
3. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH BERK CONSULTING."**
4. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH BHC."**
5. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH CONFLUENCE."**
6. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH DESIGNS NORTHWEST ARCHITECTS."**
7. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH GRAY & OSBORNE."**
8. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH HARMSSEN."**
9. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH HOUGH BECK & BAIRD LANDSCAPE ARCHITECTS."**
10. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH J.A. BRENNAN."**
11. **"I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH LANKFORD."**

12. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH MAUL FOSTER ALONGI."
13. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH METRON."
14. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH PELLETIER + SCHAAR."
15. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH PERTEET."
16. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH QUALITY CONTROL CORPORATION."
17. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH TRANSPRO."
18. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH URBAN FORESTRY/BARTLETT CONSULTING."
19. "I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO NEGOTIATE AN ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH WEST COAST CODE CONSULTANTS."

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF _____, WASHINGTON
AND _____ FOR CONSULTANT SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into by and between the City of [CITY], Washington, a Washington State municipal corporation (“City”), and [COMPANY], a Washington [STATUS] ("Consultant"). [LEGAL STATUS OF ENTITY SHOULD BE INSERTED e.g., LLC; Sole Proprietor; LLP; Inc., P.S.; Partnership, Foreign Corporation licensed to do business in Washington State]

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consultant services regarding [INSERT SHORT GENERAL DESCRIPTION OF WHAT SERVICES ARE REGARDING] as described in Article II. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF SERVICES

The Scope of Services is attached hereto as **Exhibit “A”** and incorporated herein by this reference (“Scope of Services”). All services and materials necessary to accomplish the tasks outlined in the Scope of Services shall be provided by the Consultant unless noted otherwise in the Scope of Services or this Agreement. All such services shall be provided in accordance with the standards of the Consultant’s profession.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 MINOR CHANGES IN SCOPE. The Consultant shall accept minor changes, amendments, or revision in the detail of the Scope of Services as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the Scope of Services in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents

produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work as of the date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TERM. The term of this Agreement shall commence on [WRITTEN DATE] and shall terminate at midnight, [WRITTEN DATE]. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NON-ASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT.

a. The term “employee” or “employees” as used herein shall mean any officers, agents, or employee of the of the Consultant.

b. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

c. Consultant represents, unless otherwise indicated below, that all employees of Consultant that will provide any of the work under this Agreement have not ever been retired from a Washington State retirement system, including but not limited to Teacher (TRS), School District (SERS), Public Employee (PERS), Public Safety (PSERS), law enforcement and fire fighters (LEOFF), Washington State Patrol (WSPRS), Judicial Retirement System (JRS), or otherwise. *(Please indicate No or Yes below)*

_____ No employees supplying work have ever been retired from a Washington state retirement system.

_____ Yes employees supplying work have been retired from a Washington state retirement system.

In the event the Consultant indicates “no”, but an employee in fact was a retiree of a Washington State retirement system, and because of the misrepresentation the City is required to defend a claim by the Washington State retirement system, or to make contributions for or on account of the employee, or reimbursement to the Washington State retirement system for benefits paid, Consultant hereby agrees to save, indemnify, defend and hold City harmless from and against all expenses and costs, including reasonable attorney’s fees incurred in defending the claim of the Washington State retirement system and from all contributions paid or required to be paid, and for all reimbursement required to the Washington State retirement system. In the event Consultant affirms that an employee providing work has ever retired from a Washington State retirement system, said employee shall be identified by Consultant, and such retirees shall provide City with all information required by City to report the employment with Consultant to the Department of Retirement Services of the State of Washington.

III.6 INDEMNITY.

a. Indemnification / Hold Harmless. Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

c. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant’s waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

d. Public Records Requests. In addition to Paragraph IV.3 b, when the City provides the Consultant with notice of a public records request per Paragraph IV. 3 b, Consultant agrees to save, hold harmless, indemnify and defend the City its officers, agents, employees and elected officials from and against all claims, lawsuits, fees, penalties and costs resulting from the consultants violation of the Public Records Act RCW 42.56, or consultant’s failure to produce public records as required under the Public Records Act.

e. The provisions of this section III.6 shall survive the expiration or termination of this agreement.

III.7 INSURANCE.

- a. Insurance Term. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.
- b. No Limitation. Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- c. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:
 - (1) Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
 - (2) Commercial General Liability insurance shall be written at least as broad on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
 - (3) Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 - (4) Professional Liability insurance appropriate to the Consultant's profession.
- d. Minimum Insurance Limits. Consultant shall maintain the following insurance limits:
 - (1) Comprehensive General Liability. \$2,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.
 - (2) Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.
 - (3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.

(4) Professional Liability/Consultant's Errors and Omissions Liability. \$2,000,000 per claim and \$2,000,000 as an annual aggregate.

e. Notice of Cancellation. In the event that the Consultant receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Consultant shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/termination to the City.

f. Acceptability of Insurers. Insurance to be provided by Consultant shall be with insurers with a current A.M.Best rating of no less than A:VII, or if not rated by Best, with minimum surpluses the equivalent of Best VII rating.

g. Verification of Coverage. In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

h. Insurance shall be Primary - Other Insurance Provision. The Consultant's insurance coverage shall be primary insurance as respect the City. The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

i. Claims-Made Basis. Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

j. Failure to Maintain Insurance. Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

k. Public Entity Full Availability of Consultant Limits. If the Consultant maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Consultant.

1. Subcontractors' Insurance. The Contractor shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Contractor-provided insurance as set forth herein, except the Contractor shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Contractor shall ensure that the City is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement at least as broad as ISO CG 20 10 10 01 for ongoing operations and CG 20 37 10 01 for completed operations.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified-and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III.11 INDEPENDENT CONTRACTOR.

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this

Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

b. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

c. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

d. Prior to commencement of work, the Consultant shall obtain a business license from the City.

III.12 CONFLICTS OF INTEREST. The Consultant agrees to and shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a conflict or potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict is irreconcilable, the City reserves the right to terminate this Agreement.

III.13 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

a. The Consultant shall be responsible for all work performed by subcontractors/subconsultants pursuant to the terms of this Agreement.

b. The Consultant must verify that any subcontractors/subconsultants they directly hire meet the responsibility criteria for the project. Verification that a subcontractor/subconsultant has proper license and bonding, if required by statute, must be included in the verification process. The Consultant will use the following Subcontractors/Subconsultants or as set forth in Exhibit ____:

c. The Consultant may not substitute or add subcontractors/subconsultants without the written approval of the City.

d. All Subcontractors/Subconsultants shall have the same insurance coverages and limits as set forth in this Agreement and the Consultant shall provide verification of said insurance coverage.

ARTICLE IV. OBLIGATIONS OF THE CITY.

IV.1 PAYMENTS.

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed [WRITTEN NUMBER] (\$ _____) without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 CITY APPROVAL. Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Services and City requirements.

IV.3 MAINTENANCE/INSPECTION OF RECORDS.

a. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

b. Public Records. The parties agree that this Agreement and records related to the performance of the Agreement are with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant shall provide copies of any City records in

Consultant's possession, necessary to fulfill that Public Records Request. If the Public Records Request is large the Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

ARTICLE V. GENERAL.

V.1 NOTICES. Notices to the City shall be sent to the following address:

[NAME
TITLE
ADDRESS
CITY, STATE ZIP
PHONE NUMBER
EMAIL ADDRESS]

Notices to the Consultant shall be sent to the following address:

[NAME
TITLE
ADDRESS
CITY, STATE ZIP
PHONE NUMBER
EMAIL ADDRESS]

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 TERMINATION. The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with payment provisions of Section IV.1.

V.3 DISPUTES. The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 EXTENT OF AGREEMENT/MODIFICATION. This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 SEVERABILITY.

a. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

V.6 NONWAIVER. A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 FAIR MEANING. The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 VENUE. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT. The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

Signature page to follow.

DATED this _____ day of [MONTH] [YEAR].

CITY OF [CITY]

[TRUE AND ACCURATE NAME OF
COMPANY]

By _____
[NAME], Mayor

By _____
[NAME], [TITLE]

APPROVED AS TO FORM:

By _____
[NAME], City Attorney

Exhibit A
Scope of Services



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 10a

DATE: January 23, 2025

SUBJECT: Stanwood Municipal Code Title 18 – Code Structure and Permitting Procedures

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Ordinance 1543
B – Planning Commission Findings of Fact and Conclusions

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the first reading of Ordinance 1543, adoption of Title – 18, Unified Development Code and Permitting Procedures, of the Stanwood Municipal Code.

SUMMARY

The next round of code amendments includes merging Title 16, Subdivisions, and Title 17, Zoning, into a single Title referred as the Unified Development Code (UDC). A UDC is a comprehensive set of regulations or standards that govern land use, zoning, and development within a single Municipal Code Title.

Ordinance 1543:

- Adopts the framework of Title 18, Unified Development Code
- Adopts the updated Permit Procedures Chapters

BACKGROUND

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

To help guide the review of the amendments, two types of informational banners are included in the descriptive versions of each amendment. These blue- and yellow-colored

bars highlight changes, recommendations and questions; it notes where new sections have been added or where moved.

 Blue banner describes actions taken or issue descriptions.

 Yellow banners highlight important policy issues.

Due to the sheer size of amending an entire municipal code, work has been broken into manageable pieces with similar titles, or titles that interact with each other, being processed together. To date, the Council has approved the following Title groupings:

Stanwood Municipal Code Titles	Action
Interim Zoning Regulations Prohibiting Mini-Storage Facilities	Council Approved in 2022
Interim Sign Regulations Signs in the Right of Way Noise Regulations SMC Titles 1, 2, 3, 4, 5, 6, 9, and 13	Council Approved in 2023
Fireworks Complete Streets Construction Noise SMC Titles 7, 8, 10, 11, and 14	Council Approved in 2024
Title 12, Utilities	Pending
Unified Development Code (UDC): Merger of Title 15 - Forest Practices, Title 16 - Subdivisions, & Title 17 – Zoning	
UDC Structure and Permitting Procedures	Pending Council Action: Jan / Feb 2025
Critical Areas Code Update	Under Review by the Planning Commission
Subdivision and Bulk Standards	Preliminary Draft Stage

As amendments are approved, there may be times when chapters or sections within previously approved Chapters or Titles will need to be amended to ensure consistency throughout the Municipal Code.

ANALYSIS

UDC Organization

This first UDC ordinance being processed includes both the organization structure of Title 18, UDC, as well as the application and permit chapters. Setting up Title 18 is necessary so that as amendments are processed and adopted, they can be dropped into the appropriate chapters. New Title 18 will include 8 parts as follows:

Title 18 Unified Development Code Organizational Structure

UDC Organization Structure	Content
Part 1 – General Provisions	General Provisions, Establishment of Zones, Adoption of Zoning Map, Definitions
Part 2 - Applications	Application Types and Permit Review Processes
Part 3 - Permits	Issued Permits, Conditional Uses, Variances
Part 4 – Land Divisions	Long and Short Subdivisions, Binding Site Plans, Boundary Line Adjustments
Part 5 – Zoning and Uses	Permitted Uses and Bulk Standards
Part 6 – Specific Uses Standards	Development Standards for Specified Uses
Part 7 – Development and Design Standards	Design Standards, Parking, Signage, Landscaping, stormwater, grading
Part 8 - Environment	Shoreline and Critical Areas (wetlands, streams, slopes, floodplains)

Staff anticipates that drafting Title 18 will take about 2 years to complete and during this time, portions of Title 17 - Zoning will in effect while Title 18 is being developed and adopted. Once Title 18 is finished, Title 17 will be repealed in its entirety or preserved for the City's shorelines regulations. To help with this transition, the regulatory substance contained in the Title 17 chapters being amended will be deleted, and a note will be added referencing the reader to the appropriate chapter / section in Title 18.

UDC Part 1 – General Provisions:

The General Provisions part establishes the foundation for the entire UDC. It adopts the City's zoning districts and map consistent with the Comprehensive Plan, rulemaking authority, administrative interpretations, violation references and definitions. Most of these sections were copied over from the existing Title 17, except that the zoning districts and map which have been updated to be consistent with the 2024-2044 Comprehensive Plan.

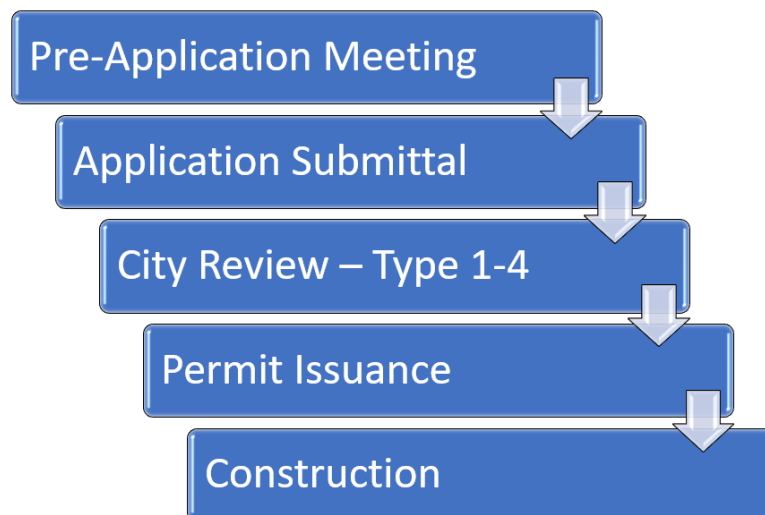
Definitions will be migrated from Title 17 to Title 18 as chapters are adopted. The existing definitions in SMC Chapter 17.20 will remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18 control for regulations in SMC Title 18.

UDC Part 2 – Applications

The applications chapter of the UDC contains the permit types, permit submittal requirements and the permitting process. Permits are processed according to the city's procedures which are codified in the Municipal Code. The purpose of codifying the permit review procedures is to ensure consistency of review, reducing the chances of arbitrary decisions and open transparency of the city's processes. All permits follow a similar workflow, with variations in time based on permit type.

Generalized Permit Workflow:

Permit types are categorized as Type 1-4 according to the level of review: administrative Hearing Examiner and City Council decisions.



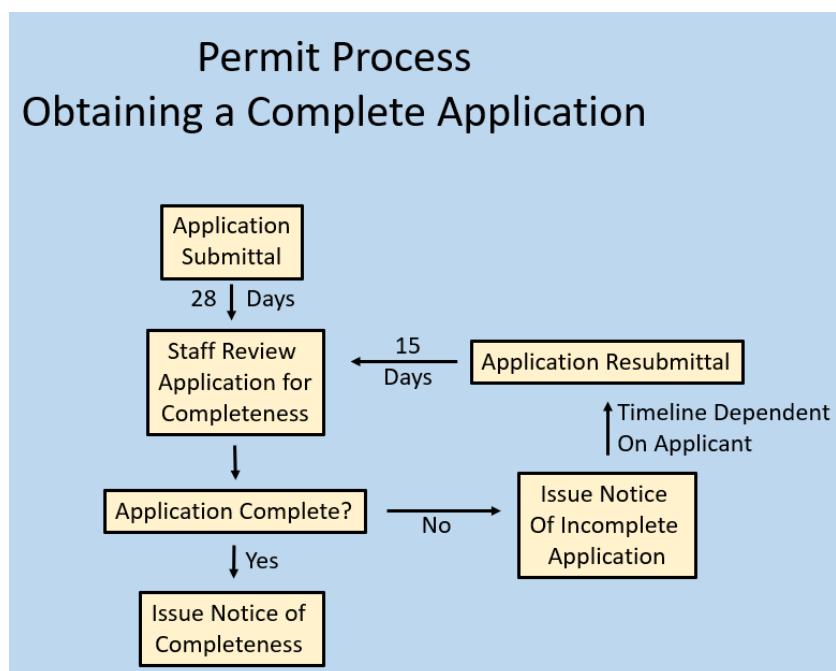
The following table lists the city's permit types and their review process. Permit types are listed on a graduated scale by review authority:

- Type 1: Administrative decision by staff with no public comment
- Type 2: Administrative decision by staff with public notice
- Type 3: Administrative review with decision by the Hearing Examiner after holding a public hearing.
- Type 4: Administrative review, Hearing Examiner public hearing and recommendation to the City Council and final decision by the City Council after holding a public hearing.

Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 City Council decision
• Single-Family Residential Building Permits • Fire Permits • Multifamily Residential Projects ≤ 40 Units • Commercial and industrial development ≤ 12,000 square feet • Mixed-Use Developments ≤ 20 Units • Accessory Dwelling Unit • Administrative Zoning Code Interpretation • Boundary Line Adjustment • Code Enforcement • Concurrency Evaluation • Encroachment (ROW) Permit • Floodplain Development • Grading • Home Occupation • Manufactured Home Infill • Parcel Combination • Public Works Deviation Requests • Right-of-Way Permits • Sign • Technical Document Review • TN – Public Facilities • WCF Small Cell • WCF Co-Located • WCF Minor Modification	• Multifamily Residential Projects > 40 Units • Commercial and Industrial Developments > 12,000 Square Feet • Critical areas variance • Mixed-Use Developments > 20 Units • Minor Variance • Binding Site Plans • Reasonable Use Permit • Right to Farm • SEPA Determinations • Shoreline Substantial Development Permit • Short Plats • Waiver of 6-year forest practices moratorium	• Conditional Use Permit • Preliminary Plat; Including PRDs, Cottage, and Offspring Subdivision • Essential Public Facilities • Shoreline CUP • Shoreline Variance • TN – Residential Subdivisions • Major Variance • TN – Commercial/Mixed-Use Projects • WCF Monopole • WCF Deviation • Code Enforcement Appeals • Building Code Appeals • Administrative Appeals	• Development Agreement • Site-Specific Rezone

Before reviewing an application, it must be checked to ensure all required information is included—a process called a "completeness review." Each permit type is evaluated against a submittal checklist. If all required information is provided, a complete application notice is issued.

Submittal Category	Typical Submittal Requirements
General Application Materials:	Forms, Fees, Project Narratives, Vicinity Maps
Site Plans:	Plat Maps; Site, Landscape, Tree Retention Plans; Building Elevations
Civil Engineering Plans:	Drainage, Traffic, Clearing, Grading, Road / Right-of-Way, Erosion Control, and Utility Plans
Environmental Documents:	SEPA Checklist, Critical Area Reports (Wetlands and Streams), Floodplain, Geotechnical, and Cultural Resource Reports
Other:	Public Notice Lists, Safe Walking to School Plans, Covenants, Title Certificates, Lot Closure Reports
Before Final Plat or Occupancy:	Deeds, Easements, Bonds, Asbuilts



Once a project receives a complete application, the permit review process begins. The diagrams below show the review process for each permit type.



Community Development
Department

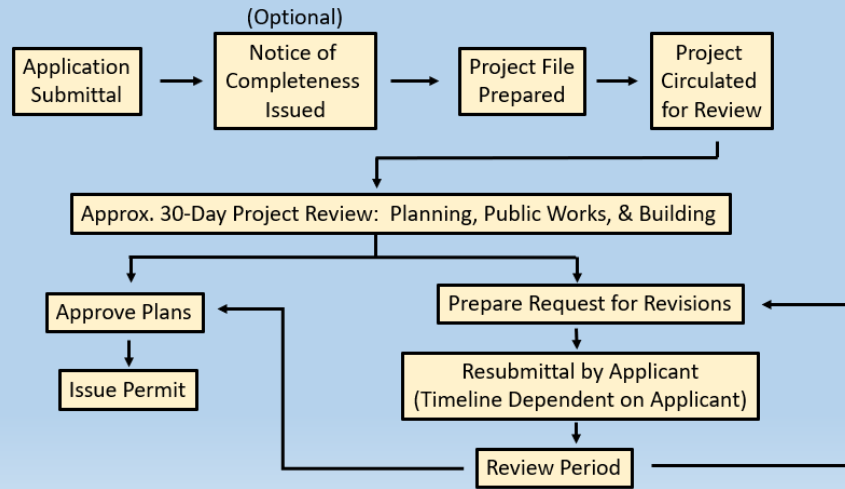
10220 – 270th Street
Stanwood, WA 98292

360-629-2181

www.stanwoodwa.org

Type 1 Permits:
The City Strives to
Complete
Project Reviews within
65 Days of Issuance of
the
Notice of Complete
Application - Excluding
Time for Applicant
Revisions

Permit Process Type 1: Administrative Review



Community Development
Department

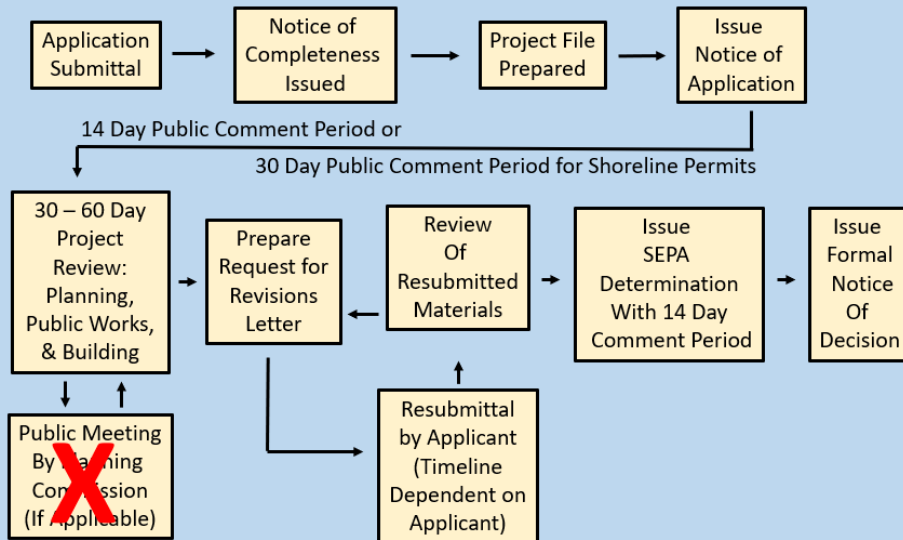
10220 – 270th Street
Stanwood, WA 98292

360-629-2181

www.stanwoodwa.org

Type 2 Permits:
100 Day
Review Period from
Notice of Complete
Application -
Excluding
Time for
Applicant
Revisions

Permit Process Type 2: Administrative Review With Public Comments



Note the draft amendment eliminates the “public meetings” with PC in favor of only having “public hearings” before Hearing Examiner, consistent with State law limiting the number of allowed hearings on a project.



Community Development
Department

10220 – 270th Street
Stanwood, WA 98292

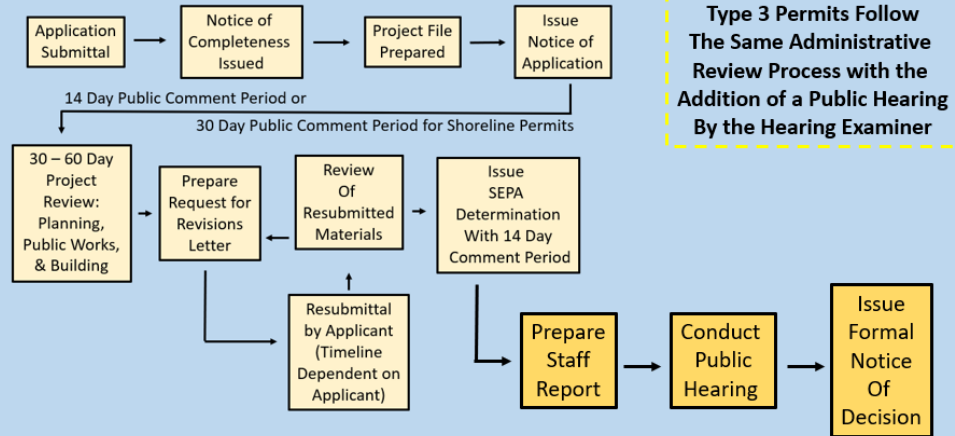
360-629-2181

www.stanwoodwa.org

Type 3 Permits:
170 Day
Review Period from
Notice of Complete
Application -
Excluding
Time for
Applicant
Revisions

Permit Process

Type 3: Public Hearing Required with Hearing Examiner



Community Development
Department

10220 – 270th Street
Stanwood, WA 98292

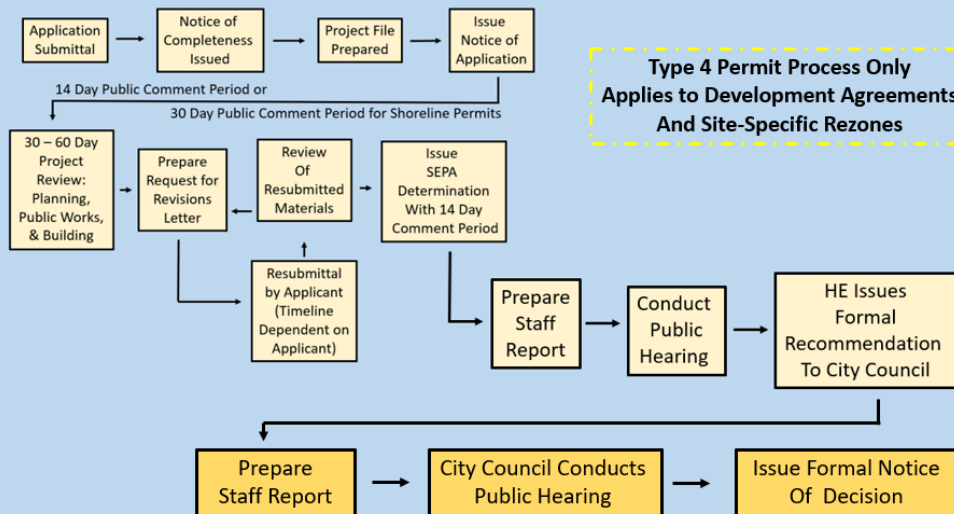
360-629-2181

www.stanwoodwa.org

Type 4 Permits:
The 170 Day
Review Period
Does Not
Apply to
Type IV Permits

Permit Process

Type 4: Approval By City Council



In addition to changing the code into “plain talk”, amendments include:

- Procedures are reorganized to fit the new table of contents for the new Title 18;
- Consolidates various tables into a single table in proposed 18.230.020, Types of Review.
- Adds new permit review time periods consistent with the defaults in state law (2SSB 5290):
 - Type 1 Permits: 65 days
 - Type 2 Permits: 100 days
 - Type 3 Permits: 170 days
 - Type 4 Permits: 170 days
- Final plat approval, as a ministerial action, is moved to Type 1 per recent amendment of RCW 58.17.100.
- Street vacations and annexations are not project permits, are not subject to the other requirements of the chapter and statute, so are not included.
- Creates an optional meeting procedure in proposed 18.230.080(3) to implement RCW 36.70B.160(1)(j), which is one of the options to avoid permit fee refunds (New).
- Includes a process to circulate permits to local Tribes for cultural resource review (New).

UDC Part 3 – Permits

Part 3, Permits, covers the post permit application process and details the review criteria for variances and conditional use permits.

Chapter 18.310 Permits Generally

This code section covers the post permitting processes and requirements. There are no significant changes from existing Chapter 17.80 Article IV with the exception of using plain language text and reorganization.

- Permit Terms, Extensions, and Expiration
- Permit Revisions
- Requirements for Civil Construction Plans
- Inspections
- Effect of Decisions
- Certificate of Occupancy
- Vacation of Permits

Chapter 18.320 Conditional Use Permits

A Conditional Use Permit (CUP) is a zoning tool to allow a property to be used in a way that is not typically permitted under the current zoning regulations but might be appropriate under certain situations or conditions. Conditional Use Permits provide flexibility by allowing certain uses that could be beneficial or compatible with the surrounding area if specific conditions are met.

- **Community Input:** The city's CUP process requires a public hearing, giving the community an opportunity to voice their concerns or comment of potential mitigation strategies.
- **Case-by-Case Review:** Each CUP application is reviewed individually, allowing for a thorough examination of the specific circumstances, including the proposed use, location, and potential effects on the surrounding area.

To obtain a conditional use permit, the applicant must show how their application meets the compatibility criteria: Zoning Compatibility, Community Compatibility, and Effect on Adjacent Properties. "Community Compatibility" means:

The use will not have a substantively greater adverse effect on the health, safety or comfort of persons living or working in the area than those generally permitted in the district. In the determination of community compatibility, the reviewing official must consider the following factors:

- Hours and manner of operation, such as dust, odor, fumes and vibration do not impact adjacent properties;
- Existing infrastructure, such as roads, utilities, and parks, can accommodate the proposed use without degrading the adopted level of service standards; and
- The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.

Chapter 18.330 Variances

A variance is a form of regulatory relief granted that allows a property owner to deviate from the strict requirements of the zoning code. A variance typically allows a property owner to use their land in a way that is generally allowed, but in a manner that does not fully comply with the zoning regulations due to unique circumstances.

The primary purpose of a variance is to provide flexibility in situations where the strict application of zoning laws would cause undue hardship due to the unique physical characteristics of the property. For example, if a property has an irregular shape, steep topography, critical areas, or other unusual features that make it difficult or impossible to comply with the standard zoning requirements, a variance might be granted to accommodate these challenges.

Stanwood has two types of variances: administrative and non-administrative which requires a public hearing with the Hearing Examiner. This amendment is proposing to change the terms for these variances as follows:

Existing Term	Proposed Term
Administrative Variance	Minor Variance
Non-Administrative Variance	Major Variance

Council Policy Decision Issue:

The majority of the code changes include updating the City's procedures in accordance with state law and best practices, simplifying the text language and reorganizing the chapters to fit within the new Unified Development Code structure. However, there is one policy issue that Council should consider.

As an incentive, the Advisory Group requested that the city adopt a simplified permitting process for low-income housing projects. The procedures code includes an option for administrative review of subdivisions or TN mixed use projects to be reviewed administratively by staff instead of holding a public hearing with the Hearing Examiner.

Advantages: Allows for simpler permitting process without a public hearing, saving time and costs. It also has the potential to cut down on the amount of "NIMBY" opposition.

Concerns: Expediting review may not be sufficient to incentivize property owners to execute the restrictive covenant required to ensure long term affordability.

As written, the percent of dwelling units allowed is set at 50% of the development but that number could be adjusted. This means that 50% of the units could be rented at market rate. In addition, the low-income thresholds could also be adjusted. HUD's low-income level is 80% of Area Median Income.

18.230.020 Types of Review

- (e) An application for a project permit where the applicant commits to providing at least 50% of dwelling units in the project to households whose annual household income is at or below the current Low Income level for the area that includes the City, as established by the United States Department of Housing and Urban Development, at a rental rate of not more than 30 percent of monthly household income, may be processed as a Type 1 or Type 2 review depending on SEPA requirements. As a condition of permit approval, the applicant must be required to execute an affordable housing agreement that implements this subsection, in a form approved by the Director and City Attorney, and record it as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.

Fiscal Impact
No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.

RECOMMENDATIONS**Staff Recommendation:**

Staff recommends that the Council accept the first reading and proceed with the second reading of the proposed amendments.

Committee/Board Recommendation:

The Advisory Group, Planning Commission and City Council Community Development Committee have all reviewed the proposed amendments; their comments have been incorporated into the drafts. All groups have recommended to adopt the amendments. The Planning Commission's Findings of Fact and Conclusions are attached as exhibit B.

Planning Commissioner Questions & Comments (Excerpt from November 18, 2025, Minutes)

- Is there an expedited process for reviews for an additional fee? That was not written into this draft. The City does have a process to send out reviews to a consultant if staff has a high workload. This allows staff to stay within the specified review timelines.
- Who verifies that the RCW's listed are accurate? Our consultants and staff both verify that the citations are correct.
- Did the City receive any comments from the Department of Commerce and their 60-day review period? No, but the City did receive comments on Critical Areas that are reflected in the staff report.
- Commissioner Warnat motioned and Commissioner Warnat seconded Motion 1: Findings of Fact; to Approve the Findings of Fact and Conclusions for the Unified Development Code Ordinance 1543 as Presented on November 18, 2024. All Commissioners were in favor.
- Commissioner Warnat motioned and Commissioner Warnat seconded Motion 2: City Council Recommendation; to Recommend Approval of the Unified Development and Procedures Code Ordinance 1543 to the Stanwood City Council as Presented on November 18, 2024. All Commissioners were in favor.

CITY COUNCIL OPTIONS

1. Accept the first reading of Ordinance 1543 adopting Title 18, Unified Development Code and Permitting Procedures.
2. Request changes to Ordinance 1543 and direct staff to address specific Council issues or concerns prior to reconsidering the ordinance.

PROPOSED MOTION

"I MOVE TO ACCEPT THE FIRST READING OF ORDINANCE 1543 AS SET FORTH IN ATTACHMENT "A"."

