

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, February 13, 2025



AGENDA
CITY COUNCIL REGULAR MEETING
February 13, 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**
- 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**
 - a. Finance Q4 2024 Report
 - b. Transportation Benefit District Fund 2024 Annual Report
 - c. Police Compstat Report – January 2025
- 7. COUNCIL COMMITTEE REPORTS**
 - a. Economic Development Board Meeting Minutes – November 15, 2025
 - b. Finance Committee Minutes – January 23, 2025
 - c. Parks and Trails Advisory Committee Meeting Minutes – December 11, 2024
 - d. Public Works Committee Meeting Minutes – February 3, 2025
 - e. Public Safety Committee Meeting Minutes – January 9, 2025
- 8. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks
 - b. Approve City Council Regular Meeting Minutes – January 23, 2025
 - c. Authorize the Mayor to Execute Contract -Church Creek Park Trail
 - d. Authorize the Mayor to Execute Contract –Cedarhome Sewer Bypass
 - e. Authorize the Mayor to Execute Contract – Meng-Police Station Design
 - f. Authorize the Mayor to Execute Public Works Trust Board Loan Agreement
- 9. UNFINISHED BUSINESS**
 - a. Second Reading of Ordinance 1543: SMC Title 18 Code Structure and Permitting Procedures
- 10. PUBLIC HEARING**
- 11. NEW BUSINESS**
- 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:

Thursday, Feb 27, 2025 City Council Meeting 7:00 pm
Thursday, Mar 13, 2025 City Council Meeting 7:00 pm



CITY OF STANWOOD AGENDA STAFF REPORT

ITEM NUMBER: 6a

DATE: February 13, 2025

SUBJECT: 4th Quarter 2024 Financial Report

CONTACT PERSON: David Hammond, Finance Director

ATTACHMENTS: A – Contracts executed as authorized by financial policy section 9.13
B – Sole source and change orders approved as allowed by policy sections 9.12.1 and 9.20.2
C – Budget vs. Actual Reports for quarter ending December 31, 2024

PURPOSE

The 4th quarter & Fiscal Year 2024 financial report is hereby submitted to City Council.

COMMITTEE REVIEWS:

This report was presented to the Finance Committee on January 23, 2025.

DISCUSSION

Attachment C provides detailed FY 2024 budget versus actual revenue and expenditures report with ending fund balance for all funds as of December 31, 2024. Note that Q4 actuals have been uploaded to the City's Digital Budget Book, available at this [link](#). Key Messages regarding the city's 4th Quarter 2024 financial performance:

- Tax collections, which include property, local sales, and utility taxes, were on target against budgeted amounts. Total taxes collected for FY2024 were 105% of budgeted total.
- Operating expenditures (not including debt payments or transfers out) in the General Fund (95% to budget), Streets (78%), Sewer (99%), Drainage (97%) and Water (97%) all ended in good position relative to budgeted amounts. Operating funds include salary & benefit expenditures which are mainly fixed costs and the largest portion of spending for delivering services.
- Economic predictions that pointed to a "soft landing" have proven to be accurate to date and expectations are that the federal reserve will continue to think about lowering interest rates in 2025, with a target overnight rate approximately 3.75% by the end of FY2025. This rate should help to stimulate the economy, especially housing and all dependent trades/furnishings associated with it. Housing sales and prices have picked up some traction while gross domestic product continues to show growth, although a steady decline is starting to show in growth rates. Inflation has declined and unemployment has held

steady at 4% national and 4.6% in Washington while maintaining historically low levels. A new administration starting in FY2025 will bring new strengths and challenges that will be addressed as they arise throughout the next biennium.

Table One below provides a detailed listing of holdings in the city's investment portfolio as of December 31, 2024.

TABLE ONE

Detailed Investment Holdings						
Investments	Maturity Date	Return (APY)	Balance	% of total balance	Weighted rate	Duration Years
WA Federal Public Funds	N/A	2.972%	\$ 1,204,376	3.52%	0.105%	0.01
WA LGIP	N/A	4.602%	\$ 4,478,050	13.10%	0.60%	0.02
Snoh. County Inv. Pool	N/A	2.990%	\$ 3,610,023	10.56%	0.32%	0.21
U.S. Notes & Securities:						
FFCB (1/20/2023)	1/10/2025	4.500%	\$ 1,004,640	2.94%	0.13%	0.03
FHLB (5/6/2022)	3/14/2025	2.920%	\$ 998,754	2.92%	0.09%	0.20
U.S. Treasury Notes (5/12/2022)	6/30/2025	2.830%	\$ 923,125	2.70%	0.08%	0.50
U.S. Treasury Notes (6/3/2022)	6/30/2025	2.865%	\$ 923,560	2.70%	0.08%	0.50
FHLM (2/15/2023)	8/28/2025	4.160%	\$ 983,468	2.88%	0.12%	0.66
U.S. Treasury Notes (9/1/2022)	8/31/2025	3.450%	\$ 909,618	2.66%	0.09%	0.67
U.S. Treasury Notes (9/2/2022)	8/31/2025	3.538%	\$ 907,344	2.65%	0.09%	0.67
U.S. Treasury Notes (5/12/2022)	12/31/2025	2.860%	\$ 914,773	2.68%	0.08%	1.00
FHLB (9/12/22)	3/12/2026	4.000%	\$ 1,000,000	2.93%	0.12%	1.19
U.S. Treasury Notes (9/2/2022)	6/30/2026	3.506%	\$ 906,563	2.65%	0.09%	1.50
FHLM (5/5/2023)	10/28/2026	3.777%	\$ 451,875	1.32%	0.05%	1.82
FHLB (5/5/2023)	11/27/2026	3.740%	\$ 991,286	2.90%	0.11%	1.91
FFCB (5/5/2023)	4/27/2027	3.680%	\$ 991,025	2.90%	0.11%	2.32
FFCB (5/5/2023)	9/21/2027	3.661%	\$ 883,231	2.58%	0.09%	2.72
Interamer Dev Bank (10/13/2023)	6/9/2028	4.832%	\$ 957,380	2.80%	0.14%	3.44
FHLB (10/13/2023)	9/8/2028	4.750%	\$ 983,651	2.88%	0.14%	3.69
US Treasury (10/13/2023)	11/30/2028	4.715%	\$ 854,961	2.50%	0.12%	3.92
Farmer Mac (6/25/24)	4/26/2029	4.350%	\$ 1,012,902	2.96%	0.13%	4.32
FNMA (3/18/2024)	5/15/2029	4.500%	\$ 1,150,206	3.37%	0.15%	4.37
FFCB (7/5/2024)	7/5/2029	4.460%	\$ 996,227	2.91%	0.13%	4.51
Fed Farm Credit (8/19/24)	8/1/2029	3.830%	\$ 1,013,170	2.96%	0.11%	4.59
Fed Home Loan (9-16-24)	9/10/2029	3.750%	\$ 1,000,000	2.93%	0.11%	4.70
Fed Home Loan (9-16-24)	9/12/2029	4.030%	\$ 1,600,000	4.68%	0.19%	4.70
US Treasury (5/15/24)	5/15/2034	4.500%	\$ 1,484,766	4.34%	0.20%	9.38
FFCB (7/2/2024)	6/26/2034	4.765%	\$ 1,043,755	3.05%	0.15%	9.49
Subtotal U.S. Notes & Securities			\$ 24,886,279			
Investment Total			\$ 34,178,728	Weighted Return 3.90%		
Cash (Treasurer's Checking)			\$ 470,195			
Total Cash and Investments			\$ 34,648,923	Average Weighted Duration 2.61		
Interest Earned October			\$ 112,901			
Interest Earned November			\$ 112,690			
Interest Earned December			\$ 111,078			
Total Interest Earned Q4			\$ 336,669			

The table below provides details on the performance of the city's portfolio. **Note:** The reason the city's return is lagging the benchmark is because we cannot extend the duration of certain bonds, due to the need to pay significant capital project work in 2025 and 2026.

INVESTMENT PERFORMANCE - Q4 2024				
	Oct	Nov	Dec	Quarter Average
Amount Invested	\$ 34,561,476	\$ 34,497,032	\$ 34,178,728	\$ 34,412,412
Return (average percentage yield)	3.92%	3.92%	3.90%	3.91%
Benchmark*	4.49%	4.48%	4.48%	4.48%
*Per Finance Policy, Two Year Average of Two-Year Treasury Note				

Investment Maturities and Purchases for October – December 2024

Investments	Maturity Date	Return (APY)	Balance
MATURITIES			
U.S. Treasury Notes (5/5/2022)	12/31/2024	2.878%	\$ 984,063
PURCHASES			
NO PURCHASES IN 4TH QUARTER			

General Fund

General Fund Revenue

Year 2 of the 2023-2024 biennial budget saw general fund revenues equal to 112% of the budget, while the total 2023-2024 biennial budget general fund revenues ended 110% of budget. This biennial saw higher levels of sales and utility taxes than anticipated or projected moving forward.

Sales Tax

Retail sales taxes received in the 4th quarter of 2024 totaled \$660,288. Total retail sales tax received in FY2024 equaled \$2,486,236, marking 108% of our annual budget. The chart below provides detail by industry category with dollar and percent change from 2023 to 2024.

2024 through December				
Retail Sales Tax				
Industry Category	FY 2024 YTD	FY 2023 Same Period	Dollar Change	Percent Change
Convenience & Grocers	\$ 128,244	\$ 120,086	\$ 8,158	6.8%
Auto/RV Dealer	\$ 228,567	\$ 218,979	\$ 9,588	4.4%
Department Store	\$ 140,903	\$ 129,837	\$ 11,066	8.5%
Specialty Retail	\$ 574,326	\$ 598,107	\$ (23,781)	-4.0%
Restaurants	\$ 318,027	\$ 319,298	\$ (1,271)	-0.4%
Building & Construction	\$ 537,085	\$ 568,653	\$ (31,568)	-5.6%
All Other Sales & Use Tax	\$ 559,084	\$ 545,580	\$ 13,504	2.5%
Total	\$ 2,486,237	\$ 2,500,540	\$ (14,303)	-0.6%
Other Sales Taxes				
Criminal Justice	\$ 206,459	\$ 204,955	\$ 1,504	0.7%
Affordable Housing	\$ 13,932	\$ 15,960	\$ (2,028)	-12.7%
Transportation Benefit District	\$ 584,904	\$ 588,325	\$ (3,421)	-0.6%

Licenses & Permits

In the 4th quarter the city received \$210,167, primarily collected from some large building permits received within the quarter. This brings the FY2024 total collected to 123% of budgeted revenue.

State pass-through Revenues

State pass-through revenues include the city's share of liquor excise tax and liquor board profits, PUD Privilege Tax, along with other miscellaneous state-shared revenues. For the 4th quarter of 2024 receipts were \$42,768, bringing total collected FY2024 to \$278,153, equating to 113% of budget.

Charges for Services

Charges for Services include a portion of the development-related fees that the city collects along with charges for Park fees. The 4th quarter saw collections in the amount of \$95,121. Ending FY2024, the city collected \$615,499, over doubling the budgeted amount for the year. Plan Checking fees and Zoning/inspection fees are the two largest sources of this revenue totaling \$564,520, which reflects the significant development activity our city is currently seeing.

General Fund Expenditures

General fund expenditures, excluding transfers, for FY2024 ended at \$5,682,725, which represents a 96% position to the budget. The Departmental expenditure summary and detailed reports can be found in Attachment A.

Street Operating Fund

The Street fund was budgeted to receive transfers from the General Fund and the Transportation Benefit Fund to support operations. The other major revenue the street fund relies on is unrestricted motor vehicle excise tax (MVFT), or "fuel tax". The city received \$162,961 in fuel taxes for FY2024, ending at 94% of budgeted revenue. Expenditures for street operations and maintenance is well within budget at 81%. The City Engineer is charged to Streets with project time being tracked and then transferred quarterly to specific capital projects.

Special Revenue Funds

Special Revenue Funds are separate from the General Fund and are utilized for collection of revenues that may only be used for a specific purpose such as impact fees, REET or other sources. For FY2024, the city collected \$654,433 of REET revenue. The city has also received \$397,661 in Street and Park Impact Fees. Expenditures in these funds consist of transfers-out to other funds for capital projects.

Capital Project Funds

Capital Project Funds are utilized to track project sources and uses. Because most capital projects span multiple years they do not usually align with a biennial budget cycle. Amounts budgeted may change as projects move through design, permitting and construction phases. Capital project funds are meant to be spent to build and invest in city infrastructure. Sources of revenue are transfers from special revenue funds or the general fund but the primary source for many capital projects are grants and they are reliant on our ability to seek out opportunities and ultimately be awarded the funding.

2023-2024 Biennium Capital Expenditures			
Fund	2023 Capital Expenditures	2024 Capital Expenditures	2023-2024 Total Capital Expenditures
Street Construction	\$2,866,448	\$1,696,019	\$4,562,467
Park And Trail Improvement	\$2,842,740	\$2,207,001	\$5,049,741
Building Improvement	\$770,935	\$1,065,469	\$1,836,404
Sewer Construction	\$1,059,534	\$343,687	\$1,403,221
Drainage Construction	\$624,565	\$840,437	\$1,465,002
Water Construction	\$455,445	\$1,086,204	\$1,541,649
		Total	\$15,858,484

Utility Funds

Utility Funds are proprietary funds or “business-like funds”. The City has separated utility accounting into separate funds for utility operations, capital, debt, and equipment reserves.

Sewer Fund

For FY2024, sewer operating revenues, including interest, was \$3,381,389, 107% of the annual revenue budget while sewer expenditures ended the year at 99% of budget. FY2023 to FY2024 saw expenditures increase by 4%. Annual debt service payments for this fund in FY2024 equaled \$813,500. For the 4th quarter, \$193,871 in payments were made. Two of the largest projects under the Wastewater fund include WWTP improvements and the Sewer System Plan Update. Effective January 1, 2025, Sewer rates were increased by 5.75%.

Drainage Fund

Drainage charges for services, including interest, ended 99% to the revenue budget at \$1,689,114 for FY2024. Operating expenditures, excluding transfers and debt, ended on target at 97% of budget. FY2023 to FY2024 saw expenditures increase by 28%. The 2024 major capital projects include the Irvine Slough Stormwater Separator (Design) and the Flood Wall. Effective January 1, 2025, Drainage rates were increased by 3%.

Water Fund

Water operating revenue, including interest, for FY2024 ended at \$2,582,127, 98% of budget targets. At the conclusion of FY2024, operating expenditures for the Water Fund, excluding transfers and debt, are \$1,812,329 or 97% of budget. FY2023 to FY2024 saw expenditures increase by 10%. FY2024 debt service payments for the water fund equaled \$723,180. Major capital projects included in the Water fund are 103rd Street Main Replacement and Telemetry Upgrades. Effective January 1, 2025, Water rates were increased by 3%.

Equipment Reserve Funds

The City operates an extensive vehicle and equipment replacement program that encompasses four separate funds specifically designed to be able to provide funding when the need arises for new and replacement equipment, including vehicles. Below is what was spent during this biennium on vehicles and equipment for the city, as well as the budget over the next biennium.

Vehicle and Equipment Purchases 2023-24 actual, and 2025-26 Budget					
Fund	2023 Purchases	2024 Purchases	2025 Budget	2026 Budget	Total Purchases
Equipment Reserve Fund	\$304,228	\$150,644	\$116,257	\$15,435	\$454,872
Sewer Equipment Reserve	\$274,004	\$49,493	\$125,000	\$150,000	\$323,497
Drainage Equipment Reserve	\$25,081	\$62,657	\$39,375	\$0	\$87,738
Water Equipment Reserve	\$71,800	\$111	\$90,000	\$0	\$71,911
	\$675,113	\$262,905	\$370,632	\$165,435	\$938,018

Report on Operating Fund Reserves

All operating fund reserve balances exceed policy targets at 2024 year end, and are also budgeted to exceed policy levels at the end of 2025.

ATTACHMENT A –

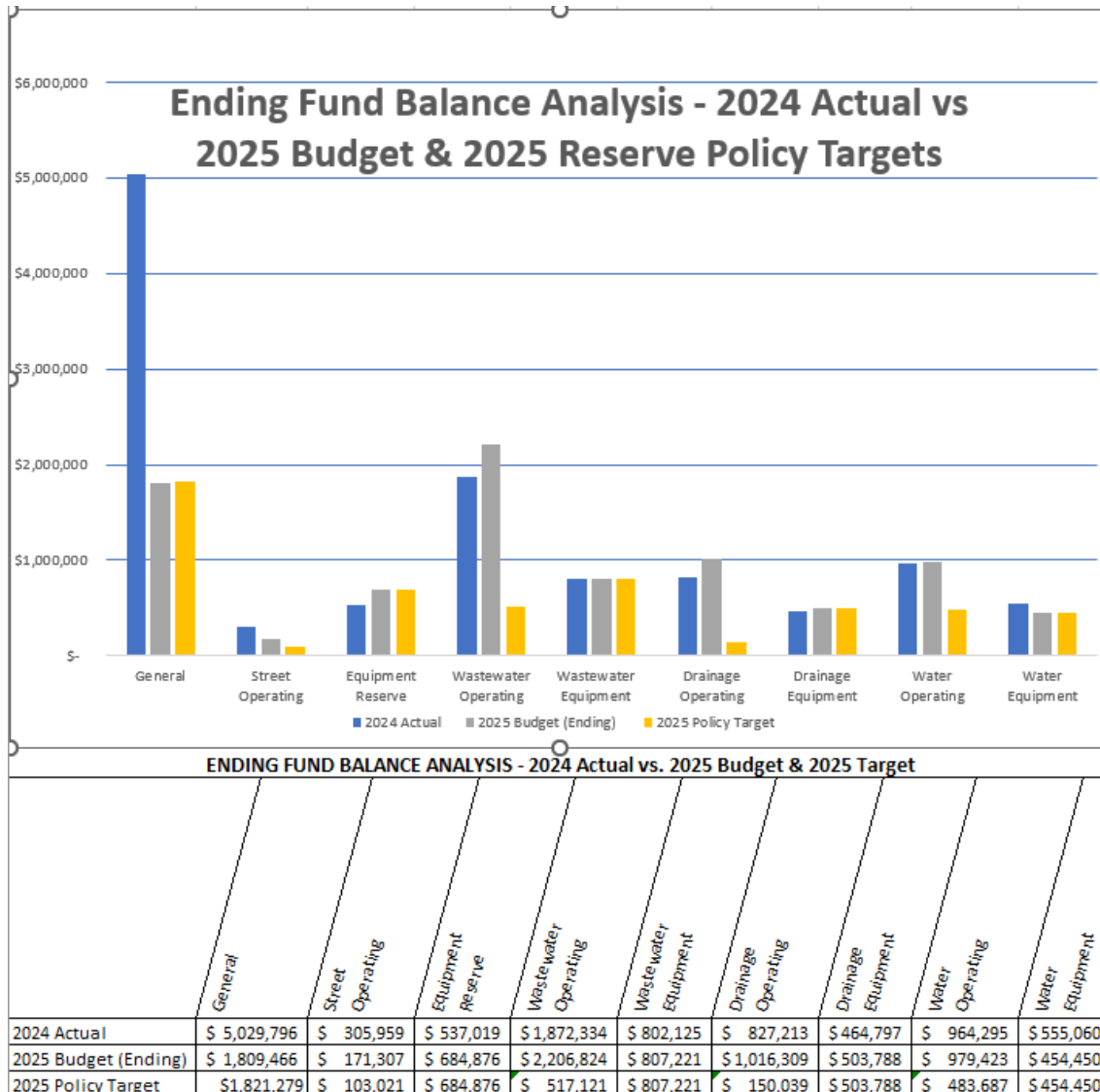
Contracts Executed by Mayor During Q4 2024 (Finance Policy Section 9.13)			
NUMBER	CONTRACT/AGREEMENT	PROJECT	AMOUNT
2024-085	VECA and Electric Technologies	City Hall, Shop, Church Creek Park Alarm System	\$21,726
2024-086	John E. Galt - Amendment	City's Hearing Examiner	\$175 per hour
2024-088	Rh2 Engineering - Task Order 2024-073.1	68th Avenue Annexation (Keller)	\$14,800
2024-089	Taylor's Excavating - Task Order 2023-121.3	Clean Out Drainage Swale and Spread Spoils Onsite	\$19,129
2024-090	Ricoh USA	2 year maintenance agreement - City Hall B&W copier	\$102.33 per month
2024-091	Ricoh USA	2 year maintenance agreement - WWTP Copier	\$77.59 per month
2024-093	Harmsen - Task Order 2021-33.16	Design 272nd & 72nd Sidewalk Project	\$78,311
2024-094	Harmsen - Task Order 2021-33.17	Design 80th & 283rd Sidewalk Project	\$7,182
2024-095	Metron - Task Order 2021-31.07	Police Station & Annex Bldg Binding Site Plan	\$14,300
2024-097	Kimley-Horn and Associates	SR532 & 72nd Ave Traffic Signal Mod Design	\$60,120
2024-098	Environment Control	Janitorial Services	\$2,154 per month
2024-100	Snohomish County	Establishing Snohomish Regional Drug Task Force	\$2,188
2024-104	Washington Federal, N.A Sup No.2	Banking and Financial Services	NA
2024-105	Perteet, Task Order 2021-30.06	271st Street Traffic Calming PS&E	\$98,242

ATTACHMENT B

Sole Source Contracts (4th Quarter)			
Company	Product	Date	Cost
Cimco GC Systems	Cla-Valve Repair and Maintenance	October 10th	\$20,565.89
TMG Services	WTP Equipment- CL2 Sensors	October 10th	\$ 8,472.46
General Pacific	Water Meters	October 24th	\$ 5,213.61
APSCO	WWTP Amaprop Mixer	December 22nd	\$49,353.36
General Pacific	Water Meters	December 24th	\$59,513.85

Change Orders (4th Quarter)		
Company	Project	Cost
Excavation West	Port Susan Trail - Fence Around Chlorinator	\$16,901.30
Excavation West	Port Susan Trail - Modified Handrail	\$ 6,334.36
Excavation West	Port Susan Trail - MOH for Piles and delivery to City	\$29,363.69
Sultini LLC	City Hall Ramp Painting	\$ 2,253.93

ATTACHMENT C





**CITY OF STANWOOD
CITY COUNCIL
AGENDA STAFF REPORT**

ITEM: 6b
DATE: February 13, 2025
SUBJECT: 2024 Transportation Benefit Fund Annual Report
CONTACT PERSON: David Hammond, Finance Director
ATTACHMENT(S): A – 2024 Transportation Benefit Fund Annual Report

ISSUE

RCW 36.73.160 requires the transportation benefit fund to issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the District.

In 2015, the Stanwood City Council approved the City's assumption of the Transportation Benefit District (TBD), however, staff will continue to prepare an annual report on the uses and status of the transportation sales tax authorized by the former TBD.

COMMITTEE REVIEWS:

This report was presented to the Finance Committee on January 23, 2025.

COUNCIL OPTIONS

1. Approve 2024 annual report.
2. Do not approve 2024 annual report.
3. Do not approve 2024 annual report and direct committee to provide additional information.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE 2024 TRANSPORTATION BENEFIT FUND ANNUAL REPORT."

Stanwood Transportation Benefit Fund 2024 Annual Report

Report Purpose

This report provides information on the status of the Stanwood Transportation Benefit District and Sales Tax Special Revenue Fund and fulfills the requirements of the State of Washington for an annual report.

Following is an excerpt from the relevant state law.

RCW 36.73.160(2): A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

Background

Cities and counties are authorized to form transportation benefit districts under state law (Chapter 36.73 RCW) for the purpose of funding transportation projects. A transportation benefit district may cover an entire city; if so, it must be governed by a board comprised of the same members that are on the city council. Funding may be from various sources, including an additional 0.2% sales tax designated for TBD purposes.

In late 2012, the Stanwood City Council adopted Ordinance No. 1328 to establish a transportation benefit district that could fund selected transportation projects.

In February 2013, a ballot measure was passed by the citizens of the City of Stanwood to increase the city's sales tax by two tenths of one percent (0.2%); the proceeds of the additional sales tax would go to the newly formed TBD Special Revenue Fund for the purpose of constructing and maintaining city streets. The sales tax increase became effective on July 1, 2013.

In 2015, Second Engrossed Substitute Senate Bill 5987 (2ESSB 5987) was passed by the State allowing cities to assume the rights, powers, functions, and obligations of a transportation benefit districts. In October 2015, the Stanwood City Council conducted a public hearing and authorized the assumption of the TBD. Effective January 1, 2016, The Stanwood Transportation Benefit District governance and oversight was assumed by the City of Stanwood, and all assets and liabilities were transferred to City Fund 108, Transportation Sales Tax Fund.

In 2022, the citizens of Stanwood voted by a majority of 65.2% to renew the Transportation Sales tax for an additional ten years.

2024 Revenues

In 2024, the Transportation Sales Tax Fund received \$584,905 in taxes, this is a 1% decrease from 2023. The 2024 revenue collected exceeded our budgeted revenue by 8%. The fund also received net interest of \$5,557, for total revenues of \$590,461.

2024 Expenditures

In 2024, Fund 108 transferred \$60,000 to the Street Operating Fund and \$675,000 to the Street Construction fund. The Street Construction Fund began 2024 with transportation benefit funds carried over from 2023 in the amount of \$142,328 and ended 2024 with unspent transportation benefit funds of \$320,159, which carries to 2025-2026 budget. These funds carry over because it is usual for capital projects to require more than one year to plan and complete.

Project Description	Amount
Sidewalk improvements (Jensen Road Project and 73 rd Ave NW)	\$ 11,734
Intersection Control Evaluation (64 th Ave NW)	23,662
Crosswalk Flashing Light (Church Creek Park)	9,881
Overlay / Repair 103 rd Ave.	324,367
Design Street Crossings Main St. (Twin City Mile)	24,231
Total 2024 Expenditure	\$ 497,169

Ending Cash Reserves

The Transportation Sales Tax Fund ended the 2024 year with cash reserves of \$119,416 to carry forward to 2025 as follows:

2024 Ending Cash Reserves

Description	Budget	Actual	Difference
Beginning Cash Reserves	\$ 263,955	\$ 263,955	\$ -
Total Revenue	\$ 550,000	\$ 590,461	\$ 40,461
Total Resources Available	\$ 813,955	\$ 854,416	\$ 40,461
Less Expenditures	\$ 735,000	\$ 735,000	\$ -
Ending Cash Reserves	\$ 78,955	\$ 119,416	\$ 40,461

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 6c
DATE: February 13, 2025
SUBJECT: Police Compstat Report
CONTACT PERSON: Chief Jason Toner
ATTACHMENTS: A – January 2025 Compstat

SUMMARY STATEMENT

Attached is the January 2025 Compstat Report for council review.

Stanwood Police Department CompStat Report



City of Stanwood Police Chief Jason Toner

Prepared by: Snohomish County Sheriff Office Crime Analysis Unit and Stanwood Police Department

JANUARY 2025

Stanwood Police Department

COMPSTAT REPORT



What is CompStat?

CompStat stands for 'Computer Statistics' dealing specifically with crime. It is found to be an effective way to accurately track crime and use the information to deploy officers to address it in timely manner. It is a performance management system that is used to reduce crime and achieve other police department goals. It emphasizes information-sharing, responsibility and accountability and improving effectiveness.

What is the benefit to the community?

CompStat allows us to track crime problems and allocate resources to the areas that are being affected. By being able to focus our efforts on areas being impacted, we are able to make apprehensions and drive down crime in Stanwood.

How is data collected?

Crime Analysts access a variety of systems to collect and analyze law enforcement data. Data collection begins at the 911 call center (SNO911) and carries over into law enforcement records management systems (LERMS). Much of the information presented in this report is also reported to state and federal agencies annually.

What data will you see in this report?

What occurred within the city limits of Stanwood and calls responded to by the Stanwood Police outside the city.

This is a true representation of all police activity occurring in the City of Stanwood, you will see these calls listed as "In the STW Beat". On occasion, Stanwood Police officers will be called outside the city to assist other agencies. We also have deputies who live outside of the city so on occasion they will make a traffic stop or respond to a nearby call while commuting to work. You will see these call listed as "Answered by STW ORI"

Incident data:

This represents what police were called to and includes self-initiated activity. Multiple 911 calls for the same incident are presented as a single incident.

Case data:

An incident becomes a case when the deputy determines reporting protocol is met. A case is often generated based on a specific crime, traffic collisions, arrest or the need to document specific actions or information.

JANUARY 2025

Stanwood Police Department

POLICE STAFFING



The City of Stanwood contracts for law enforcement services through the Snohomish County Sheriff's Office. The contract is identified as a "stand alone" contract, which allows the City of Stanwood to maintain its own police identity to include policies and procedures that meet unique small city needs. All uniforms and vehicles are identified as Stanwood Police and we provide services to the city population of approximately 8,405.

DIVISIONS:

CHIEF OF POLICE: Has the rank of Lieutenant with the Sheriff's Office. Oversees all aspects of the Police Department daily operations. The Chief works with city staff to ensure community needs are met.

ADMINISTRATIVE SERGEANT: Administers the day-to-day administrative functions of the Police Department and oversees the day shift deputies, School Resource Officer and Detective. Steps in as the Chief of Police when the chief is absent.

NIGHT SERGEANT: Oversees the swing shift and night shift deputies.

PATROL DIVISION: Responds to crimes in progress, traffic collisions, missing persons, and other emergency and non-emergency calls for service.

SCHOOL RESOURCE OFFICER: Utilizes the concept of educator, informal counselor, and law enforcer; working to bridge the gap and build relationships between law enforcement and youth.

DETECTIVE: Works in conjunction with patrol and the resources of the Snohomish County Sheriff's Office to investigate a broad range of felony- and misdemeanor-level crimes that occurred in the City of Stanwood.

	ASSIGNED	VACANCIES	PERCENTAGE
Chief	1	0	100%
Sergeant	2	0	100%
Deputy	6	0	100%
School Resource Officer No longer a PD employee - SCSO contract	1	0	100%
Detective	1	0	100%

JANUARY 2025

Stanwood Police Department

RECORDS UNIT



Records Summary: Job duties include, but are not limited to, the following;

- Provide administrative support for all members of the Stanwood Police Department.
- Assist the Chief of Police with police budget tracking and review.
- Verify and code all incoming invoices for the Police Department.
- Ordering of supplies for the department, and special events.
- Subject matter expert for the Law Enforcement Records Management System (LERMS) used by Stanwood Police Department.
- Manage all Stanwood Police Department documents and records.
- Review all electronic case file entries and information for accuracy.
- Scan paper records into electronic case files.
- Forward criminal arrest referrals to the Prosecuting Attorney's Office.
- Enter trespass notices, gun alerts, and other safety alerts into the agency's electronic records management system.
- Route Child Protective Services & Adult Protective Service referrals.
- Maintain department case file and document archives per Washington State records retention/destruction schedules.
- Responsible for federal reporting of crime statistics to the National Incident Based Reporting System (NIBRS).
- Run monthly case audits and records validations.
- Enter court orders, missing persons, vehicle impounds, lost or stolen property, stolen vehicles, etc. into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Provide second checks for all entries made into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Conduct background checks for concealed pistol license and pistol transfers applications.
- Provide fingerprint services for concealed pistol license applicants and citizen fingerprints.
- Review and fulfill public records requests within the guidelines of the Public Records Act.
- Create/update/maintain all process, procedure, and training manuals for the position.
- Serve as Stanwood Police Department's Terminal Agency Coordinator for the Washington State Patrol ACCESS program.
- Assists with walk-in and telephone customers, averaging 8,000 yearly contacts.
- Route calls to 911 and non-emergency dispatch.
- Respond to requests for service and answer general questions.
- Manage key & key fob assignments for City of Stanwood employees.

