City of Stanwood

City Council Packet

Stanwood City Council
Regular Meeting

Thursday, May 22, 2025

CITY COUNCIL REGULAR MEETINGAGENDA

(REVISED May 21, 2025)

May 22, 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 click this Zoom link or visit the City's website calendar
https://www.stanwoodwa.org/calendar

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF THE AGENDA**
4. **PRESENTATIONS**
   Lincoln Hill High Stanwood Update – Luke Hoffman
5. **PUBLIC COMMENTS**
   - Verbal comments may be provided in-person.
   - Written comments must be provided to the Clerk by 12:00 p.m. the day of the meeting via this link: https://stanwoodwa.org/FormCenter/City-Clerk-5/City-Council-Meeting-Remote-Public-Comme-61
   - Remote (online or phone-in) comments can be received by reasonable accommodation only. Any requests for reasonable accommodation for remote participation, must be sent in writing to the City Clerk at cityclerk@stanwood.wa.us by 12:00 p.m. the day of the meeting.
6. **STAFF / DEPARTMENT REPORTS**
7. **COUNCIL COMMITTEE REPORTS**
   a. Community Development Committee Meeting Minutes – May 1, 2025 7.1
   b. Planning Commission Meeting Minutes – April 14, 2025 7.5
   c. Public Works Committee Meeting Minutes – May 5, 2025 7.11
8. **CONSENT AGENDA**
   a. Approve Vouchers and Payroll Checks 8.1
   b. Approve City Council Regular Meeting Minutes – May 8, 2025 8.7
   c. Approve City Council Workshop Minutes – May 8, 2025 8.11
   d. Approve Planning Commission Appointment – Richard Craig 8.15
9. **UNFINISHED BUSINESS**
10. **PUBLIC HEARING**
    Approve First Reading of Ordinance 1547 SMC Critical Areas Code Update 10.1
    i. Open Public Hearing
    ii. Approve First Reading of Ordinance 1547 SMC Critical Areas Code Update
11. **NEW BUSINESS**
    a. Approve Two Position Reclassifications 11.1
    b. Authorize the Mayor to Sign Heritage Park Playground Equipment Contract 11.13
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, June 12, 2025 City Council Meeting 7:00 pm
Thursday, June 26, 2025 City Council Meeting 7:00 pm

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**7a**
DATE:	May 22, 2025
SUBJECT:	Community Development Committee Meeting Minutes
CONTACT PERSON:	Patricia Love, Community Development Director
ATTACHMENTS:	A – May 1, 2025 Meeting Minutes

SUMMARY STATEMENT:

Minutes from the May 1, 2025, Community Development Committee Meeting are attached to this staff report for approval as presented.

Community Development Committee Meeting Minutes
Thursday, May 1, 2025 | 5:00 pm

Council Members Present: Steve Shepro, Dani Gaumond

Staff Present: Patricia Love, Scott Black, Audrey Rotrock

Others Present:

Steve Shepro called the meeting to order at 5:00 p.m.

1. Keller Annexation

The Committee expressed support for several key aspects of the revision:

- Removal of multifamily housing, which reduces potential impacts on the school system,
- Inclusion of a full range of senior housing options: independent living, assisted living, and full care facilities, and
- Creation of opportunities for business development and economic growth.

The Committee endorsed moving forward with the preparation of an annexation agreement that includes both land use provisions and timelines for utility installations (specifically water and sewer services). They also requested that the following items be addressed during the annexation analysis and 60% petition review process:

- Clear definitions for the types of senior housing proposed: independent, assisted, and full care,
- A prohibition on future conversion of commercial and industrial incubator space to multifamily residential use,
- Coordination with the PUD regarding their property at the corner of 268th Street and 64th Avenue to determine how it fits within the overall annexation plan, and
- Limiting the annexation area to include only the block north of 268th Street.

The Committee is supportive of the revised proposal and recommends advancing the 10% annexation petition request to the City Council for consideration.

2. Land Division / Missing Middle Housing Code Amendment

The Committee is supportive of the Missing Middle Housing Code Amendment. They would like to have workshop on the topic for further edification. Also, the Committee asked staff to consider increasing driveway lengths to 22 – 24 feet to accommodate larger pick-up trucks.

3. Critical Areas Code Recommendation

The Planning Commission recommended moving the Critical Areas Code forward to the full City Council.

4. **Proposed Notice Board Changes**
   The Committee is supportive of the proposed changes to noticing boards.

5. **Heritage Park Playground Equipment**
   The Committee recommends adding swings to the playground structure. A fence may also need to be added to the playground area since it abuts the soccer fields. The Committee would like to know how the City could donate the old play structure.

Adjourn: 6:20 p.m.

This Page Intentionally Left Blank

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**7b**
DATE:	May 22, 2025
SUBJECT:	Planning Commission Meeting Minutes
CONTACT PERSON:	Tansy Schroeder, Senior Planner
ATTACHMENTS:	A – April 14, 2025 Meeting Minutes

SUMMARY STATEMENT

Minutes from the April 14, 2025 Planning Commission Meeting are attached to this staff report for approval as presented. These minutes were approved at the May 12, 2025 Planning Commission Meeting.

Planning Commission Meeting Minutes Monday, April 14, 2025 – 6:30 pm

Call to Order: 6:30

Roll Call

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

Staff Present:
Patricia Love, Community Development Director
Tansy Schroeder, City Planner

Absent: None

Also known to be present: Cathy Wooten, Russell Joe (online), Emily Atkins (online)

Public Requests and Comments: None

Approval of Minutes:
The minutes from the February 10, 2025, Special Joint City Council and Planning Commission meeting were approved with the following additions: Tansy Schroeder met with residents in the hallway for further discussion after the public meeting was adjourned, and comments and concerns about parking at Viking Village Site Development project.

Old Business:
Continuation of Critical Areas Code Amendment Public Hearing
The Growth Management Act (GMA) requires all cities and counties to adopt development regulations that protect critical areas. These regulations help to preserve the natural environment, maintain fish and wildlife habitat, and protect drinking water. Protecting critical areas also helps reduce exposure to risks, such as landslides or flooding, and maintains the natural elements of our landscape.

The purpose of a public hearing is to provide a formal opportunity for the community, agencies, and stakeholders to comment on and participate in the adoption process. The Planning Commission has the option to continue the public hearing or close the public hearing and deliberate on the ordinance prior to making a recommendation to the City Council.

Commissioner Questions & Comments

- What regulations does Snohomish County have in place for buffers in the Urban Growth Area? The County Council has requested Stanwood to delay based on what the County is proposing. Their staff moved the Critical Areas Code forward to County Council. There was some opposition to the increased buffers, so the County Council sent it back to a Committee for further review. It is currently still under review. Stanwood is authorized to adopt a Code that meets Best Available Science and addresses housing counts in the City. Staff will bring more information on what the County's buffers are to the next meeting as an informational item.

- There is a concern that buffers for Cultural Resource sites are too low at 500 feet. Staff worked with the Stillaguamish Tribe on this section of the code. There is a note in the code that all projects taking place in Stanwood require a notice to the Tribe. Commissioners would like to see inadvertent discovery plan language added to the procedures code to add an extra layer of protection.
- Commissioners would like to know why Habitat Score 8-9 was the only section that had a reduction of buffers. Staff is looking into this and will add an explanation in the packet for City Council.
- There is an increase in buffers in most zones, what is the impact to property owners? This is being addressed in subdivision flexibility by still meeting the density requirements but allowing different lot sizes and housing types. Homeowners have a right to request a reduction of property taxes when there are Native Growth Protection Areas on their property.
- ADU's will not be allowed in Critical Areas.
- How does the City plan to protect old growth trees and vegetation, and can staff add a section to the code describing the plans to protect old growth? The City does not currently have a tree protection ordinance, but there are standards to protect a percentage of trees on a given property. The Site-Specific Tree Height (SSTH) provides protection for stream corridors through the buffers. Trees cannot be taken down that are in buffers. A Tree Preservation Ordinance can be looked at on a recommendation from the Planning Commission. Staff is considering a proposal of allowing smaller lots housing clusters, that will allow protection of trees and create more open space within a development.
- Is there something in the code that protects slopes? Sometimes when trees are removed to improve the view, the sloped area can slide. There is a Slope Preservation section of the Critical Areas code that describes setbacks required near slopes and the preservation of vegetation.
- Stanwood has the option to adopt the Snohomish Code, but it is not required. Stanwood has had their own CA code for many years and plans to continue to use it.
- Staff will adjust the language for the Cultural Resources Inadvertent Discovery Plan in the recommendation to City Council.
- Wildlife buffers are determined by a habitat assessment performed by a biologist.
- Clarify where the science comes from that is used to determine buffers and buffer widths.
- Motion 1: Commissioner Davis motioned, and Commissioner Wheatley seconded to approve the Findings of Facts and Conclusions of the Critical Areas Code with the amended language that the Best Available Science comes from the recommendations from the Washington Department of Fish and Wildlife and the Department of Ecology, and inclusion of an Inadvertent Discovery Plan for Cultural Resources.
- Motion 2: Commissioner Wheatley motioned, and Commissioner Braley seconded the Critical Areas Code as amended.

<u>Public Questions and Comments</u>
Stanwood Resident:

- Thank you to staff for the level of detail put into this project.
- Buffers are important to protect wetlands and wildlife. Even with buffers, Critical Areas are still at risk.
- Continue to protect Critical Areas as the City boundaries and codes change over time.

Master Builders Association of King and Snohomish Counties (MBAKS)

- Stanwood has plans to accommodate 4,608 new units by 2044 according to the Stanwood Comprehensive Plan. A Critical Areas code is a great tool that is used to protect the environment. Wildlife guidance on SSTH is from 2006, and MBAKS advises Stanwood not to use it as it may not be the Best Available Science. But if Stanwood does decide to use it, MBAKS asks the Commissioners to contemplate how the proposed Critical Areas code protects critical functions and values. MBAKS does not support the increase in buffers as they could negatively impact the cost of housing and housing supply. The Planning Commission could propose adopting the Snohomish County Critical Areas Code. Thank you to Staff for working with MBAKS.

New Business:

Subdivision Code

City staff and consultants have been actively developing the initial draft of the subdivision and housing code amendments. While the full draft is not yet ready for public review, the following bulk standards table provides an early look at how lot design flexibility is being proposed. While the concept is very preliminary and staff anticipates significant changes, the intent is to get early feedback on the code direction.

Things to consider when reviewing the preliminary code language:

- Lot density is based on existing Planned Residential Development (PRD) standards.
- Simplify the bulk standards table by eliminating the minimum lot size section: regulate by density.
- Lot width to depth requirements is based on ratios to provide lot design flexibility.

To incorporate lot design flexibility into the subdivision code, the old bulk matrix is being proposed to be changed from ridged lot size and dimension to a *Floor Area Ratio* concept. Floor Area Ratio is a zoning concept used in urban planning to control the bulk and intensity of development on a piece of land. It helps determine how much building area is allowed relative to the size of the lot.

Commissioner Questions & Comments

- With variable lot sizes, will there be variable setbacks? Yes
- Will there be a minimum lot size? Currently no, but staff is considering this.
- Staff is working to make the code flexible to move with the changing housing market.
- Try to find a medium between housing costs and having a beautiful community. Staff is not proposing to change the density but trying to figure out how to meet the density.
- Commissioners like how this gives the developers flexibility and options to build what the buyers want with different housing types.
- The market drives the cost of housing.
- The Commissioners are interested in learning more about this and seeing examples.