**CITY OF STANWOOD
WASHINGTON****ORDINANCE NO. 1543**

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, ADOPTING A NEW SMC TITLE 18, UNIFIED DEVELOPMENT CODE AND TABLE OF CONTENTS IN THE STANWOOD MUNICIPAL CODE (SMC); ADOPTING PART 1 OF TITLE 18, APPLICATIONS; ADOPTING PART 2 OF TITLE 18, APPLICATIONS, ADOPTING PART 3 OF TITLE 18, PERMITS; ADOPTING NEW CHAPTER 17.01, APPLICABILITY; REPEALING PORTIONS OF TITLE 17 IMPLEMENTING SAID PORTIONS OF TITLE 18; ESTABLISHING SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, the City Council has opted to comprehensively revise and consolidate zoning, subdivision and development regulations in a new Unified Development Code in Title 18; and

WHEREAS, the amendments in this ordinance adopt the general provisions and permit procedures provisions for the new Unified Development Code; and

WHEREAS, the amendments were reviewed for consistency with the permitting requirements of RCW 36.70B Local Project Review; and

WHEREAS, the amendments integrate permit review timing and process changes mandated by 2SSB 5290 (2023) into the city's application procedures; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted the proposed Unified Development Code amendment for the 60-day review to the Washington State Department of Commerce on September 10, 2024. The 60-day review period was completed on November 9, 2024; and

WHEREAS, the code amendment was circulated for public review on September 24 through October 8, 2024. No comments were received on the amendment; and

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on September 24, 2024, and the comment / appeal period ended on October 8, 2024; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their September 18, 2024, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their October 3, 2024, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission held their first reading of the ordinance on September 9, 2024, held a public hearing on ordinance on October 14, 2024, and forwarded their findings of fact and conclusions recommending to approve the ordinance on November 18, 2024; and

WHEREAS, the City Council held a public hearing and first reading of the draft code amendment on January 23, 2025, a second reading on _____, and accepted public comment; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Stanwood Municipal Code Title 18, Unified Developed Code, is adopted as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Stanwood Municipal Code Title 17 is amended as shown in Exhibit B.

Section 3. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this _____ day of _____, 2025.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

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Title 18 Unified Development Code

i The new Unified Development Code is proposed for division into multiple parts, each including logical grouping of chapters. This ordinance would adopt the outline for the entire title, but only adopt content for selected chapters.

Part 1 General Provisions

i These chapters reflect the general provisions chapters of the zoning code, chapters 17.05-17.25.

Chapter 18.100 General Provisions.

18.100.010 Purpose

i This section is based on existing SMC 17.05.010 Purpose.

The purpose of this code is to establish standards, procedures, and minimum requirements to achieve the following general intentions and purposes for the city of Stanwood:

- (1) To establish regulatory procedures and standards for review and approval of all proposed development in the city;
- (2) To foster and preserve public health, safety, comfort, and welfare, and to aid in the orderly, aesthetically pleasing, and socially beneficial development of the city, in accordance with the Comprehensive Plan;
- (3) To adopt a development review process that is:
 - (a) Efficient, in terms of time and expense,
 - (b) Effective, in terms of addressing the natural, historic, and aesthetic resources and public facility implications of any proposed development, while also protecting and improving the quality of life in the city, and
 - (c) Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the city;
- (4) To implement the Comprehensive Plan of the city by:
 - (a) Establishing regulations and conditions governing the erection and use of future buildings, structures and land as specified in the Comprehensive Plan;

- (b) Securing safety from fire, panic, and other dangers;
 - (c) Lessening automobile congestion of the streets;
 - (d) Providing for adequate light and air;
 - (e) Preventing the overcrowding of land;
 - (f) Planning for population growth and facilitating the adequate provision of transportation, potable water, wastewater disposal, schools, parks, and other public requirements of the city;
 - (g) Establishing zoning districts, defining certain terms, designating the uses and intensities thereof that are permitted in the different districts, and providing lot size and other dimensional and density requirements;
 - (h) Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the city.
- (5) To regulate the subdivision of land to ensure that adequate public facilities are provided in developing portions of the city; to promote coordinated land development; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description;
 - (6) To ensure that all development in the city will be served by adequate public facilities;
 - (7) To require that all new land development activity contribute its proportionate share of the funds, land, and public facilities necessary to accommodate the impacts that such new development has on public facilities and services;

i Next line edited from “rational nexus” to “nexus and proportionality.”

- (8) To ensure nexus and proportionality exists between the proposed development and project conditions for which the need is reasonably attributable to the proposed development;
- (9) To provide for enforcement of this code;
- (10) To minimize and avoid public nuisances by preventing incompatible uses from locating adjacent or within close proximity to one another, and by conditioning certain uses in particular circumstances, thereby restricting those aspects of the uses that may be incompatible.

18.100.020 Establishing of Zones

The city of Stanwood is hereby divided into the following zoning districts:

- (1) SR (single-family residential) 12.4 zoning district;
- (2) SR (single-family residential) 9.6 zoning district;
- (3) SR (single-family residential) 7.0 zoning district;
- (4) SR (single-family residential) 5.0 zoning district;
- (5) MR (multiple-family residential) zoning district;
- (6) TN (traditional neighborhood) zoning district;
- (7) NB (neighborhood business) zoning district;
- (8) DMU (downtown mixed-use) zoning district;
- (9) GC (general commercial) zoning district;
- (10) PI (planned industrial) zoning district;

- (11) GI (general industrial) zoning district;
- (12) POS (parks and open space) zoning district;
- (13) PF (public facilities) zoning district.

18.100.030 Purpose and Intent of Zoning Districts

- (1) Single Family Residential 12.4 Zone. This designation shall provide for primarily for single-family residential and accessory dwelling units at a density of 3.5 units per acre.
- (2) Single Family Residential 9.6 Zone. This zoning district is intended to provide opportunities for moderate density residential development with larger lot sizes, and provide standards that encourage reasonable integration of new and existing residential areas, active and passive recreational facilities and activities that support these residential communities. The zone also supports public/quasi-public facilities such as secondary schools, community centers and parks that draw from and support the regional community. This zone implements the residential medium density land use designation in the Comprehensive Plan. This designation shall provide for primarily for single-family residential, townhouses, duplexes, triplexes and accessory dwelling units at a density of 4.5 units per acre.
- (3) Single Family Residential 7.0 Zone. This zoning district is intended to accommodate medium density residential development as infill on smaller lots than in moderate density designations but platted at a standard that is consistent with the density of the existing residential area, and to provide standards and uses to encourage reinvestment in and maintenance of existing properties, and provide supportive active and passive recreational facilities. The zone also allows public/quasi-public uses such as elementary schools, community centers, parks and community-based recreation facilities that support those uses and serve more than one residential area. This zone implements the residential medium density land use designation in the Comprehensive Plan and provides for primarily for single-family residential, townhouses, duplexes, triplexes, quadplexes and accessory dwelling units at a density of 6-7 units per acre.
- (4) Single Family Residential 5.0 Zone. This zoning district is intended to provide standards to maintain the smaller lot plat pattern of the pre-1940 subdivisions that predominate the areas in this designation; promote infill, redevelopment and maintenance of property consistent with the historic smaller lot pattern and older housing stock; provide infill housing at higher density on larger parcels, encourage active and passive recreational facilities such as community centers, parks and community-based recreation that support the neighborhood; and allow for public and quasi-public uses that are part of these areas due to this historic settlement pattern, such as elementary schools that may serve more than one neighborhood. This zone implements the residential medium density land use designation in the Comprehensive Plan and provides for primarily for single-family residential, townhouses, duplexes, triplexes, quadplexes and accessory dwelling units at a density of 9-10 units per acre.
- (5) MR (Multi-Family Residential) Zone. This designation shall provide for small lot single family and multi-family residential development at a range of densities between 10 and 20 dwelling units per acre. Small amounts of commercial uses such as schools, churches, daycare centers, live-work units, or small office where a full range of public facilities and services to support urban development exists should be allowed. Generally, this designation is appropriate for land which is located convenient to principal arterials and to business and commercial activity centers.
- (6) NB (Neighborhood Business) zone. This designation shall comprise retail and service businesses which serve the limited convenience shopping and personal service needs of the immediate surrounding neighborhood.
- (7) TN (Traditional Neighborhood) Zone. The purpose of the Traditional Neighborhood land use designation is to provide an alternative to typical residential developments. Developments in the Traditional Neighborhood designation are intended to develop in a higher density, mixed-use fashion more typical of older neighborhoods. It features requirements for common open space, through streets and a mix of housing

types. This designation shall provide for residential development at densities of 10-20 dwelling units per acre. An allowance for commercial development shall also be allowed.

- (8) DMU (Downtown Mixed-Use) Zone. The intent of the Downtown Mixed-Use land use designation is to create a dense, mixed use, pedestrian-friendly shopping environment reminiscent in design and uses to a turn-of-the-century downtown. This designation generally applies to downtown Stanwood. The purpose of the Downtown Mixed-Use zoning is to permit a complementary mix of residential and commercial uses in a single district creating a walkable community. This district allows a combination vertical mixed-use and horizontal mixed-use, thus creating an area containing mixed-use buildings as well as distinct single-use buildings in close proximity to each other. Mixed-use buildings, with residential above or behind commercial/retail space, shall be allowed along the City's primary streets in downtown (270th Street, 271st Street, 92nd Avenue, and 88th Avenue). Whereas standalone residential buildings may be permitted on the secondary streets with no direct access to the primary streets. Developments should be designed so that shoppers are less dependent on the automobile. In general, zero lot line development shall be maintained with store fronts and common walls. Parking shall be located on the street or to the rear of buildings. On-street parking will be on both sides of the street, and diagonal in the east end. Public parking areas may be necessary to assist people in leaving their cars and traveling on foot. Within the historic downtown commercial areas, the City will allow flexible interpretations of standards to encourage re-investment in, re-use and maintenance of structures that display historic period architectural character and scale. The architectural styles representative of commercial and residential buildings that existed from 1890 through the 1920s should be maintained.
- (9) GC (General Commercial) Zone. This designation comprises more intensive retail and service uses than described in the Downtown Mixed-Use zone. General commercial uses typically require outdoor display and/or storage of merchandise that tend to generate noise as part of the operation. Such uses include, but are not limited to grocery stores, pet stores, drug stores, medical clinics, recreational facilities vehicle sale lots, tire and muffler shops, and equipment rental. Many of the businesses allowed in the DMU district are also allowed in this district. This designation is also meant to include the development of high-density multi-family housing including both: 1) vertical mixed use with commercial / retail space on the bottom floor and residential above; or 2) horizontal mixed-use buildings where commercial building(s) face the street frontage and standalone multifamily buildings are located behind and setback from the commercial / retail buildings.
- (10) PI (Planned Industrial) Zone. The intent of the Planned Industrial land use designation is to create a district that permits activities involved in the manufacture, repair, or service of goods, or products that are conducted with minimal adverse impact on the environment and the general community, as well as retail and office uses. The PI zone is intended to accommodate a variety of commercial and industrial uses that complement typical light industrial complexes. Industrial, commercial, commercial or retail business uses desiring to locate in the PI zone must meet the architectural and performance standards for this district. The PI uses shall not adversely affect the health and safety of adjacent non-industrial and residential neighborhoods.
- (11) GI (General Industrial) Zone. This designation comprises more intensive industrial type uses than those permitted in the Planned Industrial zone. Uses in the GI zone require equipment, devices or technology for the control of odors, dust, fumes, smoke, noise, or other wastes and/or by-products from affecting adjacent properties. The GI uses shall not adversely affect the health and safety of adjacent non-industrial and residential neighborhoods. Examples of General Industrial uses include large indoor manufacturing facilities, automotive repair, construction yards or material storage and the water and wastewater treatment plant.
- (12) POS (Parks and Open Space) Zone. The parks and open space zoning designation is applied to lands which are to be maintained as park space or natural open spaces in perpetuity by the city. Many of these lands have underlying contractual agreements with either the Washington State Recreation and Conservation

Office, conservation futures easements, or critical area easements. The POS designation should be applied to public park properties identified in the city's parks, recreation and open space plan.

- (13) PF (Public Facilities) Zone. This designation is applied to lands that are used as public lands and facilities, including utilities, schools, railroad, and the wastewater treatment plant.

18.100.040 Establishment and Interpretation of Zoning Maps

i This section is based on existing SMC Chapter 17.15. Retitled to add "interpretation."

- (1) The boundaries and identification of the zoning districts established by this code are shown on the zoning map which is filed in the office of the city clerk (with copies in the planning department). Said map is hereby declared to be part of this code as fully as if set out herein.
- (2) No building or land may be used and no building may be erected or altered except in conformity with the regulations herein prescribed for the district designated and identified on the zoning map in which such building, land, or water is located.
- (3) Zoning district boundaries are shown as heavy solid lines on the zoning map and may be superimposed on lighter lines designating platted lot lines, streets, and other physically identifiable ground features, unless specific distances in feet or angles, bearings, radii, or other references to a boundary line located are specified.
- (4) Zoning district boundary lines, when located in streets or other public rights-of-way, must be interpreted as being located in the centerline of such rights-of-way. When distances expressed as linear footage are shown between a zoning district and a street, the distance must be interpreted as being between said boundary line and the centerline of said street, unless otherwise specified.
- (5) Boundary lines between zoning districts which are interrupted on the zoning map to show street names or other identification numbers must be interpreted as extending through such identification, unless otherwise specified.
- (6) When the exact location of a zoning district boundary line is not clear, it must be determined by the Director, with due consideration given to the location as indicated by the scale of the zoning map. When, for any reason, the streets or alleys as they actually exist on the ground differ from the depiction of said streets and alleys as they are shown on the zoning map, the planning director may apply the district designations on the map to the streets on the ground in such manner as to conform to the intent and purpose of this code.
- (7) Where a zoning district boundary line shown on the zoning map divides a lot of record, the property owner has the option of choosing either of the two districts to apply to the entire lot area, or may subdivide the lot to retain both districts as mapped so long as all of the standards and requirements of the relevant performance standards can be met.

18.100.050 Rulemaking Authority

i This section is based on existing SMC 17.80.150 Rule making authority. The objective is to provide rulemaking authority for the entire UDC.

- (1) Consistent with the intent of the Comprehensive Plan and this title, the Director may issue written rules as the Director deems necessary to carry out the provisions of this title. Such rules may include but are not limited to the following:
 - (a) Information to be required in the application, including, without limitation, proof of legal interest in the property, authority to sign the application, drawings, maps, data, and charts concerning land and uses and areas in the vicinity of the proposed development, and appropriate supplementary data reasonably

required to describe and evaluate the proposed development and to determine whether the proposed development complies with statutory criteria under which it might be approved; and

(b) Requirements for the conduct and continuance of public hearings and the methods of providing public notice on projects and permits.

(2) The Director may administratively determine the format and contents of permits, application forms, application checklists, additional information needs, and notices above and beyond the minimums set forth in this code.

18.100.060 Administrative Interpretations

i This section is based on existing SMC 17.80.160 Administrative interpretations, broadened to describe entire UDC (rather than previously the "zoning code").

i Deleted section about appeals, etc., because that is handled by procedures chapters.

This section establishes the procedure and criteria that the city will use in deciding upon a written request to interpret the provisions of this title. The interpretation of the provisions of a development agreement or concomitant agreement will be treated as an interpretation of the unified development code.

- (1) Applicability. This section applies to each written request to interpret the provisions of the unified development code, with the exception of unclassified uses.
- (2) Purpose. An interpretation of the provisions of the unified development code clarifies conflicting or ambiguous wording or the scope or intent of the provisions of the unified development code. A request for a code interpretation must relate to a specific site, zoning district, classified use, or application within the city of Stanwood. An interpretation of the provisions of the unified development code may not be used as, or considered to be, an amendment to the unified development code.
- (3) Application Requirements. Any person requesting an administrative interpretation must submit a written request on a form provided by the city specifying each provision of the code for which an interpretation is requested, why an interpretation of each provision is necessary, and any reasons or material in support of a proposed interpretation.
- (4) Procedure. An application for an administrative interpretation follows the procedure described in Title 18 Part 2. The Director must interpret the provisions of the unified development code in conformance with this section.

i Deleted existing paragraph (c) referring to unclassified uses because such uses are not within the applicability statement of this section.

- (5) Timing. An administrative interpretation requested by a person other than the project proponent or property owner must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates. An administrative interpretation requested after the applicable appeal period may not affect an issued permit or decision.
- (6) Factors for Consideration. In making an administrative interpretation, the Director must consider the following factors:
 - (a) The applicable provisions of the unified development code, including their purpose, intent, and context;
 - (b) The impact of the interpretation on other provisions of the municipal code;
 - (c) The implications of the interpretation for development within the city as a whole;
 - (d) The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and

- (e) Any applicable state statutes and court decisions.
- (7) Effect of Interpretation. An interpretation of the code issued under this section has the same effect as any provision of the unified development code.
- (8) Time Limitation. An administrative interpretation of the code remains in effect until rescinded in writing by the director or this title is amended to implement or override the interpretation.
- (9) All administrative interpretations must be posted on the City's website.

18.100.070 Violations

i This section is based on existing SMC 17.80.490 Violations. Deleted paragraphs purporting to give unlimited inspection authorization to city staff, and authorizing withholding permits.

- (1) Any person violating any provisions of this title is subject to enforcement per SMC Title 13.
- (2) Any building, structure, development, activity, land use, or division of land, not in conformance with this title and not a legal nonconformance or exempted by a policy governing existing nonconforming structures or uses, is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in SMC Title 13.
- (3) The Director must withhold issuance of any occupancy permit until the provisions of this code, including the conditions on any permit issued thereunder, have been met.
- (4) The Director must regularly monitor a permittee's compliance with the terms and conditions of its project permit.