	2025	2024	2023	2022	Year to Date
Public Records Requests	33	50	46	33	33
Concealed Pistol License Issued	33	30	39	53	33
Fingerprinting & Approx Time	26 6.5 hrs	18 4.5 hrs	10 2.5 hrs	12 3.0 hrs	26 6.5 hrs

JANUARY 2025

Stanwood Police Department

Message from the Chief



We'll like most of America, not sure who I am rooting for in the Super Bowl between the "birds" and the "fighting Swifties" but looking forward to hanging out with friends and family and eating some good food. Hopefully we will see our beloved Seahawks back in the big game sooner than later.

2024 by the Numbers:

In 2024, Stanwood Police Department responded to a total of 10,177 service calls. These included the investigation of 158 domestic violence incidents, 71 reports related to threats and harassment, and 853 calls concerning suspicious activity. The department handled 26 vehicle thefts, recovering 33 stolen vehicles. Additionally, officers responded to 124 theft incidents and 121 trespassing calls.

Stanwood PD also investigated 258 traffic collisions, addressed 1,162 traffic-related complaints, and issued 164 citations. The department handled various community caretaking concerns, such as 111 nuisance complaints, 69 noise complaints, 3 ordinance violations, and 26 fireworks-related issues.

In terms of mental health support, officers responded to 51 suicide-related calls (none resulting in fatalities), 109 behavioral health calls, and 36 cases of missing or runaway individuals. They also attended 18 death-related calls.

Legislative Update:

The Washington State legislative session began on January 13th and will continue until April 27th. Over 1,400 bills are under discussion, with only a few set to become law. Several bills impacting law enforcement practices in the state are being considered.

SB 5060: This bill establishes a law enforcement hiring grant program to support local agencies in hiring new officers, with \$100 million allocated for fiscal year 2026. The Washington Association of Sheriffs and Police Chiefs (WASPC) supports this bill.

HB 1125: This bill allows certain incarcerated individuals to petition for resentencing if their original sentence no longer serves justice. Eligibility will expand gradually starting in 2026, allowing petitions every three years. WASPC opposes this bill due to the additional workload it would create for prosecuting attorney offices, already dealing with significant case backlogs and staffing shortages.

SB 5066: This bill addresses misconduct in law enforcement and local corrections agencies by outlining procedures for investigating and holding officers accountable. WASPC and the Association of Washington Cities (AWC) oppose the bill, arguing that it unnecessarily expands the authority of the Attorney General's Office, duplicates existing processes, and places the financial burden on local governments.

JANUARY 2025

Stanwood Police Department

Message from the Chief



SB 5312: This bill proposes reducing sentences for individuals convicted in Net Nanny operations—online sting operations targeting adults attempting to engage in illegal sexual activities with minors. It suggests reducing the length of sex offender registration to five years for those without a prior criminal record related to sexual offenses. WASPC opposes this bill.

HB 1053: This bill mandates that law enforcement provide juveniles with access to an attorney before waiving constitutional rights during custodial interrogations or consent searches. WASPC is collaborating with the bill's sponsor to improve state law.

HB 1512: Focused on traffic safety, this bill aims to implement strategies for reducing incidents on the roads and proposes limiting the enforcement of non-moving violations. WASPC opposes the bill.

Bipartisan Support for Search and Rescue: There is growing support for increased state funding for Search and Rescue operations and regional air services, with current costs borne by local governments.

Chief Toner

JANUARY 2025

Stanwood Police Department

Detective Report



Stanwood Police Case 2025-273

On 01-10-2025 a citizen reported a fraudulent wire transfer from his bank account. On 01-08-2025 and unknown subject entered a bank branch in Atlanta, GA, presented a wire transfer request with the victim's account information, and identification in the victim's name.

Bank staff processed the \$80,000.00 wire transfer from the victim's account after accepting a "WA driver license" and a debit card in the victim's name from another bank as identification. The victim has never been to Georgia and does not know how his account and personal information was compromised.

Deputy Kargopolitsev and Detective Martin will be working on a search warrant to obtain information and video from bank branch in Georgia.

JANUARY 2025

Stanwood Camano School District SCHOOL RESOURCE OFFICER



Celebrating MLK

Friday January 17th, Stanwood High School celebrated Martin Luther King Jr. with an assembly in the SHS Performing Arts Center. A great presentation was put on by our student speakers, and guest speaker Tee Wanz. Tee Wanz spoke about his upbringing and working hard to get what you want. He spoke of love, acceptance and unity. It was a great assembly that drove home a great message.



Girls Basketball



The girls basketball team is still going strong with several big wins lately. On Jan. 31st the #2 Spartans take on the #1 Snohomish Panthers. The Spartans are 7-1 in league play with their only loss coming from Snohomish.

Country Living Expo



This years' Country Living Expo was another great success. Over 1300 people attended the event to learn or sharpen up their skills on all things farming and home-steading. Although not a school-sanctioned event, many staff and students worked very hard to get the high school ready for the event. There were lots of comments about the great pulled-pork lunch.

JANUARY 2025



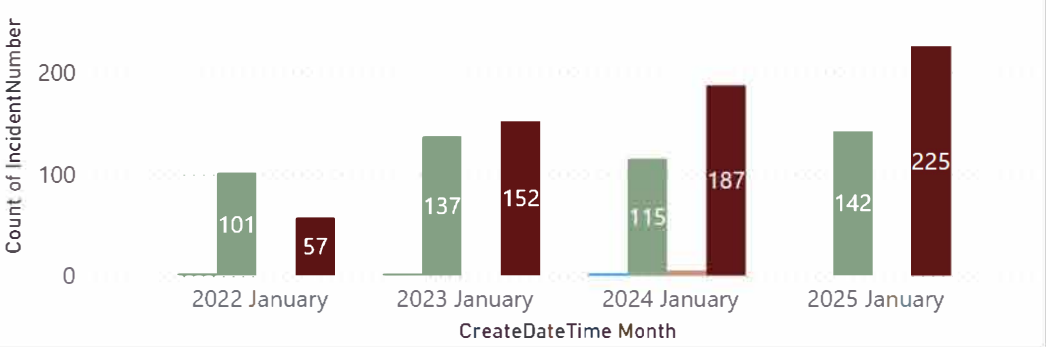
The following pages cover incidents data. This is also known as calls for service. If 30 people call because there's a wreck in front of Haggens, it counts here once.



Previous Month Over Time

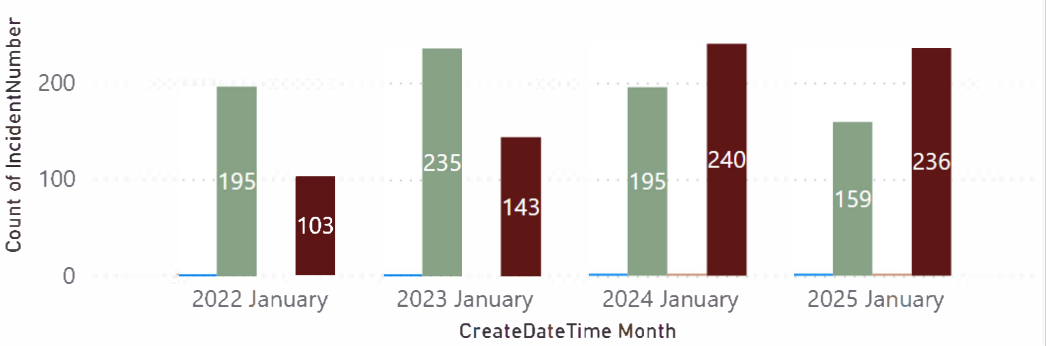
Stanwood West, Incidents by Origination

Call Origination (Blank) 911 call ASAP Officer-Initiated



Stanwood East, Incidents by Origination

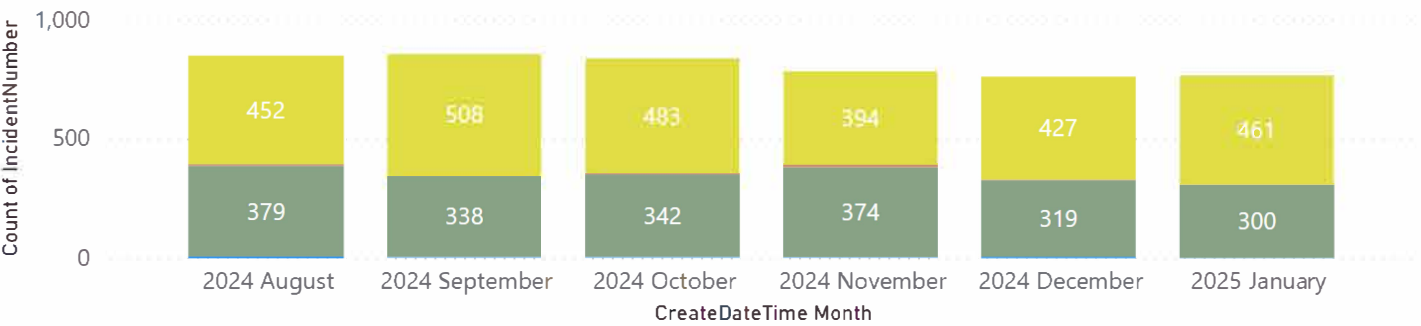
Call Origination (Blank) 911 call ASAP Officer-Initiated



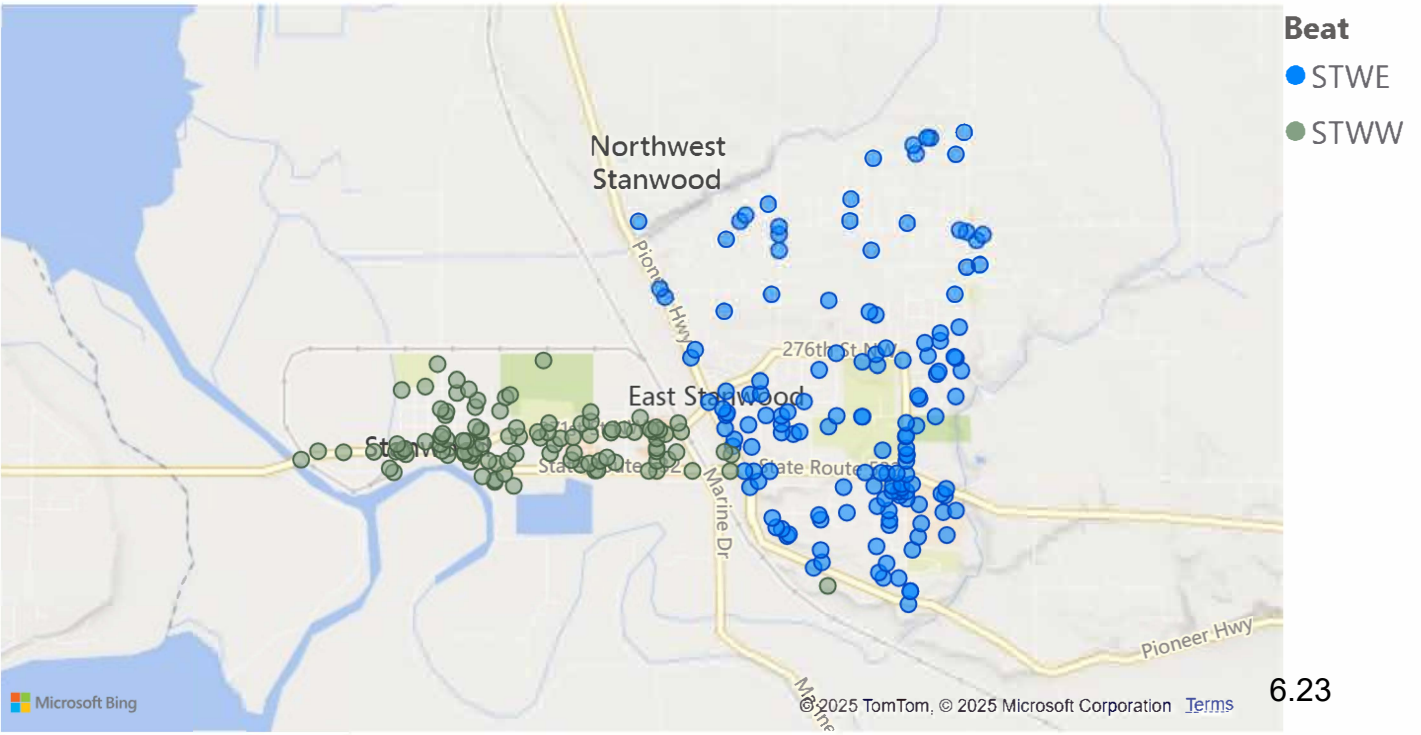
TOTAL INCIDENTS - ALL ORIS inside STW

Total Incident Counts, Past 6 Full Months by Origination Type

Call Origination (Blank) 911 call ASAP Front Counter/Lobby Officer-Initiated



All incidents Past 1 Month - excludes victim privacy concerning incidents

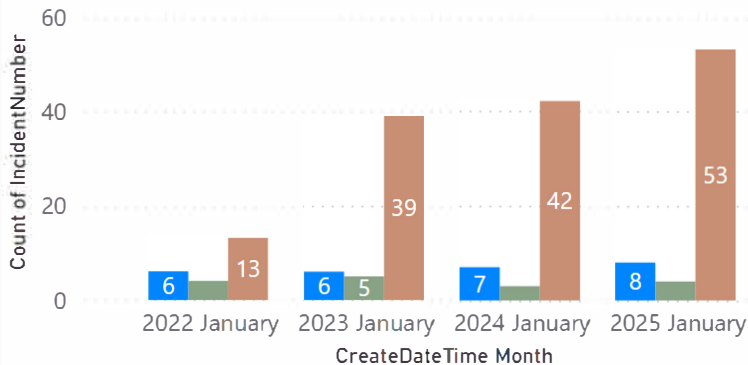




Previous Month Over Time

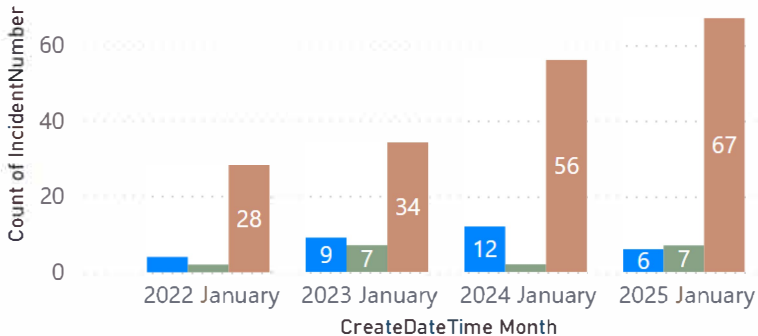
Stanwood West

IncidentType Collision DUI Traffic



Stanwood East

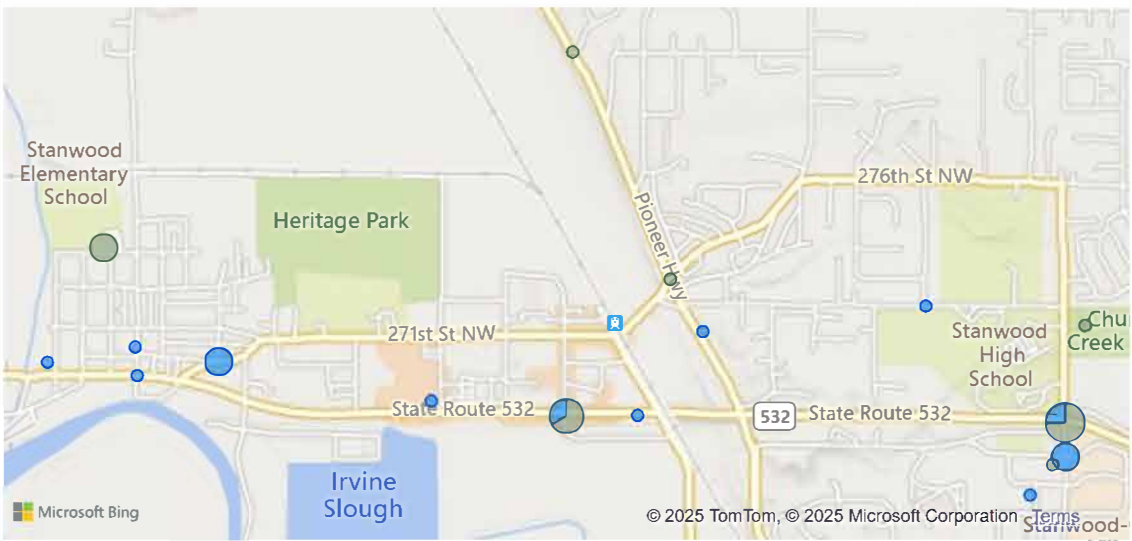
IncidentType Collision DUI Traffic



Collision, DUI, and Traffic INCIDENTS

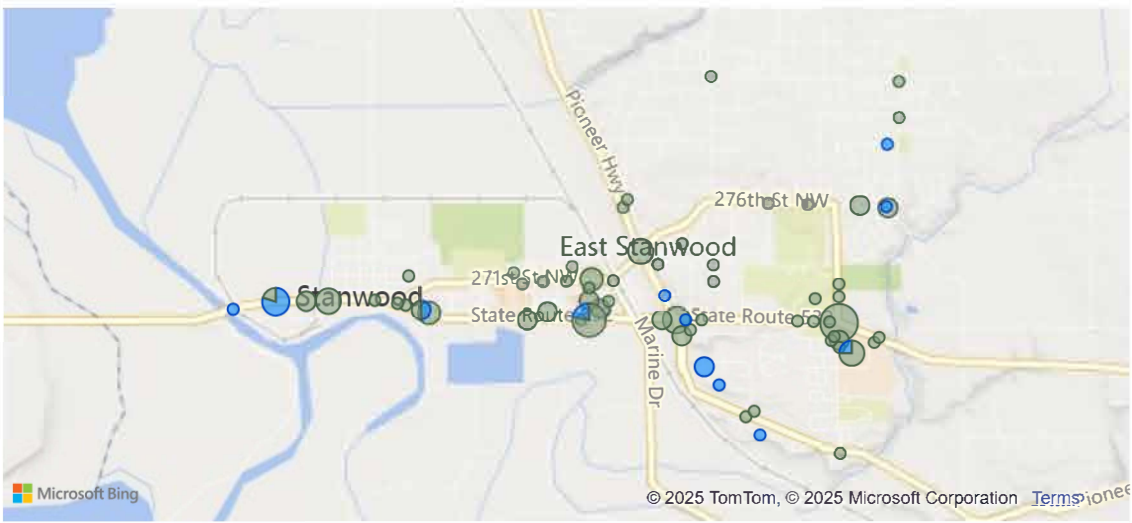
Previous Month, Current Year

IncidentType Collision DUI



Traffic - Previous Month, Current Year

Call Origination 911 call Officer-Initiated



STWW & STWE

Year	Collision	DUI
2024		
August	14	6
September	10	8
October	21	6
November	28	14
December	21	5
2025		
January	14	11

STWW & STWE

Year	Traffic
2024	
August	99
September	92
October	81
November	67
December	86
2025	
January	120



Tickets - To Current Date, Current Year

of Tickets - This CY

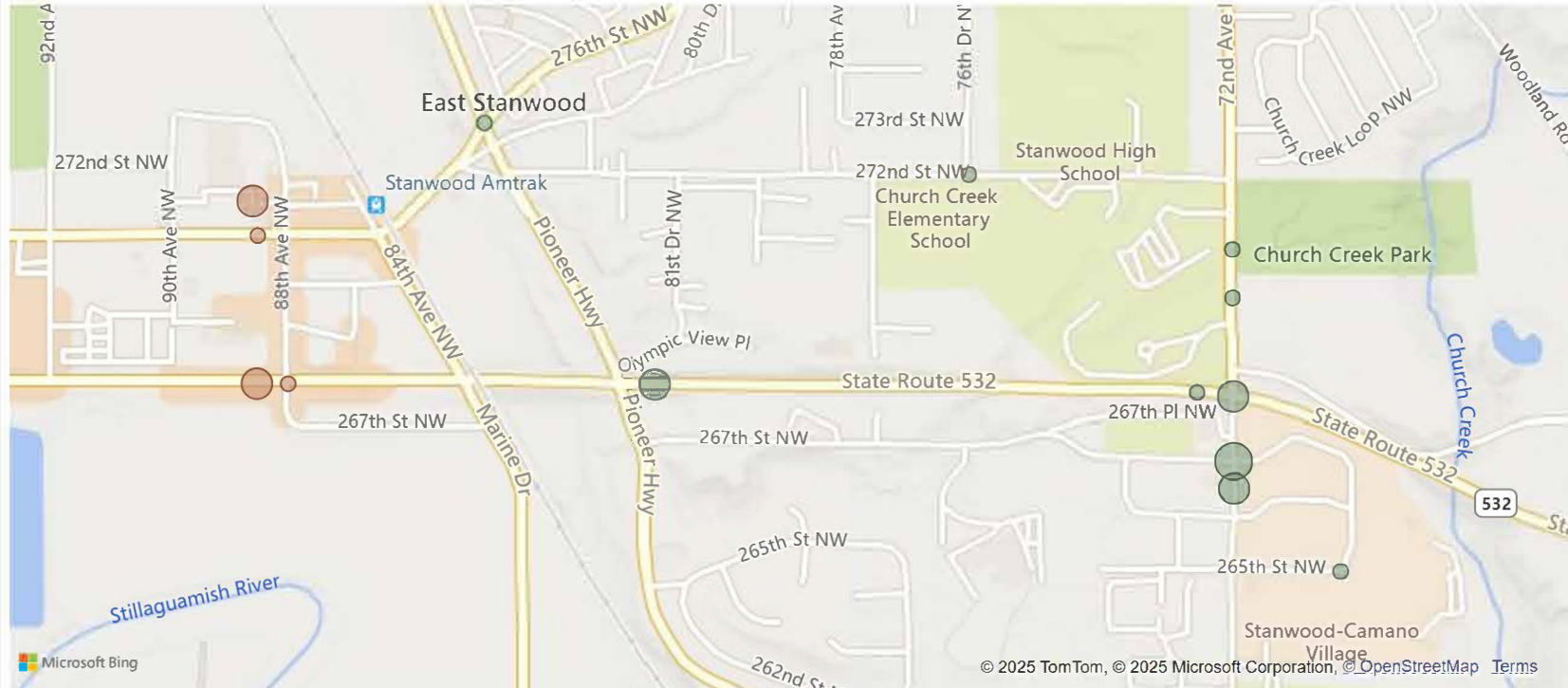
18

of Violations - This CY

25

Location of Citations this CY

Beat ● (Blank) ● STWE ● STWW



Total Violations

Month	2022	2023	2024	2025
January	7	19	22	25
February	12	39	16	
March	11	27	13	
April	6	18	24	
May	11	24	26	
June	26	32	24	
July	30	10	21	
August	32	38	11	
September	37	39	27	
October	12	112	30	
November	15	28	17	
December	23	29	27	
Total	222	415	258	27

How Many Tickets Had More than One Citation?
2022 to present

189

6.25



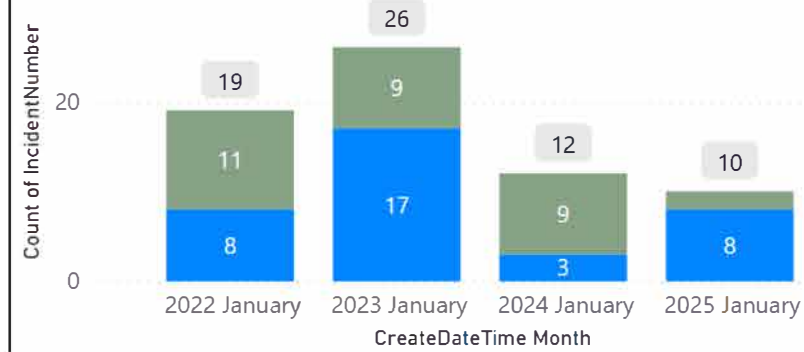
Alarms

STWW & STWE

Year	Alarm
☐ 2024	
August	15
September	10
October	8
November	27
December	8
☐ 2025	
January	10

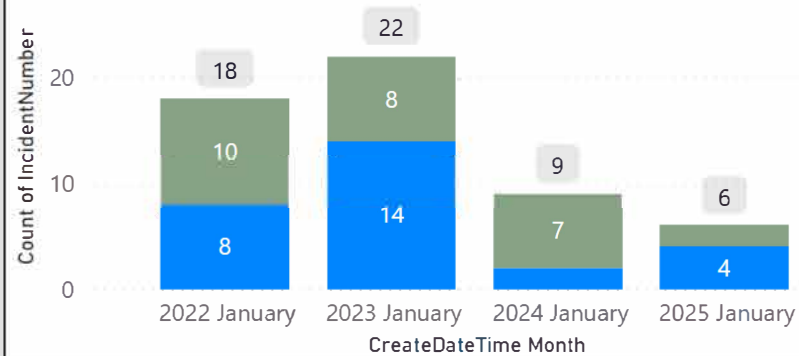
Alarms

Beat ● STWE ● STWW



Alarms that were False Alarms

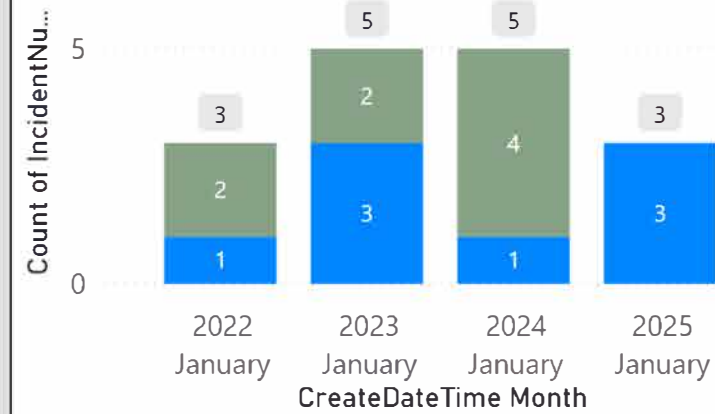
Beat ● STWE ● STWW



Abandon Vehicles

Abandon Vehicles

Beat ● STWE ● STWW

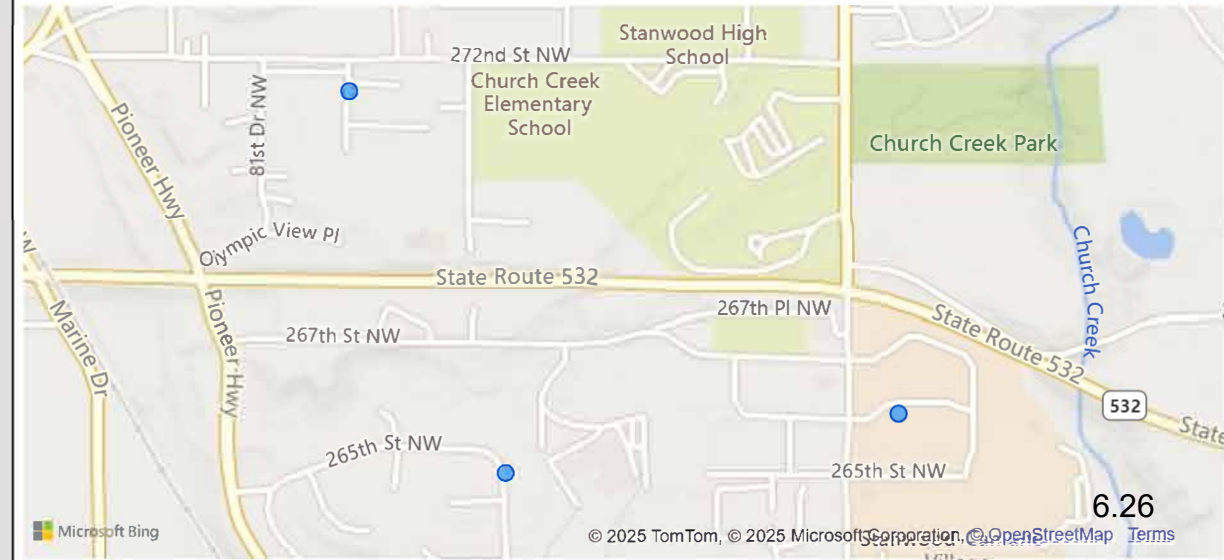


STWW & STWE

Year	Abandoned Vehicle
☐ 2024	
September	1
October	2
November	6
December	1
☐ 2025	
January	3

Abandon Vehicles Past Calendar Month, ThisYear

Beat ● STWE



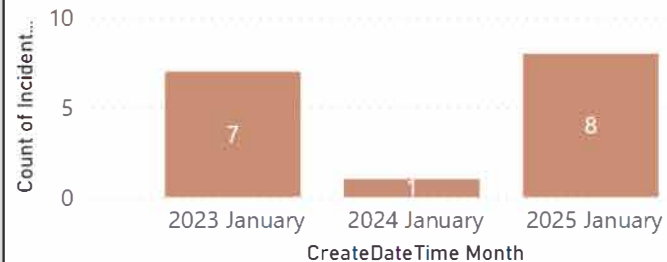


Stanwood West

IncidentType ● BHC ● Suicide



IncidentType ● Welfare Check



Death Investigations - STWW

CreateDateTime Month

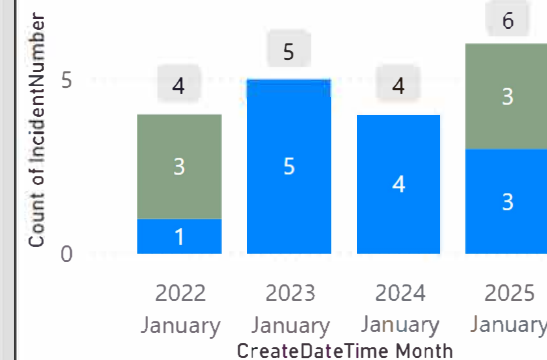
Year	BHC	Suicide
2024		
August	4	
October		2
November	3	2
December	2	3
2025		
January	9	

Year	Welfare Check
2024	
August	2
September	3
October	2
November	4
December	1
2025	
January	8

Stanwood East

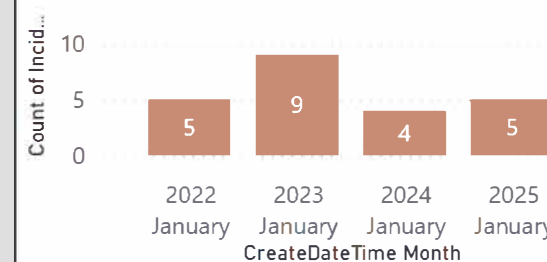
Year	BHC	Suicide
2024		
August	3	3
September	1	1
October	4	2
November	21	5
December	10	1
2025		
January	3	3

IncidentT... ● BHC ● Suicide

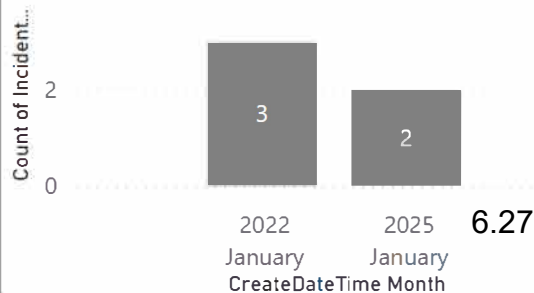


Year	Welfare Check
2024	
August	5
September	8
October	13
November	7
December	12
2025	
January	5

IncidentT... ● Welfare Check



IncidentT... ● Death



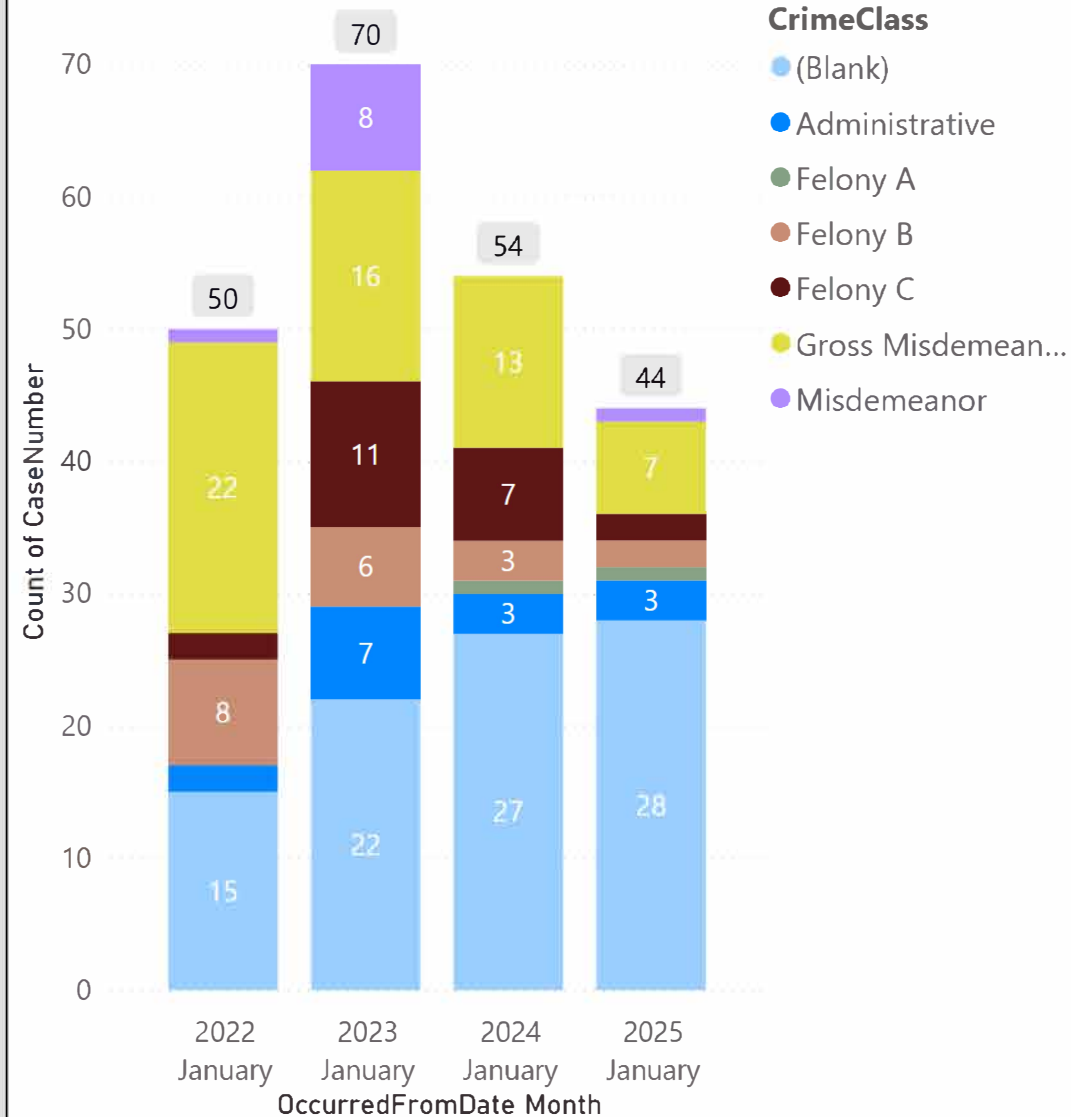


The following pages cover case data. The key difference between cases and incidents data is a Deputy has determined something did transpire that justifies writing a case report.