Miscellaneous Business:

Recent Council Action on Commission Items:

- Council Adoption of Procedures Code

Upcoming Items:

- Continued Discussion of Subdivision Code
- Missing Middle Housing Code Amendment

Adjourn: 8:20 p.m.

This Page Intentionally Left Blank

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**7b**
DATE:	May 22, 2025
SUBJECT:	Public Works Committee Meeting Minutes
CONTACT PERSON:	Kevin Hushagen, Public Works Director
ATTACHMENTS:	A – May 05, 2025, Public Works Committee Minutes

---

SUMMARY STATEMENT

Minutes from the May 05, 2025, Public Works Committee Meeting are attached to this staff report for approval as presented.

Attendance:

Councilmembers: Darren Robb, Marcus Metz, Andreena Bergman

City Staff: Public Works Director Kevin Hushagen, City Engineer Alan Lytton, Associate Planner Tansy Schroeder, Public Works Office Amanda Slattery

Meeting was conducted in person at the Stanwood Public Works Wastewater Treatment Plant. The full meeting agenda packet with detailed information can be found on the City's website under Agenda Center.

Call to Order: 5:30 PM

Agenda Items:

1. Keller Annexation

Associate Planner Tansy Schroeder provided an overview of the proposed Keller Annexation. The committee discussed a preliminary draft of the proposal and shared early feedback on the concept.

2. Review 103rd Water Main Phase 2 Bids

The committee discussed the bids received for Phase 2 of the 103rd Water Main project and provided feedback. No action was taken.

3. Review Heritage Park Playground Options

The committee reviewed the available options for the Heritage Park Playground and discussed potential selections. Feedback was provided, and no formal action was taken.

Adjourn: Chair Robb adjourned the meeting at 7:30 PM

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**8a**
DATE:	May 22, 2025
SUBJECT:	Approval of Voucher and Payroll Checks
CONTACT PERSON:	Wendy Corder-Dowhower, Finance Manager
ATTACHMENTS:	A - Voucher Check Detail

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank voucher checks 39541 through 39579 and electronic fund transfers in the amount of $249,392.18 Approve issuance of Washington Federal payroll electronic fund transfers in the amount of $410,146.49

RECOMMENDED MOTION

"I MOVE TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 39541 THROUGH 39579 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF $249,392.18. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF $410,146.49."

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2268	05/08/2025	Payroll	3	EFT	Patricia A Adams	4,362.83	April 2025 Payroll
2269	05/08/2025	Payroll	3	EFT	Edward A Avila	5,139.18	April 2025 Payroll
2270	05/08/2025	Payroll	3	EFT	Leland W Bartlett	5,584.64	April 2025 Payroll
2271	05/08/2025	Payroll	3	EFT	Emily S Baumbach	3,200.86	April 2025 Payroll
2272	05/08/2025	Payroll	3	EFT	Amy L Bergemeier	3,153.14	April 2025 Payroll
2273	05/08/2025	Payroll	3	EFT	Andreena J Bergman	548.94	April 2025 Payroll
2274	05/08/2025	Payroll	3	EFT	Scott A Black	4,345.72	April 2025 Payroll
2275	05/08/2025	Payroll	3	EFT	Addison M Chism	1,560.90	April 2025 Payroll
2276	05/08/2025	Payroll	3	EFT	Hannah D Cole	3,381.56	April 2025 Payroll
2277	05/08/2025	Payroll	3	EFT	Wendy R Corder Dowhower	5,324.31	April 2025 Payroll
2278	05/08/2025	Payroll	3	EFT	Victoria Leigh Danielson	8,301.24	April 2025 Payroll
2279	05/08/2025	Payroll	3	EFT	Kevin M Davis	3,859.04	April 2025 Payroll
2280	05/08/2025	Payroll	3	EFT	Stacey A Davis	2,433.65	April 2025 Payroll
2281	05/08/2025	Payroll	3	EFT	Michael B Evans	4,353.67	April 2025 Payroll
2282	05/08/2025	Payroll	3	EFT	Cole F Ferguson	4,812.10	April 2025 Payroll
2283	05/08/2025	Payroll	3	EFT	Dani M Gaumond	568.94	April 2025 Payroll
2284	05/08/2025	Payroll	3	EFT	David A Hammond	4,933.29	April 2025 Payroll
2285	05/08/2025	Payroll	3	EFT	Trevor M Harrison	3,769.58	April 2025 Payroll
2286	05/08/2025	Payroll	3	EFT	Robert D Hicks	572.47	April 2025 Payroll
2287	05/08/2025	Payroll	3	EFT	Garrett Hight	3,726.08	April 2025 Payroll
2288	05/08/2025	Payroll	3	EFT	Kevin J Hushagen	8,121.86	April 2025 Payroll
2289	05/08/2025	Payroll	3	EFT	Scott R Justesen	5,989.89	April 2025 Payroll
2290	05/08/2025	Payroll	3	EFT	Samuel E Lidgard	2,561.89	April 2025 Payroll
2291	05/08/2025	Payroll	3	EFT	Patricia I Love	6,688.01	April 2025 Payroll
2292	05/08/2025	Payroll	3	EFT	Alan M Lytton	7,398.87	April 2025 Payroll
2293	05/08/2025	Payroll	3	EFT	Marcy A Mathis	4,771.13	April 2025 Payroll
2294	05/08/2025	Payroll	3	EFT	Marcus A Metz	569.25	April 2025 Payroll
2295	05/08/2025	Payroll	3	EFT	Tim D Niebruegge	7,461.85	April 2025 Payroll
2296	05/08/2025	Payroll	3	EFT	Kevin J Pellham	5,339.01	April 2025 Payroll
2297	05/08/2025	Payroll	3	EFT	Darren M Robb	518.84	April 2025 Payroll
2298	05/08/2025	Payroll	3	EFT	Sidney G Roberts	2,722.48	April 2025 Payroll
2299	05/08/2025	Payroll	3	EFT	Audrey D Rotrock	3,641.72	April 2025 Payroll
2300	05/08/2025	Payroll	3	EFT	Charlee N Rowland	1,801.99	April 2025 Payroll
2301	05/08/2025	Payroll	3	EFT	Carly L Ruacho	2,073.59	April 2025 Payroll
2302	05/08/2025	Payroll	3	EFT	Steven B Schei	4,735.43	April 2025 Payroll
2303	05/08/2025	Payroll	3	EFT	Timothy J Schmitt	568.94	April 2025 Payroll
2304	05/08/2025	Payroll	3	EFT	Tansy L Schroeder	3,346.89	April 2025 Payroll
2305	05/08/2025	Payroll	3	EFT	Gina N Seegert	5,442.48	April 2025 Payroll
2306	05/08/2025	Payroll	3	EFT	Stephen G Shepro	568.94	April 2025 Payroll
2307	05/08/2025	Payroll	3	EFT	Amanda B Slattery	5,441.84	April 2025 Payroll
2308	05/08/2025	Payroll	3	EFT	David S Smith	4,725.27	April 2025 Payroll
2309	05/08/2025	Payroll	3	EFT	Shawn A Smith	6,688.05	April 2025 Payroll
2310	05/08/2025	Payroll	3	EFT	Lisa M Sokolik	5,217.11	April 2025 Payroll
2311	05/08/2025	Payroll	3	EFT	Nicole K Strachila	7,331.75	April 2025 Payroll
2312	05/08/2025	Payroll	3	EFT	Nathan D Towse	5,506.18	April 2025 Payroll
2313	05/08/2025	Payroll	3	EFT	Grace L Walker	3,589.30	April 2025 Payroll
2335	05/07/2025	Claims	3	EFT	Atwell, LLC	8,725.00	City of Stanwood
2336	05/07/2025	Claims	3	EFT	Bowman Consulting Group, Ltd	3,945.00	City of Stanwood
2337	05/07/2025	Claims	3	EFT	Cascade Septic Pumping, LLC	523.85	City of Stanwood
2338	05/07/2025	Claims	3	EFT	CivicPlus, LLC	10,774.33	City of Stanwood
2339	05/07/2025	Claims	3	EFT	CivicPlus, LLC	1,147.65	City of stanwood
2340	05/07/2025	Claims	3	EFT	Databar Inc.	425.74	8952-DFT
2341	05/07/2025	Claims	3	EFT	Eurofins Environment Testing NW	336.00	STA23
2342	05/07/2025	Claims	3	EFT	ICONIX Waterworks (US) Inc.	24.05	CITSTA
2343	05/07/2025	Claims	3	EFT	Kimley Horn & Associates, INC.	2,927.00	City of Stanwood
2344	05/07/2025	Claims	3	EFT	Lakeside Industries, Inc.	2,527.37	108469

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2345	05/07/2025	Claims	3	EFT	RH2 Engineering Inc	13,447.82	City of Stanwood
2346	05/07/2025	Claims	3	EFT	Reaper Construction inc.	55,489.49	City of Stanwood
2347	05/07/2025	Claims	3	EFT	Reaper Construction inc.	33,059.52	City of Stanwood
2348	05/07/2025	Claims	3	EFT	Snohomish County Public Def Association	2,574.00	City of Stanwood
2349	05/07/2025	Claims	3	EFT	Springbrook Holding Company LLC	61.83	City of Stanwood
2350	05/07/2025	Claims	3	EFT	Stanwood Auto Parts	65.45	56100
2351	05/07/2025	Claims	3	EFT	Strategies 360 Inc	2,000.00	City of Stanwood
2352	05/07/2025	Claims	3	EFT	TSE Power Solutions	235.45	City of Stanwood
2353	05/07/2025	Claims	3	EFT	Thompson Guildner & Associates Inc. P.S.	2,511.03	City of Stanwood
2354	05/07/2025	Claims	3	EFT	Vestis	52.68	937963000
2393	05/08/2025	Payroll	3	EFT	AFLAC	259.87	Pay Cycle(s) 05/08/2025 To 05/08/2025 - AFLAC, Pre-Tax; Pay Cycle(s) 05/08/2025 To 05/08/2025 - AFLAC, Post-Tax
2394	05/08/2025	Payroll	3	EFT	AWC Employee Benefit Trust	29,008.08	Pay Cycle(s) 05/08/2025 To 05/08/2025 - AWC - Health First 250; Pay Cycle(s) 05/08/2025 To 05/08/2025 - AWC - Dental J; Pay Cycle(s) 05/08/2025 To 05/08/2025 - AWC - Vision; Pay Cycle(s) 05/08/2025 To
2395	05/08/2025	Payroll	3	EFT	Colonial Life Insurance	66.75	Pay Cycle(s) 05/08/2025 To 05/08/2025 - Colonial Life Insurance
2396	05/08/2025	Payroll	3	EFT	Great-West Life & Annuity	4,938.00	Pay Cycle(s) 05/08/2025 To 05/08/2025 - 457 - Empower (Mass Mutual); Pay Cycle(s) 05/08/2025 To 05/08/2025 - Roth 457(b)Empower(MassMutual)
2397	05/08/2025	Payroll	3	EFT	HSA Bank	712.50	Pay Cycle(s) 05/08/2025 To 05/08/2025 - HSA Contributions ER; Pay Cycle(s) 05/08/2025 To 05/08/2025 - HSA Contributions EE
2398	05/08/2025	Payroll	3	EFT	Internal Revenue Service (941)	87,019.85	941 Deposit for Pay Cycle(s) 05/08/2025 - 05/08/2025
2399	05/08/2025	Payroll	3	EFT	Legal Shield	63.85	Pay Cycle(s) 05/08/2025 To 05/08/2025 - Legal Shield
2400	05/08/2025	Payroll	3	EFT	Mission Square Retirement	3,162.37	Pay Cycle(s) 05/08/2025 To 05/08/2025 - 457 - Mission Square Ret(ICMA)
2401	05/08/2025	Payroll	3	EFT	Navia Benefits	550.00	Pay Cycle(s) 05/08/2025 To 05/08/2025 - Navia Limited FSA
2402	05/08/2025	Payroll	3	EFT	Western Conference of Teamsters Pension Trust	2,621.57	Pay Cycle(s) 05/08/2025 To 05/08/2025 - WCTPT Contributions
2403	05/08/2025	Payroll	3	EFT	Teamsters Union Local 231	2,052.00	Pay Cycle(s) 05/08/2025 To 05/08/2025 - Teamsters Dues
2404	05/08/2025	Payroll	3	EFT	WA St Department Of Retirement Systems	53,380.95	Pay Cycle(s) 05/08/2025 To 05/08/2025 - PERS 2; Pay Cycle(s) 05/08/2025 To 05/08/2025 - PERS 3; Pay Cycle(s) 05/08/2025 To 05/08/2025 - 457 - DRS (DCP); Pay Cycle(s) 05/08/2025 To 05/08/2025 - Roth 45