Chapter 18.102 Definitions and Rules of Interpretation.

i The definitions that appear below are new material that is necessary to the adoption of new Title 18. Definitions in existing Chapter 17.20 will be migrated here when Title 18 is completed.

18.102.010 Applicability

- (1) The definitions in this chapter apply to terms used throughout Title 18.
- (2) Definitions in SMC Chapter 17.20 are being migrated to SMC Chapter 18.102 in the City's new Unified Development Code. Definitions in SMC Chapter 17.20 remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18 control for regulations in SMC Title 18.

18.102.015 Rules of Interpretation

i The rules in existing SMC 17.20.005 are now found in SMC Chapter 1.02.

- (1) The rules of interpretation in SMC Chapter 1.02 apply to this title.
- (2) The word "used" includes designed, intended, or arranged to be used.
- (3) Distances must be measured horizontally unless otherwise specified.

18.102.020 "A" Definitions

18.102.030 "B" Definitions

18.102.040 "C" Definitions

i This definition of cultural resources is based on WAC 365-196-450.

"Cultural resource" means a land, site, or structure that has cultural, historical, archaeological, or tribal significance, or another traditional cultural property.

"Department" means the Community Development Department.

"Director" means the Director of Community Development appointed per SMC Chapter 2.08, or the Director's designee.

"Development permit" means a project permit as defined in this chapter.

18.102.060 "E" Definitions

18.102.070 "F" Definitions

"Fish and Wildlife Habitat Conservation Area" means an area that serves a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. This area may include, but is not limited to, a rare or vulnerable ecological system, community, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and an area with high relative population density or species richness.

18.102.080 "G" Definitions

"Geologically Hazardous Area" means an area that, because of its susceptibility to erosion, sliding, earthquake, or other geological events, is not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

18.102.090 "H" Definitions

"Habitat Assessment" means a site-specific evaluation to determine the location, extent and function of fish and wildlife habitat on a property. It involves identifying and analyzing physical, biological, and environmental factors to determine the habitat's ability to support specific species, biodiversity, and ecosystem processes.

"Habitat Management Plan" Means a mitigation plan that outlines specific actions and practices to conserve, restore, and enhance habitats to support targeted species, biodiversity, or ecosystem functions.

18.102.100 "I" Definitions

18.102.110 "J" Definitions

18.102.120 "K" Definitions

18.102.130 "L" Definitions

18.102.140 "M" Definitions

18.102.150 "N" Definitions

18.102.160 "O" Definitions

18.102.170 "P" Definitions

"Project permit" includes the meaning established in RCW 36.70B.020, or any other permit or authorization required by the Department for construction or exterior alteration of structures (including building permits and other permits issued pursuant to SMC Title 18), dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with Conversion Option Harvest Plans as defined in Chapter 222-16 WAC, or other site disturbance; but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

18.102.180 "Q" Definitions

"Qualified professional" means a person with experience and training in a field that is applicable to the work to be performed by this person. For critical areas qualified professional means:

- (1) Wetlands or Fish and Wildlife Habitat: a person with a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of relevant work experience.
- (2) Geologically Hazardous Areas: a geotechnical engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrologic, and groundwater flow systems; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with experience analyzing geologic, hydrologic and groundwater flow systems, who has experience preparing reports for the relevant type of hazard.
- (3) Critical Aquifer Recharge Areas: a hydrogeologist, geologist, or engineer, who is licensed in the state of Washington and has experience in preparing hydrogeologic assessments.
- (4) Frequently Flooded Areas: a hydrologist or engineer and who is licensed in the state of Washington with experience in preparing flood hazard assessments.

18.102.190 "R" Definitions

Review time period: the allowed time for review of a project permit application specified for each type of review in Table 18.230.020-1, Types of Review and calculated by SMC 18.230.040, Timing of Review.

18.102.200 "S" Definitions

18.102.210 "T" Definitions

18.102.220 "U" Definitions

18.102.230 "V" Definitions

18.102.240 "W" Definitions

18.102.250 "X" Definitions

18.102.260 "Y" Definitions

18.102.270 "Z" Definitions

Part 2 Applications

i Part 2 is the collection of procedural provisions that is the primary focus of this ordinance.

Chapter 18.210 General Provisions

i This is a new chapter based on existing SMC Chapter 17.80 Article I, General Provisions.

18.210.010 Purpose.

i This is existing SMC 17. 80.100.

In enacting regulations to conform with Chapter 36.70B RCW, the city intends to establish a mechanism for implementing the provisions of the Growth Management Act regarding compliance, conformity and consistency of land use development permit review with the city's adopted Comprehensive Plan and existing development regulations. In order to achieve this purpose, the city finds that:

- (1) Considerable time and effort went into the adoption of the city's Comprehensive Plan under the mandates of the Growth Management Act. The Comprehensive Plan and the city's supporting development regulations identify land use types, densities, minimum development standards, and mitigation for critical areas and public impacts. These documents are the foundation for project and environmental review in the city. The city may not reanalyze these basic land use planning decisions when making a permit decision.
- (2) The land use development permit review process must determine consistency between the proposed project and applicable regulations or plans through an integrated project and environmental impact analysis that run concurrently with each other, not separately.
- (3) This chapter provides a coordinated review of zoning and other development regulations to ensure that proposed site development complies with the city's Comprehensive Plan, zoning regulations, public works standards, and other applicable development regulations.

18.210.020 Applicability.

i This is existing SMC 17.80.110 Applicability. Deleted section about rulemaking, which is now in 18.100.050.

The provisions of this part apply to all development permits identified in this code and to any related regulation implementing these provisions or any other ordinance or law.

18.210.030 Permit Required

i This is existing SMC 17.80.120 Permit required, renumbered.

- (1) A permit is required for any of the following including but not limited to:
 - (a) buildings and work not exempt under the adopted building codes;
 - (b) boundary line adjustments;
 - (c) subdivisions;
 - (d) binding site plans;
 - (e) planned unit developments;
 - (f) conditional uses or variances;
 - (g) shoreline substantial development;
 - (h) site plan review;
 - (i) signs;
 - (j) permits or approvals required by critical area ordinances;
 - (k) permits subject to review under the State Environmental Policy Act (SEPA);
 - (l) right-of-way encroachment activities per Title 11;
 - (m) engineering permits (e.g., right-of-way, clearing, grading, filling), and
 - (n) site-specific rezones authorized by the comprehensive plan or a subarea plan.
- (2) No permit or approval may be issued for any parcel of land developed or divided in violation of this title.

18.210.040 Permit Exemptions

i This is existing SMC 17.80.130 Exemptions.

- (1) Notwithstanding any provision in this title to the contrary, no permit is required pursuant to this chapter for the following types of development:
 - (a) Accessory structures in a residential zone that do not require a building permit according to the most recently adopted International Building Codes;
 - (b) Fences;
 - (c) Adoption or amendment of a comprehensive plan, subarea plan, or development regulations, which are legislative actions that must be adopted by the City Council by ordinance; and
 - (d) Annexations, which are processed per Chapter 17.158 SMC.

- (2) Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster or serious accident, or in other cases of emergency, the requirement of obtaining a permit prior to initiating such action under this section may be waived by the Director. The applicant must notify the Director, in writing, of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. Work must be commenced within 30 days following the disaster, accident, or other emergency. However, this does not preclude the requirement for building permits for such activity. One 30-day extension may be permitted by the Director if progress towards project completion is demonstrated.

18.210.050 Fees

i This is a new general section.

- (1) The City may establish requirements for fees for various types and classes of permits through its adoption of a fee schedule per SMC 3.20.040.
- (2) Fee refunds are allowed per SMC 3.20.100.

18.210.080 Vesting

i This is existing SMC 17.80.210 Vesting.

- (1) An application for a project permit, except those which seek variance from land use regulations, must be considered under the development regulations in effect on the date of a complete application. For purposes of this section the “date of a complete application” means the date on which the application is deemed or determined complete.

i Deleted paragraph about determination of completeness, which is handled elsewhere.

- (2) Supplemental information required after vesting of a complete application does not affect the validity of the vesting for such application unless the information is requested because incorrect information was submitted by the applicant and if the incorrect information would materially affect the final decision on the application.
- (3) An applicant-requested modification occurring either before or after issuance of the permit eliminates vesting when such modification would result in a substantial change in a project’s review requirements, as determined by the Director. Under such a condition, the application will be deemed a new application. See SMC 18.220.040, Application Revision.
- (4) Applications for subdivisions that propose to create offspring lots within a parent site comprising existing detached condominiums or attached townhouses for which a grading or building permit has been issued vest to the site development requirements and standards in effect at the time such grading or building permit application was determined to be complete by the city.
- (5) Building permits that may be subsequently required to construct or complete a vested site development permit are subject to the edition of the building code in place at the time of application.
- (6) Nothing herein restricts the Director’s authority to impose permit conditions pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.
- (7) Filing an application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, are those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.

18.210.090 Decision Criteria

i This section is based on existing SMC 17.80.140 Permit approval criteria.

- (1) A permit must be granted if the city finds, based on substantial evidence in the record, that the development is consistent with the goals, policies, requirements and performance standards of the Stanwood Municipal Code, the street and utility standards, and other applicable laws and regulations. Consistency must be established by determining if the following four factors have been met:
 - (a) The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied.
 - (b) The level of development, such as units per acre or other measures of density, meets the zone for which it is located, including any density bonus provisions.
 - (c) Availability and adequacy of infrastructure, public facilities and services needed to serve the development as identified in the Comprehensive Plan, including but not limited to: transportation, utilities, parks, and capital facilities.
 - (d) The character of the development is consistent with all applicable development and design standards.
- (2) The project as proposed must incorporate, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development.
- (3) The project must be connected to the city water, sewer, and stormwater systems.

Chapter 18.220 Applications

i This is a new chapter based on existing SMC Chapter 17.80 Article II, Application Provisions and Procedures.

18.220.020 Pre-application meeting

i This is based on existing SMC 17.80.200 Pre-application meeting.

i Deleted section about pre-app meetings being free; that should be set by fee schedule.

- (1) The purpose of a pre-application meeting is for the applicant to provide preliminary information and specific questions regarding the development proposal, and for the City to provide the applicant with preliminary information about development requirements, procedural and application requirements (e.g. applications and fees required), known community concerns (if any), and answers to specific questions asked by the applicant.
- (2) For the city to accurately evaluate the proposed project at the pre-application meeting, the applicant must provide at a minimum a draft site plan, preliminary grading and critical area plans, and locations of drainage and utility connections.
- (3) At the applicant's request, a pre-application conference may be scheduled with representatives of the city planning, engineering, fire and building departments. The purpose of the pre-application process is for the applicant to provide city staff with the necessary information about the proposed project and site conditions so that the city can provide the applicant with the requirements that must be met in order to have the proposed project proceed through the formal permit review process.

- (4) It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the meeting do not bind or prohibit the city's future application or enforcement of all applicable laws.
- (5) Information provided at the pre-application meeting, including but not limited to conceptual site and civil construction plans, building concepts, environmental documents or interpretation requests, does not vest a development.
- (6) While pre-application meetings are informational in nature, it is the responsibility of the applicant to ensure their project meets the minimum requirements of the Stanwood Municipal Code and city street and utility standards.

18.220.030 Application Contents

i This is based on existing SMC 17.80.220 Submittal requirements.

i New directive to submit applications via online system.

- (1) An application for a project permit must provide the information required on the relevant application checklist provided in this section and be submitted on the forms and using the electronic system provided or as directed by the Department.
- (2) Applications must include:
 - (a) Scaled Drawings. Site and construction plans drawn to an engineering scale of appropriate size to read and verify drawing elements.
 - (b) Plans. Unless waived by the Director, plans must be prepared by a registered engineer, architect, landscape architect, or land surveyor illustrating the proposed development of the property.
 - (c) Evidence of Ownership or Legal Interest. An application must be signed by the property owner or an authorized representative. An authorized representative must demonstrate authorization, on forms provided by the department, from the property owner to sign and submit the application on behalf of the property owner.
 - (d) An accurate address, assessor's parcel number(s), and legal description of the property subject to the requested permit.
 - (e) A statement signed by the applicant stating that the information as shown on the plans, maps, and application is true and correct. Any failure to comply with the provisions of this section is good cause to deny the application.
- (3) Application and inspection fees must be paid at the time of application as set forth in the fee resolution adopted by the city council.

i The following is based on existing SMC 17.80.260 Complete application requirements.

- (4) Tables 18.220.030-1 and 2 reflect the required components for an application to be determined procedurally complete.
 - (a) City of Stanwood requires electronic project application through the portal on the City's website;
 - (b) Application materials are marked as "required," "required upon request," and "not required";
 - (c) Additional information may be required on a case-by-case basis depending on the complexity of the application; and
 - (d) Critical Areas review pursuant to SMC Title 18 Part 8 is required when indicated by the tables and when applicable pursuant to SMC Title 18 Part 8.

- (5) The Director may waive, in writing, specific application requirements or additional material, such as maps, studies, or models, when the Director determines that the item:
- (a) is not relevant to the proposed project;
 - (b) is irrelevant based on site conditions; or
 - (c) is met by existing submitted or adopted documents.
- (6) Due to variations in land conditions, similar permits may require different application requirements. To determine if an element of a permit application is required beyond those noted as “required” in the tables, contact the Planning Department to schedule a general information meeting.
- (7) The application requirements listed in the tables are for City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to determine whether other permits are required.
- (8) In the tables in this section:
- (a) Table 18.220.030-1 organizes the types of permits or decisions into groups based on type of review shown in SMC 18.230.020.
 - (b) Table 18.220.030-2 shows the required elements of an application for each group of permits.
 - (c) Items listed in the “Before Final Plat/Certificate of Occupancy” category may be deferred until the time of final plat or certificate of occupancy.
 - (d) The ● symbol indicates the item that is required for a complete application.
 - (e) The □ symbol indicates the item must be submitted to the Department when code requires or upon request.

i The following tables are reworked and consolidated from the tables in existing SMC 17.80.260.

Table 18.220.030-1 Types of Review and Permit Groups

Group	Types of Permit or Decisions
1A	Zoning Interpretation, Code Enforcement, Home Occupation
1B	Single Family Building Permits (Bldg, Mech, Plumb), Fire, Accessory Dwelling Units, Floodplain, Manufactured Home Infill, Sign
1C	Multifamily < 39 Units, Commercial / Industrial < 12 K SF, Mixed Use < 19 Units, TN Public Facilities
1D	Wireless Communication Facilities (Small Cell, Co-Located, Minor Modifications)
1E	Parcel Combination, Boundary (Lot) Line Adjustment, Final Plat
1F	Traffic Concurrency Evaluation, Water/Sewer Concurrency Evaluation, Encroachment (ROW), Right-of-Way, Grading
2A	Zoning Interpretation, Code Enforcement, Home Occupation
2B	Minor Variances, Right to Farm, Waiver of 6-Year Forest Practice Moratorium
2C	Multifamily > 40 Units 11, Commercial / Industrial > 12 K SF 11, Mixed Use < 20 Units 11, Reasonable Use, Shoreline Substantial Development
2D	Binding Site Plans, Short Plats
3A	Appeals – Code Enforcement, Building Code, Administrative Decisions
3B	Conditional Use, Preliminary Plats, Cottage Plat, Offspring Subdivision, Essential Public Facilities, Major Variance, Shoreline Conditional Use Permit, Shoreline Variance, TN Residential Subdivisions, TN Mixed-Use Development
3C	Forest Practice Waiver - Nonresidential
3D	Wireless Communications Facilities – Mono Pole, Deviation
4A	Development agreements, Site-specific rezones

Table 18.220.030-2 Application Requirements by Permit Group

Application Element	1A	1B	1C	1D	1E	1F	2A	2B	2C	2D	3A	3B	3C	3D	4A
General Application															
Permit Application		●	●	●	●	●		●	●	●		●	●	●	●
Written Request from Applicant	●						●				●				
Project Narrative	●	□	●	●	●	●	●	●	●	●	●	●	●	●	●
Review Fee ¹	□	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Legal Description			●	●	●	□			●	●		●		●	●
Vicinity Map or Aerial Photograph			●	●	●	□	□	□	●	●		●		●	●
Water/Sewer Availability Letter ²			●						●	●		●			●
Site Plans															
Site Plan ³		●	●	●		●	□	□	●	□		□		●	●
Landscape Plan ³			●	□		□		□	●	●		□		□	□
Tree Retention Plan ³			□	□		□			□	□		□			□
Plat Map ⁴					●	□				□		□			
Building Plan Set		●													
Building Elevations		●	●						●			□		□	□

Application Element	1A	1B	1C	1D	1E	1F	2A	2B	2C	2D	3A	3B	3C	3D	4A
Civil / Engineering ⁵															
Drainage Report		☐	●	☐		☐	☐		●	●		●		☐	☐
Traffic Control Plan						☐	☐								☐
Traffic Impact Study ⁶			●			☐	☐	☐	●	●		●			☐
Grading and Clearing Plan		☐	●			☐	☐		●	●		●		●	☐
Road and Drainage Plans		☐	●		●	☐	☐		●	●		●		●	☐
TESCP (Erosion Control Plan)		☐	●			☐	☐		●	●		●		☐	☐
Topography (Existing Conditions)		☐	●	☐	☐	☐	☐		●	●		●		●	☐
Water / Sewer / Utility Plans		☐	●		☐	☐	☐		●	●		●		●	☐
Boundary Line Survey / Map		☐	☐	☐	●	☐		☐	☐	●		☐		☐	☐
Environmental															
SEPA Checklist ⁷							●		☐	☐		☐		☐	●
Critical Areas Report / Memo		☐	●	☐		☐	☐		●	●		●		●	●
Wildlife Habitat Report (floodplain)		☐	☐	☐		☐	☐		☐	☐		☐		☐	☐
Archaeology / Cultural Report		☐	☐	☐		☐	☐		☐	☐		☐		☐	☐
Inadvertent Archaeological Discovery Plan		☐	●	☐		●	☐		●	●		●		●	☐
Geotechnical Report		☐	☐	☐		☐	☐		☐	☐		☐		☐	☐
Other															
Public Notice Materials ⁸							●	●	●	●	☐	●		●	●
School Safe Walking Conditions Assessment			●						●	●		●			☐
Title Certificate (< 30 days old)					●					●		☐			
Lot Closures					●					●		☐			
Boundary Line Affidavit Form					☐							☐			
Photo Simulations (WCF)				●										●	
Before Final Plat/Certificate of Occupancy															
Deeds/Easements / Conveyances		☐	☐	☐	☐	☐		☐	☐	☐		☐		☐	☐
Maintenance Agreements for Shared Facilities		☐	☐	☐	☐	☐		☐	☐	☐		☐		☐	☐
Sureties / Bonds ⁹		☐	☐		☐	☐			☐	☐		☐			☐
Electronic CAD As-Built Plans		☐	●	☐	●	☐			●	●		●		☐	

Footnotes:

1. See the City of Stanwood Adopted Fee Schedule
2. Water / Sewer Availability must be determined prior to application and letters submitted.
3. See Site Plan Application Requirements for required specifications.
4. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Application Requirements for required specifications.
5. See Engineering Plan Application Requirements for required specifications.
6. See the City of Stanwood Transportation Study Guidelines to determine the level of traffic study needed.