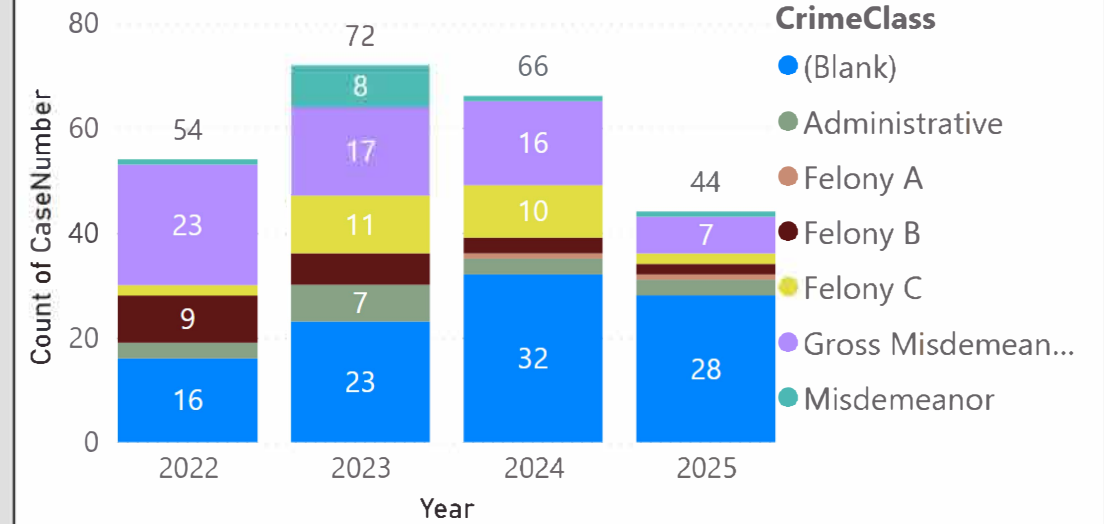
TOTAL CASES

IN THE STW BEAT

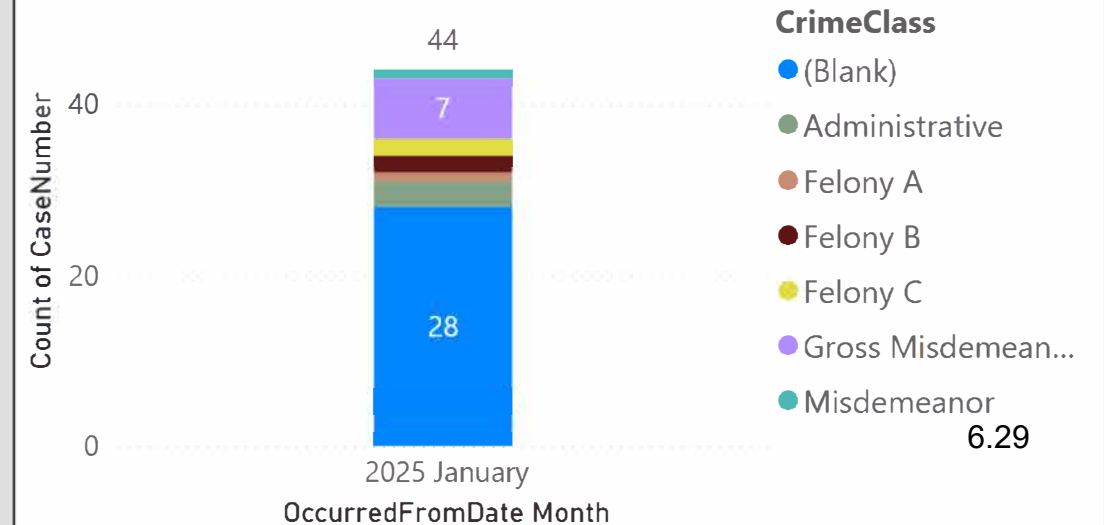
Cases, Previous Month, Yr over Yr



Case Count by Statute, Jan 1 - present, Yr over Yr



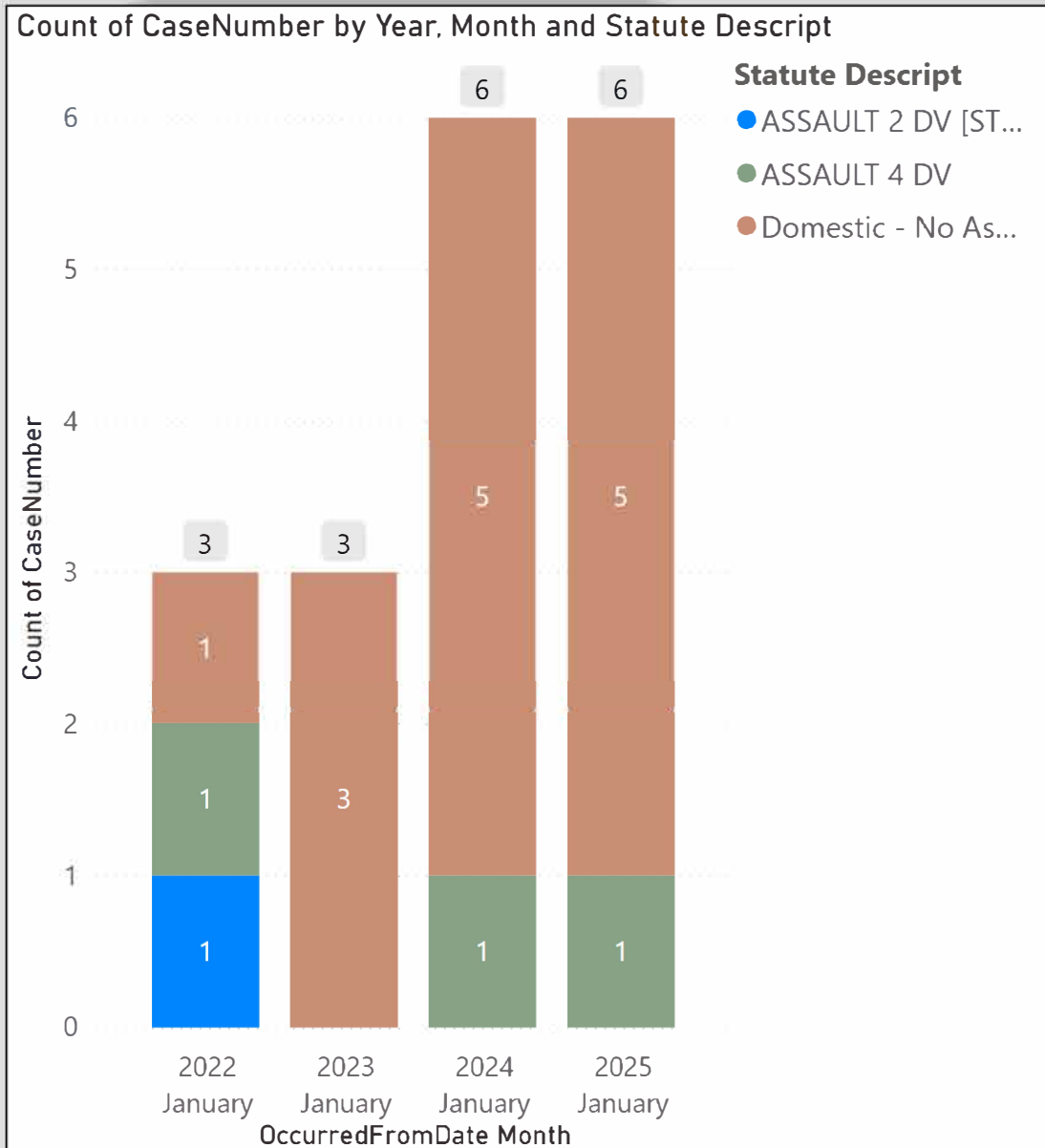
Case Count by Statute, Jan 1 - present, Current Year



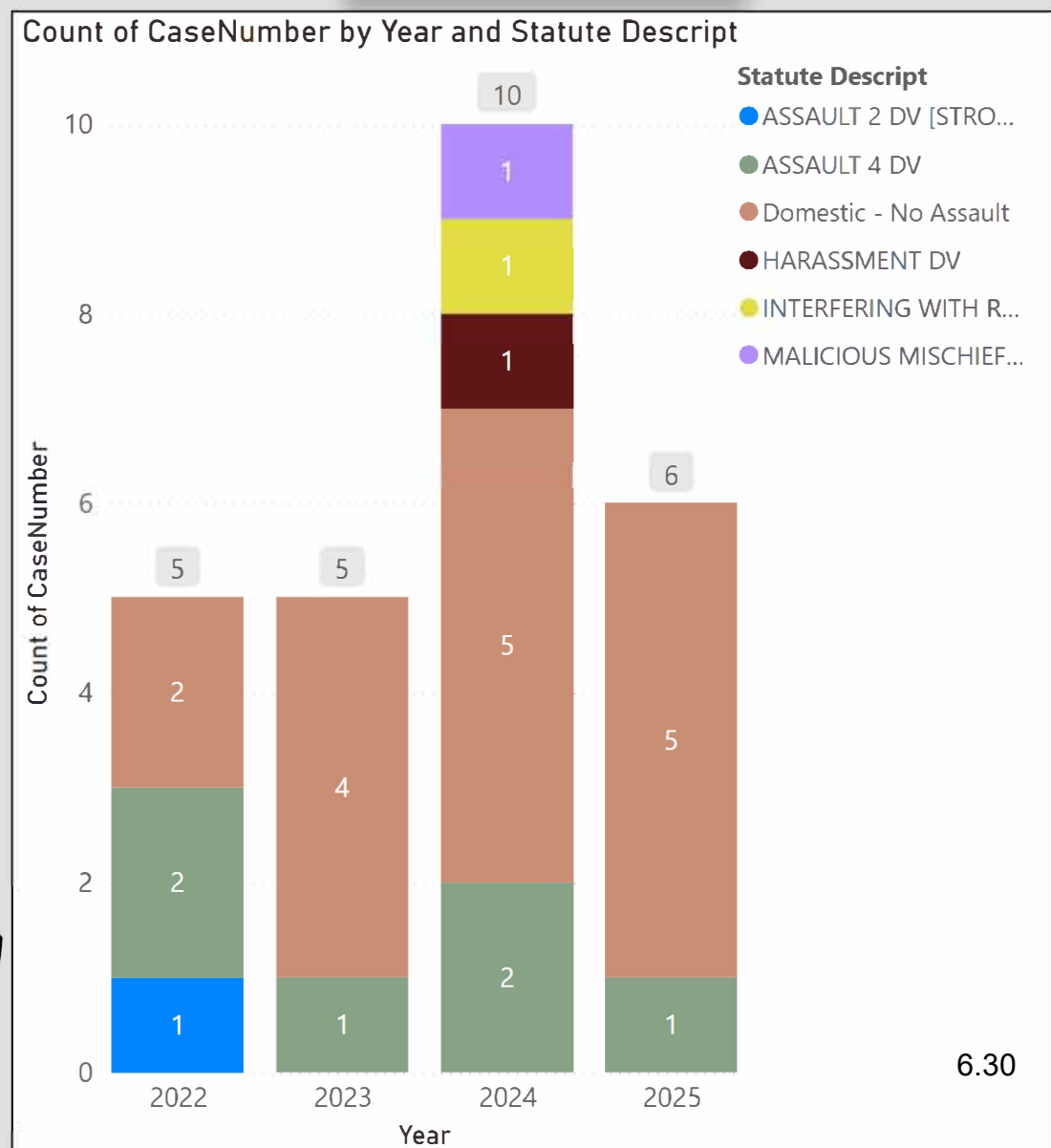
Domestic Related CASES

IN THE STW BEAT

Previous Month Over Time



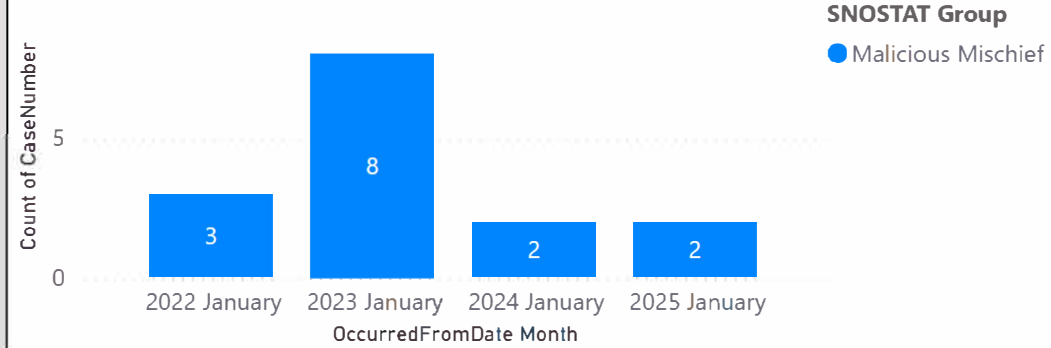
To Date By Year



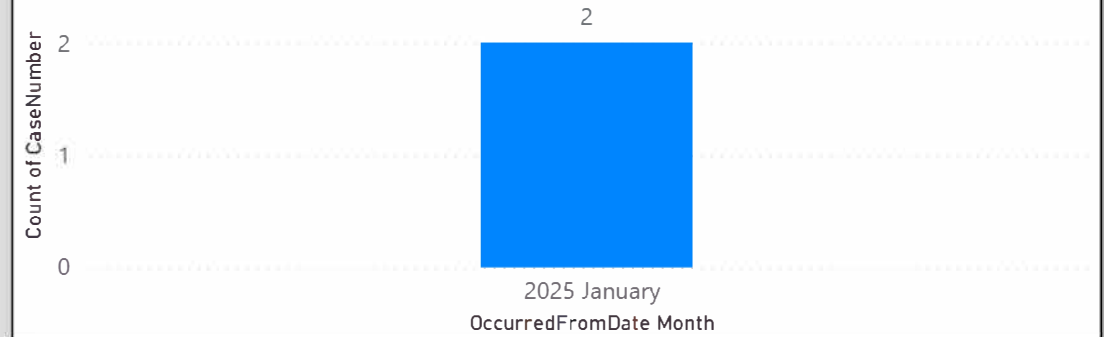


Malicious Mischief CASES

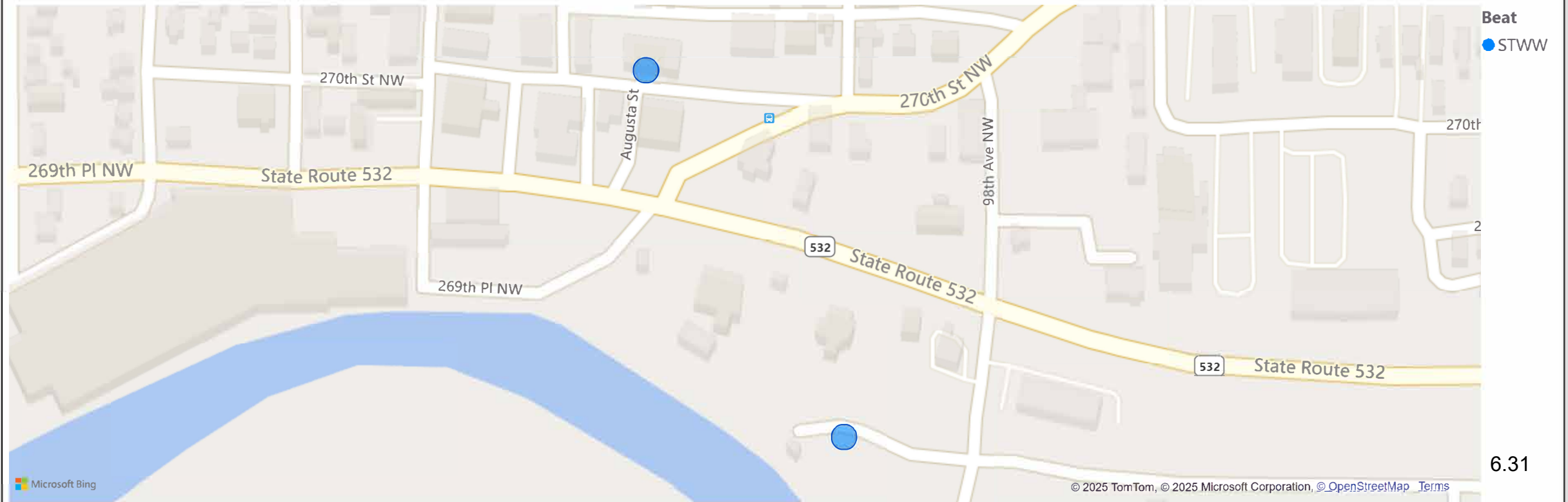
Case Counts Previous Month, Year over Year



Count of Cases Jan 1 to present date, 4 year overview



Cases in the past Calendar month, Current Year





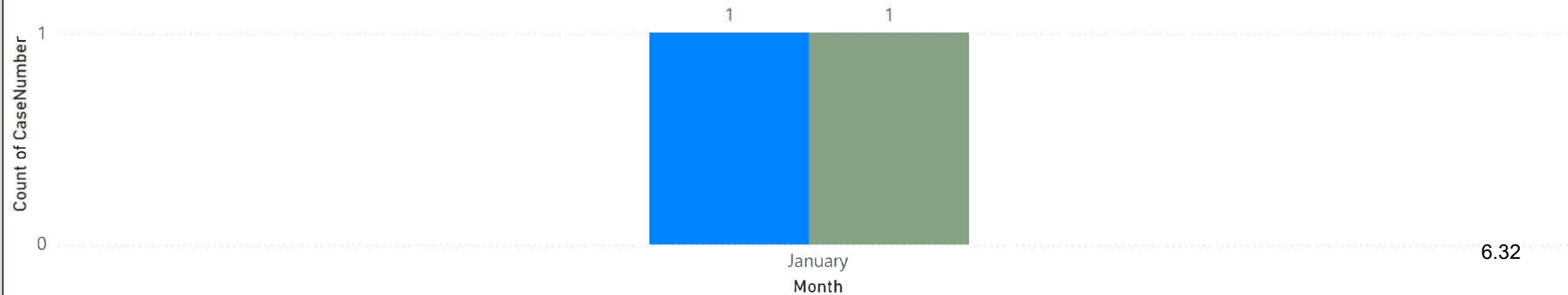
Auto Theft CASES

Past Six Calendar Months



Jan 1 - Present, each year

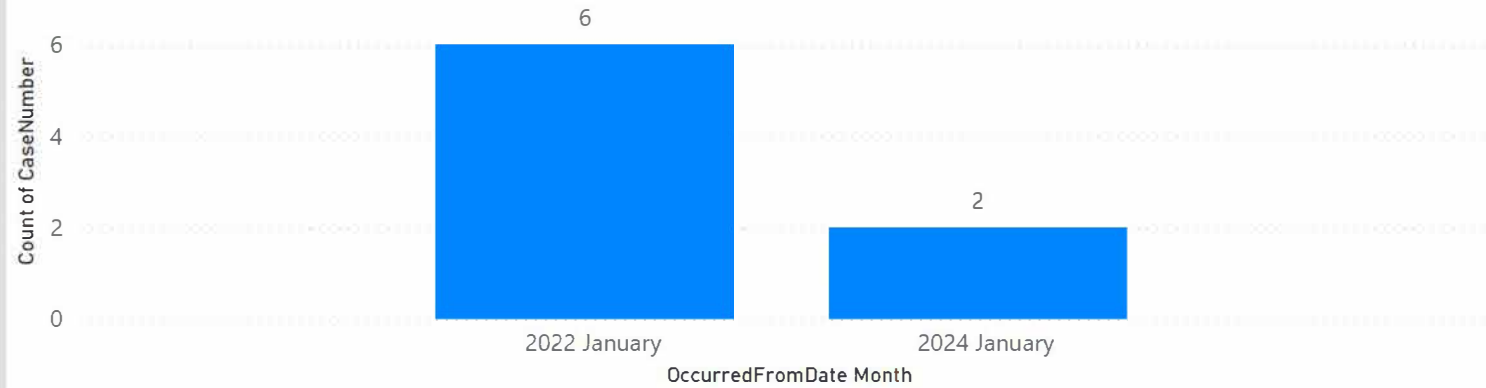
Year ● 2022 ● 2023





Vehicle Prowl CASES

Cases, previous month year over year



Jan 1 - Current Date, Year over Year

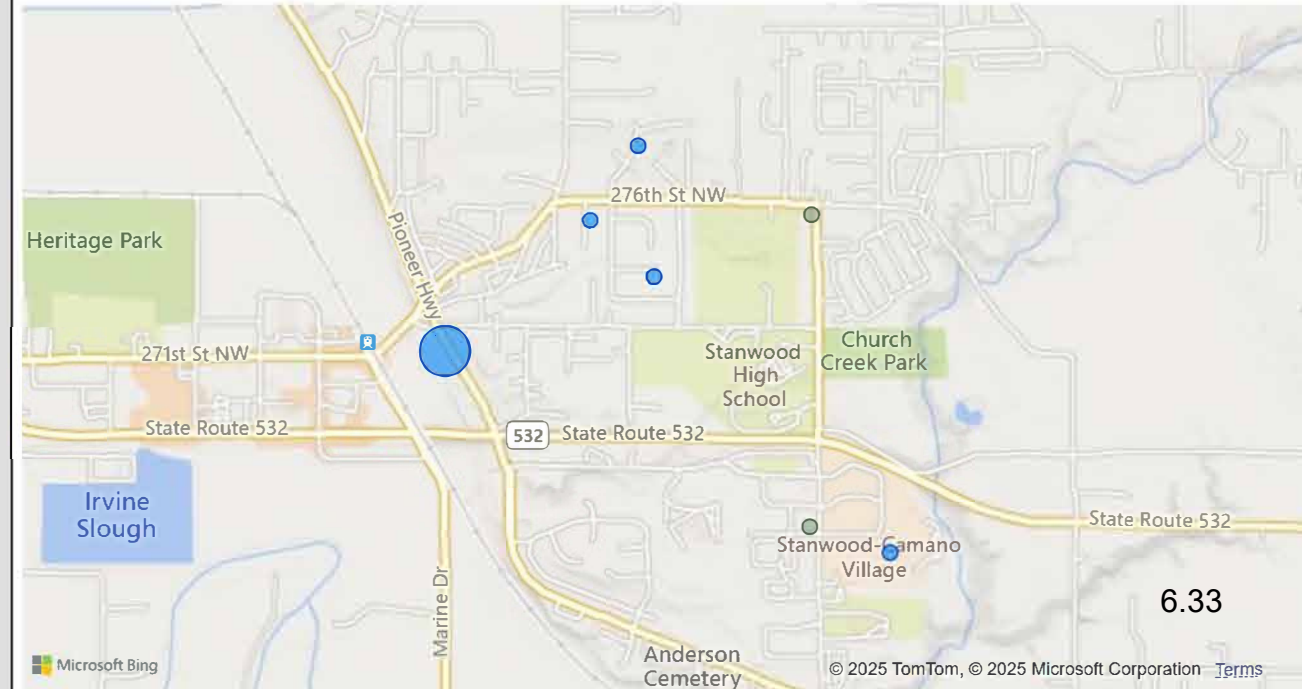
Year	Veh Prowl 2	Total
2022	6	6
2024	2	2