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2405	05/08/2025	Payroll	3	EFT	Washington Teamsters Welfare Trust	39,556.00	Pay Cycle(s) 05/08/2025 To 05/08/2025 - Teamsters Dental; Pay Cycle(s) 05/08/2025 To 05/08/2025 - Teamsters Medical
2438	05/01/2025	Claims	3	EFT	WA St Dept of Revenue **	1,162.34	Leasehold Excise Tax 2nd QTR 2025 (for Jan-Mar 2025)
2439	05/01/2025	Claims	3	EFT	Heartland Payment Systems	934.07	May fees for April 2025
2455	05/05/2025	Claims	3	EFT	Chase Paymentech	1,975.95	May fees for April 2025
2458	05/07/2025	Claims	3	EFT	Xpress/Bill Pay	1,289.34	Xpress stmt for April fees
2464	05/08/2025	Claims	3	EFT	Navia Benefits	100.00	May pymt for April fees
2482	05/09/2025	Claims	3	EFT	Treasurer Receipt	0.01	Square Inc verifying acct
2355	05/07/2025	Claims	3	39541	Badger Meter, Inc	221.90	460708
2356	05/07/2025	Claims	3	39542	Cascade Natural Gas Corp	1,166.89	498 440 0000 7; 931 607 9072 6; 127 540 0000 3; 839 440 0000 5; 608 440 0000 4; 953 540 0000 2
2357	05/07/2025	Claims	3	39543	Dataquest, LLC	171.50	CITYSTA
2358	05/07/2025	Claims	3	39544	Grainger	1,163.97	848089215
2359	05/07/2025	Claims	3	39545	Gray & Osborne Inc	21,782.68	City of Stanwood; City of Stanwood
2360	05/07/2025	Claims	3	39546	Hamilton Lumber & Rentals	1,369.79	66; 66; 66; 66; 66
2361	05/07/2025	Claims	3	39547	KPG psomas	8,950.48	City of Stanwood
2362	05/07/2025	Claims	3	39548	Lenz Enterprises, Inc.	697.50	City of Stanwood; City of Stanwood; City of Stanwood
2363	05/07/2025	Claims	3	39549	Les Schwab Tire Centers	144.15	S34-00006; S34-00006
2364	05/07/2025	Claims	3	39550	ODP Business Solutions, LLC	694.24	36274097
2365	05/07/2025	Claims	3	39551	Owen Equipment Company	272.25	36577
2366	05/07/2025	Claims	3	39552	PUD Of Snohomish County *	13,970.73	200592889; 200240505; 200128742; 200633634; 200367373; 200738672; 200142180
2367	05/07/2025	Claims	3	39553	Pape' Machinery, Inc.	143.46	6109854
2368	05/07/2025	Claims	3	39554	Platt Electric Supply, Inc	80.38	24127
2369	05/07/2025	Claims	3	39555	RWC International, LLC Accounts Receivab	688.65	36- City of Stanwood
2370	05/07/2025	Claims	3	39556	Republic Services #197	1,280.09	3-0197-0080305
2371	05/07/2025	Claims	3	39557	Ricoh USA, Inc-Maint	369.36	4250811; 4250811; 4250811; 4250811
2372	05/07/2025	Claims	3	39558	Ricoh USA, Inc.	277.74	1316669-3800642
2373	05/07/2025	Claims	3	39559	Seattle Daily Journal of Commerce	533.75	3941
2374	05/07/2025	Claims	3	39560	Shred-it US JV LLC	47.97	1000283524
2375	05/07/2025	Claims	3	39561	Skagit Farmers Supply	2,453.81	135052; 135052; 135052; 135052; 135052; 135052; 135052
2376	05/07/2025	Claims	3	39562	Skagit Valley Publishing	317.46	48893; 48893
2377	05/07/2025	Claims	3	39563	Sno Co Auditor *	175.88	2025-00051501
2378	05/07/2025	Claims	3	39564	Sno Co Information Services *	13,998.13	DIS1107
2379	05/07/2025	Claims	3	39565	Sno Co Public Works *	621.74	CR000024
2380	05/07/2025	Claims	3	39566	Snohomish County 911	10,498.08	City of Stanwood
2381	05/07/2025	Claims	3	39567	Snohomish County Treasurer	11,877.53	91-6001368
2382	05/07/2025	Claims	3	39568	Snohomish County Treasurer	20.04	City of Stanwood
2383	05/07/2025	Claims	3	39569	Everett Daily Herald/ Sound Publishing, Inc.	344.24	14104597
2384	05/07/2025	Claims	3	39570	Stanwood Ace Hardware #14901	1,008.42	20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013
2385	05/07/2025	Claims	3	39571	Stilly Auto Parts LLC	448.24	27197; 27197; 27197; 27197
2386	05/07/2025	Claims	3	39572	USA Bluebook	1,283.51	478228; 478228
2387	05/07/2025	Claims	3	39573	Unum Life Insurance	131.20	0220603-036 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2388	05/07/2025	Claims	3	39574	Utilities Underground Loc	114.75	134200
2389	05/07/2025	Claims	3	39575	Verizon Wireless	2,547.26	32541731-00001; 742373248-00001
2390	05/07/2025	Claims	3	39576	WA St Treasurer	1,541.40	City of Stanwood
2391	05/07/2025	Claims	3	39577	WSDOT- Cashier's Office	1,667.90	SW00152380 2; SW00152380 2
2392	05/07/2025	Claims	3	39578	Ziply Fiber	0.14	360-629-4907-072497-5
2410	05/08/2025	Claims	3	39579	Treasurer Receipt		Voided for check order

001 General Fund	241,524.32		
101 Street Fund	55,159.82		
103 Street Construction Fund	18,441.63		
104 Park And Trail Improvement Fund	88,549.01		
110 Building Improvement Fund	5,397.55		
115 Tourism And Marketing	6,621.45		
401 Sewer Fund	81,116.31		
403 Sewer Construction Fund	9,065.19		
410 Drainage Fund	32,726.35		
411 Drainage Construction Fund	17,838.65		
421 Water Fund	89,886.80		
422 Water Construction Fund	11,916.85		
630 Agency Fund	1,294.74		
		Claims:	249,392.18
* Transaction Has Mixed Revenue And Expense Accounts	659,538.67	Payroll:	410,146.49

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: 5-14-25
( ) Deputy Finance Director

This Page Intentionally Left Blank

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**8b**
DATE:	May 22, 2025
SUBJECT:	City Council Meeting Minutes – May 8, 2025
CONTACT PERSON:	Lisa Sokolik, City Clerk
ATTACHMENTS:	A – City Council Meeting Minutes

SUMMARY STATEMENT

The City Council meeting minutes for May 8, 2025, are attached to this staff report for Council's approval.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE MAY 8, 2025, CITY COUNCIL MEETING MINUTES AS PRESENTED."

ATTACHMENT A

CITY OF STANWOOD

Regular Meeting of the City Council
May 8, 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, City Engineer Alan Lytton, Building Official Scott Black, City Clerk Lisa Sokolik, and Utility Supervisor Leigh Danielson attended via Zoom.

3. Approval of the Agenda

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

4. Presentations

Stanwood High School Update – Elizabeth Burton, ASB Public Relations Officer and student representative, provided an update on academic and extracurricular highlights at Stanwood High School, including strong AP test participation, athletic accomplishments (e.g., softball ranked #1 in 3A), arts programs, and upcoming events like prom on May 9th and graduation on June 6th.

5. Public Comment

Name	City	Topic
Al Schreiber	Stanwood	• Praised student representatives Elizabeth Burton and Luke Hoffman and school board engagement. • Encouraged community members to file for open school board and fire commissioner positions.

6. Staff / Department Report

a. Police Compstat Report – April

Chief Toner said three of six patrol vehicles now display the new police logo and one more is expected next year.

b. Finance Q1 Report

7. **Council Committee Reports**
   Parks and Trails Advisory Committee Meeting Minutes – March 18, 2025

8. **Consent Agenda**
   a. Approve Vouchers and Payroll Checks
   b. Approve City Council Regular Meeting Minutes – May 8, 2025

Motion by Councilmember Metz, second by Councilmember Hicks to approve consent agenda items A. approval of vouchers and payroll checks and B. approve city council regular meeting minutes for May 8, 2025. ***Motion carried unanimously.***

9. **Unfinished Business -** None.

10. **Public Hearing -** None.

11. **New Business**

    Authorize the Mayor to Sign a Contract with Konnerup Construction for the 103rd Water Main Improvement Project

City Engineer Alan Lytton presented the second phase of the 103rd Drive Water Main Upgrade project.

- Project will complete water main improvements which is currently a mix of PVC and steel of various sizes, adds a fire hydrant, and includes a grind and overlay.
- Received eight bids with the low bid from Konnerup Construction at $546,881.25. Konnerup was the contractor who did the first phase.
- Councilmembers discussed contract transparency and complimented Phase I results.

Motion by Councilmember Robb, second by Councilmember Gaumond to authorize the Mayor to sign a contract with Konnerup Construction for the 103rd Dr NW Improvements Phase II Project not to exceed $546,881.25. ***Motion carried unanimously.***

12. **Public Closing Comments** – None.

13. **Executive/Legislative Reports**
    a. Mayor's Report

- Mayor Roberts shared a personal story about walking the Port Susan Trail with his 97-year-old mother-in-law who loved it (she rode, he pushed).
- The Mayor reiterated the final day to file for public office is Friday, May 9th is last day to register to run for public office.

    b. City Administrator Report

City Administrator Smith announced upcoming events:

- Pickers Market (May 10).
- Police Department Open House (May 10).

- Camano Island Studio Tour (May 9–11, 17–18).
- Sons of Norway Annual Troll Stroll & Nordic Fest (May 17).
- Public Works Clean Sweep (May 17).

c. Councilmember's Report/Questions

- Recognition of Mother's Day.
- Interest in memorial benches on the Port Susan Trail.
- Discussion about potential use of project cost savings.
- Concern regarding potential closure of local pharmacy services.
- Appreciation for council's focus on local issues.

14. Executive Session – None

15. Adjourn

There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 7:25 p.m.