7. See the SEPA Checklist Requirements for Categorical Exemption Thresholds.
8. See Public Notice Materials for requirements.
9. See Sureties/Bond Application Requirements for required specifications.

18.220.040 Application Revision

i This section is new material.

(1) Applicability.

- (a) This section applies to applications that have been submitted for review but not for issued permits.
- (b) For rules regarding revisions of issued permits, see SMC 18.310.020.
- (c) For rules regarding alterations of subdivisions, see SMC Title 16.

i The following line attempts to eliminate any distinction between a “revision” and some other response to requests for more information. This clarity is important for compliance with the new review time period requirements.

- (d) Any response to the Department’s written request for more information on an application is considered a revision to the initial application.

(2) Minor revisions authorized.

- (a) An applicant may make minor revisions to the application after the determination of completeness. A “minor revision” to an application includes changes to:
 - (i) floor plans that do not substantially alter the site plan;
 - (ii) exterior building configurations that do not create a substantially greater bulk or scale;
 - (iii) building placement that does not change the general location and layout of the site;
 - (iv) grading alterations that do not change the basic concept, significantly increase slopes, or building elevations, or change course of drainage which could adversely affect adjacent or surrounding properties.
- (b) A minor revision does not include:
 - (i) change in the type of construction (e.g., site-built to manufactured home, wood-frame to steel);
 - (ii) change in occupancy that requires substantial change to the structure (e.g., garage to ADU).

- (3) Any revision other than a minor revision requires a new application, which restarts the applicable Review Time Period. The Director may authorize fees paid to be refunded per SMC 3.20.100.

18.220.050 Application Withdrawal

i This section is new material.

- (1) Applicability. This section applies to any application submitted for review under this Chapter.
- (2) An applicant may withdraw an application at any time via notice in writing to the Department. Withdrawal of an application stops all review. Review of a withdrawn application may not be restarted.
- (3) Application fees may be refunded only as allowed by SMC 3.20.100, refunds.

18.220.060 Application Expiration

i This section is new material.

- (1) Applicability. This section applies to any application submitted for review under this Chapter.
- (2) Application expiration.
 - (a) Unless review is suspended under SMC 18.230.040(3)(b), if the Department requests more information from the applicant about the application, the applicant has 120 days to respond with the requested information.
 - (b) If the applicant does not respond within the required period, the Director may expire the application for failure to timely submit requested information by providing the applicant with written notice of expiration.
 - (c) If the Director expires an application, the applicant must submit a new application, including any applicable fees, to restart the review process.
 - (d) The Director may grant one or more 3-month extensions (not to exceed three extensions) if:
 - (i) a written request for extension is submitted prior to expiration of the application;
 - (ii) based on information in the request, the Director concludes that the applicant is making reasonable progress toward submitting the required information;
 - (iii) in the opinion of the Director, extraordinary circumstances excuse a delayed response.

18.220.070 Applications for Phased Projects

i This is existing SMC 17.80.240 Phased permit applications.

- (1) Projects may be completed in phases, provided the phasing meets the requirements of this section and conforms to the approved phasing plan. The regulations in effect at the time of the original approval continue to apply.
- (2) An applicant must describe and submit site plans that clearly show the various phases or stages of the proposed development and how the requirements of this title will be satisfied with respect to each phase or stage.
- (3) Each phase must stand on its own in terms of meeting the requirements of the permit and this title. For example, improvements necessary to support Phase 1 cannot be deferred to be constructed in Phase 2.
- (4) The vehicle and pedestrian circulation pattern at the end of each phase must result in a configuration that does not create traffic hazards and that adequately supports the level of traffic anticipated to be generated during each phase.
- (5) Phased development authorized in one permit may be commenced with separate building permits; however, each phase must be initiated prior to the overall permit expiration period as provided in Table 18.310.010-1, Permit Terms and Extensions. All construction must conform to the International Building Code and International Fire Code regulations in force at the time of building permit application.

18.220.080 Reapplication

i This section is based on existing SMC 17.80.480 Reapplications.

- (1) Reapplication Following Denial of Permit. Whenever an application for a land use permit or a variance is denied, the same or similar permit application may not be resubmitted for a period of one year from the date of denial unless the applicant clearly demonstrates that:
 - (a) The zoning classification or relevant development standards have changed;
 - (b) New information is available that could not with reasonable diligence have been presented at a previous hearing; or
 - (c) The project is modified in such a manner so as to correct the defects on which the original denial was based.

Chapter 18.230 Review Process

i This is a new chapter based on existing SMC Chapter 17.80 Article III, Permit Review Procedures.

18.230.010 Foundation of Review

i This is existing SMC 17.80.300 Purpose.

It is the intent of this chapter to provide the review procedures for applications and land use actions classified as Types 1 through 4 permits. These procedures are intended to outline the permitting process once an application has been submitted.

18.230.020 Types of Review

i This section is based on existing SMC 17.80.230 Permit types and existing SMC 17.80.310 Permit review process. The narrative descriptions of review types contained within those sections has been removed in favor of describing the processes in only one place, i.e., the table.

- (1) Decisions on permit applications are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decisionmaker.
- (2) Table 18.230.020-1 identifies the type of review applicable to each type of application or decision and describes the process for each type of review.
 - (a) The types of applications and decisions that are subject to each type of review are listed in the first row beneath the header for each type.
 - (b) The processes required for each type of review are further described by the remainder of the column beneath the heading for each type.
- (3) The Director must determine the proper review type for all applications consistent with Tables 18.230.020-1 and 18.230.020-2 and this subsection.
 - (a) Consistent with the integration of environmental review required by SMC 18.230.020, if a project that would otherwise be characterized as Type 1 requires SEPA review (is not SEPA-exempt), it must be processed as a Type 2 (or higher) review.

- (b) See SMC 18.230.030 for the process for consolidation of multiple applications for a single project.
- (c) If there is a question as to the appropriate type of process, the Director must resolve it in favor of the higher-numbered type.

i Next line is based on 17.80.230(1) and (4).

- (d) If a permit or land use action is not listed, the Director is authorized to determine the appropriate review type based on the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input, and the type of appeal opportunity.

- i** The table below consolidates existing SMC 17.80.230, Table 1, and existing SMC 17.80.310, Tables 3A and 3B.
- i** Existing code created a fifth type of review for City Council decisions on street vacations, final plat approvals, and annexations. Final plat approval, as a ministerial action, is moved to Type 1 per recent amendment of RCW 58.17.100. Street vacations and annexations are not project permits, are not subject to the requirements for project permits, and not included in this table.
- i** Existing code differentiated between the forest practices waiver for the six-year moratorium on development for single-family residential versus other development. That distinction is no longer supported by state law, so all forest practice waivers are now Type 2.
- i** Existing code included a public meeting before the Planning Commission prior to a decision by the Hearing Examiner for some types of permits. This is contrary to best practice and may be violative of the limitation in RCW 36.70B for only a single public hearing to be held on a given application. This meeting has been removed.
- i** Moved Concurrency Evaluation to Type 1.
- i** Review time periods under existing SMC 17.80.360 are 120 days for all permits. RCW 36.70B.080, amended by 2SSB 5290 in 2023, requires local governments to adopt new review time periods specific to various types of permits. The proposed time periods below are the defaults from the statute, but may be modified, but “should” not exceed the default time periods.
- i** Existing code did not clearly distinguish multifamily or commercial/industrial developments at the threshold levels between review types.
- i** Deleted existing code “developments with 5+ substantive comments”. This provision is not a best practice, would make it more difficult to achieve the new statutorily required review periods. Instead permit types have been listed based on number of units or square footage.

Table 18.230.020-1 Types of Review

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 City Council decision
Applications Subject to this Type of Review	• Single-Family Residential Building Permits • Fire Permits • Multifamily Residential Projects ≤ 40 Units • Commercial and industrial development ≤ 12,000 square feet • Mixed-Use Developments ≤ 20 Units • Accessory Dwelling Unit • Administrative Zoning Code Interpretation • Boundary Line Adjustment • Code Enforcement • Concurrency Evaluation • Encroachment (ROW) Permit • Floodplain Development • Grading • Home Occupation • Manufactured Home Infill • Parcel Combination • Public Works Deviation Requests • Right-of-Way Permits • Sign • Technical Document Review • TN – Public Facilities • WCF Small Cell • WCF Co-Located • WCF Minor Modification	• Multifamily Residential Projects > 40 Units • Commercial and Industrial Developments > 12,000 Square Feet • Critical areas variance • Mixed-Use Developments > 20 Units • Minor Variance • Binding Site Plans • Reasonable Use Permit • Right to Farm • SEPA Determinations • Shoreline Substantial Development Permit • Short Plats • Waiver of 6-year forest practices moratorium	• Conditional Use Permit • Preliminary Plat; Including PRDs, Cottage, and Offspring Subdivision • Essential Public Facilities • Shoreline CUP • Shoreline Variance • TN – Residential Subdivisions • Major Variance • TN – Commercial/Mixed-Use Projects • WCF Monopole • WCF Deviation • Code Enforcement Appeals • Building Code Appeals • Administrative Appeals	• Development Agreement • Site-Specific Rezone
Pre-App Conference	Optional	Optional	Optional	Optional
Notice of Application	No	Yes	Yes	Yes

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 City Council decision
Standard Comment Period	None	15 days	15 days	15 days
Shoreline Permit Comment Period	None	30 days / 2 notices	30 days / 2 notices	30 days / 2 notices
Recommendation By	None	None	Director	Hearing Examiner
Standard Public Hearing Notice	None	None	10 days	10 days
Shoreline Public Hearing Notice	None	None	15 days	15 days
Pre-Decision Open-Record Public Hearing	No	No	Yes, held by Hearing Examiner	Yes, held by Hearing Examiner
Decisionmaker	Director	Director	Hearing Examiner	City Council
Notice of Decision	No	Yes	Yes	Yes
Review Time Period	65 days	100 days	170 days	170 days
Local Appeal To	Hearing Examiner	Hearing Examiner	None	None
Local Appeal Hearing	Open-Record	Open-Record	N/A	N/A

(4) Exceptions to Table 18.230.020-1:

- (a) Default and shoreline comment periods are shown in the table.
- (b) For time periods relating to land divisions, see subsection (5) and RCW 58.17.140.
- (c) A development agreement is a legislative decision that is not subject to the review time periods.
- (d) Default review time periods are shown in the table, with the following exceptions:
 - (i) SEPA threshold determinations are governed by WAC 197-11-310 and SMC 18.230.070;
 - (ii) eligible collocation and modification requests for wireless facility services is governed by SMC 17.200.

 The next paragraph's optional language addresses an advisory group request shown in the Tracking Amendment Form. The % of dwelling units could be adjusted; the HUD Low Income level is 80% of Area Median Income and could be adjusted as well. Expediting this review may not be sufficient to incentivize property owners to execute the covenant required in this section. Also note that as indicated above, a Type 1 review becomes a Type 2 review if the project requires SEPA.

- (e) An application for a project permit where the applicant commits to providing at least 50% of dwelling units in the project to households whose annual household income is at or below the current Low Income level for the area that includes the City, as established by the United States Department of Housing and Urban Development, at a rental rate of not more than 30 percent of monthly household income, may be processed as a Type 1 or Type 2 review depending on SEPA requirements. As a condition of permit approval, the applicant must be required to execute an affordable housing agreement that implements this subsection, in a form approved by the Director and City Attorney, and record it as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.

- (5) Table 18.230.020-2 identifies the types of review for a land division based on the proposed number of lots, tracts, or parcels.

Table 18.230.020-2 Types of Review for Land Divisions

Type	Number of lots/tracts/parcels	Type of Review			
		Preliminary	Final	Alteration	Vacation
Short subdivision	1-9	2	1	2	2
Subdivision	10 or more	3	1	3	2
Binding site plan	1-8 (or in an existing development)	2	n/a	1	2
Binding site plan	9 or more	3	n/a	1 (minor)	2

18.230.030 Consolidation of Review

i This is existing SMC 17.80.250 Consolidated permit review.

- (1) If a project action requires more than one project permit, the applicant may elect in writing to have the applications reviewed under a consolidated permit review process. This includes a combined application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated process, the determination of completeness, the notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.
- (2) When applying concurrently for a development that involves two or more related applications, individual permit numbers must be assigned and separate permit fees must be paid, but the applications must be reviewed and processed collectively at the applicant's request. Consolidated reports setting forth the recommendation and decision must be issued.
- (3) If the applicant elects to have a project reviewed under a consolidated permit process, it must be reviewed collectively under the highest numbered procedure required for any part of the application.
- (4) No hearing or deliberation upon an application that is inconsistent with the existing zoning map may be scheduled for the same meeting at which the required zoning map amendment will be considered by the appropriate hearing body. This section is intended to be a procedural requirement applicable to such actions as noted in RCW 58.17.070.

i The following is new material:

- (5) Integration of State Environmental Policy Act ("SEPA") review.
 - (a) SEPA review of a project permit application must be combined with review of the underlying application unless the project is categorically exempt from SEPA. If studies that adequately analyzed a project's specific probable adverse impacts have already been performed under another SEPA review process, then additional or redundant studies may not be required under SEPA.
 - (b) A project permit application subject to review under SEPA must be reviewed in accordance with the policies and procedures contained in this title and WAC Chapter 197-11.
 - (c) Per WAC 197-11-055(4), SEPA review may be performed on a project prior to submittal of a project permit application, but may need to be performed again as part of review of the permit application dependent on the level of detail evaluated in the initial review.

18.230.040 Timing of Review

i This section is based on existing SMC 17.80.360 Application review time frames, with updates to comply with 2SSB 5290 (2023), now codified in RCW 36.70.080. The statute uses the term "time period."

- (1) Purpose. RCW 36.70B.070 and 36.70B.080 require time periods be established for review of applications to ensure applications are reviewed in a timely and predictable manner. This section establishes the time frames and procedures for issuance of a final decision.
- (2) Applicability.
 - (a) The Review Time Periods identified in Table 18.230.020-1 apply to applications processed under the corresponding type of review. The Department must complete review of an application within the corresponding Review Time Period.
 - (b) The Review Time Periods do not apply if a permit application requires:
 - (i) An amendment to the Comprehensive Plan or development regulations; or
 - (ii) Approval of a new fully contained community, master planned resort, or the siting of an essential public facility; or
 - (iii) Substantial revisions by the applicant, in which case the time period must start from the date at which the revised project application is determined to be complete.

i The review time periods shown in the table are the default time periods in the statute. Per RCW 36.70B.080.

i The following text is nearly verbatim from revised RCW 36.70B.080(1)(g), which goes into effect January 1, 2025.