Cases past six month to current date

OccurredFromDate Month

Count of CaseNumber by Year, Lat and Lon

Year ● 2022 ● 2024

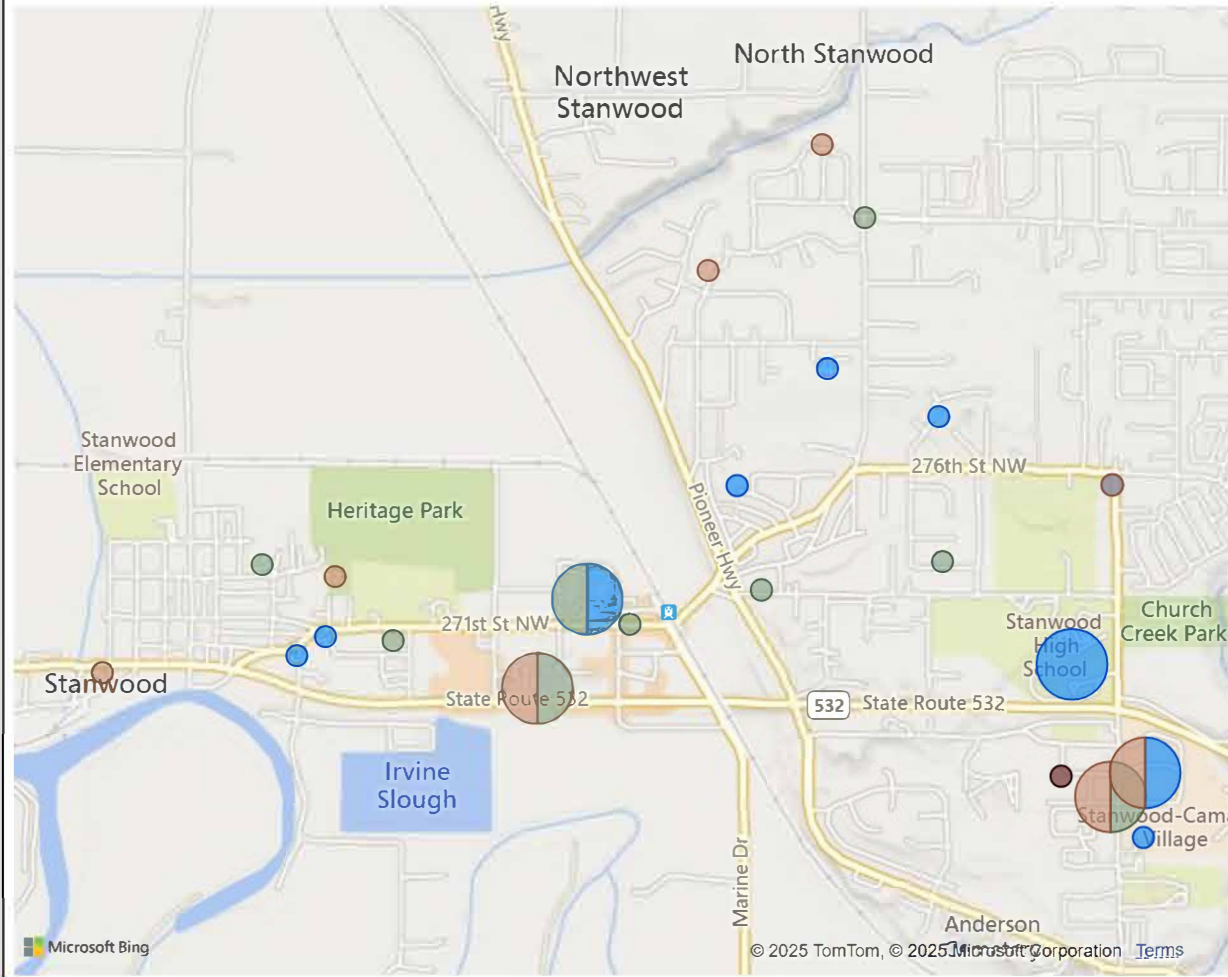




Theft CASES

Count of CaseNumber by Year, Lat and Lon

Year ● 2022 ● 2023 ● 2024 ● 2025



Jan 1 - Current Date

Beat	2022	2023	2024	2025
STWE	8	3	4	1
STWW	3	3	3	
Total	11	6	7	1

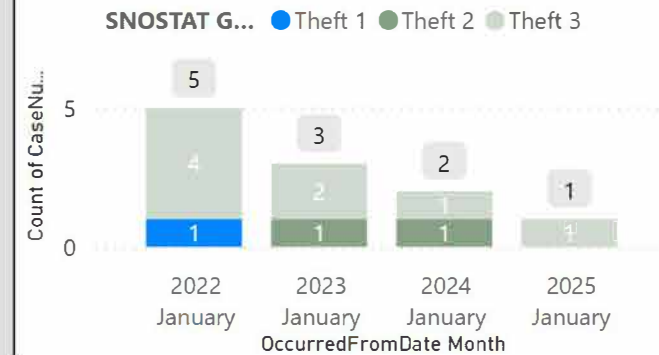
Current YTD

Year	STWE
▼	
📅 2025	
January	1

Stanwood West



Stanwood East





Burglary CASES

Jan 1 - Current Date

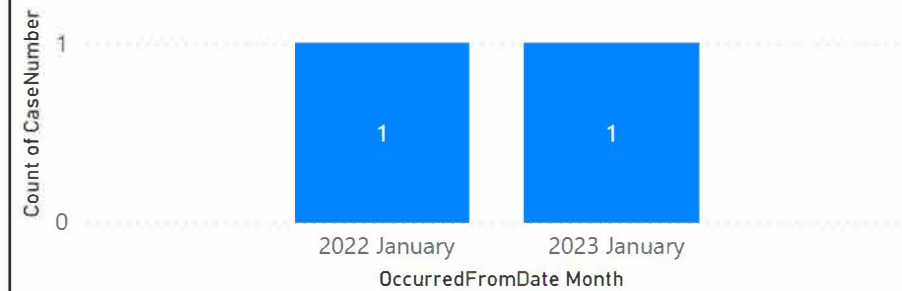
Year STWE STWW

2022 1 1

2023 1 1

Stanwood West

SNOSTAT Group ● Burg 2 - Commercial



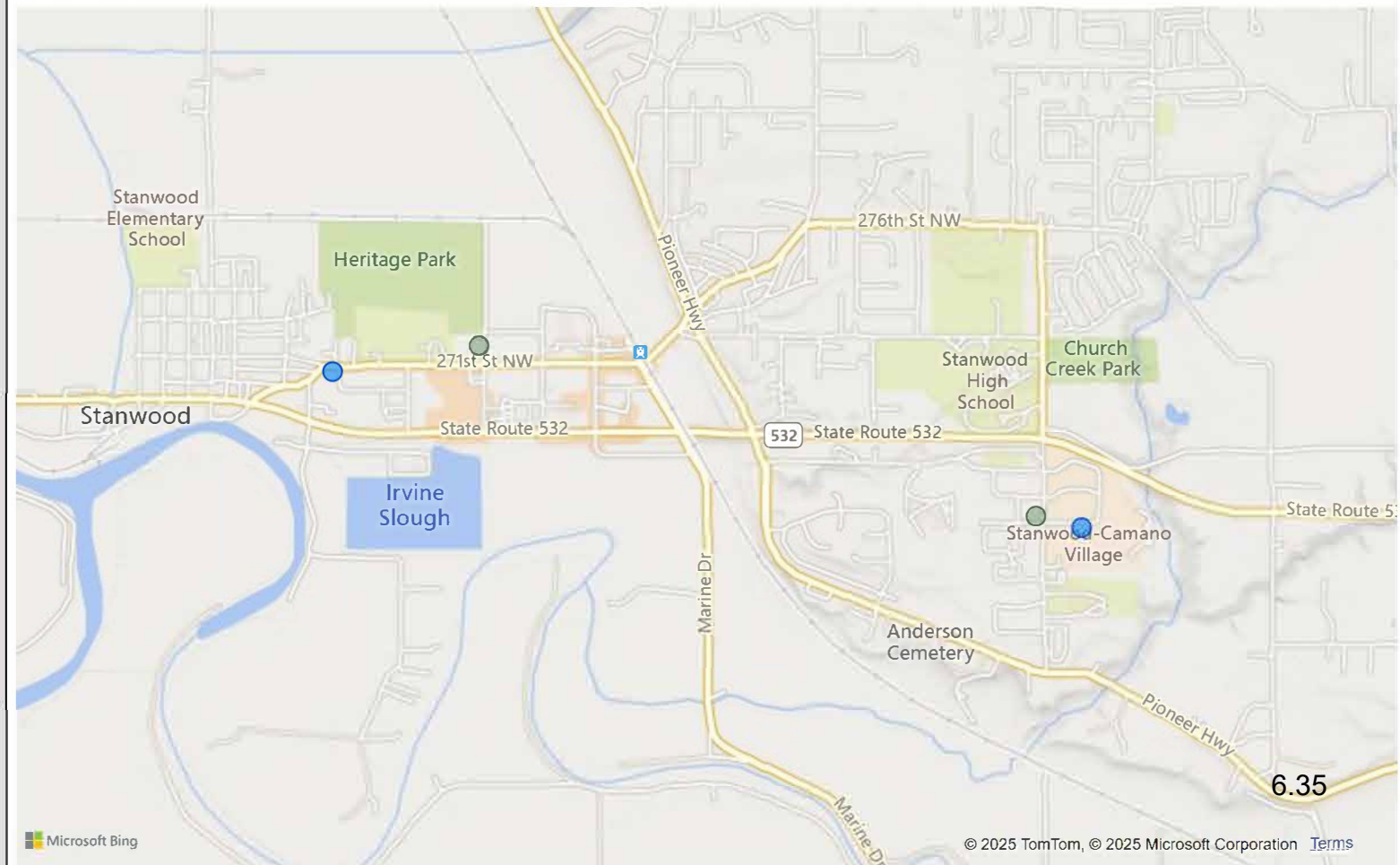
Stanwood East

SNOSTAT Group ● Burg 2 - Commercial



Count of CaseNumber by Year, Lat and Lon

Year ● 2022 ● 2023



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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7a

DATE: February 13, 2024

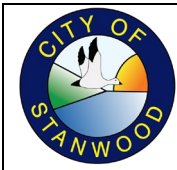
SUBJECT: Economic Development Board Meeting Minutes

CONTACT PERSON: Niki Strachila, Communications and Marketing Specialist

ATTACHMENTS: A – November 15, 2024 Meeting Minutes

SUMMARY STATEMENT

Minutes from the November 15, 2024 Economic Development Board meeting are attached to this staff report for approval as presented. These minutes were approved at the January 17, 2025 Economic Development Board Meeting.



Economic Development Board Minutes
Meeting Minutes
Friday, November 15, 2024 | 7:30 am

Economic Development Board Members Present: Les Anderson, Kristine Birkenkopf, Dave Pelletier, Camrie Ingram, Teresa LaFleur, Dustin Dekle

Staff Present: Patricia Love, Niki Strachila, Audrey Rotrock

Others Present: Jason Dorsey (SCAAC), Steve Shepro (Council Member-online), Rosie Olsen (online)

Les Anderson called the meeting to order at 7:31 a.m.

1. Receive the Minutes of the September 20, 2024 Meeting

The minutes of the September 20, 2024 meeting were approved unanimously.

2. Stanwood Create – The Downtown District Initiative

All Board members are supportive of a Downtown Creative and/or Historic District. A Stakeholder Board will be created in 2025 for the Downtown District Initiative, and the topic will become a regular agenda item for Economic Development Board discussion.

3. Tourism Promotion Grant – Snow Goose Festival

Les Anderson made a motion to approve the Snow Goose Festival Tourism Promotion Grant. All were in favor.

4. September & October Business License Analytics

In September, the City received 3 City Business license applications, 10 Home Occupation Business License applications, and 19 Non-City Business license applications. In October the City received 5 City Business license applications, 6 Home Occupation Business License applications, and 21 Non-City Business license applications.

5. EDB Next Meeting, tentative schedule for January 17, 2025

Adjourn: 8:40 a.m.





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7b

DATE: February 13, 2025

SUBJECT: Finance/Personnel Committee Report

CONTACT PERSON: David A. Hammond, Finance Director

ATTACHMENTS: A – Finance/Personnel Committee Meeting
Minutes for January 23, 2025

SUMMARY STATEMENT

The minutes of the January 23, 2025, Finance/Personnel Meeting are attached to this staff report for council review.

	Finance & Personnel Committee Meeting Minutes January 23, 2025
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Councilmembers Present: Andreena Bergman, Robert Hicks, Dani Gaumond

Staff present: David Hammond Finance Director, Wendy Dowhower Finance Manager, Tim Niebruegge Finance Analyst

Chair Bergman called the meeting to order at 6:00pm

Agenda Items Discussed

1. Fourth Quarter 2024 Finance Committee Report

Hammond reported key takeaways from the 4th quarter report as well as where it puts the city at the end of the 2023-2024 biennium. Hammond discussed long term macroeconomic outlook possibilities and where the City will continue to look to align itself to best prosper with the uncertain economic outlook. Investment portfolio reviewed.

2. 2024 Transportation Benefit Fund Report

Hammond discussed status of sales tax figures and how the city accumulates revenue from this source.

Meeting adjourned at: 6:52 pm



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7c

DATE: February 13, 2025

SUBJECT: Parks and Trails Advisory Committee Meeting Minutes

CONTACT PERSON: Carly Rucho, Parks Manager

ATTACHMENTS: A – December 16, 2024 Meeting Minutes

SUMMARY STATEMENT

Minutes from the December 16, 2024 Parks and Trails Advisory Committee meeting are attached to this staff report for approval as presented.



Parks and Trails Advisory Committee Meeting Minutes December 16, 2024

1. Call to Order/Roll Call: 3:07 PM

Members Present:

Gordy Holmes
Peter Kamb
Dave Hall
Lisa Bruce
Matt Withers

Members Absent:

Judy Williams
Meagen Watne

Others Present:

Carly Ruacho, Parks Planning Manager
Alan Lytton, City Engineer/CP Manager
Niki Strachila, City Marketing Manager
Andrew Davis, Citizen

1. Call to Order & Roll Call

Meeting called to order at 3:07 PM

2. Citizen Comments

None

3. Approval of October Meeting Minutes

Minutes were approved as written.

4. Ovenell Community Farm Report

Andrew Davis, representing Puget Sound Public Farms, addressed the committee to discuss renewing his lease agreement for the community farm at Ovenell Park. He provided an update on the Farm's first year in operation, highlighting that approximately 2,000 lbs of crops, including lettuce, peppers, onions, beans and tomatoes, were harvested and donated to the Stanwood-Camano Food Bank. Andrew also reported that 25 individual volunteers participated with the farm operations providing over 300 volunteer hours. Andrew proposed an extension of the lease agreement to a 3-year term to allow for increased productivity, fall crops and the time to build a green house and perform wetland enhancement. Andrew shared some potential ideas for the farm's future, emphasizing that these plans are not finalized, including a possible mural on the large barn and hosting events at the property.

The committee noted the positive collaboration between the city and Andrew Davis, with no issues reported under the current lease.

Peter Kamb made a motion to support a three-year extension of the lease agreement, which was seconded by Lisa Bruce. The motion passed unanimously.

5. Parks Capital Budget 2025-2026

Carly presented the approved parks capital budget to the committee. The committee expressed excitement that all requested funding was approved by the city council. Additionally, the committee noted their appreciation for the allocation of extra funds, which will allow for additional parks projects to be undertaken.

Item was discussion only. No action taken.

6. Heritage Park Master Plan Refresh

Carly shared a draft of the Heritage Park Master Plan updates which include ADA connections to soccer fields, potential stage locations, relocating the pump track near the skate park, adding two pickleball courts on the east parcel, and designating the existing dog park location. Adjustments also involve enlarging baseball field #4 while reducing fields #2 and #3 to reflect the existing conditions, repositioning concessions/restrooms, removing landscaping around viewing mounds, consolidating parking lot entrances, and adding walking paths near the pickleball courts, pump track, and dog park.

Committee members provided comments and suggestions that staff will relay to the consultant for inclusion on the final draft. No formal action was taken by the Committee.

7. Park/Trail Updates

Carly reported that the Heritage Park restroom remodel has been postponed to 2025 and the City is awaiting a decision on a \$50,000 small grant from Snohomish County for dugout enclosure fencing, which would supplement the current budget. The Stanwood Port Susan Trail construction is 99% complete, with handrail modifications requested by Planning still pending, though the boardwalk remains usable. The trail's ribbon cutting last month was well attended, and it is now receiving regular use, but further promotion is encouraged as many still are unaware of the trail. At Church Creek Park, the dugout roof project has been completed, the construction of the upper loop trail will happen in early 2025 as will the design for a new picnic shelter.

8. Committee Member Comments

A committee member inquired about PTAC members being included in meetings with the Stanwood-Camano School District to review the Safe Routes to School projects. Carly will follow up by reaching out to the Community Development Director with this request.

Another member expressed concern with the risk of falling trees along the southern property line of Church Creek due to nearby clearing for a development project on the neighboring property. Several trees were noted to have fallen during recent wind/rain events.

A committee member requested a loop connection be added to the PST segment recently completed on the City's Public Works facilities property. The connection is requested the length of the property along Irvine Slough so that folks can either choose to loop around the water ponds or walk in a more linear path that may be more conducive for commuting rather than recreation. Also requested were mile markers along the trail (planned) and a bicycle playground and resting benches near the chlorinator building as a mid-point trail amenity.

9. Adjourn: 4:35 PM



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7d

DATE: February 13, 2025

SUBJECT: Public Works Committee Meeting Minutes

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – February 3, 2025 , Public Works Committee Minutes

SUMMARY STATEMENT

Minutes from the February 3, 2025, Public Works Committee Meeting are attached to this staff report for approval as presented.



Public Works Committee
Meeting Minutes
February 3, 2025

Attendance:

Councilmembers: Robert Hicks, Andreena Bergman, Marcus Metz

Absent: Darren Robb

City Staff: City Engineer Alan Lytton, Public Works Office Specialist Amanda Slattery

Meeting was conducted in person. The full meeting agenda packet with detailed information can be found on the City's website at [Agenda Center](#).

Call to order at 5:32 pm

Agenda Items:

1. Selection of Public Works Committee Chari

- Due to not all members being present, we will move this to the next months agenda.

2. Public Works Project Updates

Allan Lytton went over the current public works projects and gave a status on them. Discussion only no action taken.

Adjourn: 6:30 pm



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7e
DATE: February 13, 2025
SUBJECT: Public Safety Committee Meeting Minutes
CONTACT PERSON: Jason Toner, Police Chief
ATTACHMENTS: A – Safety Committee Meeting Minutes 01/09/2025

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 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

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 8a

DATE: February 13, 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 39198 through 39249 and electronic fund transfers in the amount of \$371,898.76 Approve issuance of Washington Federal payroll electronic fund transfers in the amount of \$67,934.36.

RECOMMENDED MOTION

MOTION TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 39198 THROUGH 39249 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$371,898.76. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF 67,934.36.

CHECK REGISTER

City Of Stanwood

Time: 15:06:40 Date: 01/28/2025

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

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
6559	12/31/2024	Claims	3	EFT	Advantage Building Services	1,618.21	City of Stanwood
6560	12/31/2024	Claims	3	EFT	Atwell, LLC	7,994.00	City of Stanwood
6561	12/31/2024	Claims	3	EFT	BHC Consultants, LLC	3,841.57	City of Stanwood
6562	12/31/2024	Claims	3	EFT	Gaylynn Brien	210.00	City of Stanwood
6563	12/31/2024	Claims	3	EFT	Cascade Septic Pumping, LLC	523.85	City of Stanwood
6564	12/31/2024	Claims	3	EFT	J.A. Brennan Associates, PLLC	4,951.00	City of Stanwood
6565	12/31/2024	Claims	3	EFT	Konnerup Construction Inc	25,431.05	City of Stanwood
6566	12/31/2024	Claims	3	EFT	Perteet Inc.	8,793.75	City of Stanwood; City of Stanwood
6567	12/31/2024	Claims	3	EFT	Strategies 360 Inc	2,000.00	City of Stanwood
6568	12/31/2024	Claims	3	EFT	Summit Law Group	205.00	20150-1 JXL
6569	12/31/2024	Claims	3	EFT	Transpogroup Inc	585.00	City of Stanwood
6570	12/31/2024	Claims	3	EFT	US Bank	10,188.51	4485 5945 5564 1495
6571	12/31/2024	Claims	3	39198	City of Everett *	50.00	STACITG
6572	12/31/2024	Claims	3	39199	Gray & Osborne Inc	9,830.64	City of Stanwood
6573	12/31/2024	Claims	3	39200	KPG psomas	6,287.17	City of Stanwood
6574	12/31/2024	Claims	3	39201	ODP Business Solutions, LLC	129.96	36274097
6575	12/31/2024	Claims	3	39202	Owen Equipment Company	833.02	36577
6576	12/31/2024	Claims	3	39203	PUD Of Snohomish County *	5,645.96	200142180; 200103539; 200738672
6577	12/31/2024	Claims	3	39204	Pitney Bowes Inc- Purchase Power	300.00	8000-9090
6578	12/31/2024	Claims	3	39205	Quality Controls Corporation	76,750.46	City of Stanwood
6579	12/31/2024	Claims	3	39206	Refund- Craft Stove	50.00	Refund- Craft stove
6580	12/31/2024	Claims	3	39207	Ricoh USA, Inc-Maint	16.95	4250811
6581	12/31/2024	Claims	3	39208	Ricoh USA, Inc.	904.92	1316669-3800327
6582	12/31/2024	Claims	3	39209	Seattle Daily Journal of Commerce	1,302.10	3941; 3941
6583	12/31/2024	Claims	3	39210	Skagit Valley Publishing	154.44	48893
6584	12/31/2024	Claims	3	39211	Sno Co Information Services *	16,812.85	DIS1107
6585	12/31/2024	Claims	3	39212	Sno Co Office Of Public Defense *	240.00	City of Stanwood
6586	12/31/2024	Claims	3	39213	Snohomish County Treasurer	5,204.56	91-6001368
6587	12/31/2024	Claims	3	39214	Stanwood City Utility	2,765.49	1674; 4916; 1675; 2416; 1587; 1473; 1348; 1332; 1328; 1271; 1241; 4724; 4252; 1573
6588	12/31/2024	Claims	3	39215	US Bank Na Custody/ Treas Div- Money Ctr	75.00	City of Stanwood
6589	12/31/2024	Claims	3	39216	Verizon Wireless	1,866.46	372541731-00001
6590	12/31/2024	Claims	3	39217	World Kinect Energy Services	3,697.01	AP0100494
						29,790.54	001 General Fund
						8,500.89	101 Street Fund
						33,090.69	103 Street Construction Fund
						5,431.00	104 Park And Trail Improvement Fund
						3,874.34	115 Tourism And Promotion
						28,301.69	401 Sewer Fund
						45,243.84	403 Sewer Construction Fund
						3,608.36	410 Drainage Fund
						568.40	411 Drainage Construction Fund
						25,613.54	421 Water Fund
						15,235.64	422 Water Construction Fund
						199,258.93	Claims:
						199,258.93	* Transaction Has Mixed Revenue And Expense Accounts

CHECK REGISTER

City Of Stanwood

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

Time: 15:06:40 Date: 01/28/2025
Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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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

☒ Deputy Finance Director

Wendy Dowhower

Date: 1/28/2025

CHECK REGISTER

City Of Stanwood

Time: 15:15:57 Date: 01/28/2025

01/10/2025 To: 01/28/2025

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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
223	01/15/2025	Claims	3	EFT	Washington Federal Bank	429.31	January fees
243	01/23/2025	Payroll	3	EFT		3,350.00	January 2025 Draw
244	01/23/2025	Payroll	3	EFT		1,800.00	January 2025 Draw
245	01/23/2025	Payroll	3	EFT		2,500.00	January 2025 Draw
246	01/23/2025	Payroll	3	EFT		2,500.00	January 2025 Draw
247	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
248	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
249	01/23/2025	Payroll	3	EFT		1,000.00	January 2025 Draw
250	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
251	01/23/2025	Payroll	3	EFT		3,000.00	January 2025 Draw
252	01/23/2025	Payroll	3	EFT		4,000.00	January 2025 Draw
253	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
254	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
255	01/23/2025	Payroll	3	EFT		1,800.00	January 2025 Draw
256	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
257	01/23/2025	Payroll	3	EFT		1,500.00	January 2025 Draw
258	01/23/2025	Payroll	3	EFT		1,800.00	January 2025 Draw
259	01/23/2025	Payroll	3	EFT		1,000.00	January 2025 Draw
260	01/23/2025	Payroll	3	EFT		2,800.00	January 2025 Draw
261	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
262	01/23/2025	Payroll	3	EFT		500.00	January 2025 Draw
263	01/23/2025	Payroll	3	EFT		4,500.00	January 2025 Draw
264	01/23/2025	Payroll	3	EFT		1,500.00	January 2025 Draw
265	01/23/2025	Payroll	3	EFT		2,000.00	January 2025 Draw
295	01/23/2025	Claims	3	EFT	Eurofins Environment Testing NW	405.00	STA01
296	01/23/2025	Claims	3	EFT	Eurofins Environment Testing NW	35.00	STA01
297	01/23/2025	Claims	3	EFT	Maul Foster Alongi, Inc.	10,116.74	City of Stanwood
298	01/23/2025	Claims	3	EFT	RH2 Engineering Inc	2,727.99	City of Stanwood
299	01/23/2025	Claims	3	EFT	RH2 Engineering Inc	15,773.66	City of Stanwood
300	01/23/2025	Claims	3	EFT	RH2 Engineering Inc	706.09	City of Stanwood
301	01/23/2025	Claims	3	EFT	Nathan D Towse	275.00	City of Stanwood
302	01/23/2025	Claims	3	EFT	Vestis	52.68	937963000
303	01/23/2025	Claims	3	EFT	Vestis	52.68	937963000
304	01/23/2025	Claims	3	39218	Aviate Enterprises, Inc.	66,046.55	City of Stanwood
305	01/23/2025	Claims	3	39219	Bonner Electrical Contracting LLC	100.44	City of Stanwood
306	01/23/2025	Claims	3	39220	Cascade Columbia Distribution Co	3,423.14	03671
307	01/23/2025	Claims	3	39221	Evergreen Safety Council	1,693.07	City of Stanwood
308	01/23/2025	Claims	3	39222	Grainger	210.25	848089215; 848089215
309	01/23/2025	Claims	3	39223	Gray & Osborne Inc	13,546.97	City of Stanwood
310	01/23/2025	Claims	3	39224	Iworq Systems Inc	12,004.17	City of Stanwood
311	01/23/2025	Claims	3	39225	KGS Northwest LLC	2,670.45	City of Stanwood; City of Stanwood
312	01/23/2025	Claims	3	39226	Lenz Enterprises, Inc.	75.07	City of Stanwood
313	01/23/2025	Claims	3	39227	Les Schwab Tire Centers	36.05	S34-00006
314	01/23/2025	Claims	3	39228	Northend Excavating Inc.	4,495.82	City of Stanwood
315	01/23/2025	Claims	3	39229	ODP Business Solutions, LLC	458.04	36274097; 36274097; 36274097
316	01/23/2025	Claims	3	39230	PUD Of Snohomish County *	408.84	200794063
317	01/23/2025	Claims	3	39231	Pollardwater	5,681.90	37807; 37807; 37807
318	01/23/2025	Claims	3	39232	Quality Controls Corporation	1,490.38	City of Stanwood; City of Stanwood
319	01/23/2025	Claims	3	39233	Refund-Mainline Drain Service LLC	40.00	City of Stanwood

CHECK REGISTER

City Of Stanwood

Time: 15:15:57 Date: 01/28/2025

01/10/2025 To: 01/28/2025

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
320	01/23/2025	Claims	3	39234	Ricoh USA, Inc.	81.72	1316669-3887627
321	01/23/2025	Claims	3	39235	C/O Suzanne Soule SCCFOA	210.00	City of Stanwood
322	01/23/2025	Claims	3	39236	Seattle Daily Journal of Commerce	884.50	0664; 0664
323	01/23/2025	Claims	3	39237	Skagit Farmers Supply	632.71	135052; 135052; 135052
324	01/23/2025	Claims	3	39238	Skagit Valley Publishing	398.97	48893; 48893; 48893
325	01/23/2025	Claims	3	39239	Sno Co District Court	791.11	Dct34003
326	01/23/2025	Claims	3	39240	Snohomish County 911	10,498.08	City of Stanwood
327	01/23/2025	Claims	3	39241	Snohomish County Treasurer	18.68	City of Stanwood
328	01/23/2025	Claims	3	39242	Everett Daily Herald/ Sound Publishing, Inc.	254.56	14104597
329	01/23/2025	Claims	3	39243	Springbrook Holding Company LLC	288.51	City of Stanwood
330	01/23/2025	Claims	3	39244	Stanwood Ace Hardware #14901	509.45	20013; 20013; 20013
331	01/23/2025	Claims	3	39245	USA Bluebook	1,522.53	478228; 478228; 478228
332	01/23/2025	Claims	3	39246	WA Assn Sheriffs/ Police Chiefs	120.00	STAN00100
333	01/23/2025	Claims	3	39247	WA St Dept of Ecology *	11,610.30	L030030B/#37
334	01/23/2025	Claims	3	39248	WA St Treasurer	1,420.34	City of Stanwood
335	01/23/2025	Claims	3	39249	Ziplay Fiber	295.92	360-939-0579-080320-5; 360-939-0579-080320-5
401	01/15/2025	Claims	8	EFT	US Bank St Paul	147.16	January analysis fee

001 General Fund	108,688.50
101 Street Fund	1,539.47
103 Street Construction Fund	4,495.82
104 Park And Trail Improvement Fund	10,810.50
110 Building Improvement Fund	3,386.74
401 Sewer Fund	20,473.18
403 Sewer Construction Fund	4,267.30
410 Drainage Fund	738.98
411 Drainage Construction Fund	2,235.25
421 Water Fund	12,913.33
422 Water Construction Fund	4,809.07
457 Sewer Equipment Reserve	66,046.55
630 Agency Fund	169.50

	Claims:	172,639.83
* Transaction Has Mixed Revenue And Expense Accounts	240,574.19 Payroll:	67,934.36

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: 1-28-2025
 (X) Deputy Finance Director

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8b
DATE: February 13, 2025
SUBJECT: City Council Meeting Minutes – January 23, 2025
CONTACT PERSON: Lisa Sokolik, City Clerk
ATTACHMENTS: A – Council Meeting Minutes

SUMMARY STATEMENT

The City Council meeting minutes for January 23, 2025, are attached to this staff report for Council's approval.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE JANUARY 23, 2025, CITY COUNCIL MEETING MINUTES AS PRESENTED."

CITY OF STANWOOD
Regular Meeting of the City Council
January 23, 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 Gaumond 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, City Engineer Alan Lytton, and City Clerk Lisa Sokolik. Utility Supervisor Leigh Danielson attended via Zoom. Finance Director Hamond, Finance Manager Corder-Dowhower and Finance Analyst Niebruegge attended and were excused by the Mayor at 7:25 pm.

3. Approval of the Agenda

Mayor Roberts requested to amend the agenda by adding item 4b Washington State Auditor's Office Exit Briefing.

*Motion by Councilmember Robb, second by Councilmember Metz to approve the agenda as amended. **Motion carried unanimously.***

4. Presentations

- a. Lincoln Hill High School Update - Student Representative Luke Hoffman
- b. Washington State Auditor's Office Exit Briefing

5. Public Comment

<u>Name</u>	<u>City</u>	<u>Topic</u>
Cathy Wooten	Stanwood	Land next to the railroad tracks might be coming available, city may want to look at it for additional parking.

6. Staff / Department Report

7. Council Committee Reports

- a. Community Development Committee Meeting Minutes – January 2, 2025
- b. Planning Commission Meeting Minutes – November 18, 2024
- c. Public Safety Committee Meeting Minutes – January 9, 2025

8. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve City Council Regular Meeting Minutes – January 9, 2025

- c. Approve the Second Reading and Adopt Ordinance 1545 SMC Title 14, Building and Fire Codes Update
- d. Authorize the Mayor to Sign the Snohomish County ILA for Traffic Control Device and Street Light Maintenance
- e. Authorize the Mayor to Sign On-Call Professional Service Agreements with 19 Consultant Firms.

*Motion by Councilmember Gaumond, second by Councilmember Hicks to approve consent agenda items A. approval of vouchers and payroll checks, B. approve City Council Regular meeting minutes for January 9, 2025, C. approve second reading and adopt Ordinance 1545 SMC Title 14, Building and Fire Codes Update, D. authorize the Mayor to Sign the Snohomish County ILA for Traffic Control Device and Street Light Maintenance, and E. authorize the Mayor to Sign On-Call Professional Service Agreements with 19 Consultant Firms. **Motion carried unanimously.***

9. Unfinished Business

No unfinished business on agenda.

10. Public Hearing

- a. First Reading of Ordinance 1543: SMC Title 18 Code Structure and Permitting Procedures

For the first reading, Community Development Director Love explained both the organization structure of Title 18 and the application and permit chapters. Love discussed all eight (8) new parts of Title 18.

Council discussed and asked Love many clarifying questions. Love will update the title incorporating Council's feedback.

Mayor Roberts opened the public hearing at 7:49 pm.

<u>Name</u>	<u>City</u>	<u>Topic</u>
Cathy Wooten	Stanwood	Request to have the SMC continue to uphold the protection and sustainability of habitats that support the functional integrity of our ecosystem.

With no further public testimony, Mayor Roberts closed the public hearing at 7:53 pm.

*Motion by Councilmember Metz, second by Councilmember Bergman to accept the first reading of Ordinance 1543 as set forth in attachment A. **Motion carried unanimously.***

11. New Business

- a. Approve Council Committee Selection 2025

*Motion by Councilmember Metz, second by Councilmember Shepro to approve the 2025 council standing committee memberships as submitted by the nominating committee. **Motion carried unanimously.***

12. Public Closing Comments

<u>Name</u>	<u>Topic</u>
Cathy Wooten Stanwood	Does not support increasing the number of administrative permits without public comments; Concerned that projects could be approved that have a negative effect on the community. Example: Septage Project.

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 8:50 p.m.

CITY OF STANWOOD

ATTEST:

Sid Roberts, Mayor

Lisa Sokolik, City Clerk



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8c
DATE: February 13, 2025
SUBJECT: Church Creek Pathways
CONTACT PERSON: Kevin Hushagen, Public Works Director
ATTACHMENTS: A – Certified Bid Tab

PURPOSE

The purpose of this agenda item is to authorize the Mayor to sign a contract with Reaper Construction for the Church Creek Pathways Project.

BACKGROUND

The City received eighteen (18) bids. Reaper Construction had the low bid of \$125,050. The engineer's estimate was \$178,450. This project will add a walking path along the existing fence line at Church Creek from the end of the 72nd Sidewalk to the park entrance flashing crosswalk as well as connecting to Church Creek Estates. In addition to the contract price, Public Works is seeking approval for a 10% contingency to cover unforeseen conditions and potentially widening the 5' trail in areas that can accommodate a wider path.

ANALYSIS

Fiscal Impact			
Fund(s):	594 76 63 22 (200,000)		
Amount:	\$200,000	Project Estimate:	\$137,555 (includes \$12,505 contingency)
Budget Authorized	☒ Yes ☐ No	Amendment Required?	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

Staff recommends awarding the Church Creek Pathways Project to the low bidder, Reaper Construction, in the amount of \$125,050 with a \$12,505 contingency.

Committee/Board Recommendation:

The Public Works Committee has been briefed on the project and reviewed bids.

COUNCIL OPTIONS

1. Authorize the Mayor to sign a contract with Reaper Construction for the Church Creek Pathways project in the amount of \$125,050 with a \$12,505 contingency.
2. Send back to the Public Works Committee for additional discussion.
3. Reject all bids and delay project.

RECOMMENDED MOTION

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH REAPER CONSTRUCTION INC FOR \$125,050 WITH A \$12,505 CONTINGENCY.”