CITY OF STANWOOD	ATTEST:
Sid Roberts, Mayor	Lisa Sokolik, City Clerk

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**8c**
DATE:	May 22, 2025
SUBJECT:	City Council Workshop Minutes
CONTACT PERSON:	Lisa Sokolik, City Clerk
ATTACHMENTS:	A – Council Workshop Minutes

SUMMARY STATEMENT

Minutes of the May 8, 2025, City Council Workshop are attached.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE MINUTES OF THE MAY 8, 2025, CITY COUNCIL WORKSHOP AS PRESENTED".

CITY OF STANWOOD

City Council Workshop
Thursday, May 5, 2025 – 5:00 p.m.
Stanwood-Camano School District, 26920 Pioneer Highway

MINUTES

Call to Order

Mayor Roberts called the meeting to order at 5:00 p.m.

Attendance

Councilmembers present: Dani Gaumond, Marcus Metz, Darren Robb, Robert Hicks, Steve Shepro, Andreena Bergman, and Tim Schmitt.

Staff present: City Administrator Shawn Smith, Finance Director David Hammond, Community Development Director Patricia Love, Public Works Director Kevin Hushagen, Building Official Scott Black, and City Clerk Lisa Sokolik.

1. City Council Meeting Time and Committee Structure Discussion

Mayor Roberts opened the discussion by saying after the February 13, 2025 council meeting, and based on that meeting, and follow-up discussions with a few councilmembers his understanding of the consensus view is for the regular council meetings to continue to start at 7:00 p.m., and the current council committees to remain unchanged, with the option of adding additional council workshops for more significant agenda items.

Councilmember Robb handed out an example of a proposal on enhancing the committee structure for improved efficiency and transparency and an amendment to Rule 29: Committees.

After Council discussed and asked questions, the consensus is to keep the meeting time and committee structure the same.

2. Missing Middle Housing Discussion

Using a property in Stanwood, Community Development Director Patricia Love and Building Official Scott Black put together a presentation that illustrates how the City's current development regulations can unintentionally limit a property's ability to achieve the residential densities envisioned in the Comprehensive Plan and permitted under existing zoning. The presentation showed the lot yield after each regulation and code were applied one at a time and then again after using the PRD zoning allowance.

Council discussed and asked questions.

3. Adjourn

Mayor Roberts Adjourned the meeting at 6:34 p.m.

CITY OF STANWOOD	ATTEST:
Sid Roberts, Mayor	Lisa Sokolik, City Clerk

This Page Intentionally Left Blank

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER:	**8d**
DATE:	May 22, 2025
SUBJECT:	Appointment of Planning Commission Member
CONTACT PERSON:	Patricia Love, Community Development Director
ATTACHMENTS:	A – Planning Commission Application by Richard Craig

---

PURPOSE

The purpose of this agenda item is for Council consideration and appointment of Richard Craig to the Stanwood Planning Commission.

BACKGROUND

The Planning Commission is a seven (7) member board that meets once a month to review Comprehensive Plan Amendments and Land Use Ordinances. The Planning Commission acts as an advisory board to the City Council.

At least five members of the Planning Commission shall reside within the corporate limits of the City of Stanwood. Two members of the Commission may be residents of either the urban growth area, or individuals representing a Stanwood business or Stanwood area community based nonprofit organization that has a location in the City. Members of the Commission shall serve a term of five years and may be reappointed for additional five-year terms by the mayor with approval of the city council.

ANALYSIS

The Mayor of Stanwood holds the responsibility of recommending appointments to the City's various boards and commissions as terms expire or when unexpected vacancies arise. Recently, Planning Commission member Kathy Moe submitted her resignation before the completion of her term, creating an unanticipated vacancy that now requires filling. The open position was publicly advertised, and the City received four applications.

Richard Craig brings a wealth of expertise to the City, having served in professional planning roles with both Snohomish County and the City of Stanwood prior to his retirement. His application highlights a number of qualifications that make him a strong candidate for the Planning Commission. These include:

1. A deep understanding of planning principles and the Growth Management Act;
2. Extensive experience as a Project Manager for Snohomish County, leading numerous land use and transportation planning efforts;
3. A proven track record of drafting ordinances and serving as the lead staff member throughout the legislative review and approval process; and
4. Significant experience collaborating with Planning Commissions and City Councils, providing guidance and technical expertise.

Fiscal Impact			
No fiscal impact associated with this action.			
Fund(s):			
Amount:	$ -	**Project Estimate:**	$ -
Budget Authorized	**[ ] Yes [ ] No**	**Amendment Required**	**[ ] Yes [ ] No [ ] Monitor**

RECOMMENDATIONS

Staff Recommendation: Mayor Roberts recommends appointing Richard Craig to Position 2 of the Stanwood Planning Commission for an unexpired five-year term ending December 31, 2027.

Committee/Board Recommendation: N/A

CITY COUNCIL OPTIONS

1) Appoint Richard Craig to the Planning Commission.
2) Do not appoint Richard Craig to the Planning Commission at this time.

PROPOSED MOTION

"I MOVE TO APPOINT RICHARD CRAIG TO POSITION 2 OF THE PLANNING COMMISSION FOR A FIVE-YEAR TERM ENDING DECEMBER 31, 2027."

Letter of Interest for Open Position on the City of Stanwood Planning Commission

Dear Mayor Roberts and Planning Commission Selection Staff,

I am interested in becoming a member of the City of Stanwood Planning Commission and request your consideration of me for this open position. I am very familiar with both the Stanwood area as well as Snohomish County and have been very involved in all facets of current and long range planning for over 30 years.

My interest in being on the Stanwood Planning Commission comes from a wish to give back to a community that I have a great affection for. Included with this letter is an attachment of work and education experiences / accomplishments. My experience and involvement with the Stanwood community have equipped me to better understand the pressing issues we face regarding managed growth, transportation, infrastructure and so many other pressing land use issues. There is the imperative balance of knowing that growth will and should occur, but we also must make every effort to manage it responsibly.

I would be happy to answer any questions or provide any additional information that you may need. Thank you, in advance, for your consideration of this request.

Sincerely,

Richard Craig

From: noreply@civicplus.com
To: Love, Patricia; Lisa M. Sokolik; Sid Roberts; Nicole Strachila
Subject: Online Form Submittal: Planning Commission Vacancy Application
Date: Sunday, April 27, 2025 2:28:05 PM

Planning Commission Vacancy Application

First Name	Richard
Last Name	Craig
Address	Manor Place NW
Phone Number	
Email Address	
Please briefly describe your qualifications for the position.	My qualifications for a position on the Stanwood Planning Commission are best summarized in my employment and education history as follows: Snohomish County Planning and Development Services (PDS) from July 1999 to December 2024. Retired 12/2024. - Snohomish County PDS - 1999 through 2017 as a Senior Planner in Long Range Planning with the following duties and accomplishments: 1) PDS lead for negotiation of Municipal Urban Growth Area (MUGA) boundaries with the nine cities located within the Southwest Urban Growth Area (SWUGA). In this capacity resolved issues between the cities and cooperatively established recommended MUGA boundaries for each of the nine cities so that these boundaries could be forwarded to the County Council and individual city councils for the adoption process. 2) Acted as lead and facilitated major annexation actions with cities and special districts and acted as lead staff through the approval processes with Boundary Review Board, County Council, and coordination with city councils as required. 3) Negotiated and drafted master annexation interlocal agreements with jurisdictions which covered the transition / transfer of facilities and services as annexations occurred. 4) Drafted several ordinances (as required) and acted as lead throughout the approval process. 5) In carrying out the above duties, worked with County Council,

Planning Commission, Boundary Review Board as PDS lead on numerous actions.

- Snohomish County PDS - 2018 through 2024 as a Project Manager / Project Planner worked in Snohomish County PDS Land Use Planning (Permitting) with the following duties and accomplishments:

1) Project Manager and lead planning reviewer on numerous commercial, single and multi family residential development projects (including urban centers, plats, binding site plans, planned residential developments, etc).

2) As Project Manager, duties included coordinating all facets of project review including planning / land use, transportation / traffic, critical areas, drainage, and other pertinent issues. In this capacity, drafted Administrative Decisions or Staff Reports for the Hearing Examiner's consideration toward project approval / decision.

City of Stanwood - Planning Director - March 1992 to May 1999.

As Planning Director for the City of Stanwood, duties / accomplishments included the following:

1) Oversight / Supervision of current and long range planning activities.

2) City lead in coordinating with Mayor, City Council, Planning Commission and the County in the development of the original Urban Growth Areas (UGAs) and adoption process through both the City and County councils under the Growth Management Act (GMA).

3) Worked with consultants and City staff to draft the first GMA complaint Comprehensive Plan and adoption process through the Planning Commission and approval of City Council.

4) When Twin City Foods (TCF) was destroyed by fire in April of 1996, I was appointed to Mike Lowry's Governor's Task Force as the City representative and acted as lead in coordinating with State and Federal agencies to expedite permitting for the rebuilding of TCF.

5) Acted as lead on two grant applications /presentations for acquisition and development funding for Heritage Park through the Interagency Committee for Outdoor Recreation (IAC). This was for Phases I and II (IAC grant funding was awarded totaling $750,000 for two phases) of Heritage Park. Also coordinated with Snohomish County and Island County on Heritage Park funding in an effort to make Heritage a regional facility. Both counties contributed to Heritage Park development. During this time, as a resident of Island County, also asked to serve on the Island County Park Board.

	6) Lead on grant application for Boeing - Mariners grant. Stanwood was successful in securing this highly competitive grant and the City was awarded $75,000 of funding for a qualifying baseball field. Education: - Bachelor of Arts - Urban Planning - 1989 - Master of Science - Geography / Regional Development - 1991 Masters Thesis - “A Survey Process to Define Elements of Small Downtown Revitalization: A Study of Stanwood, Washington”.

Please attach a Letter of Interest (LOI), as well as, any supporting documents you would like considered.

Letter of Intent	Planning Commission Letter of Interest copy copy.docx
Supporting Documentation	*Field not completed.*
Supporting Documentation	*Field not completed.*

TITLE VI

The City of Stanwood assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Stanwood further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: **10**

DATE: May 22, 2025

SUBJECT: Critical Areas Code Ordinance

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS:
A – Critical Areas Ordinance Summary
B – Critical Areas Ordinance 1547
C – Findings of Fact and Conclusions
D – Public Comments

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the first reading of Ordinance 1547, adoption of the Critical Areas Code, Title 18, Unified Development Code, Chapters 18.800-18.812 of the Stanwood Municipal Code.

SUMMARY

The Growth Management Act (GMA) requires all cities and counties to adopt development regulations that protect critical areas. These regulations help to preserve the natural environment, maintain fish and wildlife habitat, and protect drinking water. Protecting critical areas also helps reduce risk exposure, such as landslides or flooding, and maintains the natural elements of our landscape.

RCW 36.70a.030(5) defines five types of critical areas:

- Wetlands.
- Fish and wildlife habitat conservation areas.
- Geologically hazardous areas.
- Frequently flooded areas.
- Areas with a critical recharging effect on aquifers used for potable water.

The City has elected to add protection of Cultural Resources to its environmental regulations as it is required under Washington State Executive Order 05-05. The Executive Order requires agencies to integrate cultural resource reviews into their planning processes. This includes assessing the potential impacts of construction, development, or land use projects on archaeological sites, historic buildings, and other cultural assets.

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	Council Approved on February 13, 2025
Critical Areas Code Update	Pending Council Action: May / June 2025
Subdivision and Bulk Standards	Currently Under Review by Planning Commission

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.