- (3) The Review Time Period is measured from the date of the Department's determination the application is complete (see SMC 18.230.050) by counting every calendar day and excluding the following:
 - (a) Any period between the day that the Department has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

i Inserted a 12-mo limit on suspension of an application as authorized by RCW 36.70B.080(1)(g).

- (b) Any period after an applicant informs the Department in writing that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the Department in writing that they would like to resume the application, up to 12 months;
- (c) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired;
- (d) Any period that review of the application is suspended by the Department pursuant to authorization elsewhere in this chapter;
- (e) Any extension of time mutually agreed upon by the applicant and the city.

i Next line based on RCW 36.70B.080(1)(h).

- (4) The Review Time Period starts over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness under SMC 18.230.050 for the new use.

i The following subsection is adapted from RCW 36.70B.080(1)(i), broken into subparagraphs. Note that this subsection allows for an extension of the maximum review period (a benefit to the Department) but not a constraint on the applicant's time to file new information.

- (5) The Review Time Period is extended by 30 days any time that an applicant informs the Department in writing that the applicant would like to temporarily suspend the review of the project for more than 60 days; or if an applicant is not responsive for more than 60 consecutive days after the Department has notified the applicant in writing that additional information is required to further process the application.
- (a) Any written notice from the Department to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the Review Time Period.
- (b) For the purposes of this subsection, "non-responsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.
- (6) Possible Extension of Time for Final Decision. If the city is unable to issue a final decision within the time limits provided herein, the applicant must be provided written notice of this fact. The notice must include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

18.230.050 Review for Completeness

i This is existing SMC 17.80.320 Notice of completeness, except subsection (1), which is integrated into proposed SMC 18.102.040, Timing of Review. Note that state law does not allow the department to hold off issuing determination of completeness based on a desire to request more information than required by the minimum application contents.

- (1) Determination of Completeness. Within 28 calendar days after receiving an application, the city must issue a written determination of completeness to the applicant which states either: (a) that the application is complete and the date that it was determined complete; or (b) that the application is incomplete and state what additional information is necessary to make the application complete.
- (2) Additional Information. A permit application is complete for purposes of this section when it meets the application requirements in SMC 18.220.030.
- (3) A determination of completeness must be made when the required submittals are determined to be in a comprehensible format and contain at least the minimum amount of information to allow review of the project to progress even though additional information may be required or project modifications may be undertaken subsequent to initial project review.
- (4) The city's determination of completeness does not preclude the city from requesting additional information or studies either at the time of the determination of completeness or at some later time.
- (5) Incomplete Application Procedure. If the applicant received a determination of incompleteness from the city, the applicant has 120 days from the date of the determination of incompleteness to submit the

necessary information to the city. Within 14 calendar days after an applicant has submitted the requested additional information, the city must prepare a written determination of completeness as described in the section above, and notify the applicant in the same manner.

- (6) If the applicant does not submit the required information within the 120-day period, the Director must expire the application for failure to submit the necessary information in a timely manner.
- (7) City's Failure to Provide a Determination of Completeness. If, within 28 calendar days of the date of the submitted application, the city has not provided a written determination of completeness, the application is deemed complete.

18.230.055 Cultural Resource Review

- (1) Applicability. This section applies to an application for any project permit except a permit:
 - (a) for interior remodeling or tenant improvements only;
 - (b) that does not involve any ground disturbance;
 - (c) that does not involve ground disturbance of a depth or area beyond ground that has previously been substantially disturbed;
 - (d) that does not involve ground disturbance other than disturbance of imported fill material; or
 - (e) that concerns an area that has already undergone cultural resource review.
- (2) Upon determination that the application is complete, the Department must transmit a notice of the proposed permitted activity to interested tribal resource agencies. When a Notice of Application is required pursuant to SMC 18.230.060, the Notice of Application may serve as that notice.
- (3) The Department is not required to wait for any particular time period for response from agencies that require notice under this section, but must consider any such response in its application of SMC Chapter 18.812, Cultural Resources.

18.230.060 Notice of Application

i This section is based on existing SMC 17.80.330 Notice of application.

- (1) When required by SMC 18.230.020, the city must issue a notice of application within 14 calendar days after the city has made a determination of completeness.
- (2) The NOA must include:
 - (a) The date of application and the date of the notice of application;
 - (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
 - (c) The identification of other permits not included in the application, to the extent known by the city;
 - (d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - (e) A statement of the limits of the public comment period;
 - (f) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a hearing, if applicable, request a copy of the decision once made, and any appeal rights;

- (g) The date, time, place and type of meeting or hearing, if applicable and if it has been scheduled as of the date of notice of the application;
- (h) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
- (i) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal or website address where maps can be viewed;
- (j) A statement announcing the city's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services;
- (k) Any other information determined appropriate by the city, such as the city's threshold determination, if complete at the time of issuance of the notice of application.

i Existing SMC 17.80.330 Table 5 has been removed because all permits except those that do not require a notice of application had the same distribution requirements.

- (3) Distribution. The Department must distribute the notice by:
 - (a) Posting at City Hall, the library, and the post office;
 - (b) Publication in Designated Newspaper;
 - (c) Electronic mail or first-class mail to:
 - (i) Adjacent Jurisdictions Within 1/4 Mile
 - (ii) WSDOT if Adjacent to Highway
 - (iii) Property Owners Within 300 Feet
 - (iv) Other Agencies with Jurisdiction
 - (v) Parties of Record.
- (4) All public comments on a notice of application must be received by the community development department by 4:30 p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered, sent by facsimile or by any online digital method established by the city. Comments should be as specific as possible.

i Existing table at 17.80.330(5) has been integrated into the Review Type matrix.

- (5) No proceeding of any procedure established in this chapter may be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.
- (6) The records of the Snohomish County assessor's office or title company must be used for determining the property owner of record. Addresses for a mailed notice required by this code must be obtained from the Snohomish County real property tax records.
- (7) All public notices must be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- (8) As an alternative to mailing the full notice of application, the city may issue a post card notice of application to adjacent property owners as long as the post card includes the website address where detailed information on the project is available for viewing.

i This is existing SMC 17.80.340.

- (1) A SEPA threshold determination or a scoping notice may be issued with a Notice of Development Application. A final threshold determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application unless the requirements of the optional DNS process (WAC 197-11-355) are followed. A final determination of significance and a SEPA scoping notice may be issued with the Notice of Development Application and prior to the expiration of the public comment period on the Notice of Development Application. Per RCW 36.70B.110(6)(b), for Type 3 and 4 reviews, the threshold determination must be issued at least 15 days prior to the open-record pre-decision hearing.
- (2) If the optional DNS process, as authorized under SEPA and set forth in this section, is used, the responsible official must:
 - (a) State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:
 - (i) The optional DNS process is being used;
 - (ii) This may be the only opportunity to comment on the environmental impacts of the proposal;
 - (iii) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - (iv) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request;
 - (b) List in the notice of application the conditions being considered to mitigate environmental impacts, if a MDNS is expected;
 - (c) Comply with the requirements for a notice of application and public notice in RCW 36.70B.110;
 - (d) Send the notice of application and environmental checklist to:
 - (i) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - (ii) Anyone requesting a copy of the environmental checklist for the specific proposal;
 - (e) If the responsible official indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application in accordance with WAC 197-11-940 and 197-11-948;
 - (f) The responsible official must consider timely comments on the notice of application and either:
 - (i) Issue a DNS or MDNS with no comment period;
 - (ii) Issue a DNS or MDNS with a comment period;
 - (iii) Issue a DS; or
 - (iv) Require additional information or studies prior to making a threshold determination;
 - (g) If a DNS or MDNS is issued under this section, the responsible official must send a copy of the DNS or MDNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

- (3) Any appeal of a determination of significance may proceed in advance of any hearings or appeals of the underlying project permit. Any appeals of a determination of nonsignificance must be combined with and processed at the same time as the hearings or appeals of the underlying project permit.

18.230.080 Technical Document Review

- (1) Purpose. The purpose of technical document review is to:
- (a) Allow for preliminary administrative approval of technical documents required for a project permit application prior to decision on the land use permit application or other applicable permit application;
 - (b) Provide predictability in the review process; and
 - (c) Allow the decision maker to focus on site and building design of projects.
- (2) Applicability.
- (a) This section may apply to proposed projects requiring any level of review established in SMC 18.230.020.
 - (b) Technical documents to be reviewed include, but are not limited to:
 - (i) Critical areas report or associated report including geotechnical report, habitat assessment, landslide hazard, etc.;
 - (ii) Traffic report;
 - (iii) Stormwater report.
- (3) Process.
- (a) An application for technical document review must be submitted on forms provided by the Department.
 - (b) Multiple technical documents may be processed under one technical document review application.
 - (c) An application for technical document review may be processed independently or in a consolidated process with the associated project permit application, consistent with SMC 18.230.030.
 - (i) A technical document review submitted independent of an associated project permit application must be completed prior to approval or review by decisionmaker of an associated project permit application.
 - (ii) The notice of decision for independently submitted technical document reviews must be included in the staff report to the decision maker on the land use application.
 - (iii) The decisionmaker on a project permit application for which technical document review has already been completed may not vary from the decision on the technical document review unless the decisionmaker finds that a change in conditions or the proposal make the technical document review invalid or inapplicable.
 - (d) Review will be conducted by subject matter experts and City staff.

18.230.090 Staff Review

i This is existing SMC 17.80.350 Project review with the exception of existing subsection (3), which moved elsewhere.

- (1) Project Analysis. Upon determination that the proposed project is consistent with the adopted development regulations and standards a single staff report must be prepared that consolidates all land use development permit recommendations or decisions. The report must state any mitigation required or proposed under the

development regulations or through SEPA. If a threshold determination, other than a determination of significance, has not been previously issued by the city, the report must include or append the SEPA threshold determination for the project. The SEPA threshold determination must be issued at least 15 calendar days prior to the opening of a public hearing.

- (2) Insufficient Information. If, upon review of a complete application, the city finds that additional information is necessary or corrections are required to be made to the plans to be consistent with city codes and regulations, the city must write a letter to the applicant detailing the necessary corrections. The applicant has 120 calendar days from the date of the letter requesting additional information to submit the necessary information to the city. If the applicant does not submit the required information within 120 calendar days, the application lapses for failure to submit the necessary information in a timely manner, and the Director must document that the application has lapsed for failure to submit the necessary information in a timely manner and expire the application. The director may allow for an extension to submit the required information per SMC 18.220.060.

i This following subsection is based on a provision in SB 5290 (2023), now codified at RCW 36.70B.160(1)(j), which creates the process described below. The statute is ambiguous as to whether the meeting need only be "scheduled" or held within 14 days.

- (3) Requests for additional information or corrections.
- (a) If the Department twice requests additional information or corrections during application review, the Department must offer the applicant a meeting with Department staff to resolve outstanding issues. The meeting must be scheduled within 14 days of the second request for corrections.
 - (b) If the meeting cannot resolve the issues and the Department requests additional information or corrections a third time, upon receiving the additional information or corrections and upon the request of the applicant, the Department must forward the application to the next step in the review process, i.e., the recommending body or decisionmaker, for decision on the application.
 - (c) Nothing in this section affects the timelines for application expiration in SMC 18.220.060.

18.230.100 Public Hearing

i This is existing SMC 17.80.370 Public meetings and public hearings. State law limits a local government permit process to a single open-record public hearing, regardless of what it is called, so the "public meetings" are proposed for deletion in this rewrite.

- (1) Public Hearing. The purpose of a public hearing is to provide decision makers with an opportunity to obtain additional information and to provide the public with an opportunity to introduce that information and to make their views known. A public hearing is required when this chapter or state law requires a hearing. When a hearing is required, the following applies:
- (a) A verbatim record must be kept;
 - (b) Those present must be given the opportunity to testify under oath;
 - (c) The hearing authority must be allowed to ask questions of those testifying;
 - (d) The hearing must be conducted to ensure fairness to all parties;
 - (e) The hearing authority may subpoena witnesses; and
 - (f) A hearing may be kept open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six months or more elapses between meeting dates.

- (2) A notice of public hearing must include the following information:
- (a) The date, time, and place and/or manner of the meeting or hearing.
 - (b) Location of the site.
 - (c) A brief description of the request, and any proposed modifications or variances.
 - (d) Applicant's name.
 - (e) Project name and file number and a statement of its availability for inspection by the public.
 - (f) A statement of the right of any person to submit written testimony to the appropriate permit-issuing authority and to appear at the public hearing to give testimony orally.
 - (g) A statement that only persons who submit written or oral testimony to the permit-issuing authority may appeal the decision.
 - (h) A statement announcing the city's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services.
- (3) Burden of Proof/Testimony.
- (a) The burden of presenting evidence to the permit-issuing entity sufficient to lead it to conclude that the application should be approved, conditioned, or denied is on the applicant. Unless otherwise specified in statute or ordinance, the standard of proof is the preponderance of the evidence.
 - (b) All persons in attendance that wish to testify must be sworn in.
 - (c) All findings and conclusions necessary to the issuance of a decision must be based upon reliable evidence.
- (4) Joint Public Hearings.
- (a) Approval Authority's Decision to Combine Joint Hearing. At the applicant's request, the approval authority may combine any public hearing on a permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:
 - (i) The hearing is held within the city limits; and
 - (ii) The requirements of RCW 36.70B.110(7) are met.
 - (b) Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings (RCW 36.70B.110(7)).
 - (c) Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
 - (i) The other agency is not expressly prohibited by statute from doing so (RCW 36.70B.110(8));
 - (ii) Sufficient notice of the meeting or hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
 - (iii) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its meeting or hearing at the same time as the local government hearing; and
 - (iv) The meeting or hearing is held within the geographic boundary of the local government.
- (5) Record.

- (a) Electronic recordings must be made of all hearings required by this chapter, and such recordings must be kept for at least two years. Accurate minutes must also be kept of all such proceedings, but a transcript need not be made. The written decision of a hearing examiner meets the requirement for minutes of the hearing examiner public hearing.
- (b) Whenever practicable, all documentary evidence presented at a hearing, as well as all other types of physical evidence, must be provided to the city in digital form, made a part of the record of the proceedings, and kept by the city for at least two years.

18.230.110 Hearing Examiner procedures

i This section is existing SMC 17.80.380 Hearing examiner procedures with the exception of (3) which is inserted here.

- (1) Any person may participate in a hearing examiner public hearing by submitting written comments to staff prior to the hearing or by submitting written comments or making oral comments at the hearing. Any party may be represented by an agent or attorney.
- (2) The department must transmit to the hearing examiner a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by staff. The file must also include information to verify that the requirements for notice to the public (notice of application and notice of SEPA threshold determination) have been met.

i The following subsection is existing SMC 17.80.380 and 381 Report of department.

- (3) Department report.
 - (a) The Director is responsible for the preparation of a report to the hearing examiner that summarizes the factors involved and the department's findings and recommendations. Comments, reports, and recommendations from other departments, advisory boards and commissions, and agencies must be coordinated and assembled among departments and agencies in preparation of the report.
 - (b) At least seven calendar days prior to the scheduled hearing, the report must be filed with the hearing examiner and made available for public inspection at City Hall. A copy must be mailed to the applicant.
- (4) The department must create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
- (5) The hearing examiner must approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of this code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. The hearing examiner may remand an application to staff for revision. In all other cases, the hearing examiner must deny the application.
- (6) If the hearing examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided, the hearing examiner must conduct a new hearing on the modified proposal.
- (7) The hearing examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.
- (8) The hearing examiner must within 10 business days following the close of the record, unless a longer time period is agreed to on the record by the applicant/appellant, issue a written report supporting the decision.

The hearing examiner's written report must be distributed to parties of record electronically or in paper form by the community development department. The report must contain the following:

- (a) The decision of the hearing examiner;
 - (b) Any conditions included as part of the decision;
 - (c) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
 - (d) A statement explaining the process to appeal the decision of the hearing examiner to superior court.
- (9) Reconsideration Period. Any person who presented or commented at the hearing may file a written request with the hearing examiner for reconsideration within 10 business days of the date of the hearing examiner's decision. The request must explicitly set forth alleged errors of procedure or fact. The examiner must request comments from affected parties of record and reviewing city departments on the request for reconsideration. Comments must be received within 14 business days. The hearing examiner must act within 10 business days after the close of the comment period by denying the request, issuing a revised decision, or calling for an additional public hearing. A reconsideration request for which one of the actions specified above has not been taken within the required time period must be deemed to have been denied.
- (a) The grounds for reconsideration are limited to the following:
 - (i) The hearing examiner exceeded their jurisdiction;
 - (ii) The hearing examiner failed to follow the applicable procedure in reaching their decision;
 - (iii) The hearing examiner committed an error of law or misinterpreted the applicable city regulation, ordinance or other state law or regulation;
 - (iv) The hearing examiner's findings, conclusions and/or conditions are not supported by the record; and/or
 - (v) Newly discovered evidence alleged to be material to the hearing examiner's decision which could not reasonably have been produced prior to the hearing examiner's decision.
 - (b) The examiner's action following reconsideration is not subject to further requests for reconsideration.
- (10) Proceedings before the hearing examiner must conform with the hearing examiner's rules of procedure.