BID TABULATION
Church Creek Pathways

Bid Opening: Tuesday January 21, 2025 @ 3PM

Item No.	Spec Section	Engineer's Estimate				REAPER CONST.		Northend Exc. Inc.		Fisher Const.		PREMIUM Serv Inc.		Konner UP		EE Contracting		Escavation West Inc		WRS		Always Active Serv.		
		ITEM DESCRIPTION	Est. Qty.	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	1-04.4(1)	Minor Change	1	EST	\$2,000	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
2	1-05.4(2)	Survey	1	LS	\$10,000	\$ 10,000.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 8,630.00	\$ 8,630.00	\$ 5,000.00	\$ 5,000.00	\$ 8,772.00	\$ 8,772.00	\$ 8,500.00	\$ 8,500.00	\$ 7,430.00	\$ 7,430.00	\$ 3,500.00	\$ 3,500.00	\$ 8,000.00	\$ 8,000.00
3	1-07.15(1)	SPCC Plan	1	LS	\$500	\$ 500.00	\$ 250.00	\$ 250.00	\$ 1,001.00	\$ 1,001.00	\$ 1,321.00	\$ 1,321.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00	\$ 100.00	\$ 100.00	\$ 1,000.00	\$ 1,000.00
4	1-09.7	Mobilization, Cleanup and Demobilization	1	EA	\$20,000	\$ 20,000.00	\$ 8,000.00	\$ 8,000.00	\$ 21,000.00	\$ 21,000.00	\$ 1,393.00	\$ 1,393.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 19,529.00	\$ 19,529.00	\$ 5,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00
5	1-10.5	Project Temporary Traffic Control	1	LS	\$5,000	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ 500.00	\$ 2,335.00	\$ 2,335.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 7,500.00	\$ 7,500.00	\$ 2,300.00	\$ 2,300.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00
6	2-01.5	Clearing and Grubbing	1	LS	\$10,000	\$ 10,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 16,625.10	\$ 16,625.10	\$ 4,000.00	\$ 4,000.00	\$ 15,000.00	\$ 15,000.00	\$ 8,000.00	\$ 8,000.00	\$ 25,785.00	\$ 25,785.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
7	2-02.5	Removing Chain Link Fence	240	LS	\$10	\$ 2,400.00	\$ 5.00	\$ 1,200.00	\$ 3.00	\$ 720.00	\$ 7.45	\$ 1,788.00	\$ 6.00	\$ 1,440.00	\$ 20.00	\$ 4,800.00	\$ 23.00	\$ 5,520.00	\$ 4.28	\$ 1,027.20	\$ 14.00	\$ 3,360.00	\$ 5.00	\$ 1,200.00
8	2-02.5	Removing Asphalt Conc. Pavement	50	LF	\$30	\$ 1,500.00	\$ 50.00	\$ 2,500.00	\$ 10.00	\$ 500.00	\$ 48.13	\$ 2,406.50	\$ 15.00	\$ 750.00	\$ 50.00	\$ 2,500.00	\$ 55.00	\$ 2,750.00	\$ 17.90	\$ 895.00	\$ 56.00	\$ 2,800.00	\$ 35.00	\$ 1,750.00
9	2-02.5	Removal of Structures and Obstructions	1	LF	\$1,000	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00	\$ 800.00	\$ 800.00	\$ 1,353.00	\$ 1,353.00	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00	\$ 3,381.00	\$ 3,381.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00
10	2-03.5	Excavation, Embankment and Grading, Incl. Haul	1	SY	\$22,000	\$ 22,000.00	\$ 18,000.00	\$ 18,000.00	\$ 6,500.00	\$ 6,500.00	\$ 10,097.46	\$ 10,097.46	\$ 29,000.00	\$ 29,000.00	\$ 12,000.00	\$ 12,000.00	\$ 10,000.00	\$ 10,000.00	\$ 6,515.00	\$ 6,515.00	\$ 32,000.00	\$ 32,000.00	\$ 40,000.00	\$ 40,000.00
11	2-03.5	Gravel Borrow, Incl. Haul	680	EA	\$40	\$ 27,200.00	\$ 35.00	\$ 23,800.00	\$ 35.00	\$ 23,800.00	\$ 50.26	\$ 34,176.80	\$ 40.00	\$ 27,200.00	\$ 40.00	\$ 27,200.00	\$ 48.00	\$ 32,640.00	\$ 50.04	\$ 34,027.20	\$ 50.00	\$ 34,000.00	\$ 30.00	\$ 20,400.00
12	4-04.5	Crushed Surface Top Course	220	LF	\$60	\$ 13,200.00	\$ 40.00	\$ 8,800.00	\$ 46.00	\$ 10,120.00	\$ 117.41	\$ 25,830.20	\$ 75.00	\$ 16,500.00	\$ 60.00	\$ 13,200.00	\$ 45.00	\$ 9,900.00	\$ 50.95	\$ 11,209.00	\$ 75.00	\$ 16,500.00	\$ 55.00	\$ 12,100.00
13	5-04.5	Commercial HMA	80	LS	\$300	\$ 24,000.00	\$ 250.00	\$ 20,000.00	\$ 400.00	\$ 32,000.00	\$ 267.81	\$ 21,424.80	\$ 280.00	\$ 22,400.00	\$ 280.00	\$ 22,400.00	\$ 200.00	\$ 16,000.00	\$ 317.00	\$ 25,360.00	\$ 280.00	\$ 22,400.00	\$ 300.00	\$ 24,000.00
14	8-01.5	Erosion Control and Water Pollution Prevention	1	CY	\$1,000	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,200.00	\$ 1,200.00	\$ 1,905.00	\$ 1,905.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 7,000.00	\$ 7,000.00	\$ 4,940.00	\$ 4,940.00	\$ 5,500.00	\$ 5,500.00	\$ 2,000.00	\$ 2,000.00
15	8-01.5	High Visibility Fence	510	CY	\$5	\$ 2,550.00	\$ 4.00	\$ 2,040.00	\$ 3.00	\$ 1,530.00	\$ 3.40	\$ 1,734.00	\$ 1.00	\$ 510.00	\$ 6.00	\$ 3,060.00	\$ 10.00	\$ 5,100.00	\$ 2.80	\$ 1,428.00	\$ 5.00	\$ 2,550.00	\$ 3.00	\$ 1,530.00
16	8-02.5	Topsoil, Type A	220	SF	\$80	\$ 17,600.00	\$ 42.00	\$ 9,240.00	\$ 65.00	\$ 14,300.00	\$ 59.77	\$ 13,149.40	\$ 80.00	\$ 17,600.00	\$ 80.00	\$ 17,600.00	\$ 42.00	\$ 9,240.00	\$ 51.40	\$ 11,308.00	\$ 94.00	\$ 20,680.00	\$ 55.00	\$ 12,100.00
17	8-02.5	Seeding, Fertilizing and Mulching	500	SY	\$20	\$ 10,000.00	\$ 8.00	\$ 4,000.00	\$ 4.00	\$ 2,000.00	\$ 5.93	\$ 2,965.00	\$ 2.00	\$ 1,000.00	\$ 8.00	\$ 4,000.00	\$ 8.00	\$ 4,000.00	\$ 3.07	\$ 1,535.00	\$ 2.00	\$ 1,000.00	\$ 6.00	\$ 3,000.00
18	8-02.5	Bark and Wood Chip Mulch	30	SY	\$100	\$ 3,000.00	\$ 24.00	\$ 720.00	\$ 65.00	\$ 1,950.00	\$ 88.50	\$ 2,655.00	\$ 100.00	\$ 3,000.00	\$ 60.00	\$ 1,800.00	\$ 93.00	\$ 2,790.00	\$ 41.07	\$ 1,232.10	\$ 65.00	\$ 1,950.00	\$ 60.00	\$ 1,800.00
19	8-14.5	Cement Conc. Curb Ramp	1	CY	\$4,000	\$ 4,000.00	\$ 5,500.00	\$ 5,500.00	\$ 5,200.00	\$ 5,200.00	\$ 5,923.00	\$ 5,923.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,800.00	\$ 4,800.00	\$ 5,518.00	\$ 5,518.00	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00
20	8-245	Conc. Block Headwall	1	TON	\$1,500	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 1,694.00	\$ 1,694.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,800.00	\$ 2,800.00	\$ 841.00	\$ 841.00	\$ 750.00	\$ 750.00	\$ 5,000.00	\$ 5,000.00
Bid Schedule Subtotal						\$ 178,450.00	\$ 125,050.00		\$ 136,371.00		\$ 159,406.26		\$ 159,400.00		\$ 161,332.00		\$ 164,040.00		\$ 166,560.50		\$ 168,590.00		\$ 176,880.00	
Sales Tax (0% Per W.S. Revenue Rule 171)						\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
Bid Schedule Total						\$ 178,450.00	\$ 125,050.00		\$ 136,371.00		\$ 159,406.26		\$ 159,400.00		\$ 161,332.00		\$ 164,040.00		\$ 166,560.50		\$ 168,590.00		\$ 176,880.00	

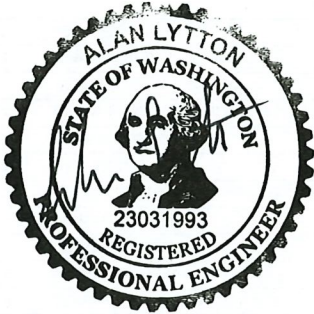
136,372.00 on bid

* clerical error

159,9000.00 on bid

* calculation error

0



1/27/25



BID TABULATION
Church Creek Pathways
Bid Opening: Tuesday January 21, 2025 @ 3PM

Item No.	Spec Section	ITEM DESCRIPTION	Colacurcio Bros		EWS		BB Utilities & Exc.		Clearwater Excavation Inc.		Taylors		Tastad Construction Inc.		Diverse Earthworks Inc.		Blackfish Civil Inf. Inc.		SEI Neptune	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	1-04.4(1)	Minor Change	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
2	1-05.4(2)	Survey	\$ 10,000.00	\$ 10,000.00	\$ 8,335.00	\$ 8,335.00	\$ 4,000.00	\$ 4,000.00	\$ 12,050.00	\$ 12,050.00	\$ 10,000.00	\$ 10,000.00	\$ 5,500.00	\$ 5,500.00	\$ 7,080.00	\$ 7,080.00	\$ 13,320.00	\$ 13,320.00	\$ 9,500.00	\$ 9,500.00
3	1-07.15(1)	SPCC Plan	\$ 200.00	\$ 200.00	\$ 1,150.00	\$ 1,150.00	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,770.00	\$ 1,770.00	\$ 1,152.00	\$ 1,152.00	\$ 3,500.00	\$ 3,500.00
4	1-09.7	Mobilization, Cleanup and Demobilization	\$ 15,000.00	\$ 15,000.00	\$ 18,400.00	\$ 18,400.00	\$ 18,500.00	\$ 18,500.00	\$ 1,000.00	\$ 1,000.00	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 20,776.26	\$ 20,776.26	\$ 15,792.00	\$ 15,792.00	\$ 25,452.00	\$ 25,452.00
5	1-10.5	Project Temporary Traffic Control	\$ 14,000.00	\$ 14,000.00	\$ 1,150.00	\$ 1,150.00	\$ 5,000.00	\$ 5,000.00	\$ 7,700.00	\$ 7,700.00	\$ 10,000.00	\$ 10,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,770.00	\$ 1,770.00	\$ 11,640.00	\$ 11,640.00	\$ 12,500.00	\$ 12,500.00
6	2-01.5	Clearing and Grubbing	\$ 16,000.00	\$ 16,000.00	\$ 29,350.00	\$ 29,350.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00	\$ 40,000.00	\$ 40,000.00	\$ 43,000.00	\$ 43,000.00	\$ 31,583.25	\$ 31,583.25	\$ 33,024.00	\$ 33,024.00	\$ 15,750.00	\$ 15,750.00
7	2-02.5	Removing Chain Link Fence	\$ 12.00	\$ 2,880.00	\$ 8.35	\$ 2,004.00	\$ 12.00	\$ 2,880.00	\$ 11.00	\$ 2,640.00	\$ 20.00	\$ 4,800.00	\$ 15.00	\$ 3,600.00	\$ 15.22	\$ 3,652.80	\$ 13.86	\$ 3,326.40	\$ 50.00	\$ 12,000.00
8	2-02.5	Removing Asphalt Conc. Pavement	\$ 70.00	\$ 3,500.00	\$ 23.60	\$ 1,180.00	\$ 60.00	\$ 3,000.00	\$ 81.00	\$ 4,050.00	\$ 50.00	\$ 2,500.00	\$ 46.00	\$ 2,300.00	\$ 103.46	\$ 5,173.00	\$ 90.24	\$ 4,512.00	\$ 38.00	\$ 1,900.00
9	2-02.5	Removal of Structures and Obstructions	\$ 2,600.00	\$ 2,600.00	\$ 1,725.00	\$ 1,725.00	\$ 500.00	\$ 500.00	\$ 7,000.00	\$ 7,000.00	\$ 8,000.00	\$ 8,000.00	\$ 7,000.00	\$ 7,000.00	\$ 2,268.65	\$ 2,268.65	\$ 9,186.00	\$ 9,186.00	\$ 14,750.00	\$ 14,750.00
10	2-03.5	Excavation, Embankment and Grading, Incl. Haul	\$ 24,000.00	\$ 24,000.00	\$ 16,160.00	\$ 16,160.00	\$ 85,680.00	\$ 85,680.00	\$ 29,000.00	\$ 29,000.00	\$ 20,000.00	\$ 20,000.00	\$ 38,000.00	\$ 38,000.00	\$ 33,604.68	\$ 33,604.68	\$ 26,928.00	\$ 26,928.00	\$ 34,750.00	\$ 34,750.00
11	2-03.5	Gravel Borrow, Incl. Haul	\$ 35.00	\$ 23,800.00	\$ 33.25	\$ 22,610.00	\$ 10.00	\$ 6,800.00	\$ 54.00	\$ 36,720.00	\$ 40.00	\$ 27,200.00	\$ 80.00	\$ 54,400.00	\$ 69.19	\$ 47,049.20	\$ 75.49	\$ 51,333.20	\$ 65.00	\$ 44,200.00
12	4-04.5	Crushed Surface Top Course	\$ 90.00	\$ 19,800.00	\$ 76.30	\$ 16,786.00	\$ 13.00	\$ 2,860.00	\$ 54.00	\$ 11,880.00	\$ 100.00	\$ 22,000.00	\$ 100.00	\$ 22,000.00	\$ 126.62	\$ 27,856.40	\$ 113.67	\$ 25,007.40	\$ 65.00	\$ 14,300.00
13	5-04.5	Commercial HMA	\$ 296.00	\$ 23,680.00	\$ 371.45	\$ 29,716.00	\$ 400.00	\$ 32,000.00	\$ 54.00	\$ 4,320.00	\$ 280.00	\$ 22,400.00	\$ 259.00	\$ 20,720.00	\$ 342.20	\$ 27,376.00	\$ 351.23	\$ 28,098.40	\$ 600.00	\$ 48,000.00
14	8-01.5	Erosion Control and Water Pollution Prevention	\$ 1,500.00	\$ 1,500.00	\$ 862.50	\$ 862.50	\$ 2,500.00	\$ 2,500.00	\$ 9,500.00	\$ 9,500.00	\$ 4,000.00	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,130.00	\$ 4,130.00	\$ 9,591.00	\$ 9,591.00	\$ 5,800.00	\$ 5,800.00
15	8-01.5	High Visibility Fence	\$ 3.00	\$ 1,530.00	\$ 9.90	\$ 5,049.00	\$ 5.00	\$ 2,550.00	\$ 3,060.00	\$ 1,560,600.00	\$ 6.00	\$ 3,060.00	\$ 4.00	\$ 2,040.00	\$ 7.40	\$ 3,774.00	\$ 3.41	\$ 1,739.10	\$ 6.00	\$ 3,060.00
16	8-02.5	Topsoil, Type A	\$ 56.00	\$ 12,320.00	\$ 59.40	\$ 13,068.00	\$ 35.00	\$ 7,700.00	\$ 68.00	\$ 14,960.00	\$ 100.00	\$ 22,000.00	\$ 62.00	\$ 13,640.00	\$ 106.00	\$ 23,320.00	\$ 102.98	\$ 22,655.60	\$ 100.00	\$ 22,000.00
17	8-02.5	Seeding, Fertilizing and Mulching	\$ 4.50	\$ 2,250.00	\$ 10.00	\$ 5,000.00	\$ 3.00	\$ 1,500.00	\$ 3.36	\$ 1,680.00	\$ 10.00	\$ 5,000.00	\$ 4.00	\$ 2,000.00	\$ 6.35	\$ 3,175.00	\$ 10.99	\$ 5,495.00	\$ 8.00	\$ 4,000.00
18	8-02.5	Bark and Wood Chip Mulch	\$ 70.00	\$ 2,100.00	\$ 85.40	\$ 2,562.00	\$ 50.00	\$ 1,500.00	\$ 225.00	\$ 6,750.00	\$ 150.00	\$ 4,500.00	\$ 47.00	\$ 1,410.00	\$ 147.42	\$ 4,422.60	\$ 107.20	\$ 3,216.00	\$ 17.00	\$ 510.00
19	8-14.5	Cement Conc. Curb Ramp	\$ 6,500.00	\$ 6,500.00	\$ 6,284.75	\$ 6,284.75	\$ 7,500.00	\$ 7,500.00	\$ 9,200.00	\$ 9,200.00	\$ 8,500.00	\$ 8,500.00	\$ 5,800.00	\$ 5,800.00	\$ 5,819.00	\$ 5,819.00	\$ 4,152.00	\$ 4,152.00	\$ 3,800.00	\$ 3,800.00
20	8-245	Conc. Block Headwall	\$ 1,600.00	\$ 1,600.00	\$ 2,120.00	\$ 2,120.00	\$ 1,000.00	\$ 1,000.00	\$ 9,600.00	\$ 9,600.00	\$ 2,500.00	\$ 2,500.00	\$ 1,200.00	\$ 1,200.00	\$ 1,909.50	\$ 1,909.50	\$ 1,560.00	\$ 1,560.00	\$ 1,500.00	\$ 1,500.00
Bid Schedule S				\$ 185,260.00		\$ 185,512.25		\$ 193,470.00		\$ 1,739,150.00		\$ 239,460.00		\$ 244,810.00		\$ 258,510.34		\$ 273,728.10		\$ 279,272.00
Sales Tax (0% Per W.S. Revenue Ru				\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
Bid Schedu				\$ 185,260.00		\$ 185,512.25		\$ 193,470.00		#####		\$ 239,460.00		\$ 244,810.00		\$ 258,510.34		\$ 273,728.10		\$ 279,272.00

*233,010.00 on form
* issue with Clearwater Exc. Unit price



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8d
DATE: February 13, 2025
SUBJECT: Cedarhome Sewer Bypass
CONTACT PERSON: Kevin Hushagen, Public Works Director
ATTACHMENTS: A – Certified Bid Tab

PURPOSE

The purpose of this agenda item is to authorize the Mayor to sign a contract with Trico for the Cedarhome Sewer Bypass Project.

BACKGROUND

The City received sixteen (16) bids. Trico had the low bid of \$208,585.93. The engineer's estimate was \$243,739. This project will add a sewer line connecting the line flowing to the Cedarhome Lift Station to a pipe running through Church Creek Estates. This project will eliminate the need for the Cedarhome Lift Station allowing the City to decommission the station. This will save staff time to check the station and maintenance of the lift station. In addition to the contract price, Public Works is seeking approval for a 10% contingency to cover unforeseen conditions.

ANALYSIS

Fiscal Impact			
Fund(s):	594 35 63 48 (275,000)		
Amount:	\$275,000	Project Estimate:	\$229,444.53(includes \$20,858.60 contingency)
Budget Authorized	[x] Yes [] No	Amendment Required?	[] Yes [x] No [] Monitor

RECOMMENDATIONS

Staff Recommendation:

Staff recommends awarding the Cedarhome Sewer Bypass Project to the low bidder, Trico, in the amount of \$208,585.93 with a \$20,858.60 contingency.

Committee/Board Recommendation:

The Public Works Committee has been briefed on the project and have reviewed bids.

COUNCIL OPTIONS

1. Authorize the Mayor to sign a contract with Trico for the Cedarhome Sewer Bypass project in the amount of \$208,585.93 with a \$20,858.60 contingency.
2. Send back to the Public Works Committee for additional discussion.
3. Reject all bids and delay project.

RECOMMENDED MOTION

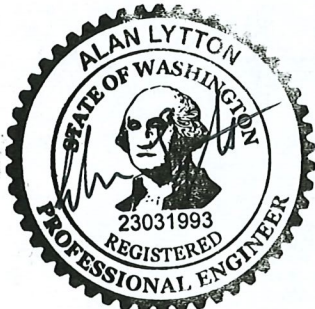
“I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH TRICO COMPANIES, LLC FOR \$208,585.93 WITH A \$20,858.60 CONTINGENCY.”



BID TABULATION
CEDARHOME SUARE SEWER IMPROVEMENTS
Bid Opening: Wednesday January 22, 2025 @ 3PM

Item No.	Spec Section	Engineer's Estimate					TRICO		ESCAVATION WEST INC.		PREMIUM SERV. INC.		INTERWEST CONSTRUCTION INC.		ODYSSEY CONST. LLC		E&E CONTRACTING		FISHER CONSTRUCTION		BAYSHORE	
		ITEM DESCRIPTION	Est. Qty	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	1-04.4(1)	Minor Changes	1	CALC	\$5,000	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2	1-05.4(2)	Survey	1	LS	\$5,000	\$ 5,000.00	\$ 2,450.00	\$ 2,450.00	\$ 3,560.00	\$ 3,560.00	\$ 5,000.00	\$ 5,000.00	\$ 2,250.00	\$ 2,250.00	\$ 4,500.00	\$ 4,500.00	\$ 6,500.00	\$ 6,500.00	\$ 2,412.00	\$ 2,412.00	\$ 4,000.00	\$ 4,000.00
3	1-05-.18	Record Drawings Minimum Bid \$500)	1	LS	\$500	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 950.00	\$ 950.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
4	1-07.15 (1)	SPCC Plan	1	LS	\$500	\$ 500.00	\$ 700.00	\$ 700.00	\$ 300.00	\$ 300.00	\$ 1,000.00	\$ 1,000.00	\$ 800.00	\$ 800.00	\$ 4,000.00	\$ 4,000.00	\$ 240.00	\$ 240.00	\$ 279.17	\$ 279.17	\$ 1,000.00	\$ 1,000.00
5	1-09.7	Mobilization, Cleanup and Demobilization	1	LS	\$25,000	\$ 25,000.00	\$ 32,500.00	\$ 32,500.00	\$ 27,866.20	\$ 27,866.20	\$ 19,500.00	\$ 19,500.00	\$ 21,500.00	\$ 21,500.00	\$ 24,850.00	\$ 24,850.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 24,000.00	\$ 24,000.00
6	1-10.5	Project Temporary Traffic Control	1	LS	\$15,000	\$ 15,000.00	\$ 9,950.00	\$ 9,950.00	\$ 35,361.44	\$ 35,361.44	\$ 15,000.00	\$ 15,000.00	\$ 26,565.00	\$ 26,565.00	\$ 30,000.00	\$ 30,000.00	\$ 25,000.00	\$ 25,000.00	\$ 42,434.77	\$ 42,434.77	\$ 33,800.00	\$ 33,800.00
7	1-10.5	Work Zone Safety Contingency	1	FA	\$2,000	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
8	2-01.5	Clearing and Grubbing	1	LS	\$2,000	\$ 2,000.00	\$ 800.00	\$ 800.00	\$ 1,218.00	\$ 1,218.00	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 4,100.00	\$ 4,100.00	\$ 4,800.00	\$ 4,800.00	\$ 3,227.28	\$ 3,227.28	\$ 1,500.00	\$ 1,500.00
9	2-02.5	Removing Asphalt Conc. Pavement	240	SY	\$15	\$ 3,600.00	\$ 22.00	\$ 5,280.00	\$ 13.77	\$ 3,304.80	\$ 25.00	\$ 6,000.00	\$ 21.00	\$ 5,040.00	\$ 9.75	\$ 2,340.00	\$ 42.00	\$ 10,080.00	\$ 20.66	\$ 4,958.40	\$ 15.00	\$ 3,600.00
10	2-02.5	Removing Cement Conc. Driveway Entrance and Sidewalk	20	SY	\$50	\$ 1,000.00	\$ 86.00	\$ 1,720.00	\$ 18.50	\$ 370.00	\$ 50.00	\$ 1,000.00	\$ 32.00	\$ 640.00	\$ 33.75	\$ 675.00	\$ 120.00	\$ 2,400.00	\$ 107.74	\$ 2,154.80	\$ 25.00	\$ 500.00
11	2-02.5	Removing Cement Conc. Curb and Gutter	30	LF	\$20	\$ 600.00	\$ 35.00	\$ 1,050.00	\$ 8.90	\$ 267.00	\$ 25.00	\$ 750.00	\$ 12.00	\$ 360.00	\$ 18.00	\$ 540.00	\$ 48.00	\$ 1,440.00	\$ 70.42	\$ 2,112.60	\$ 25.00	\$ 750.00
12	2-09.5	Locate Existing Utilities	1	LS	\$2,000	\$ 2,000.00	\$ 2,750.00	\$ 2,750.00	\$ 2,185.00	\$ 2,185.00	\$ 3,000.00	\$ 3,000.00	\$ 4,450.00	\$ 4,450.00	\$ 3,750.00	\$ 3,750.00	\$ 4,000.00	\$ 4,000.00	\$ 1,939.05	\$ 1,939.05	\$ 3,500.00	\$ 3,500.00
13	4-04.5	Ballast	100	TN	\$60	\$ 6,000.00	\$ 60.00	\$ 6,000.00	\$ 50.38	\$ 5,038.00	\$ 25.00	\$ 2,500.00	\$ 60.00	\$ 6,000.00	\$ 70.00	\$ 7,000.00	\$ 60.00	\$ 6,000.00	\$ 39.75	\$ 3,975.00	\$ 40.00	\$ 4,000.00
14	4-04.5	Crushed Surfacing Top Course	50	TN	\$70	\$ 3,500.00	\$ 70.00	\$ 3,500.00	\$ 51.56	\$ 2,578.00	\$ 75.00	\$ 3,750.00	\$ 75.00	\$ 3,750.00	\$ 75.00	\$ 3,750.00	\$ 55.00	\$ 2,750.00	\$ 131.84	\$ 6,592.00	\$ 45.00	\$ 2,250.00
15	5-04.5	Commercial HMA	60	TN	\$300	\$ 18,000.00	\$ 250.00	\$ 15,000.00	\$ 323.65	\$ 19,419.00	\$ 250.00	\$ 15,000.00	\$ 264.00	\$ 15,840.00	\$ 310.00	\$ 18,600.00	\$ 190.00	\$ 11,400.00	\$ 251.26	\$ 15,075.60	\$ 235.00	\$ 14,100.00
16	7-05.5	Manhole, 48 in. Diam.	3	EA	\$8,000	\$ 24,000.00	\$ 6,150.00	\$ 18,450.00	\$ 5,443.00	\$ 16,329.00	\$ 5,000.00	\$ 15,000.00	\$ 8,000.00	\$ 24,000.00	\$ 6,950.00	\$ 20,850.00	\$ 4,300.00	\$ 12,900.00	\$ 6,977.76	\$ 20,933.28	\$ 9,500.00	\$ 28,500.00
17	7-05.5	Outside Drop Manhole, 48 In. Diam.	1	EA	\$11,000	\$ 11,000.00	\$ 8,600.00	\$ 8,600.00	\$ 4,790.00	\$ 4,790.00	\$ 6,500.00	\$ 6,500.00	\$ 13,200.00	\$ 13,200.00	\$ 11,750.00	\$ 11,750.00	\$ 5,500.00	\$ 5,500.00	\$ 8,477.93	\$ 8,477.93	\$ 11,500.00	\$ 11,500.00
18	7-05.5	Connection to Existing Manhole	2	EA	\$6,000	\$ 12,000.00	\$ 5,420.00	\$ 10,840.00	\$ 2,478.00	\$ 4,956.00	\$ 2,000.00	\$ 4,000.00	\$ 2,750.00	\$ 5,500.00	\$ 2,425.00	\$ 4,850.00	\$ 1,250.00	\$ 2,500.00	\$ 677.01	\$ 1,354.02	\$ 3,500.00	\$ 7,000.00
19	7-05.5	Abandon Existing Manhole	1	EA	\$1,000	\$ 1,000.00	\$ 1,440.00	\$ 1,440.00	\$ 2,224.85	\$ 2,224.85	\$ 1,500.00	\$ 1,500.00	\$ 1,450.00	\$ 1,450.00	\$ 2,500.00	\$ 2,500.00	\$ 3,200.00	\$ 3,200.00	\$ 2,934.24	\$ 2,934.24	\$ 1,500.00	\$ 1,500.00
20	7-08.5	Plugging Existing Pipe	3	EA	\$500	\$ 1,500.00	\$ 1,110.00	\$ 3,330.00	\$ 189.18	\$ 567.54	\$ 500.00	\$ 1,500.00	\$ 175.00	\$ 525.00	\$ 650.00	\$ 1,950.00	\$ 750.00	\$ 2,250.00	\$ 322.50	\$ 967.50	\$ 300.00	\$ 900.00
21	7-08.5	Removal of Unsuitable Material (Trench)	10	CY	\$ 50.00	\$ 500.00	\$ 88.00	\$ 880.00	\$ 40.00	\$ 400.00	\$ 75.00	\$ 750.00	\$ 80.00	\$ 800.00	\$ 50.00	\$ 500.00	\$ 154.00	\$ 1,540.00	\$ 31.83	\$ 318.30	\$ 35.00	\$ 350.00
22	7-08.5	Trench Excavation Safety Systems	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 3.00	\$ 3.00	\$ 365.00	\$ 365.00	\$ 100.00	\$ 100.00	\$ 2,500.00	\$ 2,500.00	\$ 4,725.00	\$ 4,725.00	\$ 9,000.00	\$ 9,000.00	\$ 3,045.47	\$ 3,045.47	\$ 7,000.00	\$ 7,000.00
23	7-08.5	Bank Run Gravel for Trench Backfill	390	TN	\$ 20.00	\$ 7,800.00	\$ 21.00	\$ 8,190.00	\$ 34.78	\$ 13,564.20	\$ 20.00	\$ 7,800.00	\$ 22.50	\$ 8,775.00	\$ 46.00	\$ 17,940.00	\$ 44.00	\$ 17,160.00	\$ 26.53	\$ 10,346.70	\$ 40.00	\$ 15,600.00
24	7-17.5	Ductile Iron Sanitary Sewer Pipe, 8 In. Diam.	25	LF	\$ 250.00	\$ 6,250.00	\$ 95.00	\$ 2,375.00	\$ 118.26	\$ 2,956.50	\$ 450.00	\$ 11,250.00	\$ 132.00	\$ 3,300.00	\$ 135.00	\$ 3,375.00	\$ 235.00	\$ 5,875.00	\$ 281.69	\$ 7,042.25	\$ 295.00	\$ 7,375.00
25	7-17.5	PVC Sanitary Sewer Pipe, 12 In. Diam.	240	LF	\$ 160.00	\$ 38,400.00	\$ 136.00	\$ 32,640.00	\$ 78.82	\$ 18,916.80	\$ 180.00	\$ 43,200.00	\$ 159.00	\$ 38,160.00	\$ 86.00	\$ 20,640.00	\$ 126.50	\$ 30,360.00	\$ 217.00	\$ 52,080.00	\$ 170.00	\$ 40,800.00
26	7-17.5	Television Inspection	1	LS	\$ 500.00	\$ 500.00	\$ 800.00	\$ 800.00	\$ 1,224.00	\$ 1,224.00	\$ 1,500.00	\$ 1,500.00	\$ 2,100.00	\$ 2,100.00	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	\$ 5,000.00	\$ 949.20	\$ 949.20	\$ 6,000.00	\$ 6,000.00
27	8-01.5	Erosion Control and Water Pollution Prevention	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,150.00	\$ 2,150.00	\$ 1,940.00	\$ 1,940.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 7,467.63	\$ 7,467.63	\$ 6,000.00	\$ 6,000.00
28	8-02.5	Surface Restoration	60	SY	\$ 100.00	\$ 6,000.00	\$ 23.00	\$ 1,380.00	\$ 41.17	\$ 2,470.20	\$ 25.00	\$ 1,500.00	\$ 57.00	\$ 3,420.00	\$ 32.00	\$ 1,920.00	\$ 85.00	\$ 5,100.00	\$ 40.04	\$ 2,402.40	\$ 35.00	\$ 2,100.00
29	8-03.5	Remove, Protect and Reestablish Irrigation System	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 1,590.00	\$ 1,590.00	\$ 2,471.00	\$ 2,471.00	\$ 1,500.00	\$ 1,500.00	\$ 1,250.00	\$ 1,250.00	\$ 1,600.00	\$ 1,600.00	\$ 3,500.00	\$ 3,500.00	\$ 1,133.21	\$ 1,133.21	\$ 1,500.00	\$ 1,500.00
30	8-04.5	Cement Conc. Traffic Curb and Gutter	30	LF	\$ 150.00	\$ 4,500.00	\$ 95.00	\$ 2,850.00	\$ 114.38	\$ 3,431.40	\$ 150.00	\$ 4,500.00	\$ 90.00	\$ 2,700.00	\$ 80.00	\$ 2,400.00	\$ 194.00	\$ 5,820.00	\$ 148.78	\$ 4,463.40	\$ 60.00	\$ 1,800.00
31	5-06.5	Cement Conc. Restoration	20	SY	\$ 200.00	\$ 4,000.00	\$ 100.00	\$ 2,000.00	\$ 173.00	\$ 3,460.00	\$ 225.00	\$ 4,500.00	\$ 240.00	\$ 4,800.00	\$ 240.00	\$ 4,800.00	\$ 185.00	\$ 3,700.00	\$ 223.17	\$ 4,463.40	\$ 180.00	\$ 3,600.00
32	8-12.5	Remove and Reinstall Fence	30	LF	\$ 100.00	\$ 3,000.00	\$ 39.00	\$ 1,170.00	\$ 33.84	\$ 1,015.20	\$ 85.00	\$ 2,550.00	\$ 48.00	\$ 1,440.00	\$ 103.00	\$ 3,090.00	\$ 205.00	\$ 6,150.00	\$ 37.77	\$ 1,133.10	\$ 70.00	\$ 2,100.00
33	8-12.5	Remove, Protect and Reinstall Metal Gate	1	EA	\$ 600.00	\$ 600.00	\$ 1,300.00	\$ 1,300.00	\$ 1,346.80	\$ 1,346.80	\$ 3,000.00	\$ 3,000.00	\$ 1,050.00	\$ 1,050.00	\$ 3,685.00	\$ 3,685.00	\$ 2,500.00	\$ 2,500.00	\$ 1,691.57	\$ 1,691.57	\$ 1,800.00	\$ 1,800.00
34	8-22.5	Paint Line	50	LF	\$ 5.00	\$ 250.00	\$ 33.00	\$ 1,650.00	\$ 3.57	\$ 178.50	\$ 20.00	\$ 1,000.00	\$ 5.00	\$ 250.00	\$ 26.00	\$ 1,300.00	\$ 55.00	\$ 2,750.00	\$ 39.08	\$ 1,954.00	\$ 50.00	\$ 2,500.00
Bid Schedule Subtotal						\$ 223,000.00		\$ 190,838.00		\$ 191,574.43		\$ 198,150.00		\$ 214,915.00		\$ 223,430.00		\$ 231,915.00		\$ 245,818.27		\$ 248,925.00
Sales Tax 9.3 %						\$ 20,739.00		\$ 17,747.93		\$ 17,816.42		\$ 18,427.95		\$ 19,987.10		\$ 20,778.99		\$ 21,568.10		\$ 22,861.10		\$ 23,150.03
Bid Schedule Total						\$ 243,739.00		\$ 208,585.93		\$ 209,390.85		\$ 216,577.95		\$ 234,902.10		\$ 244,208.99		\$ 253,483.10		\$ 268,679.37		\$ 272,075.03