ANAYLYSIS

Attached and incorporated as part of this staff report is a comprehensive summary of the proposed City's Critical Areas regulations, which include: General Provisions, Wetlands, Fish and Wildlife Habitat Conservation Areas, Frequently Flooded Areas, Geologically Hazardous Areas, and Critical Aquifer Recharge Areas. In addition, the summary incorporates an overview of the Cultural Resources section of the Environmental Protection code, which outlines procedures and considerations for identifying and preserving historically or archaeologically significant sites.

The following portion of the staff report is intended to provide a focused analysis of the key issues raised during the public review process and the Planning Commission's public hearings. It highlights the major questions and concerns raised by the community. The goal is to provide clarity on how the proposed code updates address these issues while being consistent with state requirements for best available science.

Why protect critical areas?

Before the Growth Management Act (GMA) was enacted, most cities in Washington State lacked formal regulations to protect critical areas. During the rapid growth of the mid-1980s, sensitive lands—such as wetlands, floodplains, and wildlife habitats—were increasingly lost. In response to growth pressures, the GMA was adopted in the early 1990s, requiring cities and counties to adopt critical area regulations aimed at protecting the environment and public safety.

In Washington State, the requirement to adopt and periodically update Critical Areas Regulations is codified in RCW 36.70A and was enacted to ensure that growth is managed in a coordinated, sustainable manner while preserving the environment for future generations. Protecting the state's remaining critical areas is essential, as these lands perform vital functions that support public health, safety, and environmental quality. These functions include:

- Maintaining water quality by filtering pollutants
- Providing habitat for fish, birds, and other wildlife
- Reducing flooding and erosion through natural stormwater storage and groundwater recharge
- Stabilizing slopes and reducing landslide risk
- Promoting long-term ecological sustainability

What are the major changes from current code and why are these changes necessary?

Under the Growth Management Act (GMA), cities and counties are required to update their critical areas regulations in coordination with their Comprehensive Plan updates. In

Snohomish County, these updates must be completed by the end of 2025. Updating these codes ensures they remain current, effective, and reflect the best available science.

As Stanwood continues to grow, development is placing increasing pressure on the city's remaining critical areas. Updating these regulations is essential to address potential environmental impacts such as increased stormwater runoff, habitat fragmentation, and other unintended consequences of urban expansion.

Major proposed changes to the city's critical areas regulations include:

- Expanded wetland buffers based on Department of Ecology recommendations, which are informed by scientific studies to protect wetland functions, support wildlife habitat, and preserve wildlife corridors.
- Updated stream typing classifications aligned with the Washington Department of Natural Resources system (WAC 222-16-030), categorizing streams as Shorelines of the State, Fish-Bearing Streams, Perennial Non-Fish Habitat Streams, and Seasonal Non-Fish Habitat Streams.
- Wider stream buffers following Washington Department of Fish and Wildlife guidelines, which factor in site-specific tree height data to enhance stream bank stability, shading, nutrient input, and pollutant filtration.
- New habitat assessment and management plan requirements for the protection and mitigation of impacts to endangered, threatened, sensitive, and priority species.
- New cultural resource protection standards, requiring early evaluation during the permitting process to help avoid costly redesigns or project delays if cultural resources are discovered later.

Areas of concern and staff responses:
During the public comment period and Planning Commission public hearings on the proposed updates to the critical areas code, community members and stakeholders raised several questions and concerns. The following summary highlights the primary issues raised, along with a brief explanation of staff's corresponding response or clarification.

Issue: Impacts of Increased Wetland and Stream Buffer Widths on Affordable Housing:
One of the most discussed and debated aspects of the proposed code update is the expansion of wetland and stream buffer widths. Stakeholders expressed differing perspectives on how these changes may affect development, housing availability, and environmental protection.

City Staff: The City is legally required to base its critical areas regulations on the *best available science* (BAS), as outlined in the Growth Management Act. The proposed buffer widths align with recommendations from state agencies such as the Department of Ecology and the Department of Fish and Wildlife, which are grounded in peer-

reviewed scientific studies. These changes are essential to preserve the long-term ecological function of critical areas and ensure legal defensibility of the code.

Master Builders Association of King and Snohomish Counties: Representatives from the building industry expressed concern that increasing buffer widths may reduce the amount of buildable land within city limits, potentially making it more difficult to provide affordable housing, particularly detached single-family homes. They emphasized the importance of considering the cumulative effect of environmental regulations on housing supply and cost.

Local Residents: Many residents voiced support for stronger environmental protections, expressing concerns about the impact of continued growth on wetlands, streams, and wildlife. They highlighted the need to preserve Stanwood's natural environment and quality of life as development continues.

Over the past several months, the City has been diligently working on a comprehensive set of amendments to its subdivision and permitted use codes. These updates are designed to advance two interconnected priorities: protection of Stanwood's critical areas and the adoption of "missing middle" housing regulations consistent with state law and the City's Comprehensive Plan.

The overarching goal is to promote development flexibility that thoughtfully balances environmental protection with the need to provide housing options for a range of income levels. Developers and builders may need to pivot towards a variety of housing types beyond traditional detached single-family homes. By embracing a broader spectrum of housing types, Stanwood can offer homes that serve residents across all life stages and income levels, from young families buying their first home to seniors looking to downsize while staying in their neighborhood.

Staff believes the two codes – critical areas and missing middle housing - should be viewed as complementary. Together, they reflect the City's commitment to preserving environmentally sensitive areas while also addressing the pressing need for affordable housing. These parallel codes form a cohesive legislative framework that supports both environmental sustainability and affordable housing.

Issue: Why Increase Buffer Widths If The Existing Codes Are Working:

According to various Washington State agencies, existing environmental protections and regulatory buffer requirements have not been as effective as intended. Despite current efforts, the state continues to lose wetlands, riparian zones, and vital fish and wildlife habitat. These ongoing declines highlight gaps in both policy and implementation of critical area regulations.

In response, the Washington State Departments of Ecology and Fish and Wildlife have undertaken comprehensive scientific investigations, including literature reviews, peer-reviewed research, and consultations with subject matter experts across disciplines. These efforts have culminated in the development of several guidance documents that

consolidate the latest ecological science and offer recommendations for adopting critical area regulations. These resources serve as foundational tools for local governments to use when update their regulations.

- Washington State Department of Ecology, Washington State Wetland Rating System for Western Washington (Publication 23-06-009)
- Washington State Department of Fish and Wildlife, Riparian Ecosystems, Volume 1, Science Synthesis and Management Implication (2020)
- Washington State Department of Fish and Wildlife, Riparian Ecosystems, Volume 2, Management Recommendations (2020)
- Washington State Department of Commerce, Critical Areas Handbook (2022)

The Master Builders Association has noted in their comments that the Washington Department of Fish and Wildlife (WDFW) explicitly states its recommendations do not, by themselves, constitute the entirety of "best available science" (BAS). This observation is accurate. However, WDFW's guidance—particularly when considered in the broader context of *Riparian Ecosystems: Volumes 1 and 2*—acknowledges the need for flexibility. The agency provides space for local jurisdictions to conduct their own BAS analyses and to balance environmental protections with land use, economic, and social policy considerations.

That said, conducting a comprehensive BAS analysis that is legally defensible and includes peer-reviewed input from qualified scientific experts can be prohibitively expensive and technically complex. As a result, many jurisdictions, particularly smaller cities, are unable to conduct independent studies due to the high cost and limited access to necessary expertise. Consequently, most rely on the scientific studies conducted by state agencies with subject matter expertise.

In this context, local governments evaluate and interpret how critical areas regulations affect development proposals and property rights. This is precisely the approach taken by City staff. In light of the state's push to support a broader range of housing options—particularly missing middle housing—staff have developed a strategy that strives to maintain the city's housing capacity while responsibly integrating environmental protection measures. This balanced approach is grounded in existing scientific guidance and tailored to the city's unique land use and environment.

Issue: Why Apply Site Potential Tree Height Buffers Versus Using The Existing Stream Buffers:

The Washington Department of Fish and Wildlife (WDFW) has updated its stream buffer recommendations, moving away from a fixed-width standard to one based on Site Potential Tree Height (SPTH). SPTH is important because it reflects the maximum height that trees can grow in a specific area based on local soil, climate, and ecological conditions. Using SPTH to determine buffer widths around streams and rivers provides a science-based approach to protecting riparian ecosystems.

This change follows years of scientific review and monitoring, which revealed that flat buffer distances were not adequately protecting stream habitats. Findings from the Riparian Ecosystems, Volume 1, from WDFW include:

- 85% of Washington's wildlife species rely on riparian areas along rivers and streams for some part of their life cycle.

- All in-stream woody debris—which is critical for stream structure and habitat—originates from trees located within 85 to 230 feet of the stream bank.

- Stream temperature is a critical factor for salmon survival. Cooler water temperatures, maintained through vegetation canopy cover and shade, are essential to support healthy fish populations.

The question as to why use SPTH now, versus previous buffers is explained in Volume 1 by WDFW.

> The Washington Department of Fish and Wildlife (WDFW) explains the shift to using Site Potential Tree Height (SPTH) for stream buffer standards in *Volume 1* of their guidance documents. Previously, buffer widths were primarily determined based on the habitat needs of fish species, especially salmon. This approach often led to narrower buffers for upland, non-fish-bearing streams under the assumption that, since fish were not present and therefor higher buffer protections was unnecessary.
>
> However, emerging scientific research has demonstrated that these headwater and upland streams play a crucial role in the overall health of downstream ecosystems. Even in the absence of fish, these smaller tributaries provide wildlife corridors and influence downstream water temperatures and provide essential inputs such as nutrients, organic matter, and food sources that form the base of the aquatic food chain. These factors are critical to the survival and lifecycle of fish species in lower reaches of the watershed.

As a result, WDFW now recognizes that protecting upland streams is just as important as protecting larger, fish-bearing rivers. This shift in buffer methodology is intended to enhance habitat protection and better reflect the ecological functions of riparian zones.

Issue: What Is The Affect of the Increased Buffer Widths In Stanwood:

Staff conducted a buffer analysis for both wetlands and streams to assess the potential impact of proposed buffer width increases. As part of this review, prior critical area studies were consulted to informally anticipate the types of wetlands and streams that could be affected in the future. A detailed summary of the findings is included in the attached critical area summary. Conclusions include:

- Wetlands: The analysis indicates that 79% of wetlands will retain their current buffer widths. The remaining 21%—primarily higher-quality wetlands—will be subject to increased buffer widths to provide greater environmental protection. These updates reflect best practices in wetland preservation while also considering the city's

development needs. Additionally, the upcoming subdivision code update is expected to help offset potential development constraints by offering more flexibility in site planning. Overall, the revised buffer standards aim to promote environmental stewardship while allowing continued growth consistent with the Comprehensive Plan.

- Streams: Similar to wetlands, the proposed stream buffer increases—particularly in the Uptown area—are expected to have minimal impact, as most lots near Douglas Creek and Church Creek are already fully developed. However, larger buffers may limit future development opportunities in certain areas, such as the Urban Growth Area, unincorporated Snohomish County, and Stanwood's historic downtown. To address this, the City will rely on mitigation strategies, flexible development standards, and case-by-case permit evaluations to ensure a balanced approach between stream protection and urban development.

Request to Adopt Snohomish County's Critical Area Code by Reference:
Washington State recently adopted a law that allows small cities and towns (less than 25,000 population) to adopt their county's critical area regulations by reference, rather than developing and maintaining their own separate set of rules. This change is especially significant for smaller jurisdictions with limited staff or technical resources, as it offers a more efficient and consistent way to meet state environmental protection requirements.

It has been suggested that the City of Stanwood delay its own code updates and instead adopt Snohomish County's critical area regulations. The County is currently engaged in a similar code update process and is facing many of the same challenges—particularly the need to balance environmental protection with housing capacity.