18.230.120 Decision

i The following subsection is from existing SMC 17.80.350(3).

- (1) Applications may be approved, approved with conditions, or denied. For those permits subject to review by the hearing examiner, the examiner may remand an application to staff for further review. If an application for a permit is denied, the applicant may not submit another application for development of the same property sooner than one year after the date of such denial.
- (2) Following the completion of any hearing, procedure, or administrative decision, the permit application must be:
 - (a) approved;
 - (b) approved with conditions;
 - (c) remanded; or
 - (d) denied.

18.230.130 Notice of Decision

i This is existing SMC 17.80.385 Notice of final decision, with the exception of existing subsection (1), which moved above.

- (1) Where required by SMC 18.230.020, the Department must prepare a Notice of Decision within five calendar days of a decision.
- (2) Contents. The notice of decision must include:
 - (a) the final determination of approval or denial of the project,
 - (b) a statement of any threshold determination made under SEPA, and
 - (c) the procedure to appeal the notice of decision.
- (3) When a notice of decision is not required by SMC 18.230.020, a memorandum or completed project checklist must be placed in the permit file containing findings describing how the application was consistent/inconsistent with applicable zoning regulations and development standards.
- (4) When a notice of decision is required by SMC 18.230.020, the notice must be mailed or emailed to all parties of record, including the applicant and each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision.
- (5) For shoreline permits, the director must notify the following persons in writing of its final approval or disapproval of a shoreline conditional use permit or shoreline variance:
 - (a) The applicant.
 - (b) The Department of Ecology.
 - (c) Any person who has submitted written comments on the application.
 - (d) Any person who has written to the hearing examiner requesting notification.
- (6) If the city is unable to issue its notice of decision within the allotted time frame, it must provide written notice to the project applicant including the reasons the time limits have not been met and an estimated date for issuance of the notice of decision.

i Exclusions for time limits has been moved to 18.230.040.

Chapter 18.240 Appeals and Reconsideration

i This is a new chapter based on existing SMC Chapter 17.80.390.

18.240.010 Local Appeal

i This is new material.

- (1) Applicability. This section applies to local appeals of decisions on permit applications when allowed by SMC 18.230.020.
- (2) Standing. Only the following parties have standing to file an appeal:
 - (a) the City;

- (b) the applicant; and
- (c) a party of record.

i The appeal period length is set at 14 days by RCW 36.70B.110(6)(d) and (9).

- (3) Time to file. An appeal is timely only if it is:
 - (a) Filed within 14 days (5 working days for shoreline permits) after the written notice of decision is mailed or the building permit is issued; and
 - (b) Accompanied by the required appeal fee.
- (4) Method of service. An appeal must be delivered to the Department before 4:30 p.m. on the last business day of the time to file by mail, personal delivery, or in an electronic method prescribed by the Department. An appeal received by mail after that deadline will not be accepted, regardless of when the appeal was mailed or postmarked.

i The following is existing SMC 17.80.390 Appeals with the exception of the subsection on standing, which is addressed above, and the appeal procedures table 7.

- (5) Processing of Appeals. Appeals of decisions on permits must be processed according to the procedures outlined in this section. The decisionmaker on the appeal may reverse or affirm or modify the decision, if it is found the original decision was based on faulty facts or incorrect application of the law. Any modifications to the decision must be limited to those necessary to ensure the decision criteria of this title are met.
- (6) Effect of Appeal. Application decisions are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the Director seeking enforcement of or compliance with the order or decision appealed from, unless the Director finds that a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings must not be stayed except by order of the hearing examiner, Shorelines Hearings Board or a court with jurisdiction.
- (7) Consolidated Appeals. All appeals of permit application decisions, other than an appeal of determination of significance (DS), must be considered together in a consolidated appeal (RCW 36.70B.060(6), 43.21C.075).
- (8) SEPA Appeals. Appeals may only be of the determination of nonsignificance or mitigated determination of nonsignificance, or final determination if issued. See SMC 18.230.070 for SEPA and agency decisions.
- (9) Content of Appeal. Appeals must be in writing on forms provided by the Department, be accompanied by an appeal fee as outlined in the city's most current fee resolution, and contain the following information:
 - (a) Facts demonstrating that the person is adversely affected by the decision;
 - (b) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - (c) The specific relief requested; and
 - (d) Any other information reasonably necessary to make a decision on the appeal.
- (10) Notice of Appeal. A hearing before the Hearing Examiner, must be set and the hearing notice must be mailed or emailed to the appellant, the applicant, and all parties of record no less than 10 days prior to the appeal hearing.
- (11) Public Hearing. The hearing examiner must conduct an open record hearing. The appellant, the applicant, and the city are indispensable parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present

information or to present testimony. The examiner may allow nonparties to present relevant testimony if allowed under the examiner rules of procedure.

- (12) Decision on Appeal. The hearing examiner must issue a written decision to grant, grant with modifications, or deny the appeal. The hearing examiner may grant the appeal or grant the appeal with modification if:
- (a) The appellant has carried the burden of proof; and
 - (b) The examiner finds that the decision is not supported by a preponderance of the evidence.
 - (c) The hearing examiner must accord substantial weight to the decision of the applicable department director.
- (13) Decision of Appeal. The city must issue a written decision of appeal within 10 business days of the Hearing Examiner's decision to the parties of record disclosing whether the appeal is upheld or denied.

18.240.020 Exhaustion of Administrative Remedies

i This is a new section replacing SMC 17.80.390(12) and (13).

- (1) To exhaust administrative remedies, an appellant must file and complete the local appeal process identified in SMC 18.230.020 for the relevant type of review.
- (2) No further local appeal is available when the appeal allowed in SMC 18.230.020, if any, has been heard and a decision on the appeal (other than a remand) has been issued.
- (3) A request for reconsideration is not required to exhaust administrative remedies. If a request for reconsideration is timely filed, the time for filing a petition for further (non-local) review does not commence until the decisionmaker or appellate body disposes of the petition for reconsideration.

i The following is the second half of existing 17.80.390(13).

- (4) The cost of transcription of all records ordered certified by the court for such review must be borne by the appellant. A copy of each transcript prepared by an appellant must be submitted to the city for confirmation of its accuracy.

Part 3 Permits

i This proposed title emphasizes the distinction between "applications" and "permits," which are different in a number of important ways. For example, applications and permits have different timelines. The Department is obligated to process "applications" within specified time periods, but once the application is approved and the permit is issued, the burden switches to the permitholder to consider its timelines.

i Additional chapters in this Part will describe conditional use permits and variances.

Chapter 18.310 Permits Generally

i This is a new chapter based on existing SMC Chapter 17.80 Article IV, Post Permit Requirements.

18.310.010 Permit Terms, Extension, and Expiration

- (1) Applicability. This section applies to issued project permits, which is an authorization to perform the work or establish the use identified in the permit. After the expiration of the permit, legally established uses that become non-conforming are governed by the non-conforming uses provisions of Unified Development Code.
- (2) Initial term.
 - (a) A permit is valid for the initial term shown in Table 18.310.010-1 unless extended by the Director.
 - (b) A permit's initial term is measured from the date of project or permit approval (as specified in the Notice of Decision, if one is required), except that if the decision is appealed, the effective date is the date of decision on appeal. The initial term for a shoreline permit commences on the effective date of the permit as defined in WAC 173-27-090.

i The following subsection (3) is based on existing SMC 17.80.395 Expiration of approvals and approved permits.

- (3) Extension. The Director may extend a permit the number of times shown in Table 18.310.010-1, for the length of extension indicated, only if all of the following criteria are met:
 - (a) The applicant submits a written request on forms provided by the Department at least 30 days prior to expiration of the permit;
 - (b) Any applicable fee has been paid;
 - (c) The permittee has proceeded with due diligence and in good faith;

i Note, prior language was "The zoning designation of the property has not changed;"

- (d) The use remains a permitted use in the zone;

i Next line is added to address limitations of Snohomish County v. Pollution Control Hearings Board (2016).

- (e) The extension is not prohibited by requirements of state or federal law;
- (f) Proper justification consists of one or more of the following conditions:

- (i) Economic hardship;
- (ii) Change of ownership;
- (iii) Unanticipated construction, or site design problems, or both;
- (iv) Other circumstances beyond the control of the applicant and determined acceptable by the appropriate department director.

i The following subsection (4) is new material.

(4) Expiration.

- (a) A permit issued under this title will expire if, on the date the permit expires, the permit holder has not performed the work indicated in Table 18.310.010-1 or fulfilled the requirements of the applicable permit.
- (b) Exception. The initial permit term does not include the time during which a permit was not actually pursued by construction because of pending litigation related to the permit or because the applicant was diligently pursuing permits from other agencies necessary for construction.

i The following table is based on Table 8 in existing SMC 17.80.395.

Table 18.310.010-1 Permit Terms and Extensions

Type of Permit	Initial Term	Number of Allowed Extensions	Length of Allowed Extension
Subdivision	5 years	1	1 year
Short Subdivision	5 years	1	1 year
Shoreline Permit	2 years	1	1 year
Conditional Use Permit	2 years to establish the use	0	N/A
Variance	2 years to establish the use	0	N/A
All other Type 1 Permits	1 year	1	1 year
All other Type 2-4 Permits	2 years	1	1 year

18.310.020 Permit Revision.

i This is existing SMC 17.80.420 Permit modifications.

- (1) Minor Modifications to an Approved Permit. Minor modifications to a permit may be permitted by administrative decision. To be considered a minor modification, the amendment must not:
 - (a) Involve more than a 10 percent increase in area or scale of the development in the approved site development plan; or
 - (b) Have a significantly greater impact on the environment and facilities than the approved plan; or
 - (c) Change the boundaries of the originally approved plan.
- (2) Major Adjustments to an Approved Permit. Major adjustments to an approved permit will require a new application. The review and approval rest with the approval body which approved the original permit. Major adjustments involve a substantial change in the basic site design plan, intensity, density, use, and other zoning code issues and generally involve more than a 10 percent change in area or scale.

18.310.030 Civil Construction Plans

i This section is based on existing SMC 17.80.400 Construction plan approvals.

- (1) Final civil construction plan applications may be submitted with the land use entitlement permit or after the land use entitlement permit process has been completed. At a minimum the 30 percent design plans must be submitted with the land use entitlement application. To obtain civil construction plan approval, the plans must be consistent with the Stanwood Municipal Code and the street and utility standards.
- (2) Approval of final civil construction plans is exempt from the application review processes described in SMC Title 18 Part 2.
- (3) Construction must begin on a building permit issued prior to the expiration times outlined in Table 18.310.010-1, Permit Terms and Extensions. If work has not begun prior to expiration of the land use entitlement permit, all plans must be resubmitted and comply with the current code requirements.

18.310.040 Inspections

i This is existing SMC 17.80.410 Inspections.

- (1) Once a permit is issued, inspections are required to verify that the construction or work is being done in accordance with the approved plans. Site inspections include, but are not limited to: erosion control, critical area protection, grading, pavement, roadway and sidewalk improvements, drainage, utility installation, parking and landscaping. The project applicant is responsible for ensuring all inspections have been conducted pursuant to city requirements.
- (2) Final project approval may not be given, whether a final plat approval or certificate of occupancy, until all of the required site improvements have been inspected, bonded and approved by the city inspector.

18.310.050 Effect of Decisions

i This is existing SMC 17.80.430 Effect of decisions.

- (1) No Occupancy or Use of Property Until Requirements Fulfilled. Issuance of a land use permit authorizes the recipient to commence construction activity, subject to obtaining appropriate building or construction permits, designed to support the approved land use. Actual occupancy or use of the approved land use may not occur until all requirements of the permit have been satisfied.
- (2) Transfer of Permit and Permit Applications to Successors and Assigns. Active land use permits and pending land use permit applications, including subdivisions, run with the land and therefore are transferable to new owners.

18.310.060 Certificate of Occupancy

i This is existing SMC 17.80.440 Certificate of occupancy.

- (1) No land area must be occupied or used and no building hereafter erected or altered may be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit has been issued by the building official, stating that the premises, building, or other development complies with all provisions of this code. Minor exceptions include:
 - (a) Cases of alteration that does not require vacating the premises;

- (b) Cases where parts of the premises are finished and ready for occupancy before the completion of the alteration; or
 - (c) In the case of a new structure, before its completion, a conditional occupancy permit may be issued.
- (2) No change, extension of use, or alteration may be made to a nonconforming use without a building permit having first been issued by the building official that such change, extension or alteration is in conformity with the provisions of this code.
 - (3) Within 10 days from the date that an applicant requests that an occupancy permit be issued on his/her development project, the building official must render a decision as to whether or not said occupancy permit is to be issued. If the decision is not to issue the occupancy permit, the building official must so notify the applicant including the reasons for denial of the permit. If no occupancy permit has been issued within 10 working days of the written request thereof, and the building official has not informed the applicant of approval or denial, in writing, it must be deemed that the building official approves the request and the applicant may legally occupy the premises.

18.310.070 Vacation of Permit

i This is existing SMC 17.80.460 Vacation of approved permits.

- (1) A request to vacate a permit or variance must be made in writing to the Department.
- (2) The Director may vacate the permit or variance if the following conditions are present:
 - (a) The use authorized by the permit or variance does not exist and is not actively being pursued; or
 - (b) The use has been terminated and no violation of the terms and the conditions of the variance or permit exists.

18.310.080 Assurance Devices

i This is a new section with material imported from the critical areas code and Skagit County Code 14.06.530.

- (1) The City may condition a permit approval to require the posting of a performance bond, maintenance bond, or other surety to ensure that the approval conditions are met to the satisfaction of the City.
- (2) The City may, upon request, allow or require the applicant to provide other suitable security, including but not limited to cash deposits, bonds, and assignment of banking accounts.
- (3) The City may impose a reasonable administrative fee to cover the City's costs of administering a bond or other security when such device is requested by the applicant. This fee may not be imposed when the City requires the provision of a particular form of bond or suitable security. Administrative fees may be proportional to the total amount of the bond or other suitable security.
- (4) If the improvements have not been constructed or maintained at the conclusion of the performance period, the City may pursue the bond funds to complete or maintain the improvements.
- (5) Assurance devices to ensure mitigation.
 - (a) An applicant may submit a request to defer installation of any, or a portion of, their mitigation as required by their permit approval where it is not feasible, practical, or effective prior to the City's final permit approval only when:
 - (i) seasonal or environmental factors affecting site conditions would result in low probability of plant survival;

- (ii) project impacts occur in stages, and mitigation is only needed to align with specific phases of the project; or
 - (iii) compliance with regulatory requirements involves consultations or approvals from other agencies and cannot be finalized at the time of project approval.
- (b) If approval is granted by the City, the applicant must provide financial assurance consistent with this section.
- (c) Deferral may only be granted for up to 6 months, with one 6-month extension if the applicant provides reasonable justification for the delay.

Chapter 18.320 Conditional Use Permits

- i** This chapter is based on existing SMC Chapter 17.40.
- i** Deleted section on fees, which is now covered by a general fee section.

18.320.010 Purpose.

The purpose of conditional use permits is to allow certain uses in districts where they are normally prohibited by this title, when the proposed uses are deemed consistent with other existing and potential uses within the general area of the proposed use. Except as provided in this section, a conditional use permit may not reduce the requirements of the zone in which the use is to be located.

18.320.030 Review process.

An application for a conditional use permit is reviewed subject to the procedures in SMC Title 18 Part 2.

18.320.040 Applicant's responsibility.

The application must set forth fully the grounds and the facts justifying the granting of the conditional use permit consistent with the decision criteria in this chapter.

18.320.060 Decision criteria.

- i** Revised "community need" to "community compatibility" and changed criteria. Denying an application on community need may give rise to liability.

- (1) To approve an application for a conditional use permit, an applicant must demonstrate compliance with all of the following criteria:
 - (a) Zoning Compatibility. The proposed use must be compatible with the general purpose and intent of the zoning district as described in Chapter 17.10 SMC, Establishment of Zoning Districts.
 - (b) Community Compatibility: The use will not have a substantively greater adverse effect on the health, safety or comfort of persons living or working in the area than those generally permitted in the district. In the determination of community compatibility, the reviewing official must consider the following factors:
 - (i) Hours and manner of operation, such as dust, odor, fumes and vibration do not impact adjacent properties;
 - (ii) Existing infrastructure, such as roads, utilities, and parks, can accommodate the proposed use without degrading the adopted level of service standards; and

- (iii) The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.
- (c) Effect on Adjacent Properties. The proposed use at the proposed location may not result in substantial or undue adverse effects on adjacent property. The following factors must be considered:
 - (i) Compatibility. The proposed use must be compatible with the scale and character of the neighborhood.
 - (ii) Traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area must be reviewed for potential effects on, and to ensure safe movement in, the surrounding area.
 - (iii) Noise and Glare. Potential noise, light and glare impacts must be evaluated based on the location of the proposed use on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.
 - (iv) Landscaping. The decisionmaker may require additional landscaping to buffer adjacent properties from potentially adverse effects of the proposed use.
 - (v) Public Improvements. The proposed use and location must be adequately served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision or guarantee by the applicant of necessary public improvements, facilities, utilities, and services.