* BID TOTAL WAS 235,230.00



1/27/25



BID TABULATION
CEDARHOME SUARE SEWER IMPROVEMENTS

Bid Opening: Wednesday January 22, 2025 @ 3F

Item No.	Spec Section	ITEM DESCRIPTION	PELLCO CONST.		KONNERUP		TASTAD CONST.		EWS		BLACKFISH CIV. INF. INC.		DK EXCAVATION, LLC		REDPOINT		TAYEX	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	1-04.4(1)	Minor Changes	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2	1-05.4(2)	Survey	\$ 3,200.00	\$ 3,200.00	\$ 6,000.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,025.00	\$ 4,025.00	\$ 5,754.60	\$ 5,754.60	\$ 7,500.00	\$ 7,500.00	\$ 7,984.00	\$ 7,984.00	\$ 5,000.00	\$ 5,000.00
3	1-05-.18	Record Drawings Minimum Bid \$500)	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,800.00	\$ 1,800.00	\$ 575.00	\$ 575.00	\$ 862.50	\$ 862.50	\$ 1,500.00	\$ 1,500.00	\$ 2,518.00	\$ 2,518.00	\$ 1,000.00	\$ 1,000.00
4	1-07.15 (1)	SPCC Plan	\$ 100.00	\$ 100.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,875.00	\$ 2,875.00	\$ 1,104.00	\$ 1,104.00	\$ 5,000.00	\$ 5,000.00	\$ 1,938.00	\$ 1,938.00	\$ 1,000.00	\$ 1,000.00
5	1-09.7	Mobilization, Cleanup and Demobilization	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 22,000.00	\$ 22,000.00	\$ 24,200.00	\$ 24,200.00	\$ 18,358.60	\$ 18,358.60	\$ 7,500.00	\$ 7,500.00	\$ 14,000.00	\$ 14,000.00	\$ 30,000.00	\$ 30,000.00
6	1-10.5	Project Temporary Traffic Control	\$ 25,000.00	\$ 25,000.00	\$ 20,000.00	\$ 20,000.00	\$ 23,000.00	\$ 23,000.00	\$ 20,125.00	\$ 20,125.00	\$ 20,792.00	\$ 20,792.00	\$ 20,000.00	\$ 20,000.00	\$ 25,705.00	\$ 25,705.00	\$ 25,000.00	\$ 25,000.00
7	1-10.5	Work Zone Safety Contingency	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
8	2-01.5	Clearing and Grubbing	\$ 1,800.00	\$ 1,800.00	\$ 10,000.00	\$ 10,000.00	\$ 3,000.00	\$ 3,000.00	\$ 5,750.00	\$ 5,750.00	\$ 1,788.25	\$ 1,788.25	\$ 5,000.00	\$ 5,000.00	\$ 3,641.00	\$ 3,641.00	\$ 4,000.00	\$ 4,000.00
9	2-02.5	Removing Asphalt Conc. Pavement	\$ 18.00	\$ 4,320.00	\$ 40.00	\$ 9,600.00	\$ 25.00	\$ 6,000.00	\$ 21.25	\$ 5,100.00	\$ 53.24	\$ 12,777.60	\$ 41.66	\$ 9,998.40	\$ 17.00	\$ 4,080.00	\$ 25.00	\$ 6,000.00
10	2-02.5	Removing Cement Conc. Driveway Entrance and Sidewalk	\$ 63.00	\$ 1,260.00	\$ 80.00	\$ 1,600.00	\$ 38.00	\$ 760.00	\$ 21.25	\$ 425.00	\$ 89.41	\$ 1,788.20	\$ 250.00	\$ 5,000.00	\$ 51.00	\$ 1,020.00	\$ 25.00	\$ 500.00
11	2-02.5	Removing Cement Conc. Curb and Gutter	\$ 55.00	\$ 1,650.00	\$ 50.00	\$ 1,500.00	\$ 20.00	\$ 600.00	\$ 21.25	\$ 637.50	\$ 59.61	\$ 1,788.30	\$ 166.66	\$ 4,999.80	\$ 34.00	\$ 1,020.00	\$ 40.00	\$ 1,200.00
12	2-09.5	Locate Existing Utilities	\$ 6,000.00	\$ 6,000.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00	\$ 2,875.00	\$ 2,875.00	\$ 9,420.23	\$ 9,420.23	\$ 7,500.00	\$ 7,500.00	\$ 1,154.00	\$ 1,154.00	\$ 4,000.00	\$ 4,000.00
13	4-04.5	Ballast	\$ 90.00	\$ 9,000.00	\$ 60.00	\$ 6,000.00	\$ 80.00	\$ 8,000.00	\$ 52.90	\$ 5,290.00	\$ 75.10	\$ 7,510.00	\$ 75.00	\$ 7,500.00	\$ 77.00	\$ 7,700.00	\$ 100.00	\$ 10,000.00
14	4-04.5	Crushed Surfacing Top Course	\$ 130.00	\$ 6,500.00	\$ 65.00	\$ 3,250.00	\$ 110.00	\$ 5,500.00	\$ 40.25	\$ 2,012.50	\$ 155.57	\$ 7,778.50	\$ 100.00	\$ 5,000.00	\$ 281.00	\$ 14,050.00	\$ 125.00	\$ 6,250.00
15	5-04.5	Commercial HMA	\$ 240.00	\$ 14,400.00	\$ 272.00	\$ 16,320.00	\$ 265.00	\$ 15,900.00	\$ 212.75	\$ 12,765.00	\$ 364.17	\$ 21,850.20	\$ 166.66	\$ 9,999.60	\$ 376.00	\$ 22,560.00	\$ 290.00	\$ 17,400.00
16	7-05.5	Manhole, 48 in. Diam.	\$ 7,500.00	\$ 22,500.00	\$ 8,500.00	\$ 25,500.00	\$ 11,000.00	\$ 33,000.00	\$ 8,960.00	\$ 26,880.00	\$ 8,574.78	\$ 25,724.34	\$ 2,333.33	\$ 6,999.99	\$ 14,000.00	\$ 42,000.00	\$ 8,000.00	\$ 24,000.00
17	7-05.5	Outside Drop Manhole, 48 In. Diam.	\$ 7,000.00	\$ 7,000.00	\$ 8,500.00	\$ 8,500.00	\$ 11,500.00	\$ 11,500.00	\$ 8,885.00	\$ 8,885.00	\$ 12,613.20	\$ 12,613.20	\$ 5,000.00	\$ 5,000.00	\$ 14,500.00	\$ 14,500.00	\$ 14,500.00	\$ 14,500.00
18	7-05.5	Connection to Existing Manhole	\$ 3,800.00	\$ 7,600.00	\$ 1,200.00	\$ 2,400.00	\$ 6,200.00	\$ 12,400.00	\$ 5,920.00	\$ 11,840.00	\$ 6,713.70	\$ 13,427.40	\$ 2,500.00	\$ 5,000.00	\$ 7,096.00	\$ 14,192.00	\$ 1,500.00	\$ 3,000.00
19	7-05.5	Abandon Existing Manhole	\$ 1,300.00	\$ 1,300.00	\$ 1,200.00	\$ 1,200.00	\$ 2,800.00	\$ 2,800.00	\$ 1,525.00	\$ 1,525.00	\$ 3,366.05	\$ 3,366.05	\$ 5,000.00	\$ 5,000.00	\$ 7,366.00	\$ 7,366.00	\$ 1,500.00	\$ 1,500.00
20	7-08.5	Plugging Existing Pipe	\$ 350.00	\$ 1,050.00	\$ 500.00	\$ 1,500.00	\$ 1,000.00	\$ 3,000.00	\$ 937.25	\$ 2,811.75	\$ 2,436.85	\$ 7,310.55	\$ 1,666.66	\$ 4,999.98	\$ 2,247.00	\$ 6,741.00	\$ 500.00	\$ 1,500.00
21	7-08.5	Removal of Unsuitable Material (Trench)	\$ 160.00	\$ 1,600.00	\$ 100.00	\$ 1,000.00	\$ 200.00	\$ 2,000.00	\$ 63.25	\$ 632.50	\$ 124.60	\$ 1,246.00	\$ 800.00	\$ 8,000.00	\$ 44.00	\$ 440.00	\$ 100.00	\$ 1,000.00
22	7-08.5	Trench Excavation Safety Systems	\$ 7,000.00	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 11,500.00	\$ 11,500.00	\$ 1,572.05	\$ 1,572.05	\$ 9,000.00	\$ 9,000.00	\$ 11,269.00	\$ 11,269.00	\$ 40,000.00	\$ 40,000.00
23	7-08.5	Bank Run Gravel for Trench Backfill	\$ 35.00	\$ 13,650.00	\$ 50.00	\$ 19,500.00	\$ 65.00	\$ 25,350.00	\$ 51.75	\$ 20,182.50	\$ 57.97	\$ 22,608.30	\$ 38.46	\$ 14,999.40	\$ 24.00	\$ 9,360.00	\$ 65.00	\$ 25,350.00
24	7-17.5	Ductile Iron Sanitary Sewer Pipe, 8 In. Diam.	\$ 250.00	\$ 6,250.00	\$ 200.00	\$ 5,000.00	\$ 300.00	\$ 7,500.00	\$ 325.45	\$ 8,136.25	\$ 200.88	\$ 5,022.00	\$ 400.00	\$ 10,000.00	\$ 431.00	\$ 10,775.00	\$ 250.00	\$ 6,250.00
25	7-17.5	PVC Sanitary Sewer Pipe, 12 In. Diam.	\$ 164.00	\$ 39,360.00	\$ 200.00	\$ 48,000.00	\$ 160.00	\$ 38,400.00	\$ 219.00	\$ 52,560.00	\$ 208.19	\$ 49,965.60	\$ 125.00	\$ 30,000.00	\$ 187.00	\$ 44,880.00	\$ 125.00	\$ 30,000.00
26	7-17.5	Television Inspection	\$ 11,000.00	\$ 11,000.00	\$ 3,000.00	\$ 3,000.00	\$ 1,800.00	\$ 1,800.00	\$ 4,025.00	\$ 4,025.00	\$ 8,284.60	\$ 8,284.60	\$ 5,000.00	\$ 5,000.00	\$ 2,058.00	\$ 2,058.00	\$ 6,500.00	\$ 6,500.00
27	8-01.5	Erosion Control and Water Pollution Prevention	\$ 6,000.00	\$ 6,000.00	\$ 2,000.00	\$ 2,000.00	\$ 3,500.00	\$ 3,500.00	\$ 4,025.00	\$ 4,025.00	\$ 5,644.20	\$ 5,644.20	\$ 5,000.00	\$ 5,000.00	\$ 2,462.00	\$ 2,462.00	\$ 8,000.00	\$ 8,000.00
28	8-02.5	Surface Restoration	\$ 95.00	\$ 5,700.00	\$ 100.00	\$ 6,000.00	\$ 80.00	\$ 4,800.00	\$ 83.95	\$ 5,037.00	\$ 51.94	\$ 3,116.40	\$ 166.66	\$ 9,999.60	\$ 65.00	\$ 3,900.00	\$ 70.00	\$ 4,200.00
29	8-03.5	Remove, Protect and Reestablish Irrigation Outlets	\$ 600.00	\$ 600.00	\$ 2,000.00	\$ 2,000.00	\$ 800.00	\$ 800.00	\$ 5,750.00	\$ 5,750.00	\$ 1,384.60	\$ 1,384.60	\$ 7,500.00	\$ 7,500.00	\$ 3,350.00	\$ 3,350.00	\$ 10,000.00	\$ 10,000.00
30	8-04.5	Cement Conc. Traffic Curb and Gutter	\$ 166.00	\$ 4,980.00	\$ 120.00	\$ 3,600.00	\$ 130.00	\$ 3,900.00	\$ 115.00	\$ 3,450.00	\$ 130.64	\$ 3,919.20	\$ 1,000.00	\$ 30,000.00	\$ 108.00	\$ 3,240.00	\$ 150.00	\$ 4,500.00
31	5-06.5	Cement Conc. Restoration	\$ 320.00	\$ 6,400.00	\$ 180.00	\$ 3,600.00	\$ 200.00	\$ 4,000.00	\$ 172.50	\$ 3,450.00	\$ 195.96	\$ 3,919.20	\$ 1,000.00	\$ 20,000.00	\$ 370.00	\$ 7,400.00	\$ 350.00	\$ 7,000.00
32	8-12.5	Remove and Reinstall Fence	\$ 45.00	\$ 1,350.00	\$ 100.00	\$ 3,000.00	\$ 75.00	\$ 2,250.00	\$ 74.75	\$ 2,242.50	\$ 84.64	\$ 2,539.20	\$ 166.66	\$ 4,999.80	\$ 120.00	\$ 3,600.00	\$ 100.00	\$ 3,000.00
33	8-12.5	Remove, Protect and Reinstall Metal Gate	\$ 1,200.00	\$ 1,200.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 74.75	\$ 74.75	\$ 809.60	\$ 809.60	\$ 5,000.00	\$ 5,000.00	\$ 3,261.00	\$ 3,261.00	\$ 5,000.00	\$ 5,000.00
34	8-22.5	Paint Line	\$ 65.00	\$ 3,250.00	\$ 8.00	\$ 400.00	\$ 15.00	\$ 750.00	\$ 258.75	\$ 12,937.50	\$ 17.25	\$ 862.50	\$ 100.00	\$ 5,000.00	\$ 20.00	\$ 1,000.00	\$ 55.00	\$ 2,750.00
Bid Subtotal				\$ 253,520.00		\$ 257,470.00		\$ 267,810.00		\$ 279,599.75		\$ 291,907.97		\$ 294,996.57		\$ 306,164.00		\$ 316,400.00
Sales Tax				\$ 23,577.36		\$ 23,944.71		\$ 24,906.33		\$ 26,002.78		\$ 27,147.44		\$ 27,434.68		\$ 28,473.25		\$ 29,425.20
Bid Total				\$ 277,097.36		\$ 281,414.71		\$ 292,716.33		\$ 305,602.53		\$ 319,055.41		\$ 322,431.25		\$ 334,637.25		\$ 345,825.20



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8e
DATE: February 13, 2025
SUBJECT: Stanwood Police Station & Chamber Building Design
CONTACT PERSON: Shawn Smith, City Administrator
ATTACHMENTS: A – Fee Proposal

PURPOSE

The purpose of this agenda item is to authorize the Mayor to sign a contract with Studio Meng Strazzara.

BACKGROUND

In late 2024 City Staff requested qualifications from architecture firms to design a new police station on Pioneer Highway adjacent to Les Schwab. The City received several proposals and interviewed two firms. Of the firms interviewed Studio Meng Strazzara was selected as the most qualified response. Staff has decided to split the design into two phases. The first phase will provide conceptual design and cost estimating. This will provide a better idea of the project before proceeding to the bulk of the technical design steps.

ANALYSIS

Fiscal Impact			
Fund(s):	594 18 62 17 (500,000)		
Amount:	\$134,664	Project Estimate:	\$500,000 (134,664 phase 1)
Budget Authorized	☒ Yes ☐ No	Amendment Required?	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

Staff recommends signing a design contract with Studio Meng Strazzara for the Police Station and Council Chambers building.

Committee/Board Recommendation:

The Public Works Committee has been briefed on the project and have reviewed the proposal.

COUNCIL OPTIONS

1. Authorize the Mayor to sign a contract with Studio Meng Strazzara for the Police Station and Chambers building design.
2. Send back to the Public Works Committee for additional discussion.

RECOMMENDED MOTION

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN A DESIGN SERVICES CONTRACT WITH STUDIO MENG STRAZZARA FOR \$134,664.

January 29, 2025

Mr. Alan Lytton
City Engineer, PE
City of Stanwood
10220 270th St NW
Stanwood, WA 98292

RE: Stanwood Police Station & Chamber Building – Phase 1
Fee Proposal – Architectural Design Services

Dear Alan:

We thank you for the opportunity to submit for your review, a fee proposal for providing architectural design services for new Stanwood Police Station and Chambers Building.

Architectural Scope of Work

The proposed scope of our work is based on our phone exchange and splitting the project proposal into 2 phases. This proposal is for Phase 1 portion.

We understand **Phase 1** portion of project to include:

1. Preliminary site assessment of existing site conditions.
2. Program review of Police Department needs and Council Chamber requirements
3. Concept/design and early SD review of modular and site-built options.
4. Cost estimate for each options.
5. Selection of option between Modular and Site built.

Exclusions

This proposal does not include services relating to the following:

1. Bid documents
2. Permitting
3. Phase 2 package
4. Hazmat consulting services
5. Revisions to other accessibility requirements not directly related to the identified scope of work
6. Changes in scope after approved submittals.
7. Plan review or permit fees required by the agencies having jurisdiction
8. Conditional Use Permit
9. SEPA
10. Early bid package
11. Commissioning Coordination
12. LEED

- 13. Cost Estimate beyond concept
- 14. Envelope Consultant
- 15. Structural upgrades to existing building framing.
- 16. Conformed Set
- 17. Construction Administration
- 18. Acoustic Engineer service

As requested, here are the breakdown of A/E fee;

Basic Services Fee (not to exceed the total fee indicated below)

MACC \$5,000,000 OFM % Basic Services 8.79% \$439,500

Architectural/Engineer Design – SMS/CPL/BCE/FORA
Phase 1.

Concept Design Phase (Modular vs Site Built) – 26% of basic service \$ 114,270

Additional Services Fee (not to exceed the total fee indicated below)

Architectural– Studio Meng Strazzara

- Existing Site/System verifications (Arch) \$ 3,600
- Sloped site (Arch/Civil) \$ 3,950
- Site Retaining wall options (Arch/Civil/Struct) \$ 2,833
- Cost Estimate (Arch/Estimator) \$ 10,011

Total Proposed Fee

\$ 134,664

Reimbursable expenses, including printing, are not included. Printing is estimated to be less than \$2,500 but could vary from this depending on the number of copies of construction document sets requested.

If this proposal is acceptable, please let me know at your earliest convenience. If you have any questions, please call.

Respectfully yours,



Steven H. Lee LEED AP BD+C
Principal



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8f
DATE: February 13, 2025
SUBJECT: Authorize Mayor to sign Public Works Board Pre-Construction Loan Agreement
CONTACT PERSON: David Hammond, Finance Director
ATTACHMENTS: A— Loan agreement

ISSUE

The issue in front of the Council is to authorize the Mayor to sign a Public Works Board loan agreement.

RECOMMENDATION

Staff recommends approval of the PWB Loan

SUMMARY STATEMENT

The City has included in the CIP and in the 05-2026 budget WWTP plant upgrades including biosolids handling, which anticipated this loan. The City applied for and received a loan with the Public Works Board to secure a low interest (0.86%) \$1,000,000 loan for design and pre-construction activities.

DISCUSSION

PWB is offering a 5-year low interest loan to agencies that qualify and have an allowable project. The City met the criteria with our WWTP Biosolids project and are now seeking Council approval to allow for the Mayor to sign an agreement to secure the loan. The BOARD may extend the loan term of this Agreement to twenty years when the jurisdiction demonstrates that 30% of the funding necessary for construction of the project has been secured. Our sewer utility rates plan for payment over five years, but staff will attempt to convert to 20 year term.

COMMITTEE RECOMMENDATION

The public works committee has not discussed this agreement. The City's legal representation has reviewed the agreement.

FINANCIAL IMPACT

The debt service for this loan will be paid from the sewer operating fund beginning each June 1st after the loan proceeds are drawn down. Estimated Principal and interest of \$208,600, annually, budgeted to begin in 2026.

COUNCIL OPTIONS

- 1) Authorize the Mayor to sign the agreement
- 2) Direct staff to areas of concern

RECOMMENDED MOTION

I MOVE TO AUTHORIZE THE MAYOR TO SIGN A PUBLIC WORKS BOARD PRE-CONSTRUCTION FUNDING AGREEMENT WITH THE PUBLIC WORKS BOARD FOR \$1,000,000.

AGREEMENT FACE SHEET

Agreement Number: PR25-96103-008

PUBLIC WORKS BOARD PRE-CONSTRUCTION FUNDING AGREEMENT

1. Contractor City of Stanwood 10220 270th St NW Stanwood, WA 98292		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative Alan Lytton Alan.lytton@ci.stanwood.wa.us		4. Public Works Board Representative Leah-Cherri Day leah-cherri.day@commerce.wa.gov	
5. Agreement Amount \$ 1,000,000	6. Funding Source: Federal: ☐ State: ☒ Other: ☐ N/A: ☐	7. Agreement Start Date Agreement Execution Date	8. Agreement End Date: June 1, 2030
9. Federal Funds (as applicable) N/A		Federal Agency N/A	
CFDA Number N/A		10. Tax ID # N/A	
11. SWV # 0015238-02		12. UBI # 319-008-103	
13. UEI # N/A		14. Agreement Purpose Fund a project of a local government for Pre-Construction activities that include, but are not limited to, design engineering, bid-document preparation, environmental studies, right-of-way acquisition, value planning, permits, cultural and historic resources, and public notification.	
The BOARD, defined as the Washington State Public Works Board, and the Contractor acknowledge and accept the terms of this Agreement and attachments and have executed this Agreement on the date below to start as of the date and year last written below. The rights and obligations of both parties to this Agreement are governed by this Agreement and the following documents that are incorporated by reference: Agreement Terms and Conditions including Declarations Page; the BOARD Traditional Program Policy Handbook; and Attachment I: Attorney's Certification.			
FOR THE CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Kathryn A. Gardow, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY _____ Signature on File Dawn C. Cortez Assistant Attorney General	

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DECLARATIONS

CLIENT INFORMATION

Legal Name: City of Stanwood
Agreement Number: PR25-96103-008

PROJECT INFORMATION

Project Title: Wastewater Treatment Plant Aerobic Digestion Improvements
Project City: Stanwood
Project State: Washington
Project Zip Code: 98292

FUNDING INFORMATION

LOAN FUNDING:

Loan Amount: \$1,000,000
Loan Term, if applicable: 5 years
Interest Rate: 0.86%
Payment Month: June 1

GRANT FUNDING:

Grant Amount: \$0
% of Funding as Grant: %

PROJECT TOTALS:

Total Funding: \$1,000,000
Total Estimate Cost: \$1,285,690.
Earliest Date for Cost Reimbursement: 9/6/2024
Time of Performance: 24 months from the Execution Date of this Agreement to Project Completion.

ADDITIONAL SPECIAL TERMS AND CONDITIONS GOVERNING THIS AGREEMENT

N/A

LOAN SECURITY CONDITION GOVERNING THIS AGREEMENT

This loan is a revenue obligation of the CONTRACTOR payable solely from the net revenue of the Sanitary Sewer (Wastewater) system. Payments shall be made from the net revenue of the utility after the payment of the principal and interest on any revenue bonds, notes, warrants or other obligations of the utility having a lien on that net revenue. As used here, "net revenue" means gross revenue minus expenses of maintenance and operations. The BOARD grants the CONTRACTOR the right to issue future bonds and notes that constitute a lien and charge on net revenue superior to the lien and charge of this loan agreement.

SCOPE OF WORK

This Scope of Work includes the following tasks to provide design and permitting support for the WWTP Aerobic Digestion Improvements: Conduct all pre-construction activities prior to bid-ready plans, prepare bid-ready plans, specifications, and construction contract documents for the proposed WWTP Aerobic Digestion Improvements project. The project costs may include but are not limited to engineering, cultural and historical resources, environmental documentation, review, permits, public involvement, and bid documents. The project needs to meet all applicable Local, State, and/or Federal standards.

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AGREEMENT TERMS AND CONDITIONS

PUBLIC WORKS BOARD PRE-CONSTRUCTION FUNDING PROGRAM

SPECIAL TERMS AND CONDITIONS

1.1 DEFINITIONS

As used throughout this Pre-Construction Funding Agreement the following terms shall have the meaning set forth below:

A. "The BOARD" shall mean the Washington State Public Works Board created in Revised Code of Washington (RCW) 43.155.030, and who is a Party to the Agreement.

B. "Agreement" shall mean this Pre-Construction Funding Agreement.

C. "Contractor" shall mean the local government identified on the Agreement Face Sheet receiving funding to complete the project described in the scope of work described in this Agreement and who is a Party to the Agreement, and shall include all employees and agents of the Contractor.

D. "Declarations " and "Declared" shall refer to the project information, loan terms and conditions as stated on the Declarations Page of this Funding Agreement, displayed within the Agreement in **THIS STYLE** for easier identification.

E. The BOARD Traditional Program Policy Handbook shall mean the handbook found on the PWB website or available upon request in PDF.

1.2 AUTHORITY

Acting under the authority of RCW 43.155, the BOARD has awarded the Contractor pre-construction funding for an approved public works project.

1.3 PURPOSE

The BOARD and the Contractor have entered into this Agreement to provide funds to enable the Contractor to undertake a local public works project that furthers the goals and objectives of the BOARD. The project will be undertaken by the Contractor and will include the activities described in the **SCOPE OF WORK** shown on the Declarations page. The project must be undertaken in accordance with the Agreement terms and conditions, and all applicable federal, state and local laws and ordinances, which are incorporated by reference.

1.4 ORDER of PRECEDENCE

In the event of an inconsistency in this Agreement, the inconsistency shall be resolved by giving precedence in the following order:

- A. Applicable federal and state of Washington statutes and regulations.
- B. Special Terms and Conditions, including attachments.
- C. General Terms and Conditions.

1.5 COMPETITIVE BIDDING REQUIREMENTS

The Contractor shall comply with the provisions of RCW 43.155.060 regarding competitive bidding requirements for projects assisted in whole or in part with money from the BOARD.

1.6 DEFAULT IN REPAYMENT

If the funding under this Agreement constitutes a loan, loan repayments shall be made on the loan in accordance with Section 1.14 of this Agreement. A payment not received within thirty (30) days of the due date shall be declared delinquent. Delinquent payments shall be assessed a monthly penalty beginning on the first (1st) day past the due date. The penalty will be assessed on the entire payment amount. The penalty will be one percent (1%) per month or twelve percent (12%) per annum. The same penalty terms shall apply at project completion if the repayment of loan funds in excess of eligible costs are not repaid at the time the Project Completion Amendment is submitted, as provided for in Section 1.13.

The Contractor acknowledges and agrees to the BOARD's right, upon delinquency in the payment of any annual installment, to notify any other entity, creditors, or potential creditors of the Contractor of such delinquency.

The Contractor shall be responsible for all legal fees incurred by the BOARD in any action undertaken to enforce its rights under this section.

1.7 SUB-CONTRACTOR DATA COLLECTION

Contractor will submit reports, in a form and format to be provided by the BOARD and at intervals as agreed by the parties, regarding work under this Agreement performed by sub-contractors and the portion of the Agreement funds expended for work performed by sub-contractors, including but not necessarily limited to minority-owned, women-owned, and veteran-owned business sub-contractors. "Sub-Contractors" shall mean sub-contractors of any tier.