According to information available on the County's website, their proposed updates include wetland buffer standards that appear comparable to those under consideration by the City. However, the County intends to retain its existing stream buffer system rather than adopt the site-specific, tree-height-based buffer model recommended by the Washington Department of Fish and Wildlife (WDFW). This decision could increase the County's vulnerability to legal challenges and appeals. A public hearing on the County's proposal is scheduled for May 14.

Stanwood has maintained its own critical areas code since the early 1990s. This locally tailored approach has served the City well, and staff see no compelling reason to relinquish local control over critical area regulation. The benefits of retaining the City's code include:

- Stronger Environmental Protections: Stanwood's regulations generally offer stricter protections for wetlands, streams, and wildlife habitat compared to the County's. The County's proposed code includes several buffer reductions that are less protective than recommendations from state agencies.
- Familiarity and Expertise: City staff have extensive experience with Stanwood's critical areas code and are better equipped to conduct informed and efficient project reviews.

- Responsiveness and Adaptability: Maintaining local authority allows Stanwood to respond more quickly to emerging environmental issues or changes in state or federal requirements, without relying on the County's legislative timeline.

The proposed critical areas code also includes several built-in relief mechanisms to ensure that the regulations can be applied practically across a range of property types and development scenarios. These provisions are designed to accommodate site specific conditions while still maintaining the goal of environmental protection. Relief from strict application of the code may be granted on a case-by-case basis through the following pathways:

- Reasonable Use Exceptions: Allows limited development on properties where critical area regulations would otherwise preclude all reasonable use. This ensures compliance with constitutional property rights while minimizing environmental impact to the extent feasible.
- Public Agency and Utility Exceptions: Provides flexibility for essential public facilities and utilities that may need to cross or be located within critical areas, while still requiring minimization and mitigation of impacts.
- Buffer Averaging: Permits adjustments to buffer widths when it can be demonstrated that the overall buffer function will be maintained or improved. This approach can allow for development flexibility while preserving environmental integrity.
- Buffer Reductions for Small Wetlands: Recognizes that not all wetlands have the same ecological value. For lower-functioning or smaller wetlands, the code allows for proportionally reduced buffer widths, consistent with state guidance.
- Honors Previously Approved Buffers: Protects vested rights by honoring buffer dimensions approved under earlier regulations, providing certainty for applicants with valid permits or development entitlements.
- Off-Site Mitigation and Mitigation Banking Options: Offers alternatives for developers who are unable to fully mitigate impacts on-site. By participating in approved off-site mitigation or wetland mitigation banking programs, developers can offset impacts while contributing to regional ecological improvements.
- Variances: Allows applicants to request site-specific deviations from the code standards, subject to review and approval criteria. Variances are intended for situations where strict application of the code would impose an undue hardship, and where proposed alternatives provide equal or greater environmental protection.

Together, these provisions offer a balanced framework that protects critical areas while providing flexibility for property owners and developers, particularly on constrained or already developed parcels. In addition, as noted earlier in this report, the City is also advancing new Missing Middle Housing and Land Division codes. These pending code updates are designed to provide design flexibility that can mitigate the impact of wider critical area buffers. Taken together, these strategies enable Stanwood to both protect sensitive environmental resources and support continued housing production.

Fiscal Impact			
No direct financial impact on the City's budget. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.			
Fund(s):			
Amount:	$	**Project Estimate:**	$
Budget Authorized	**[ ] Yes [ ] No**	**Amendment Required**	**[ ] Yes [ ] No [ ] Monitor**

RECOMMENDATIONS

Staff Recommendation: Critical area and zoning codes serve distinct yet complementary roles in land development. Critical area codes are designed to protect environmentally sensitive areas such as wetlands, streams, floodplains, and habitat corridors. Zoning codes regulate land use intensity and building form. Balancing these codes requires a coordinated, flexible approach that provides environmental stewardship without hindering the city's buildable land capacity.

The upcoming subdivision and missing middle housing code amendments apply this approach to balance flexible land development strategies with environmental protection. These strategies - which include design alternatives like cluster development and reduced lot sizes - were discussed in detail at the joint City Council and Planning Commission meeting held on February 10, 2025. They are intended to promote a broader range of housing types, increase affordability, and allow creative site planning that preserves critical areas.

This integrated approach strengthens Stanwood's commitment to both environmental protection and meeting the housing needs of the community and region at large. Therefore, staff recommends adoption of the updated critical areas code, with the understanding that the pending subdivision and missing middle housing code amendments will provide the necessary flexibility to implement this vision effectively.

Committee/Board Recommendation:
On April 14th, the Planning Commission concluded its public hearing on the proposed updates to the Critical Areas Ordinance (CAO). Following final deliberations, the Commission voted to recommend approval of the ordinance with two minor amendments. These recommendations reflect the Commission's commitment to integrating best practices and preserving environmental and cultural resources. The Commission's recommended amendments include:

- ***Findings of Fact and Conclusions***: Revise the document to explicitly state that the Critical Areas Ordinance incorporates the best available science, in accordance with guidance from relevant state agencies, including the Washington Department

of Ecology and the Washington Department of Fish and Wildlife. This ensures that the ordinance aligns with state standards for best available science.

- ***Chapter 18.812 – Cultural Resources***: Amend this chapter to require that all development projects include an Inadvertent Discovery Plan (IDP). This requirement would apply across the board and could be implemented through a standardized, boilerplate IDP document attached to approved construction plans. This measure enhances the city's ability to protect cultural and archaeological resources in the event that such resources are unexpectedly uncovered during project implementation.

CITY COUNCIL OPTIONS

1. Accept the first reading of Ordinance 1547 adopting the critical areas regulations.

2. Request changes to Ordinance 1547 and direct staff to address specific Council issues or concerns prior to reconsidering the ordinance.

3. Send Ordinance 1547 back to the Planning Commission for further consideration.

PROPOSED MOTION

"I MOVE TO ACCEPT THE FIRST READING OF ORDINANCE 1547 AS SET FORTH IN ATTACHMENT "A" AND TO PROCEED WITH THE SECOND READING."

Stanwood Municipal Code Update Project

Critical Areas Summary

Overview

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.

As part of the Municipal Code Update, the City has elected to create a Unified Development Code (UDC) that merges Title 16, Subdivisions, and Title 17, Zoning, into a single Title. A UDC is a comprehensive set of regulations or standards that govern land use, zoning, and development within a single Municipal Code Title. The Critical Area Regulations will be integrated into the new UDC.

The purpose of Stanwood's 2025 Critical Area Code Update is to ensure compliance with state regulations, integrate best management practices, and address environmental changes. This update includes:

- Reorganizing and renumbering the existing critical areas regulations to new chapters and aligning them with state guidance based on Best Available Science.
- Duplicative sections were streamlined, definitions updated, and provisions made more consistent with Best Available Science and state regulations.
- Wetland regulations (SMC 18.802) have been revised to align with Washington State Department of Ecology guidance.
- Stream designation and buffers (SMC 18.804) have been revised to align with the Washington State Department of Natural Resources designations and Department of Fish and Wildlife's buffer best available science which include applying on site-potential tree height (SPTH) buffer widths.
- The geologically hazardous areas chapter (SMC 18.806) incorporates definitions consistent with RCW and WAC.
- Floodplain management is renamed "Frequently Flooded Areas" (SMC 18.810) with added protections for elevating HVAC systems above the floodplain.
- New cultural resources provisions were added based on Washington State Executive Order 05-05.

Organization

Part 8 of the new UDC contains the City's environmental regulations and will be notated as Stanwood Municipal Code, Chapter 18.800-18.812.

Chapter	Provisions
SMC 18.800	General Provisions - Applies to All Critical Areas
SMC 18.802	Wetlands
SMC 18.804	Fish and Wildlife Habitat Conservation Areas
SMC 18.06	Geologically Hazardous Areas
SMC 18.808	Critical Aquifer Recharge Areas
SMC 18.810	Frequently Flooded Areas
SMC 18.812	Cultural Resources

General Provisions Summary

The General Provisions Chapter serves as the foundational set of baseline regulations addressing critical areas. By including common requirements in one chapter, the aim is to streamline the overall code, ensuring that these provisions apply uniformly across each of the critical area sections without needing to be repeated. This reduces redundancy and improves the readability of the regulations. The General Provisions section includes:

- An explanation of how critical area codes are applied in Stanwood and how to use the chapter.
- Integrates with the procedures chapter in Part 2 of the UDC.
- Requires the application of Best Available Science (BAS) and No Net Loss of ecological functions and values.
- Identifies limitations around exempt activities:
    - Operations, maintenance or repairs of existing facilities and structures
    - Passive outdoor activities such as trails
    - Forest practices per RCW 79.09
    - Minor site investigation work
    - Infill single family residential structures in the floodplain with no impact to wetlands, streams or buffers
- Identifies limitation around allowed activities:
    - Modifications to existing structures
    - Activities within improved right-of-way
    - Minor utility projects
    - Public and private trails within the outer 50% of buffers
    - Invasive vegetation removal and vegetation management
    - Minor site investigation work

  - Navigational aids and boundary markers
- Defines when a critical areas report or reconnaissance letter is required.
- Details the requirements for critical area reports, mitigation reports, and mitigation plans including application of a sequencing analysis to show avoidance and minimization to avoid impacts to critical areas.
- To avoid a "taking" of private property a reasonable use provision is included as well as a public agency / utility exemption. Defines reasonable use as 1,500 square feet for a single-family residence and clarifies that the reasonable use process is not a variance.
- Details variance criteria, bonding requirements, and preservation easement/tract requirements.
- Establishes enforcement processes and references to Chapter 13, Enforcement.
- Moved bonding requirements to the procedures chapter, SMC 18.310.

Wetlands Summary

It is US policy to protect the integrity of the nation's waters, which include lakes, rivers, streams, and wetlands. Protection of wetlands falls under the Clean Water Act and is administered through local governmental critical area regulations, the State Department of Ecology (via authorization from the Environmental Protection Agency) and the Federal Corp of Engineers.

Wetlands are defined as (WAC 173-22-035) those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands must have three characteristics: hydrology, hydric soils and plants adapted to wet conditions.

Critical area regulations provide for the protection of not just the wetland themselves, but what is referred to as wetland "functions and values". Functions refers to what wetlands do, such as water filtration, flood control, water storage, groundwater recharge, erosion control, shoreline stabilization, and wildlife habitat areas. Whereas values refers to the benefits wetlands provide to humans, wildlife and the environment such as ecosystem biodiversity and recreational opportunities.

Wetlands are classified into four categories using the 2014 Washington State Wetland Rating System for Western Washington: Type 1 being the rarest and most difficult to replace to Type 4 having the lowest level of functions and values. Buffer widths are applied to a wetland based on a habitat score associated with site specific characteristics. A 15-foot building setback is then applied to the outer edge of the wetland buffer.

The buffers have been modified to be consistent with the Department of Ecology's best available science for Western Washington using habitat score ranges. Buffer widths for wetlands with habitat scores of 3-5 have remained the same, but the buffer widths for wetlands with higher habitat scores have increased between 40 – 75 feet. The table below shows the new buffers and the change differential in parenthesis.

Buffers are measured in one of two ways:

- Table 1 – Standard wetland buffers without connection to a habitat corridor; or
- Table 2 – Reduced wetland buffers if connected to a 100 foot habitat corridor

When a habitat corridor is not present, buffers are determined solely by the wetland's category and its habitat function score. When no habitat corridor (a connection to other natural areas) exists, wetlands are more isolated, and wildlife has fewer movement options. To compensate, WA DOE requires wider buffers to maintain ecological functions.