18.320.070 Additional conditions.

i These cross-references will be updated by the code reviser when we update Title 17.

- (1) Additional conditions for bed and breakfast uses in single-family residential zones are set forth in SMC 17.100.060.
- (2) Additional conditions for school uses in single-family residential zones are set forth in SMC 17.100.070.
- (3) Additional conditions for wireless communications facilities are set forth in Chapter 17.220 SMC.
- (4) Additional conditions for ball parks, athletic fields, parks, playgrounds, community centers, houses of worship and meeting halls in residential zones are set forth in SMC 17.100.050.
- (5) Additional conditions for marijuana retailers are set forth in SMC 17.100.045.

Chapter 18.330 Variances

i This chapter is based on existing SMC Chapter 17.35.

i Deleted section on fees, which is now covered by a general fee section.

18.330.010 Purpose

i Based on a portion of existing SMC 17.35.010 Purpose and applicability.

i Modified to “unnecessary AND UNUSUAL hardship.”

A variance is a mechanism by which relief may be granted from selected provisions of this title where compliance with those provisions renders an unnecessary and unusual hardship.

18.330.020 Applicability

i Based on a portion of existing SMC 17.35.010 Purpose and applicability.

Variances may be granted from the strict application of any land dimension, density, or height requirements of this title due to exceptional narrowness, shallowness, shape, or substandard size of specific parcels of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of specific parcels of property.

18.330.040 Review process.

An application for a variance is reviewed subject to the procedures in SMC Title 18 Part 2.

18.330.050 Applicant's responsibility.

The application must set forth fully the grounds and the facts justifying the granting of the variance or administrative variance permit consistent with the decision criteria in this chapter.

18.330.060 Types of variances

i This section is based on existing SMC 17.35.070 Administrative variances.

- (1) Variances are either minor or major and are subject to the type of review shown in SMC 18.230.020.
- (2) A major variance is any variance other than a minor variance.
- (3) A minor variance is a variance that allows:
 - (a) A decrease of not more than 25% of the required width of front, side, or rear setback.
 - (b) A reduction in the minimum lot size for existing lots to eliminate the property from being declared nonconforming.
 - (c) A decrease of not more than 20% in the number of required parking spaces if the reduction would allow the preservation of trees, critical areas, buffers, or other unique topographical features.
 - (d) Allow compact parking stalls to account for up to 20% of the total number of parking stalls required on a site.
- (4) Unless otherwise specified all variances must comply with the decision criteria in 18.330.070.

18.330.070 Decision criteria.

- (1) The criteria in this section apply to variances other than critical areas variances. For critical areas variances, the criteria in SMC Title 18 Part 8 apply.

i This section is based on existing SMC 17.35.060 Decision criteria.

- (2) To approve an application for a variance, the decisionmaker must find that strict application of this code would result in a practical difficulty or unnecessary hardship upon the owner of said property and all of the following:
 - (a) That such variance can be granted without substantial impairment of the intent, purpose, and integrity of this title and of the Comprehensive Plan of Stanwood;

- (b) That the variance would not permit a use of land not authorized within the zoning district, increase in the volume of a building or structure, or increase the density of development beyond that permitted, as established by this code;
- (c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which subject property is situated;
- (d) That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land; and
- (e) All of the following conditions exist:
 - (i) That, if the owner or lessor complied with the provisions of this code, he or she would not be able to make reasonable use of his or her property;
 - (ii) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district;
 - (iii) That the hardship was not the result of the applicant's own action (applicant's own action must not include the purchase of the property); and
 - (iv) That the hardship is not merely financial or pecuniary.

(3) The fact that property may be utilized more profitably may not be considered.

Part 4 Land Divisions

Reserved.

Part 5 Zoning & Uses

Reserved.

Part 6 Specific Use Standards

Reserved.

Part 7 Development & Design Standards

Reserved.

Part 8 Environment

Reserved.

EXHIBIT B

AMENDMENTS TO SMC TITLE 17

i Exhibit B will include amendments to Title 17 that are necessary to accommodate the new procedures described in Exhibit A.

New Chapter 17.01 Applicability is adopted to read as follows:

Chapter 17.01 Applicability

17.01.010 Migration to Unified Development Code

Regulations in SMC Title 17 are being updated and migrated to the City's new Unified Development Code in SMC Title 18. Regulations in SMC Title 17 remain in effect until repealed. Where regulations in SMC Title 17 conflict with SMC Title 18, the new regulations in SMC Title 18 control.

Chapter 17.05, Purpose and Scope, is repealed.

Chapter 17.10, Establishment of Zoning Districts, is repealed.

Chapter 17.15, Establishment of Zoning Maps, is repealed.

New section 17.20.001 is added to Chapter 17.20 to read as follows:

17.20.001 Migration to Unified Development Code

Definitions in SMC Chapter 17.20 are being migrated to SMC Chapter 18.102 in the City's new Unified Development Code. Definitions in SMC Chapter 17.20 remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18 control for regulations in SMC Title 18.

Chapter 17.35, Variances, is repealed.

Chapter 17.40, Conditional Use Permits, is repealed.

Chapter 17.80, Permit Review Procedures, is repealed and replaced with a chapter to read as follows:

Chapter 17.80 Permit Review Procedures

17.80.010 Replaced by Unified Development Code

For regulations governing the procedures and processing of permit applications and post-issuance requirements, see SMC Title 18 Part 2.

Chapter 17.160, Enforcement and Penalties is repealed.



City of Stanwood
Findings of Fact and Conclusions of Law
Planning Commission Recommendation

A. GENERAL INFORMATION

File Number(s): 2024-0116
Project Summary: Unified Development Code and Permitting Procedures
Applicant: City of Stanwood
Location: City of Stanwood
Planning Commission
Public Hearing Date: October 14 and November 18, 2024
Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Stanwood has initiated a code amendment to merge Title 16, Subdivisions, and Title 17, Zoning, into a single new title referred to as a Unified Development Code (UDC). A UDC is a comprehensive set of regulations or standards that govern land use, zoning, and development within a single Municipal Code Title. The UDC Ordinance includes both the organizational structure of Title 18, UDC, as well as the application and permit chapters.

UDC Part 1 – General Provisions:

The ordinance provides the outline for the new Title 18, which divides the Title into the following eight (8) logical groupings:

UDC Organization Structure	Content
Part 1 – General Provisions	General Provisions, Establishment of Zones, Adoption of Zoning Map, Definitions
Part 2 - Applications	Application Types and Permit Review Processes
Part 3 - Permits	Issued Permits, Conditional Uses, Variances

UDC Organization Structure	Content
Part 4 – Land Divisions	Long and Short Subdivisions, Binding Site Plans, Boundary Line Adjustments
Part 5 – Zoning and Uses	Permitted Uses and Bulk Standards
Part 6 – Specific Uses Standards	Development Standards for Specified Uses
Part 7 – Development and Design Standards	Design Standards, Parking, Signage, Landscaping, stormwater, grading
Part 8 - Environment	Shoreline and Critical Areas (wetlands, streams, slopes, floodplains)

UDC Part 2 – Applications:

The applications chapter of the UDC contains the permit types, permit submittal requirements and the permitting process. The purpose of codifying the permit review procedures is to ensure consistency of review, reducing the chances of arbitrary decisions and open transparency of the city's processes. All permits follow a similar workflow, but the variation in time and process occurs based on the type of permit.

UDC Part 3 – Permits:

Part 3, Permits, covers the post permit application process and details the review criteria for variances and conditional use permits.

C. CODE AMENDMENT CRITERIA

The city may approve or approve with modifications amendments to the text of the zoning code if:

(a) The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code;

The Stanwood Comprehensive Plan establishes land use designations based on historic development patterns and community desires. The Stanwood Municipal Code then implements the Comprehensive Plan through the adoption of zoning standards which address allowed or prohibited uses, building density, building height, lot dimensions, site and architectural development standards and protection of critical areas. Also included in the zoning chapter of the municipal code are the procedures for approving permits, amending the municipal code and adopting amendments to the Comprehensive Plan. The municipal code is the set of laws that govern the operation and development of the city.

The purpose of these code amendments is to establish Title 18, Unified Development Code, adopt the general regulations that will apply to the entire UDC, eliminate procedural conflicts, simplify the permit procedures and update the City's permitting procedures to be consistent with state law.

(b) There is a positive relationship to the public health, safety and welfare of the community; and

The Growth Management Act (GMA) requires cities to adopt a fully integrated and consolidated permit processes. The intent of the draft regulations is to update the permitting process in accordance with recent changes in state law and streamline the permitting processes for consistency with the goals of the GMA.

Streamlining the permitting processes will make it faster and more efficient for individuals, businesses, or organizations to obtain necessary approvals and permits for projects. Efficient and clearly written regulations and permit procedures can encourage economic growth, foster innovation, reduce the potential for misinterpretations, and avoid prolonged permitting processes.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

The Land Use Element of the Comprehensive Plan describes trends, anticipated future growth, and describes how best to preserve the general character of Stanwood. Land use patterns are what determine the character of the City and the locations, type of future development and where redevelopment that will likely occur. Land use determines where people in the City will reside, shop and work. Goals and policies that support the proposed amendments includes:

Future Land Use Goals and Policies:

LUG 1 Provide an amendment process that allows for annual updates of this Comprehensive Plan.

LUP 1.1: All amendments to the City's Comprehensive Plan and development regulations shall ensure early and continuous public participation pursuant to RCW 36.70A.140.

LUP 1.3: City shall process applications for state and local permits in a timely, transparent, and fair manner to ensure predictability.

LUG 4 Future land use designations shall ensure the optimum use of the land for present and future generations while preserving and maintaining the quality of the natural environment.

LUP 4.7: Future plans, policies, and regulations shall eliminate barriers that have prevented historically marginalized communities and people of color from owning and developing land in the City of Stanwood.

D. FINDINGS OF FACT

1. In 2022 the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practices, eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices.
2. The City Council has opted to comprehensively revise and consolidate its zoning, subdivision and development regulations in a new Unified Development Code to be housed in Title 18 of the Stanwood Municipal Code.
3. This first ordinance establishes the organizational structure of the Unified Development Code, permitting procedures, post permitting procedures and the review criteria for variances and conditional use permits.
4. New Title 18 will consist of the following eight parts: General Provisions, Applications, Permits, Land Divisions, Zoning and Uses, Specific Uses and Standards, Development and Designs Standards, and Environment.
5. The General Provisions part establishes the foundation for the entire UDC. It adopts the City's zoning districts and map consistent with the Comprehensive Plan; rulemaking authority, administrative interpretations, violation references and definitions.
6. The applications chapter of the UDC contains the permit types, permit submittal requirements and the permitting process. The purpose of codifying the permit review procedures is to ensure consistency of review, reducing the chances of arbitrary decisions and open transparency of the city's processes.
7. The amendments are consistent with the permitting requirements of RCW 36.70B Local Project Review.
8. Permit review timing and process changes mandated by 2SSB 5290 (2023) are included in the application procedures amendments.
9. Amendments also include post permit application process and details the review criteria for variances and conditional use permits.
10. Pursuant to RCW 36.70A.106, the City submitted the proposed Unified Development Code amendment for the 60-day review to the Washington State Department of Commerce on September 10, 2024. The 60-day review period was completed on November 9, 2024.
11. The code amendment was circulated for public review on September 24 through October 8, 2024. No comments were received on the amendment.

12. A SEPA determination of non-significance for the draft ordinance was issued on September 24, 2024, and the comment / appeal period ended on October 8, 2024.
13. The Stanwood Advisory Group reviewed the draft ordinance at their September 18, 2024, meeting and has recommended that the City Council adopt the ordinance.
14. The Stanwood Community Development Committee reviewed the draft ordinance at their October 3, 2024, meeting and has recommended that the City Council adopt the ordinance.
15. The Stanwood Planning Commission held their first reading of the ordinance on September 9, 2024, held a public hearing on ordinance on October 14, 2024, and considered the draft findings of fact and conclusions on November 18, 2024.
16. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the Planning Commission at the public hearing on October 14, 2024, for their consideration.
17. Upon considering all relevant matters, comments and testimony, the Planning Commission formally recommended that the City Council accept their adopted findings of fact and conclusions and approve the ordinance.

E. CONCLUSIONS OF LAW

1. The City of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. SMC section 17.155.030 requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to Title 17, Zoning.
3. On September 24, 2024, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard.
4. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued per City Code and under WAC 197-11-340(2). No appeals of the SEPA determination were filed.
5. The proposal is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including Land Use Goals 1 and 4 and Land Use Policies 1.1, 1.3, and 4.7.

6. The proposal is beneficial to the public health, safety and welfare and is in the public interest by adopting clear and concise regulatory code language and providing reliable and predictable permitting procedures.
7. After considering staff comments and public testimony, the Stanwood Planning Commission determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

F. STAFF RECOMMENDATION

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments creating a new Title 18 of the Stanwood Municipal Code.

Dated this 18th day of November 2024.



Patrick Hosterman, Planning Commission Chair
City of Stanwood



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11a

DATE: January 23, 2024

SUBJECT: Select Council Committees

CONTACT PERSON: Shawn Smith, City Administrator

ATTACHMENTS: A – Proposed 2025 Council Committees

PURPOSE

The purpose of this agenda item is for Council to approve the 2025 standing committee memberships as submitted by the nominating committee.

BACKGROUND

There are four Council Standing Committees:

- 1) Community Development/Economic Development
- 2) Finance/Personnel
- 3) Public Safety
- 4) Public Works/Parks

Committee membership is an annual term which expires at the second council meeting of the new year - January 23, 2025. Council must choose committee members to serve on the 2025 standing committees for an annual term. Per Council's Rules of Procedure, each councilmember ranks his committee membership choices on a ranking sheet and submits that to the mayor pro tempore. The nominating committee consists of the mayor, mayor pro tempore, and the longest serving councilmember. These three choose committee membership based on the ranking sheets and present their selection to council for approval. Committee members can choose to continue meeting on the currently scheduled dates and times as in the past or can change the meeting dates or times if there is a conflict.

DISCUSSION

The nominating committee, consisting of Mayor Roberts, Mayor Pro Tempore Robb, and Councilmember Shepro, the longest serving councilmember, have chosen committee membership based on the ranking sheets submitted by each councilmember.

Council must review the selection and vote whether to approve membership as submitted by the nominating committee.

Council can choose to meet at the currently scheduled dates, locations, and times, or council can change the schedule. The current dates, locations, and times of the committee meetings are:

- Community Development Committee meets on the first Thursday of the month at 5:00 p.m. at City Hall.
- Finance Committee meets prior to the second council meeting of the month at 6:00 p.m. at the Stanwood Camano School District Admin Building Board Room.
- Public Safety Committee meets prior to the first council meeting of the month at 6:00 p.m. at the Stanwood Camano School District Admin Building Board Room.
- Public Works/Parks Committee meets the first Monday of the month at 5:30 p.m. at the Wastewater Treatment Plant.

ANALYSIS

There is no financial impact.

CITY COUNCIL OPTIONS

- 1) Council can approve committee membership selections as submitted by the nominating committee or council can discuss committee membership selections and make changes prior to approval.
- 2) Council Committees can meet at the currently scheduled, dates, times, and locations or Council can discuss the meeting schedules and make changes.

PROPOSED MOTION

“I MOVE TO APPROVE THE 2025 COUNCIL STANDING COMMITTEE MEMBERSHIPS AS SUBMITTED BY THE NOMINATING COMMITTEE.”



Proposed 2025 City Council Committees

	Community Development / Economic Development	
	Dani Gaumond Steve Shepro Tim Schmitt Alternate – Andreena Bergman	Schedule: Meets the 1 st Thursday of the month at 5:00 pm City Hall
	Finance / Personnel	
	Dani Gaumond Robert Hicks Tim Schmitt Alternate – Steve Shepro	Schedule: Meets prior to the 2 nd council meeting of the month at 6:00 pm at the School Admin Bldg.
	Public Safety	
	Marcus Metz Darren Robb Andreena Bergman Alternate – Robert Hicks	Schedule: Meets prior to the 1 st council meeting of the month at 6:00 pm at the School Admin Bldg.
	Public Works / Parks	
	Marcus Metz Darren Robb Andreena Bergman Alternate – Robert Hicks	Schedule: Meets the 1 st Monday of the month at 5:30 pm WWTP 26729 98 th Dr. NW

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