1.8 ELIGIBLE PROJECT COSTS

The Eligible project costs must consist of expenditures eligible under Washington Administrative Code (WAC) 399-30-030, be related only to project activities described in the declared **SCOPE OF WORK**, and documented according to the requirements set forth in the Traditional Program Policy Handbook. Eligible costs for reimbursement shall be construed to mean expenditures incurred and paid, or incurred and payable within thirty (30) days of the reimbursement request. Only costs that have been incurred on or after the **EARLIEST DATE FOR COST REIMBURSEMENT** shown in the Declarations are eligible for reimbursement under this Agreement.

The Contractor assures compliance with WAC 399-30-030, which identifies eligible costs for projects assisted with BOARD funding.

These terms supersede the terms in Section 2.2. Allowable Costs.

1.9 HISTORIC AND CULTURAL RESOURCES

Prior to approval and disbursement of any funds awarded under this Agreement, the Contractor shall cooperate with the BOARD to complete the requirements of Governor's Executive Order 21-02 or the Contractor shall complete a review under Section 106 of the National Historic Preservation Act, if applicable. Contractor agrees that the Contractor is legally and financially responsible for compliance with all laws, regulations, and agreements related to the preservation of historical or cultural resources and agrees to hold harmless the BOARD and the state of Washington in relation to any claim related to such historical or cultural resources discovered, disturbed, or damaged as a result of the project funded by this Agreement.

In addition to the requirements set forth in this Agreement, the Contractor shall, in accordance with Governor's Executive Order 21-02 as applicable, coordinate with the BOARD and the Washington State Department of Archaeology and Historic Preservation ("DAHP"), including any recommendation consultation with any affected tribe(s), during Project design and prior to construction to determine the existence of any tribal cultural resources affected by the Project. Contractor agrees to avoid, minimize, or mitigate impacts to the cultural resource as a continuing prerequisite to receipt of funds under this Agreement.

The Contractor agrees that, unless the Contractor is proceeding under an approved historical and cultural monitoring plan or other memoranda of agreement, if historical or cultural artifacts found during the construction, the Contractor shall immediately stop construction and notify the local historical preservation officer and the state's historical preservation officer at DAHP, and the BOARD Representative identified on the Face Sheet. If human remains are uncovered, the Contractor shall report the presence and location of the remains to the coroner and local enforcement immediately, then contact DAHP and the concerned tribe's cultural staff or committee.

The Agreement shall require this provision to be contained in all subcontracts for work or services related to the Scope of Work attached hereto.

In addition to the requirements set forth in the Agreement, the Contractor agrees to comply with RCW 27.44 regarding Indian Graves and Records; RCW 27.53 regarding Archaeological Sites and Resources; RCW 68.60 regarding Abandoned and Historic Cemeteries and Historic Graves; and WAC 25-48 regarding Archaeological Excavation and Removal Permits.

Completion of the requirements of Section 106 of the National Historic Preservation Act shall substitute for completion of Governor's Executive Order 21-02.

In the event that the Contractor finds it necessary to amend the Scope of Work described in this Agreement, the Contractor may be required to re-comply with Governor's Executive Order 21-02 or Section 106 of the National Historic Preservation Act.

1.10 PROJECT COMPLETION AMENDMENT and CERTIFIED PROJECT COMPLETION REPORT

The Contractor shall complete a Certified Project Completion Report when all activities identified in the **SCOPE OF WORK** are complete. The BOARD will supply the Contractor with the Certified Project Completion Report form, which shall include:

- A. A certified statement that the project, as described in the declared **SCOPE OF WORK**, is complete and, if applicable, meets required standards.
- B. A certified statement of the actual dollar amounts spent, from all funding sources, in completing the project as described in the **SCOPE OF WORK**.
- C. Certification that all costs associated with the project have been incurred and have been accounted for. Costs are incurred when goods and services are received and/or Agreement work is performed.
- D. Pictures of Completed Project, as appropriate.

The Contractor will submit the Certified Project Completion Report together with the last Invoice Voucher for a sum not to exceed the balance of the loan amount. The final Invoice Voucher payment shall not occur prior to the completion of all project activities identified in the **SCOPE OF WORK** and the BOARD's receipt and acceptance of the Certified Project Completion Report.

The Project Completion Amendment shall serve as an amendment to this Agreement determining the final loan amount, grant amount (if applicable), loan term, and interest rate.

1.11 RATE AND TERM OF LOAN

If the Contractor is awarded a loan, the BOARD shall fund the Contractor a sum not to exceed the **LOAN AMOUNT** shown on the Agreement Face Sheet and declared on the Agreement Declarations Page. The interest rate shall be the declared **INTEREST RATE** per annum on the outstanding principal balance. The length of the loan shall not exceed the declared **LOAN TERM**, with the final payment due by the **AGREEMENT END DATE** as shown on the Agreement Face Sheet.

Any grant funding shall be spent from the award proportionally to the **% OF FUNDING AS GRANT**. The percent of grant funding shall not be changed at project completion regardless of the actual cost of the project and the Affordability Index or other measure of financial hardship.

The BOARD may extend the **LOAN TERM** of this Agreement to twenty years when the jurisdiction demonstrates that 30% of the funding necessary for construction of the project has been secured. The Contractor must provide written documentation of construction funding commitment before the first principal payment is due.

1.12 RECAPTURE

In addition to the recapture provisions in Section 2.32, the right to recapture, shall exist for a period not to exceed six (6) years following Agreement termination. In the event that the BOARD is required to institute legal proceedings to enforce the recapture provision, the BOARD shall be entitled to its costs thereof, including attorney's fees.

1.13 REIMBURSEMENT PROCEDURES AND PAYMENT

If funding or appropriation is not available at the time the invoice is submitted, or when this Agreement is executed, the issuance of warrants will be delayed or suspended until such time as funds or appropriation become available. Therefore, subject to the availability of funds, warrants shall be issued to the Contractor for reimbursement of allowable expenses incurred by the Contractor while undertaking and administering approved project activities in accordance with the declared **SCOPE OF WORK**.

The BOARD shall reimburse the Contractor for eligible project expenditures up to the maximum funding amount under this Agreement, as identified in Section 1.10.

The Contractor shall submit all Invoice Vouchers and all required documentation per guidance in the BOARD Traditional Program Policy Handbook, which is incorporated by reference.

When requesting reimbursement for expenditures made, the Contractor shall submit all Invoice Vouchers and any required documentation electronically through the Department of Commerce's (COMMERCE) Contracts Management System (CMS), which is available through the Secure Access Washington (SAW) portal, or its successor. If the Contractor has constraints preventing access to COMMERCE's online A-19 portal, a hard copy A-19 form may be provided by the BOARD Project Manager upon request.

Requests for reimbursements for costs related to **ground-disturbing or land acquisition** activities will not be accepted until the PWB certifies compliance with Governor's Executive Order 21-02 or Section 106 of the National Historic Preservation Act, as described in Section 1.9 of this Agreement.

If the Contractor receives funding in the form of both a grant and a loan, the Contractor shall bill to the loan and grant proportionally until and if funds are exhausted.

The BOARD will pay the Contractor upon acceptance of the work performed and receipt of properly completed invoices. Invoices shall be submitted to the BOARD at least quarterly, as appropriate.

Payment shall be considered timely if made by the BOARD within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

The BOARD may, at its sole discretion, terminate the Agreement or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Agreement.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by the BOARD.

BOARD shall not release the final five (5) percent of the total funding amount until acceptance by BOARD of project completion report.

Duplication of Billed Costs. If the Contractor is entitled to payment or has been or will be paid by another source for an eligible project cost, then the Contractor shall not be reimbursed by the Board for that cost.

Disallowed Costs. The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

At the time of project completion, the Contractor shall submit to the BOARD a Project Completion Amendment certifying the total actual project costs and local share. The final BOARD funding disbursement shall bring the total funding to the lesser of 100% of the eligible project costs or the total declared **funding under this Agreement**. The Project Completion Amendment shall serve as an amendment to this Agreement determining the final loan and grant amounts, loan term, and interest rate.

In the event that the final costs identified in the Project Completion Amendment indicate that the Contractor has received BOARD monies in excess of 100.00% of eligible costs, all funds in excess of 100.00% shall be repaid to the BOARD by payment to the Department of Commerce, or its successor, together with the submission of the Project Completion Amendment.

1.14 REPAYMENT

If the Agreement includes a loan, then repayment installments are due on the day and month identified under the term: **PAYMENT MONTH** on the Declarations Page. Payments are due each year during the term of the loan beginning one year from the date of Agreement execution. Interest only will be charged for this payment if a warrant is issued prior to this date. All subsequent payments shall consist of principal and accrued interest due on the specified **PAYMENT MONTH** date of each year during the remaining term of the loan.

Repayment of a loan under this Agreement shall include the declared **INTEREST RATE** per annum based on a three hundred and sixty (360) day year of twelve (12) thirty (30) day months. Interest will begin to accrue from the date each warrant is issued to the Contractor. The final payment shall be on or before the **AGREEMENT END DATE** shown on the Declarations page, of an amount sufficient to bring the loan balance to zero.

The Contractor will repay the loan in accordance with the preceding conditions through the use of a check, money order, or equivalent means made payable to the Washington State Department of Commerce, or its successor.

1.15 REPORTS

The Contractor shall furnish the BOARD with:

- A. Project progress reports per guidance in the BOARD Traditional Program Policy Handbook;
- B. Quarterly Reports;
- C. Certified Project Completion Report at project completion (as described in Section 1.10); and
- D. Other reports as the BOARD may require.

1.16 TERMINATION FOR CAUSE

If the Contractor fails to comply with the terms of this Agreement, or fails to use the funds only for those activities identified in the **SCOPE OF WORK**, the BOARD may terminate the Agreement in whole or in part at any time. The BOARD shall notify the Contractor in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Nothing in this section shall affect the Contractor's obligation to repay the unpaid balance of a loan.

These terms supersede the terms in Section 2.41 Termination for Cause/Suspension.

1.17 TERMINATION FOR CONVENIENCE

Notwithstanding anything in Section 2.42 Termination for Convenience, the BOARD may suspend or terminate this Agreement in the event that funds are no longer available to the BOARD, or are not appropriated for the purpose of meeting the BOARD's obligations under this Agreement. Termination will be effective when the BOARD sends written notice of termination to the Contractor. Nothing in this section shall affect the Contractor's obligation to repay the unpaid balance of the loan.

1.18 TIME OF PERFORMANCE

No later than twenty-four (24) months after the date of Agreement execution, the Contractor must reach project completion.

Failure to meet Time of Performance shall constitute default of this Agreement. In the event of extenuating circumstances, the Contractor may request, in writing, that the BOARD extend the deadline for project completion. The BOARD may extend the deadline.

The term of this Agreement shall be for the entire term stated in Section 8 of the Agreement Face Sheet, regardless of actual project completion, unless terminated in writing sooner.

1.19 AGREEMENT SUSPENSION

In the event that the Washington State Legislature fails to pass and the Governor does not authorize a Capital Budget by June 30 of each biennium, the Washington State Constitution Article 8 and RCW 43.88.130 and RCW 43.88.290 prohibit expenditures or commitments of state funds in the absence of appropriation.

In such event, all work under this Agreement will be suspended effective July 1. The Contractor shall immediately suspend work under this Agreement and take all reasonable steps necessary to minimize the cost of performance directly attributable to such suspension until the suspension is cancelled.

The BOARD shall notify the Contractor immediately upon lifting of the Agreement suspension.

1.20 SPECIAL CONDITIONS

If SPECIAL CONDITIONS are listed on the Agreement Declarations Page then these conditions are herein incorporated as part of the terms and requirements of this Agreement.

1.21 LOAN SECURITY

Loan Security payments shall be made as stated on the attached Declarations Page, and identified as LOAN SECURITY.

GENERAL TERMS AND CONDITIONS

2.1 DEFINITIONS

As used throughout this Agreement, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Public Works Board Chair and/or the designee authorized in writing to act on the Chair's behalf.
- B. "Contractor" shall mean the entity identified on the face sheet performing service(s) under this Agreement, and shall include all employees and agents of the Contractor.
- C. "BOARD" shall mean the Washington State Public Works Board created in Revised Code of Washington (RCW) 43.155.030, and which is a Party to the Agreement.
- D. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- E. "State" shall mean the state of Washington.
- F. "Subcontractor" shall mean one not in the employment of the Contractor who is performing all or part of those services under this Agreement under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2.2 ALLOWABLE COSTS

Costs allowable under this Agreement are actual expenditures according to an approved budget up to the maximum amount stated on the Agreement or Amendment Face Sheet.

2.3 ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

2.4 AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

2.5 AMERICANS WITH DISABILITIES ACT (ADA)

The Contractor must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

2.6 APPROVAL

This Agreement shall be subject to the written approval of the BOARD's Authorized Representative and shall not be binding until so approved. The Agreement may be altered, amended, or waived only by a written amendment executed by both parties.

2.7 ASSIGNMENT

Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the Contractor without prior written consent of the BOARD.

2.8 ATTORNEYS' FEES

Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce Agreement terms, each party agrees to bear its own attorney's fees and costs.

2.9 AUDIT

A. General Requirements

- If requested by the Board at any time during the Agreement period and six (6) years following termination of the Agreement, Contractor will obtain an audit, at its own expense.
- Contractors are to procure audit services based on the following guidelines.
- The Contractor shall maintain its records and accounts so as to facilitate the audit requirement and shall ensure that Subcontractors also maintain auditable records.
- The Contractor is responsible for any audit exceptions incurred by its own organization or that of its Subcontractors.
- The BOARD reserves the right to recover from the Contractor all disallowed costs resulting from the audit.
- Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The Contractor must respond to the BOARD's request for information or corrective action concerning audit issues within thirty (30) days of the date of request.

B. State Funds Requirements

- In the event an audit is required, if the Contractor is a local government entity, the Office of the State Auditor shall conduct the audit.
- Audits of non-profit organizations are to be conducted by a certified public accountant selected by the Contractor.
- The Contractor shall include the above audit requirements in any subcontracts.
- In any case, the Contractor's financial records must be available for review by the BOARD.

2.10 CODE REQUIREMENTS

All construction and rehabilitation projects must satisfy the requirements of applicable local, state, and federal building, mechanical, plumbing, fire, energy and barrier-free codes. Compliance with the Americans with Disabilities Act of 1990 28 C.F.R. Part 35 will be required, as specified by the local building Department.

2.11 CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

A. "Confidential Information" as used in this section includes:

1. All material provided to the Contractor by the BOARD that is designated as "confidential" by the BOARD;
2. All material produced by the Contractor that is designated as "confidential" by the BOARD; and

3. All personal information in the possession of the Contractor that may not be disclosed under state or federal law. "Personal information" includes but is not limited to information related to a person's name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver's license number and other identifying numbers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- B.** The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Agreement and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of the BOARD or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide the BOARD with its policies and procedures on confidentiality. The BOARD may require changes to such policies and procedures as they apply to this Agreement whenever the BOARD reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by the BOARD. Upon request, the Contractor shall immediately return to the BOARD any Confidential Information that the BOARD reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.
- C.** Unauthorized Use or Disclosure. The Contractor shall notify the BOARD within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

2.12 CONFORMANCE

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

2.13 COPYRIGHT PROVISIONS

Unless otherwise provided, all Materials produced under this Agreement shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by the BOARD. The BOARD shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to the BOARD effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Agreement, but that incorporate pre-existing materials not produced under the Agreement, the Contractor hereby grants to the BOARD a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to the BOARD.

The Contractor shall exert all reasonable effort to advise the BOARD, at the time of delivery of Materials furnished under this Agreement, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Agreement. The Contractor shall provide the BOARD with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Agreement. The BOARD shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

2.14 DISALLOWED COSTS

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its Subcontractors.

2.15 DISPUTES

Except as otherwise provided in this Agreement, when a dispute arises between the parties and it cannot be resolved by direct negotiation, either party may request a dispute hearing with the Chair of the BOARD, who may designate a neutral person to decide the dispute.

The request for a dispute hearing must:

- be in writing;
- state the disputed issues;
- state the relative positions of the parties;
- state the Contractor's name, address, and Agreement number; and
- be mailed to the BOARD Chair and the other party's (respondent's) Representative within three (3) working days after the parties agree that they cannot resolve the dispute.

The respondent shall send a written answer to the requestor's statement to both the Chair or the Chair's designee and the requestor within five (5) working days.

The Chair or designee shall review the written statements and reply in writing to both parties within ten (10) working days. The Chair or designee may extend this period if necessary by notifying the parties.

The decision shall not be admissible in any succeeding judicial or quasi-judicial proceeding.

The parties agree that this dispute process shall precede any action in a judicial or quasi-judicial tribunal.

Nothing in this Agreement shall be construed to limit the parties' choice of a mutually acceptable alternate dispute resolution (ADR) method in addition to the dispute hearing procedure outlined above.

2.16 DUPLICATE PAYMENT

The Contractor certifies that work to be performed under this Agreement does not duplicate any work to be charged against any other agreement, contract, subcontract, or other source.

2.17 ETHICS/CONFLICTS OF INTEREST

In performing under this Agreement, the Contractor shall assure compliance with the Ethics in Public Service Act, RCW 42.52 and any other applicable local, state or federal law related to ethics or conflicts of interests.

2.18 GOVERNING LAW AND VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

2.19 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor shall indemnify, defend, and hold harmless the state of Washington, COMMERCE, agencies of the state and all officials, agents and employees of the state, from and against all claims for injuries or death arising out of or resulting from the performance of the Agreement. "Claim,"

as used in this Agreement, means any financial loss, claim, suit, action, damage, or expense, including but not limited to attorneys' fees, attributable for bodily injury, sickness, disease, or death, or injury to or the destruction of tangible property including loss of use resulting therefrom.

The Contractor's obligation to indemnify, defend, and hold harmless includes any claim by Contractor's agents, employees, representatives, or any subgrantee/subcontractor or its employees.

The Contractor's obligation shall not include such claims that may be caused by the sole negligence of the State and its agencies, officials, agents, and employees. If the claims or damages are caused by or result from the concurrent negligence of (a) the State, its agents or employees and (b) the Contractor, its subcontractors, agents, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or its subcontractors, agents, or employees.

The Contractor waives its immunity under RCW 51 to the extent it is required to indemnify, defend and hold harmless the state and its agencies, officers, agents or employees.

2.20 INDEPENDENT CAPACITY OF THE CONTRACTOR

The parties intend that an independent contractor relationship will be created by this Agreement. The Contractor and its employees or agents performing under this Agreement are not employees or agents of the state of Washington or the BOARD. The Contractor will not hold itself out as or claim to be an officer or employee of the BOARD or of the state of Washington by reason hereof, nor will the Contractor make any claim of right, privilege or benefit which would accrue to such officer or employee under law. Conduct and control of the work will be solely with the Contractor.

2.21 INDUSTRIAL INSURANCE COVERAGE

The Contractor shall comply with all applicable provisions of RCW 51, Industrial Insurance. If the Contractor fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as may be required by law, the BOARD may collect from the Contractor the full amount payable to the Industrial Insurance Accident Fund. The BOARD may deduct the amount owed by the Contractor to the accident fund from the amount payable to the Contractor by the BOARD under this Agreement, and transmit the deducted amount to the Department of Labor and Industries, (L&I) Division of Insurance Services. This provision does not waive any of L&I's rights to collect from the Contractor.

2.22 LAWS

The Contractor shall comply with all applicable laws, ordinances, codes, regulations and policies of local and state and federal governments, as now or hereafter amended including, but not limited to:

Washington State Laws and Regulations

- A. Affirmative Action, RCW 41.06.020 (11).
- B. Boards of Directors or Officers of Non-profit Corporations – Liability – Limitations, RCW 4.24.264.
- C. Contracts for Architectural and Engineering Services. RCW 39.80
- D. Disclosure-Campaign Finances-Lobbying, RCW 42.17.
- E. Discrimination-Human Rights Commission, RCW 49.60.
- F. Ethics in Public Service, RCW 42.52
- G. Growth Management, RCW 36.70A
- H. Housing Assistance Program, RCW 43.185.
- I. Interlocal Cooperation Act, RCW 39.34.
- J. Noise Control, RCW 70.107.
- K. Office of Minority and Women's Business Enterprises, RCW 39.19 and WAC 326-02.
- L. Open Public Meetings Act, RCW 42.30.
- M. Prevailing Wages on Public Works, RCW 39.12.

- N. Public Records Act. RCW 42.56.
- O. Public Works Projects, RCW 43.155
- P. Relocation Assistance – Real Property Acquisition Policy, RCW 8.26.
- Q. Shoreline Management Act of 1971, RCW 90.58.
- R. State Budgeting, Accounting, and Reporting System, RCW 43.88
- S. State Building Code, RCW 19.27 and Energy-related building standards, RCW 19.27A, and Provisions in buildings for aged and handicapped persons, RCW 70.92.
- T. State Coastal Zone Management Program, Publication 01-06-003, Shorelands and Environmental Assistance Program, Washington State Department of Ecology.
- U. State Environmental Policy, RCW 43.21C.
- V. State Executive Order 21-02 Archeological and Cultural Resources.

2.23 LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Agreement.

2.24 LIMITATION OF AUTHORITY

Only the Authorized Representative or Authorized Representative's designee by writing (designation to be made prior to action) shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Agreement.

2.25 LOCAL PUBLIC TRANSPORTATION COORDINATION

Where applicable, Contractor shall participate in local public transportation forums and implement strategies designed to ensure access to services.

2.26 NONCOMPLIANCE WITH NONDISCRIMINATION LAWS

During the performance of this Agreement, the Contractor shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the Contractor's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part, and the Contractor may be declared ineligible for further contracts with the BOARD. The Contractor shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the "Disputes" procedure set forth herein.

2.27 PAY EQUITY

The Contractor agrees to ensure that "similarly employed" individuals in its workforce are compensated as equals, consistent with the following:

- A. Employees are "similarly employed" if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;
- B. Contractor may allow differentials in compensation for its workers if the differentials are based in good faith and on any of the following:
 - 1. A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

2. A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.
3. A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

This Agreement may be terminated by the BOARD, if the BOARD, the Department of Commerce, or the Department of Enterprise Services determines that the Contractor is not in compliance with this provision.

2.28 POLITICAL ACTIVITIES

Political activity of Contractor employees and officers are limited by the State Campaign Finances and Lobbying provisions of RCW 42.17 and the Federal Hatch Act, 5 USC 1501 - 1508.

No funds may be used for working for or against ballot measures or for or against the candidacy of any person for public office.

2.29 PREVAILING WAGE LAW

The Contractor certifies that all contractors and subcontractors performing work on the Project shall comply with state Prevailing Wages on Public Works, RCW 39.12 as applicable to the Project funded by this contract, including but not limited to the filing of the "Statement of Intent to Pay Prevailing Wages" and "Affidavit of Wages Paid" as required by RCW 39.12.040. The Contractor shall maintain records sufficient to evidence compliance with RCW 39.12, and shall make such records available for the BOARD's review upon request.

2.30 PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION

The funds provided under this Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such funds or any other approval or concurrence under this Agreement provided, however, that reasonable fees or bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

2.31 PUBLICITY

The Contractor agrees not to publish or use any advertising or publicity materials in which the state of Washington or the BOARD'S name is mentioned, or language used from which the connection with the state of Washington's or the BOARD'S's name may reasonably be inferred or implied, without the prior written consent of the BOARD.

2.32 RECAPTURE

In the event that the Contractor fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of this Agreement, the BOARD reserves the right to recapture funds in an amount to compensate the BOARD for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by the BOARD. In the alternative, the BOARD may recapture such funds from payments due under this Agreement.

2.33 RECORDS MAINTENANCE

The Contractor shall maintain all books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. Contractor shall retain such records for a period of six years following the date of final payment.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

2.34 REGISTRATION WITH DEPARTMENT OF REVENUE

If required by law, the Contractor shall complete registration with the Washington State Department of Revenue.

2.35 RIGHT OF INSPECTION

At no additional cost all records relating to the Contractor's performance under this Agreement shall be subject at all reasonable times to inspection, review, and audit by the BOARD, the Office of the State Auditor, and federal and state officials so authorized by law, in order to monitor and evaluate performance, compliance, and quality assurance under this Agreement. The Contractor shall provide access to its facilities for this purpose.

2.36 SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, the BOARD may terminate the Agreement under the "Termination for Convenience" clause, without the ten business day notice requirement. In lieu of termination, the Agreement may be amended to reflect the new funding limitations and conditions.

2.37 SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement that can be given effect without the invalid provision, if such remainder conforms to the requirements of law and the fundamental purpose of this Agreement and to this end the provisions of this Agreement are declared to be severable.

2.38 SUBCONTRACTING

The Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, the BOARD in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Agreement; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Agreement. The Contractor is responsible to the BOARD if the Subcontractor fails to comply with any applicable term or condition of this Agreement. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Agreement. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to the BOARD for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that the BOARD and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

2.39 SURVIVAL

The terms, conditions, and warranties contained in this Agreement that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Agreement shall so survive.

2.40 TAXES

All payments accrued on account of payroll taxes, unemployment contributions, the Contractor's income or gross receipts, any other taxes, insurance or expenses for the Contractor or its staff shall be the sole responsibility of the Contractor.

2.41 TERMINATION FOR CAUSE

In the event the BOARD determines the Contractor has failed to comply with the conditions of this Agreement in a timely manner, the BOARD has the right to suspend or terminate this Agreement. Before suspending or terminating the Agreement, the BOARD shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the Agreement may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law.

The BOARD reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by the BOARD to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of the BOARD provided in this Agreement are not exclusive and are, in addition to any other rights and remedies, provided by law.

2.42 TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Agreement the BOARD may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Agreement, in whole or in part. If this Agreement is so terminated, the BOARD shall be liable only for payment required under the terms of this Agreement for services rendered or goods delivered prior to the effective date of termination.

2.43 TERMINATION PROCEDURES

Upon termination of this Agreement, the BOARD, in addition to any other rights provided in this contract.

The rights and remedies of the BOARD provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the Agreement on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the Agreement that is not terminated;
- C. Assign to the BOARD, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the BOARD has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to the BOARD and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the Agreement had been completed, would have been required to be furnished to the BOARD;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and

- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this Agreement, which is in the possession of the Contractor and in which the BOARD has or may acquire an interest.

2.44 TREATMENT OF ASSETS

Title to all property furnished by the BOARD shall remain with the BOARD. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this Agreement, shall pass to, and vest in the Contractor.

2.45 WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Agreement unless stated to be such in writing and signed by Authorized Representative of the BOARD.

ATTACHMENT I: ATTORNEY CERTIFICATION

PUBLIC WORKS BOARD PRE-CONSTRUCTION PROGRAM

CONTRACTOR: City of Stanwood

Agreement Number: PR25-96103-008

Nikki Thompson

I, _____, hereby certify:

I am an attorney at law admitted to practice in the State of Washington and the duly appointed attorney of the City of Stanwood (the CONTRACTOR); and

I have also examined any and all documents and records which are pertinent to the Agreement, including the application requesting this financial assistance.

Based on the foregoing, it is my opinion that:

1. The CONTRACTOR is properly constituted and operating under the laws of the State of Washington, empowered to receive and expend federal, state and local funds, to enter into an Agreement with the State of Washington, and to receive and expend the funds involved to accomplish the objectives set forth in their application.
2. The CONTRACTOR is empowered to accept the BOARD's financial assistance and to provide for repayment of the loan as set forth in the Agreement.
3. There is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the CONTRACTOR from repaying any loan extended by the BOARD with respect to such project. The CONTRACTOR is not a party to litigation which will materially affect its ability to repay such loan on the terms contained in the Agreement.
4. Assumption of this obligation would not exceed statutory and administrative rule, debt limitations applicable to the CONTRACTOR.

Signature of Attorney

Nikki Thompson

Date

Name

Certificate Of Completion

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Status: Sent

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Division:

Local Government

Program: Public Works Board

ContractNumber: PR25-96103-008

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Nikki Thompson

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President

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Kathryn Gardow

pwbgardowk@gmail.com

Security Level: Email, Account Authentication
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Electronic Record and Signature Disclosure:

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9a

DATE: February 13, 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 second and final 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.

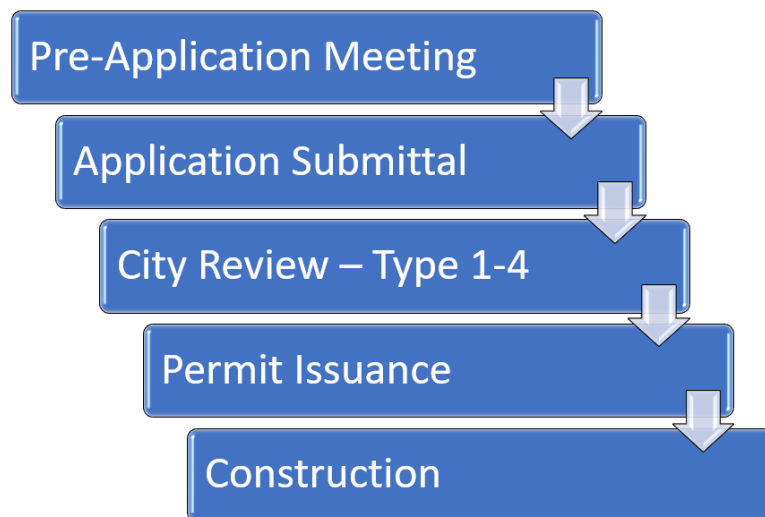
Definitions will be migrated from Title 17 to Title 18 as chapters are adopted. The existing definitions in SMC Chapter 17.20 will remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18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



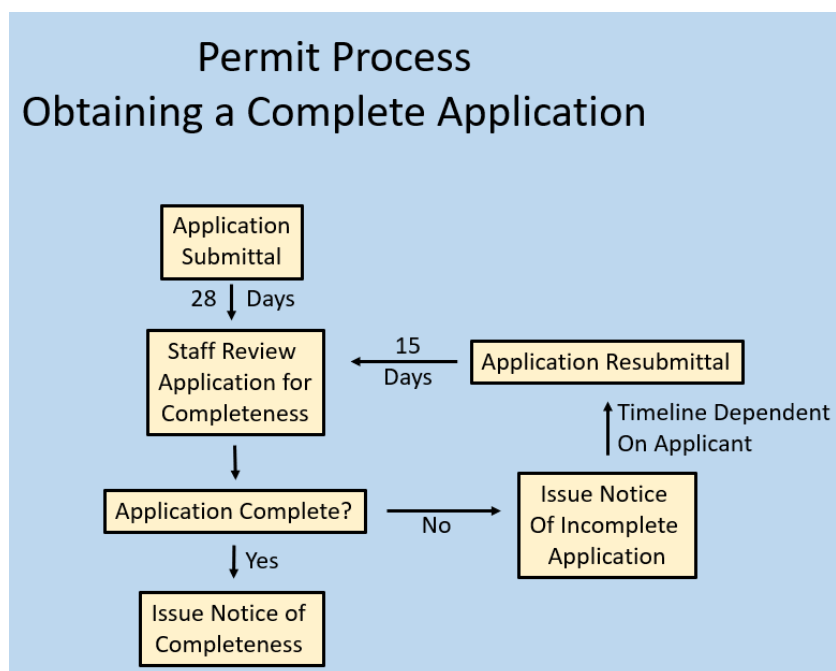
The following table lists the city's permit types and their review process. Permit types are listed on a graduated scale by review authority:

- 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

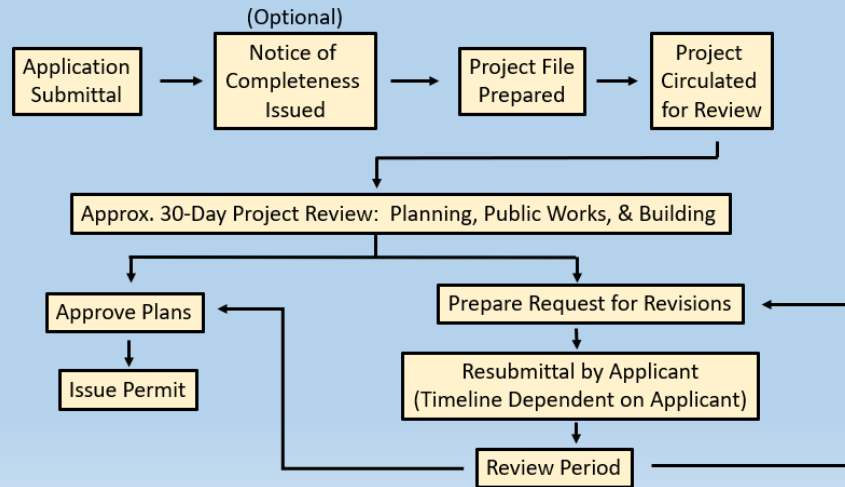
10220 – 270th Street
Stanwood, WA 98292

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

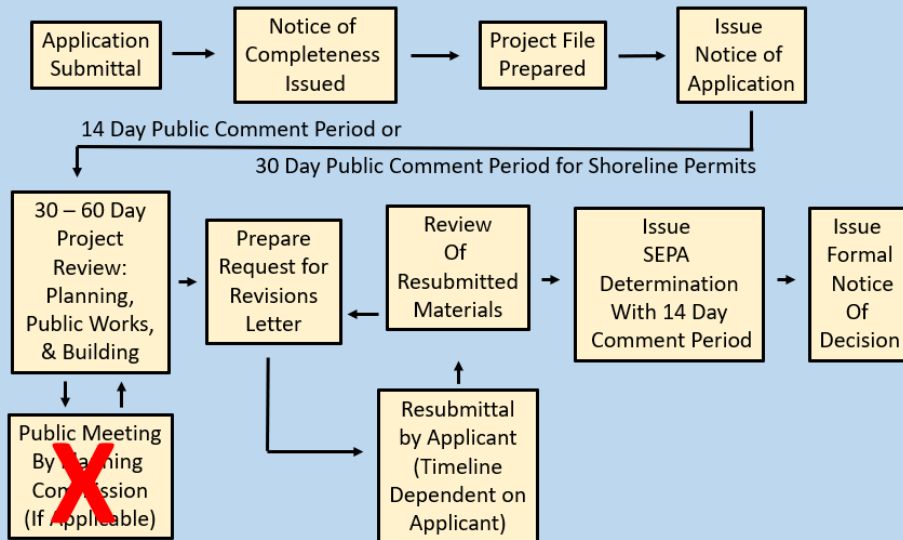
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Stanwood, WA 98292

360-629-2181

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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.