Table 18.802.060-1 Wetland Buffers (without a habitat corridor)

Wetland Category	Habitat Score			Buffer Based on Special Characteristics (when Identified on Wetland Rating Form by Qualified Biologist)
	3-5	6-7	8-9	
Category I or II: Based on rating of wetland functions (and not listed below)	75	150	300	Not Applicable / Use Habitat Score
Category I: Bogs and Wetlands of High Conservation Value	190	See Special Characteristic Buffer	300	250
Category I: Forested	75	150	300	Not Applicable / Use Habitat Score
Category I: Estuarine and Coastal Lagoons	150	See Special Characteristic Buffer		200
Category II: Estuarine and wetlands in coastal lagoons	110	See Special Characteristic Buffer		150
Category III: All	60	150	300	Not Applicable / Use Habitat Score
Category IV: All	40	50	50	50

When a habitat corridor is present, Ecology allows for reduced wetland buffer widths compared to areas without a corridor. A habitat corridor is a natural or restored connection between wetlands and other critical areas (such as streams, native growth protection areas or steep slopes) and provides the following benefits:

- **Wildlife Movement** – A corridor helps wildlife travel between wetlands and other natural areas, reducing their dependence on a single or isolated wetland.
- **Improved Ecological Functions** – A connected landscape provides better habitat conditions, reducing the need for wide buffers.

Table 18.802.060-2 Wetland Buffers (with a habitat corridor)

Wetland Category	Habitat Score			Buffer Based on Special Characteristics (when Identified on Wetland Rating Form by Qualified Biologist)
	3-5	6-7	8-9	
Category I or II: Based on rating of wetland functions (and not listed below)	75	110	225	Not Applicable / Use Habitat Score
Category I: Bogs and Wetlands of High Conservation Value	See Special Characteristic Buffer		225	190
Category I: Forested	75	110	225	Not Applicable / Use Habitat Score
Category I: Estuarine and Coastal Lagoons	See Special Characteristic Buffer			150
Category II: Estuarine and wetlands in coastal lagoons	See Special Characteristic Buffer			110
Category III: All	60	110	225	Not Applicable / Use Habitat Score
Category IV: All	40	40	40	Not Applicable / Use Habitat Score

Buffer adjustment options are provided in the code to provide some flexibility in site design.

> *Buffer Averaging*: The width of a buffer may be averaged, thereby reducing the width of a portion of the buffer and increasing the width of another portion. However, no part of the buffer width can be less than 65% of the required buffer.
>
> *Category IV Wetlands Less Than 4,000 Square Feet*: These wetlands are not subject to the avoidance and minimization requirements, and they may be filled if the impacts are fully mitigated through the purchase of credits from a mitigation bank or an in-lieu fee program.
>
> *Wetlands Less than 1,000 Square Feet*: Most Category IV wetlands are exempt from the buffer provisions.
>
> *Functionally Disconnected Buffers*: Buffers may exclude areas that are functionally and effectively disconnected from the wetland by an existing public or private road, or other legally established development.

If wetlands are impacted, mitigation must be provided in an amount necessary to successfully replace the existing wetland functions and values. The code encourages the use of mitigation banks, but if a bank is not available, the following mitigation ratios are applied.

Table 18.802.090-1 Replacement Ratios

Wetland Category	Re-Establishment of Creation	Rehabilitation	Preservation	Enhancement	Other
Wetlands of High Conservation Value	Consult with WA DNR	Consult with WA DNR	24:1	Consult with WA DNR	As Determined by the Dept. of Ecology or Corp of Engineers
Category 1 – Forested	6:1	12:1	24:1	24:1	
Category 1 – Bogs	N/A	N/A	24:1	N/A	
Category 1 – Estuarine	3:1 (Re-establishment only)	6:1	12:1	Limited Circumstances (case by case)	
Category I – All Others	4:1	8:1	16:1	16:1	
Category II - Estuarine	4:1 (Re-establishment only)	8:1	16:1	Limited Circumstances (case by case)	
Category II – All Others	3:1	6:1	12:1	12:1	
Category III	2:1	4:1	8:1	8:1	
Category IV	1.5:1	3:1	6:1	6:1	

Wetland Buffer Impact Analysis:

A question was raised about the impact of the proposed buffer changes. To address this, staff reviewed all critical area reports from 2019 to 2024 to compare the previous and updated buffer requirements. The analysis identified 21 wetlands, ranging from Category 1 to Category 4, with the majority classified as Category 3 or 4.

Wetland Category	Number of Wetlands
Category 1	1
Category 2	1
Category 3	12
Category 4	7
Total:	21

The Category 1 and 2 wetlands were part of the Cedarside project which is adjacent to Church Creek.

Since buffer widths are based on habitat scores, the 21 identified wetlands were categorized accordingly. As a reminder, buffer widths for wetlands with a low habitat score of 3 to 5 remain unchanged, except for Category 2 estuaries. However, for wetlands with habitat scores of 6 or higher, buffer widths are increasing by 10 to 75 feet.

Wetland Habitat Score	Number of Wetlands
8-9	1
6-7	3
3-5	15
Total:	19

2 Wetlands were not counted:
One wetland was filled and mitigated via a wetland bank; and the other a stream buffer was applied.

The results indicate that 79% (15 out of 19) of the wetlands would retain the same buffer widths, while 21% (4) would have increased buffers. The wetlands requiring larger buffers are also higher-quality wetlands, making the increase appropriate.

Most of the City's vacant land is concentrated in the downtown area, which is largely paved, and in the uptown area as infill lots. Since these areas are surrounded by existing development, future project wetlands are expected to be Category 3 or 4 with low habitat scores due to their isolation from larger habitat areas. Given these conditions, staff does not anticipate that updates to the critical areas code will significantly impact development activity in the city.

Additionally, the impact of these increased buffer widths will be mitigated by upcoming changes to the city's subdivision codes. These revisions aim to introduce lot size averaging and greater design flexibility, allowing developments to better accommodate irregular lot configurations, topography, and critical areas.

The analysis shows that the majority of wetlands (79%) will retain their existing buffer widths, while a smaller portion (21%) will see an increase, primarily affecting higher-quality wetlands where greater protection is appropriate. These changes align with best practices for wetland preservation while balancing development needs. Furthermore, the city's upcoming subdivision code update will help mitigate potential impacts by providing greater flexibility in site design. Overall, the revised buffer standards support environmental conservation while allowing for responsible land use planning.

The table below shows the difference between the City's existing wetland buffers and the proposed wetland buffers – without association with a habitat corridor.

	2018 City Interpretation	***2025 Proposed***	**Difference**
Category I	***Buffer Width in Feet***	***Buffer Width in Feet***	***Buffer Width in Feet***
Natural Heritage Wetlands			
Bog			
Bog Habitat Score 3-7	190	190	0
Bog Habitat Score 8-9	225	300	75
Interdunal	225	N/A	
Forested Habitat Score 8-9	225	300	75
Forested Habitat Score 6-7	110	150	40
Forested Habitat Score 3-5	75	75	0
Estuarine / Coastal Lagoons >6	150	200	50
Estuarine / Coastal Lagoons 3-5	150	150	0
Habitat Score 8-9	225	300	75
Habitat Score 5-7			0
Habitat Score 6-7	110	150	40
Habitat Score 3-5	75	75	0
Category II			
Estuarine			
Habitat Score 8-9	225	150	-75
Habitat Score 6-7	110	150	40
Habitat Score 5-7			0
Habitat Score 3-5	75	110	35
Category III			
Habitat Score 5-7			
Habitat Score 8-9	225	300	75
Habitat Score 6-7	110	150	40
Habitat Score 3-5	60	60	0
Category IV			
All			
Habitat Score 6-9	40	50	10
Habitat Score 3-5	40	40	0

Fish and Wildlife Habitat Conservation Areas Summary

As noted above, protection of streams is a US public policy regulated under the Clean Water Act. Wildlife habitat is generally protected under the Endangered Species Act and the US Fish and Wildlife Services Ecological Services Program. The Washington State Department of Fish and Wildlife (WDFW) is part of the federal Ecological Services Program. Local governments are required to adopt critical area regulations consistent with the WDFW to protect fish, wildlife, plants and their habitats throughout Washington for future generations.

The draft code designates fish and wildlife habitat as follows:

Wildlife	**Streams**
Federally designated endangered and threatened species	Type S Streams – Shorelines of the State
State designated endangered, threatened, and sensitive species	Type F Streams – Rivers and associated systems that have fish or the potential to support fish habitat
State Priority Habitats and the Habitats of State Priority Species	Type Np Streams - Perennial non-fish habitat streams (Streams that do not dry up any time during the year)
Habitats and Species of Local Importance	Type Ns Streams – Seasonal, nonfish habitat streams (streams in which surface flow is not present for at least some portion of a year)
Commercial and Recreational Shellfish Areas	** The stream classification methodology shown above is different from the current Municipal Code which classifies streams on a numerical scale of Type 1 – Type 5, but have similar definitions. However, the buffer widths are based on the above referenced methodology which causes confusion.* *Existing Buffer Widths:* *For Type S streams – 150 feet;* *For Type F streams – 100 feet;* *For Type Np streams – 75 feet; and* *For Type Ns streams – 50 feet.*
Naturally Occurring Ponds under 20 Acres	
Waters of the State (lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses)	
State Natural Area Preserves and Natural Resource Conservation Areas	
Land essential for preserving connections between habitat blocks and open spaces	

Stream and wildlife habitat are determined based on a site investigation by a qualified biologist who uses the following resources:

- City's critical area maps contained in the comprehensive plan;
- Washington State DNR hydro-watercourse maps; and

- Washington State Department of Fish and Wildlife Priority Habitats and Species Website and on-line maps.

River and stream buffers are based on site-potential tree height (SPTH) and range in width from 100 feet to 235 feet based on existing vegetation. The maps below show the typical buffer widths, but the actual buffer will be determined by applying the WDFW site potential tree height mapping tool.

Site potential tree height (SPTH) refers to the maximum height that trees can reach at a specific site, given the local environmental conditions such as soil, water availability, climate, and other ecological factors. It is used in forestry and ecological studies to assess the growth potential of a forest or a stand of trees. The SPTH is typically determined by the dominant tree species in an area, as different species have different height potentials. The SPTH for the northwest has been calculated by the Washington Department of Fish and Wildlife.

Similar to wetlands, FWHCA buffer averaging and reduction options are provided in the code to provide some flexibility in site design. A 15-foot building setback is also applied to the outer edge of the buffer.

As the buffers overlay many developed lots, the code includes some provisions for existing properties and nonconforming uses.

> *Nonconforming Uses in Buffers*: Existing nonconforming development is not required to utilize SPTH buffers if routine maintenance, modifications, renovations, or redevelopment of existing structures do not intensify the nonconformity of the existing structure or use or increase impacts on a stream.
>
> *Existing Properties in Buffers*: If existing properties have a previously approved buffer, the approved buffer will remain in effect.

Buffer and mitigation requirements for wildlife habitat varies based on species and is determined by applying best available science specified in a critical areas report and habitat management plan prepared by a qualified biologist.

Stream Buffer Impact Analysis:

River and stream buffers are based on site-potential tree height (SPTH) and range in width from 100 feet to 235 feet based on existing vegetation. Site potential tree height (SPTH) refers to the maximum height that trees can reach at a specific site, given the local environmental conditions such as soil, water availability, climate, and other ecological factors. It is used in forestry and ecological studies to assess the growth potential of a forest or a stand of trees. The SPTH is typically determined by the dominant tree species in an area, as different species have different height potentials. The SPTH for the northwest has been calculated by the Washington Department of Fish and Wildlife.