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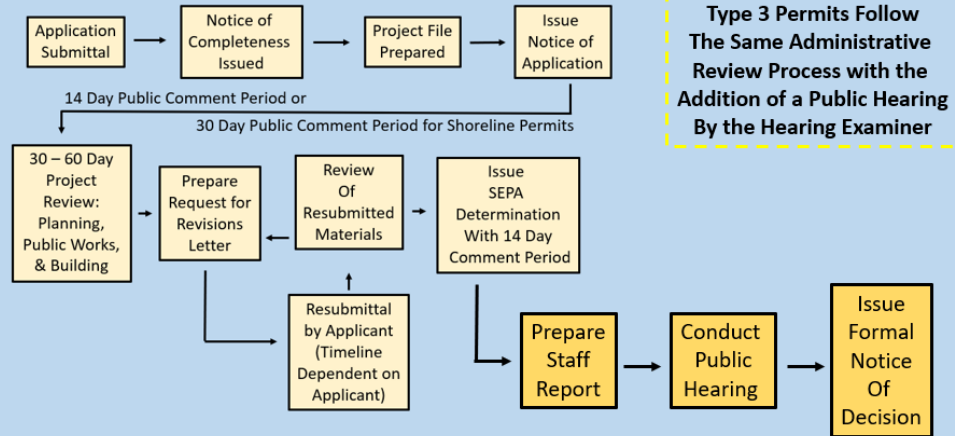
360-629-2181

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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



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Department

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Stanwood, WA 98292

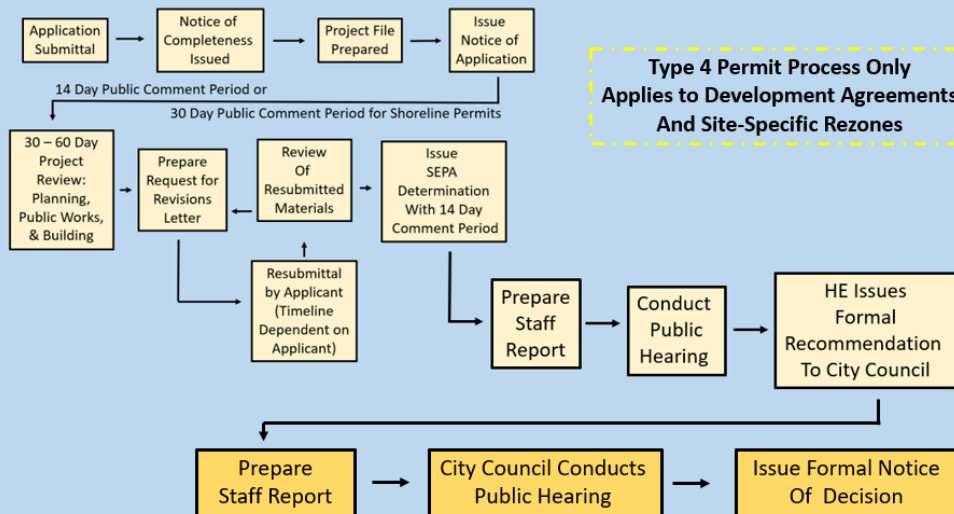
360-629-2181

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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.

Response to Council Questions (Second Reading – February 13, 2025):

At Council's January 23, 2025, meeting there were several questions and directives regarding the ordinance. Below are staff responses.

Issue #1	Comment
Permit Types: Table 18.230.020-1	- Request a comparison of changes from existing table - Lower the unit count and size of commercial projects listed as Type 1 reviews - Consider threshold for when / if a large project should be bumped to a Type 3 – i.e.: Cedarside Commons - 500 + unit mixed-use project - Overall concern: limiting public participation / comment opportunities on large (potentially controversial) projects

Staff Response:

Below, highlighted in yellow, are the changes to the permit types chart from current code. Changes fall into the following general categories:

1. Headings were simplified using “plain language”;
2. New, renamed or consolidated permits;
3. Clarification of units allowed per permit type; or
4. Deleted based on state law or not meeting the definition of project permit.

Permit Types Table
Showing Proposed Changes

Type 1 Administrative Director decision without notice	Type 2 Administrative Director decision with notice	Type 3 – Quasi-Judicial Decisions Hearing Examiner decision	Type 4 Quasi-Judicial Decisions - City Council decision	Type 5: City Council Decision
- Single-Family Residential Building Permits Fire Permits (NEW) - Multifamily Residential Projects ≤ 40 Units (WAS ≤ to 39 units – Gap of 1 Unit) - Commercial and industrial development ≤ 12,000 square feet (ADDED equal to) - Mixed-Use Developments ≤ 20 Units (WAS ≤ 19 units – Gap of 1 unit) - Accessory Dwelling Unit - Administrative Zoning Code Interpretation	- Multifamily Residential Projects > 40 Units - Commercial and Industrial Developments > 12,000 Square Feet Critical areas variance (NEW) - Mixed-Use Developments > 20 Units Minor Administrative Variance (RENAMED) Binding Site Plans - New Development (REVISED) - Reasonable Use Permit - Right to Farm - SEPA Determinations - Shoreline Substantial Development Permit	Type II Multifamily, Commercial, or Mixed-Use Permits; Developments with 5+ Substantive Comments (DELETED – in conflict with state law regarding one open meeting requirement) - Conditional Use Permit - Preliminary Plat; Including PRDs, Cottage, and Offspring Subdivision - Essential Public Facilities Forest Practice Waiver – Non-Residential (MOVED to Type 2) - Shoreline CUP - Shoreline Variance	- Development Agreement - Site-Specific Rezone	Street Vacations Final Plat (MOVED to Type 1 per state law) Annexations Street Vacations and Annexations were removed from Table as these are not considered project permits subject to the Regulatory Reform Act or timelines.

Type 1 Administrative Director decision without notice	Type 2 Administrative Director decision with notice	Type 3 – Quasi-Judicial Decisions Hearing Examiner decision	Type 4 Quasi-Judicial Decisions - City Council decision	Type 5: City Council Decision
• Binding Site Plan – Existing Development (NEW) • Boundary Line Adjustment • Code Enforcement • Concurrency Evaluation (MOVED FROM TYPE 2) • 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 (NEW) • TN – Public Facilities • WCF Small Cell • WCF Co-Located • WCF Minor Modification	• Short Plats • Waiver of 6-year forest practices moratorium (AMENDED: Applies to SFR and Non SFR) • Forest Practice Waiver (SFR) • Concurrency Evaluation (MOVED to Type 1)	• TN – Residential Subdivisions • Major Non-administrative Variance (RENAMED) • TN – Commercial/Mixed-Use Projects • WCF Monopole • WCF Deviation • Code Enforcement Appeals • Building Code Appeals • Administrative Appeals		Street vacations are addressed in SMC 11.10. Annexations are addressed in SMC 17.158.

Staff recognizes the potential impacts of large-scale development projects on the community and is committed to ensuring an inclusive, transparent decision-making process. To address this concern, staff is proposing a graduated scale of public involvement based on SEPA (State Environmental Policy Act) and platting thresholds.

This approach aligns public involvement with established review thresholds, ensuring that larger projects with potentially greater community impacts receive appropriate scrutiny. By linking the level of review to SEPA and platting thresholds, the process becomes more predictable and transparent for both developers and the community. It also ensures that SEPA review and project approval processes are integrated and consistent to avoid redundancies and streamline decision-making.

Proposed graduated scale of public involvement:

- **Minor Projects:** Projects below SEPA and platting thresholds will undergo administrative review without a formal public comment period (Type 1 Permit).

- **Moderate Projects:** Projects below the SEPA review threshold but above the platting threshold would be subject to a public comment period to address community concerns (Type 2 Permit).
- **Major Projects:** Projects exceeding both the SEPA threshold and preliminary plat thresholds requiring a public hearing with the Hearing Examiner (Type 3 Permit).

Permit Type	Type 1 Permit Process Threshold	Type 2 Permit Process Threshold	Type 3 Permit Process Threshold
Multifamily Residential or Mixed-Use Developments	Projects ≤ 9 Units (9 units is the administrative threshold for short plats.)	Projects from 10 – 60 Units (10 units is the threshold for formal plats and sixty units is the threshold to be exempt from SEPA review.)	Projects over 60 Units (Any project over 60 units is subject to SEPA review, which is the threshold determine by the City to be significant.)
Commercial and Industrial Development	Projects ≤12,000 Gross Square Feet (Maintain existing threshold.)	Projects 12,000 - 30,000 Gross Square Feet (Limit Type 2 permits to 30,000 gsf which is the threshold for SEPA review.)	Projects Over 30,000 Gross Square Feet (Any project over 30,000 gsf is subject to SEPA review, which is the threshold determine by the City to be significant.)

Issue #2	Comment
Final Plat Reference Number – staff report page 10.9	▪ Verify RCW for administrative review of final plats; staff report referenced RCW 58.17.100 ▪ RCW appears to address only preliminary plats

Staff Response:

Subdivision of land occurs in three distinct phases: preliminary plat, plat construction and final plat. The land use law associated with each phase is also very distinct regarding a city's legal authority to regulate that process. RCW 58.17.100 establishes the process for review preliminary and final plats.

RCW 58.17.100:

.... "Sole authority to adopt or amend platting ordinances shall reside in the legislative bodies. ***The legislative authorities of cities, towns, and counties may by ordinance delegate final plat approval*** to an established planning commission or agency, ***or to such other administrative personnel in accordance with state law or local charter.***"

Once all of the site improvements have been constructed and inspected per the approved plan, the applicant can apply for final plat approval. At the final plat approval stage, the process is essentially administrative: the city verifies all conditions of preliminary plat have been met and site improvements are installed per plan approval. If the City finds that the plat conforms to the preliminary approval, the City must approve the final plat – it is not a discretionary action.

The State changed the law in 2017 to allow administrative approval of final plats to simplify and streamline the final plat process. Because cities have no option but to approve a final plat if all the conditions of preliminary plat approval have been met, the process of obtaining City Council approval can be lengthy and costly in some jurisdictions.

Issue #3	Comment
Low-Income project review process: 18.230.020(4)(e)	Expand on explanation of the low-income housing incentive: purpose; expectations; bonus vs incentive; state laws?

Staff Response:

As noted earlier in this staff report, 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

when at least 50% of the units in a development are priced for people at the 80% of AMI (Area Median Income) level. The purpose of this amendment is to provide a simpler permitting process, save time and costs, and to cut back on the amount of “NIMBY” opposition.

When the topic of “affordable housing” comes up in public meetings, it often triggers misconceptions and biases that evoke images of neglected properties and crime-ridden neighborhoods. The term “affordable housing” can stir a range of concerns, including:

- Fear of declining property values
- Concerns about crime
- Anxiety over changes to neighborhood character
- Concerns about uncontrolled population growth
- Potential negative stereotypes

In Snohomish County, the 2023 Area Median Income was roughly \$108,000. At the 80% of AMI threshold proposed in the code, a person earning \$86,400 a year (or \$7,200 a month) would qualify for a home built under this code section. To put this in perspective, the following City of Stanwood staff positions, at the maximum pay range, make less than \$7,200 a month.

Permit Specialist / Planner
Administrative Assistant
Accounting Technician
Police Records Clerk
Accounting Technician I
Accounting Clerk

PW Technician I
PW Technician II
Water Plant Operator I

Source: 2025 Salary Resolution

Affordable housing means the occupant is paying no more than 30 percent of gross income for housing costs and utilities. Using this formula, a person making \$86,400 a year should spend no more than \$25,920 a year on housing or \$2,160 a month. Based on current rental rates (apartments.com) a person could afford a studio or 1-bedroom apartment in Stanwood, but not a house. According to Redfin.com, the 2024 median sale price of a home in Stanwood was \$600,000.

A \$600,000 home with a 20% down payment would require a mortgage of \$480,000, and at a 6.5% interest rate, the monthly mortgage payment would be approximately \$3,792. (Google AI) This assumes a person would have the \$120,000 for a down payment. Monthly payments would be higher with a lower down payment.

To avoid the stigma of “affordable housing”, the code could be changed to reference “workforce housing”.

Workforce housing generally refers to housing that is affordable for households earning moderate incomes, typically defined as those making between 60% and 120% of the Area Median Income (AMI). It is designed to serve workers such as teachers, police officers, healthcare workers,

retail employees, and others who earn too much to qualify for traditional affordable housing but may struggle to afford market-rate housing in the area where they work.

Secondly, to incentivize the construction of workforce housing, the requirement to bind future owners to the price may limit the number of applications and restrict potential wealth building. Staff recommends removing this restriction and allow market forces control future home prices.

Proposed Amendment:

SMC 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.~~

New subsection e:

To encourage developers to provide workforce housing in Stanwood, plat, townhouse or mixed-use land use applications may be processed as a Type 1 or Type 2 permit review, depending on SEPA requirements, provided that:

- i. The housing is designed to support workers such as teachers, police officers, healthcare workers, retail employees, and others who earn too much to qualify for traditional affordable housing but face challenges affording market-rate housing near their workplace.**
- ii. At least 50% of the dwelling units in the project are offered below market rate, ensuring affordability for households earning moderate incomes between 60% and 120% of the current Area Median Income (AMI) for Snohomish County.**
- iii. The development includes a variety of unit sizes and floor plans to accommodate diverse household types, such as singles, couples, and families.**

Issue #4	Comment
Fences: 18.210.040	Should the City require a permit to construct fences?

Staff Response:

Staff advises against mandating permits for fence construction in Stanwood. Implementing a new regulation to address a single incident would impose unnecessary restrictions on the entire community. Instead, it is more effective to include code language that requires property owners to clean up sites and repair or remove fallen, dilapidated, or neglected structures. This issue can be addressed better when the “fence” code is rewritten in the UDC update.

Issue #5	Comment
Noticing Process 18.230.060(3)	Improve project noticing process – reader boards are too small, need better signage, 300 foot notice area may be too small, notice on social media or at major retailers

Staff Response:

A review of nearby city and county project permit noticing requirements revealed that the majority of cities use the typical 300-foot noticing radius, however there were some cities that varied their radius based on complexity of project from 100 feet to over 1,000 feet.

500 Foot Noticing Radius:

Snohomish County, Arlington, Everett and Monroe

300’ Foot Noticing Radius:

Snohomish (City), Lynnwood, Marysville, Edmonds, Lake Stevens, Stanwood, Mukilteo, Granit Falls, Sultan, and Anacortes

Other:

Mount Vernon: 300 feet was most common with variations from 100 – 500 feet

Mountlake Terrace: 300 feet was most common with 2 permit types of 1,000 feet

Skagit County: 300 feet was most common with complex permits ranging from 1,000 – 1,320 feet

Increasing the public notice radius from 300 feet to 500 feet can have several advantages, particularly when it comes to transparency, community engagement, and fostering trust in public decision-making. However, it does not guarantee additional public involvement in the permitting process.

There is no required noticing radius set by the State; it is left up to local agencies. 300’ is the best practices, but some agencies are up to 500 feet. With the use of GIS, the increased noticing radius would not be a burden on staff resources or time.

Staff recommends the following code change. Other issues, such as poster size can be handled internal as a departmental policy.

SMC 18.230.060(3) Notice of Application:

(1) 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~~ **500** Feet
 - (iv) Other Agencies with Jurisdiction
 - (v) Parties of Record.

Issue #6	Comment
Removal of PC Public Meeting Process	Provide additional reasoning behind removing this process

Staff Response:

State law dictates local permit review procedures and timelines. Included in these laws is a requirement that limits the number of public meetings that can be held on a permit. RCW 36.70B. 050 states "...no more than one open record hearing and not more than one closed record appeal hearing on both the permit and environmental review, except for appeals of a SEPA determination of significance."

The existing code includes a public meeting before the Planning Commission prior to a decision by the Hearing Examiner for some permits. This is contrary to best practice and is not a violation of the limitation of state law.

RCW 36.70B.020 - Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "**Closed record appeal**" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.
- (2) "**Open record hearing**" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held

prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

- (5) "**Public meeting**" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

There is a difference between an open record hearing and a public meeting. Having planning commissions meet with the public on a project and formulate a recommendation does not violate state law. However, most cities now have hearing examiner systems and because of that Planning Commission recommendations on specific projects no longer make sense.

Cities use Hearing Examiners because they are trained professionals (often a land use attorney) with expertise in municipal law, regulations and local codes. This ensures permit decisions are based on consistency with local laws. Their decisions are quasi-judicial, meaning they are designed to comply with legal standards and withstand legal challenges. This reduces the risk of appeals and lawsuits. The Washington Cities Insurance Authority (WCIA) has been advocating for years that cities move away from permit review by Planning Commissions and Boards of Adjustments.

While the current process is not in conflict with the state law's "one open meeting" requirement, it is confusing for both the Planning Commission and the public and is not best practices.

- **Planning Commission Role:** The Planning Commission does not have the authority to approve or deny permits. Their primary role is to make recommendations to the City Council on legislative issues such as code amendments or comprehensive plan updates.
- **Public Misunderstanding:** Many members of the public are unaware that the Planning Commission's comments are not binding. The Commission serves as a commenter on projects, similar to any other individual or group. Staff must evaluate these comments to determine whether they can be legally addressed through permit conditions or mitigation.
- **Decision-Maker Confusion:** The public often mistakenly believes that the Planning Commission is the decision-making body. Staff frequently needs to

clarify that the final decision rests with either the staff or the Hearing Examiner, depending on the situation.

This meeting has been removed from the code. However, there remains multiple opportunities for public comment on Type 2, 3 and 4 permits, including during the initial public comment period, the SEPA comment period and then again if a public hearing is required.

Issue #7	Comment
Annexations	How are annexations processed if not a "Type 5" permit?

Staff Response:

The entire annexation process is contained in SMC 17.158. Removing annexations (and Street Vacations) from the permit review process avoids potential conflicts between the two code sections.

**Chapter 17.158
ANNEXATIONS**

Sections:

- 17.158.010 Purpose.
- 17.158.020 Scope.
- 17.158.030 Uniform criteria.
- 17.158.040 Comprehensive Plan consistency.
- 17.158.050 Decision to annex.
- 17.158.060 Pre-application conference.
- 17.158.070 Notice of intent.
- 17.158.080 Review of intent petition.
- 17.158.090 Meeting with the petitioner.
- 17.158.100 Annexation petition.
- 17.158.110 Review of annexation petition.
- 17.158.120 Zoning or Comprehensive Plan amendment.
- 17.158.130 Planning department review.
- 17.158.140 Public hearing and notice.
- 17.158.150 Resolution of intent to annex.
- 17.158.160 Boundary review board.
- 17.158.170 Council decision.
- 17.158.180 Annexation notification.
- 17.158.190 Post-annexation processing of building and related permits and land use applications.

Issue #8	Comment
Phased Projects: 18.220.070	Include additional controls to ensure phased projects are fully built out: ▪ Uses, Timing, Parking, Open Space, Recreation, Utilities

Staff Response:

Phasing is a common approach for large or multiuse projects, enabling developers to manage complicated construction schedules, adapt to market conditions and meet the financing requirements of complex developments. While the draft code outlines general

guidelines for phasing, the Council seeks stronger assurances that projects will be fully built out as planned. The proposed amendments:

- Continue to allow phased developments,
- Ensure that each phase includes a proportional distribution of uses, and
- Establishes a process for amending a phasing plan when necessary.

18.220.070 Applications for Phased Projects

- (1) **This section applies to any phased development that includes mixed-use, residential, commercial, industrial, or public amenity components and is proposed to be constructed in two or more phases.**
- (2) **Phased projects shall provide a balanced and proportional distribution of land uses, infrastructure, and public amenities across all phases of a project.**
- (3) ~~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.~~ **Each phase must be initiated prior to the overall permit expiration period as provided in Table 18.310.010-1, Permit Terms and Extensions.**
- (4) 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. **This plan shall include:**
 - (a) **The total number of residential units and square footage of non-residential uses allocated to each phase.**
 - (b) **The acreage of open space, public amenities, and supporting infrastructure to be developed in each phase.**
 - (c) **Estimated start and completion dates for each phase.**
- (5) 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.
- (6) **Approval of permits for subsequent phases is contingent upon certification of compliance with proportionality standards in prior phases.**
- (7) 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.
- (8) 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.
- (9) **Amendments to a phased plan may to authorized as follows:**
 - (a) **Minor adjustments to the phasing plan may be approved by the Planning Director, provided the overall proportional distribution of uses remains within 25% of the original allocation.**

(b) Significant deviations must be reviewed and approved following the original permit approval process.

Issue #9	Comment
Varies	Review when “should”, “shall” and “must” are used in code; some sections use “should” – Why?

Staff Response:

The Stanwood Municipal Code 1.02.040 establishes the word authority for how certain words should be used throughout the code. “Should” is not listed but is universally used as a suggestion. “Shall” means a mandatory instruction or duty and “Must” means that it required. “Should” is used 8 times in Ordinance 1543: 4 times in the purpose and intent section, 2 times in blue highlighter explanation sections and 2 times in the procedures code section.

18.100.030 Purpose and Intent

The word “should” is used to describe the types of uses in a particular zone. This guides the development of the permitted use matrix and is used appropriately.

18.230.060 Notice of Application

- 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.

The word “should” is used to help guide people on how to comment. It is not a regulatory requirement and is therefor used appropriately.

18.230.100 Public Hearing

(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.

Section “a” correctly states that the applicant has the burden of proof to convince the Hearing Examiner to approve, condition or deny a permit. “Should” is used as a descriptor of the desired outcome.

Issue #10	Comment
Other	How long are project notices kept on website? What happens to the notice when the comment period is over? Is there history or log of projects on the website that people can refer to?

Staff Response:

How long are project notices kept on website?

For the length of the required notice, plus one day. For notices that have a meeting or hearing, the notice expires the day after the meeting.

What happens to the notice when the comment period is over?

The website notice expires and is no longer publicly visible.

Is there history or log of projects on the website that people can refer to?

Not on the public website. The back-end of the website does keep a record of all posted notices. City staff is always happy to provide lists of projects. More contentious projects are given a dedicated page on the website that stays up until the project is “completed”. We currently have dedicated project pages for Cedarside, Viking Village, and Redemption Hill.

Issue #11	Comment
Public Comment	Don’t support increasing the number of administrative permits without public comments; Concerned that projects could be approved that have a negative effect on the community. Example: Septage Project.

Staff Response:

Staff recognizes the concern and has reached out to the commenter to discuss the issue further. Managing the types of uses within the city is addressed through various sections of the municipal code. One key method for controlling undesirable uses is through the City’s Permitted Use Matrix, which serves as the primary tool for regulating what types of uses are allowed or prohibited. In 2021, the city adopted two new code sections specifically designed to minimize the likelihood of uses that could negatively impact the community or its residents.

17.30.020 Unclassified Uses

In the event that a proposed use is not listed in the permitted use table or there is ambiguity as to if a proposed use meets the definition of a use defined by the Stanwood Municipal Code, an applicant may request an interpretation of the zoning code by the hearing examiner to determine if a proposed use not specifically listed is either allowed, allowed as an accessory use, allowed as a conditional use or prohibited, utilizing the criteria in subsection (2) of this section.

17.30.050 Prohibited Uses

The following activities and uses are prohibited throughout the city of Stanwood due to their impactful nature on adjacent land uses or the community at large.

Aggregate extraction.	Use of an automobile, travel trailer, motor home, or other recreational vehicle for living purposes for more than two consecutive weeks at a time and more than four weeks per year.
The disassembly, dismantling, or storage of more than five wrecked vehicles as defined in RCW 46.80.010(6) at any one time unless completely contained within an enclosed building.	Temporary or permanent homeless encampments except as allowed by RCW 35A.21.360 .
Manufacture of explosives.	Casinos and card rooms with two or more card tables.
Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018.	New enhanced service facilities.
Petroleum refineries.	Recovery homes.
Fertilizer manufacture.	Orphanage.
Sanitary landfills.	Manufactured/mobile home parks.
Waste-to-energy facilities.	Auctions or sale of livestock or similar animals in the planned industrial or general industrial zones as noted in Chapter 17.50 SMC.
Crematoriums including the cremation of human and animal remains.	Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.
Septage treatment plants.	Incineration or reduction of garbage, sewage, dead animals or refuse.
Uses that cannot meet and/or exceed the performance standards listed in SMC 17.50.020 , Planned industrial and general industrial district performance standards.	

Another approach to managing potential impacts on the city is through the requirement of a conditional use permit for activities that may be allowed if appropriately conditioned or mitigated. A conditional use permit is a Type III permit, which involves public notice and a public hearing.

As the city reviews the Permitted Use chapter of the Unified Development Code, it is important to carefully evaluate which uses should be prohibited, permitted outright, or those that should require a public hearing. Utilizing these tools to regulate uses is a more effective strategy than modifying the permit types in the procedures code.

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 second and final 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 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.

CITY COUNCIL OPTIONS

1. Accept the second 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

Motions To Approve Ordinance 1543:

Motion #1:

I MOVE TO ADOPT FINDINGS OF FACT AND CONCLUSIONS AS RECOMMENDED BY THE PLANNING COMMISSION FOR ORDINANCE 1543.

and

Motion #2:

I MOVE TO ADOPT THE SECOND READING OF ORDINANCE 1543 AS SET FORTH IN ATTACHMENT “A”.

Or

Motion To Bring Back For A Third Reading:

I MOVE TO ACCEPT THE SECOND READING OF ORDINANCE 1543 AS SET FORTH IN ATTACHMENT “A” AND PROCEED WITH THE THIRD AND FINAL READING.

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**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 February 13, 2025, 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: _____

EXHIBIT A

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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.

- (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 with amendments.

- (1) **This section applies to any phased development that includes mixed-use, residential, commercial, industrial, or public amenity components and is proposed to be constructed in two or more phases.**
- (2) **Phased projects shall provide a balanced and proportional distribution of land uses, infrastructure, and public amenities across all phases of a project.**
- (3) ~~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.~~ **Each phase must be initiated prior to the overall permit expiration period as provided in Table 18.310.010-1 Permit Terms and Extensions.**
- (4) 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. **This plan shall include:**
 - (a) **The total number of residential units and square footage of non-residential uses allocated to each phase.**
 - (b) **The acreage of open space, public amenities, and supporting infrastructure to be developed in each phase.**
 - (c) **Estimated start and completion dates for each phase.**
- (5) 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.

- (6) Approval of permits for subsequent phases is contingent upon certification of compliance with proportionality standards in prior phases.**
- (7) 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.
- (8) 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.
- (9) Amendments to a phased plan may to authorized as follows:**
- (a) Minor adjustments to the phasing plan may be approved by the Planning Director, provided the overall proportional distribution of uses remains within 25% of the original allocation.**
- (b) Significant deviations must be reviewed and approved following the original permit approval process.**

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 <u>or</u> <u>Mixed-Use</u> Projects ≤ 40 <u>9</u> Units • Commercial and industrial development ≤ 12,000 square feet • Mixed-Use Developments ≤ 20 Units • Accessory Dwelling Unit • Administrative Zoning Code Interpretation • Binding Site Plan – Existing Development • 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 <u>or</u> <u>Mixed-Use</u> Projects >40 <u>10-60</u> Units • Commercial and Industrial Developments >12,000-<u>30,000</u> Square Feet • Critical areas variance • Mixed-Use Developments > 20 Units • Minor Variance • Binding Site Plans – New Development • Reasonable Use Permit • Right to Farm • SEPA Determinations • Shoreline Substantial Development Permit • Short Plats • Waiver of 6-year forest practices moratorium	• <u>Multifamily Residential or Mixed-Use Projects Over 60 Units</u> • <u>Commercial and industrial development over 30,000 square feet</u> • 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

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 City Council decision
Notice of Application	No	Yes	Yes	Yes
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 provides an optional permitting process for developments that include "workforce housing" and removed any covenant requirement. 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.~~

- (e) To encourage developers to provide workforce housing in Stanwood, plat, townhouse or mixed-use land use applications may be processed as a Type 1 or Type 2 permit review, depending on SEPA requirements, provided that:
- (i) The housing is designed to support workers such as teachers, police officers, healthcare workers, retail employees, and others who earn too much to qualify for traditional affordable housing but face challenges affording market-rate housing near their workplace.
 - (ii) At least 50% of the dwelling units in the project are offered below market rate, ensuring affordability for households earning moderate incomes between 60% and 120% of the current Area Median Income (AMI) for Snohomish County.
 - (iii) The development includes a variety of unit sizes and floor plans to accommodate diverse household types, such as singles, couples, and families.
- (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 **with no findings or mitigation has been completed.**
- (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 **for Type 2-4 permits** but must consider any such response in its application of SMC Chapter 18.812, Cultural Resources. **Type 1 permits shall be circulated to interested Tribes at the same time and for the same comment period as the City's internal review process.**

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~~ 500 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.

18.230.070 SEPA Review

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 other 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