To assess the impact of the updated stream buffer methodology, staff compared the existing buffer widths to the Department of Natural Resources (DNR) mapping of Stanwood. While the updated buffers are significantly larger than those in the current code, a comprehensive

evaluation of the city's vacant land supply is needed to determine the extent of the impact. Additionally, it is essential to consider how the code addresses buffer impacts on already developed properties.

Existing Stream Buffers		DNR	
Stream Type	Buffer Width	Vegetation Type	Buffer Width
Type S	150 Feet	Limited Vegetation	105 Feet
Type F	100 Feet	Mix	185 Feet
Type Np	75 Feet	Forested / Relatively Undisturbed	225 Feet
Type Ns	50 Feet		

Overlaying the Site-Specific Tree Height Buffer onto the DNR stream typing maps, alongside the City's existing buffers, provides a more precise assessment of potential impacts. Based on this evaluation, staff has reached the following conclusions:

Douglas Creek

- Within city limits, impacts are minimal as most adjacent properties are already developed or have established native growth protection areas.
- In the Urban Growth Area and unincorporated Snohomish County, larger buffers could limit future development potential. Mitigation measures and flexible lot development standards may help address these constraints.
- Any expansion of the existing places of worship will require a critical areas study and appropriate mitigation.

Church Creek

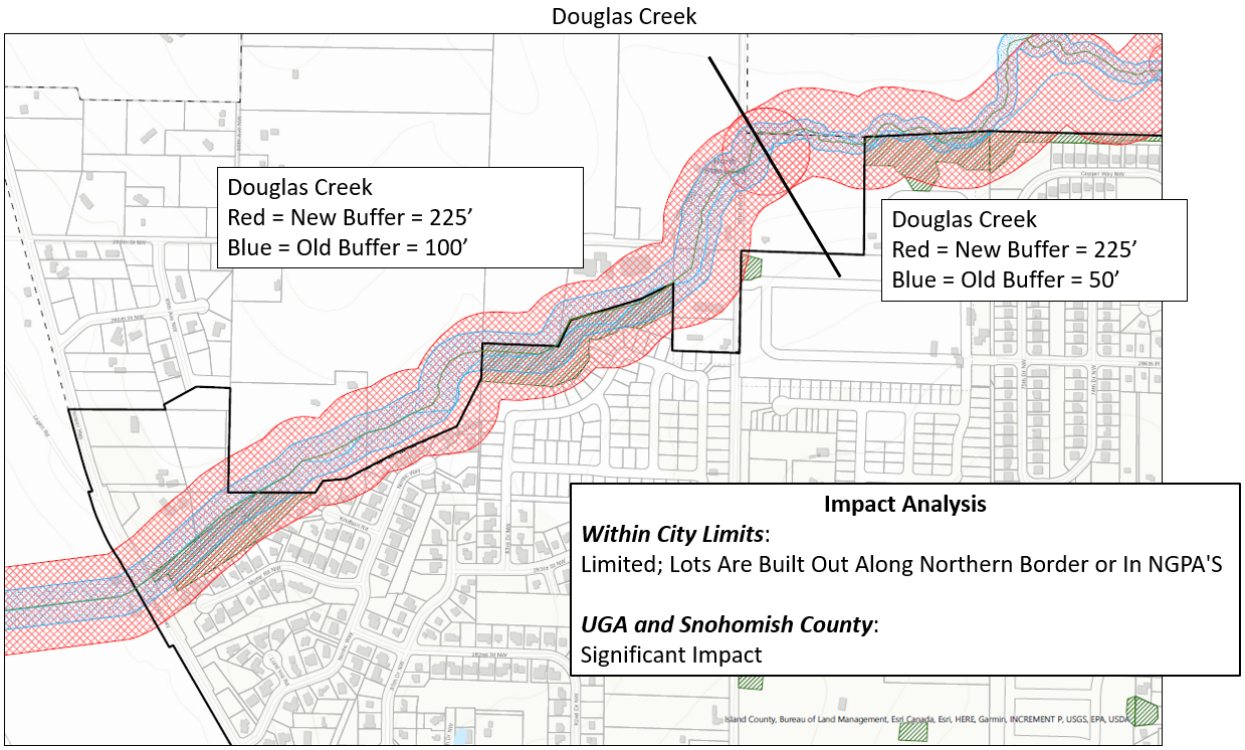
- Similar to Douglas Creek, impacts within city limits are minimal due to existing development and native growth protection areas.
- Larger buffers may affect future development in the Urban Growth Area and unincorporated Snohomish County. Mitigation measures and flexible lot development standards could be applied to manage these impacts.

Downtown

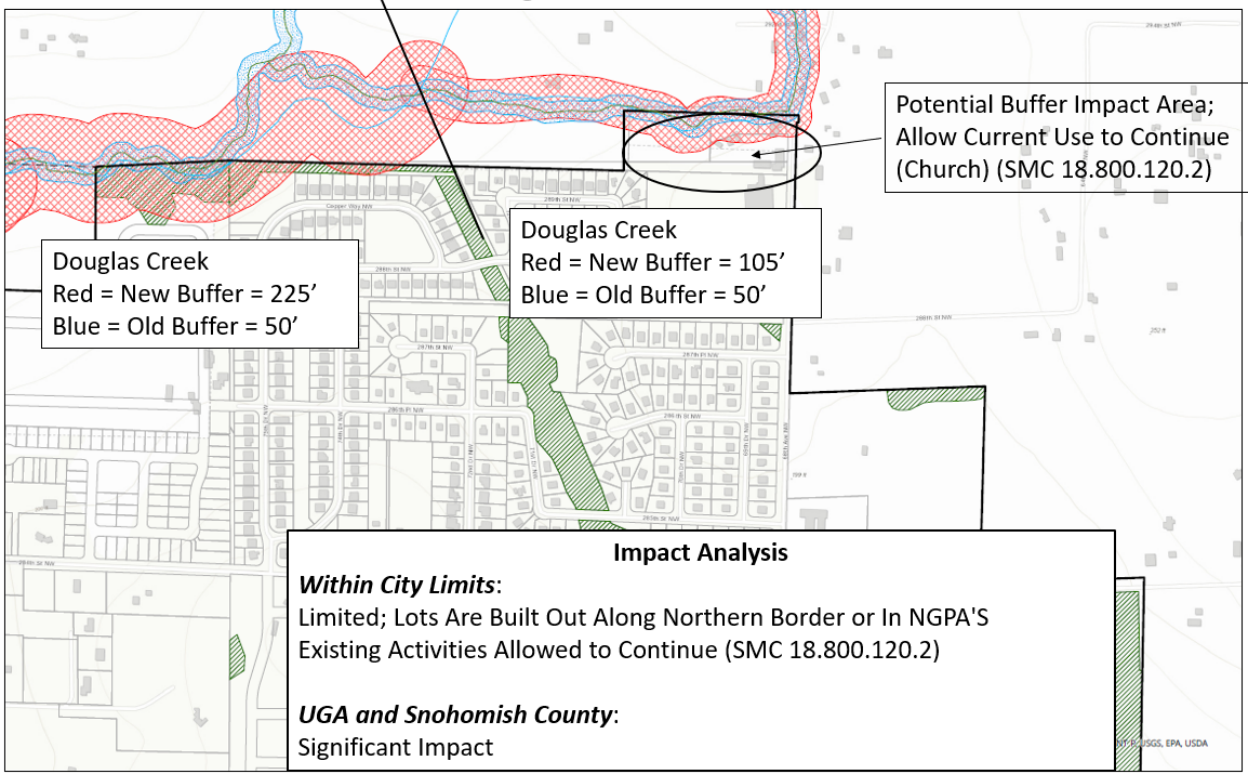
- Downtown is likely to be most affected by larger buffers. While much of the area is built out or paved, there are few established Native Growth Protection Areas due to the age of the developments.
- The City's code includes provisions that allow existing uses to continue and recognize disconnected buffers separated by roads or buildings. These provisions may need to be applied downtown.
- Buffer requirements will be determined on a case-by-case basis as permits are submitted.

The stream buffer analysis highlights the complexities of balancing environmental protection and development potential within Stanwood and its surrounding areas. Larger buffers could constrain future development, particularly in the Urban Growth Area, unincorporated Snohomish County, and Stanwood's historic downtown. Tools such as mitigation measures, lot development standards, and case-by-case permit evaluations will help the City maintain a balance between ecological preservation and urban development.

Uptown – Douglas Creek:

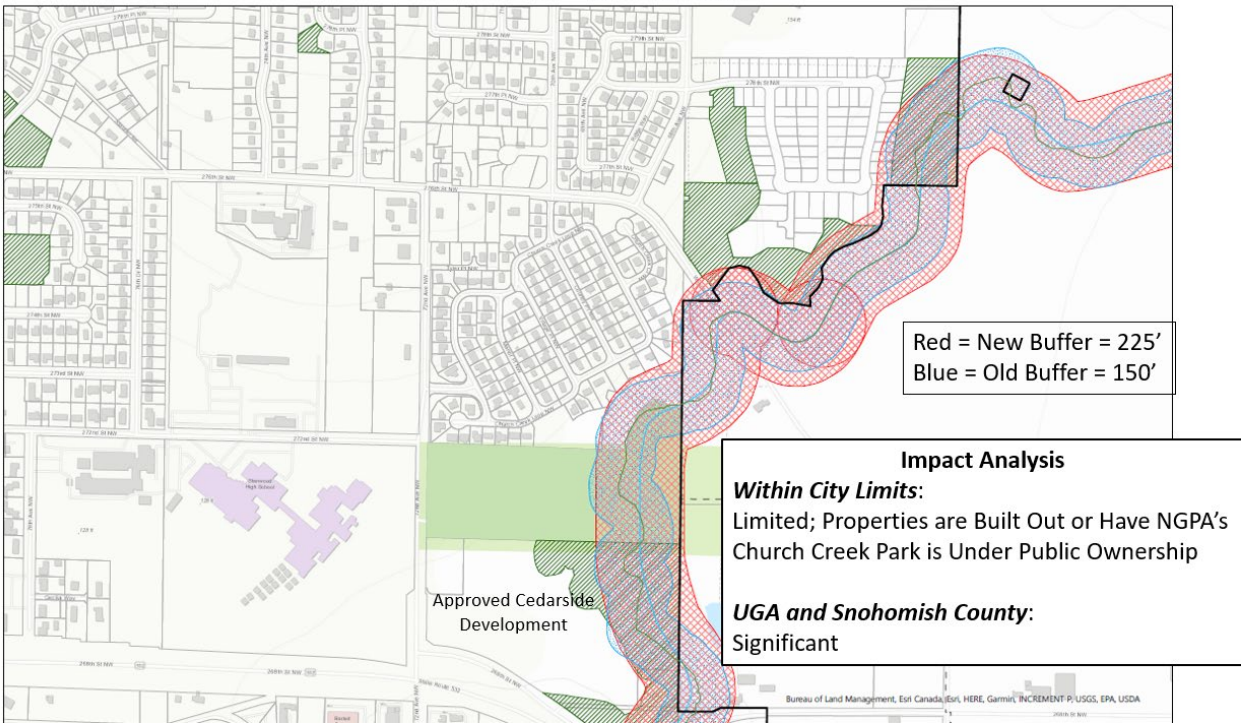


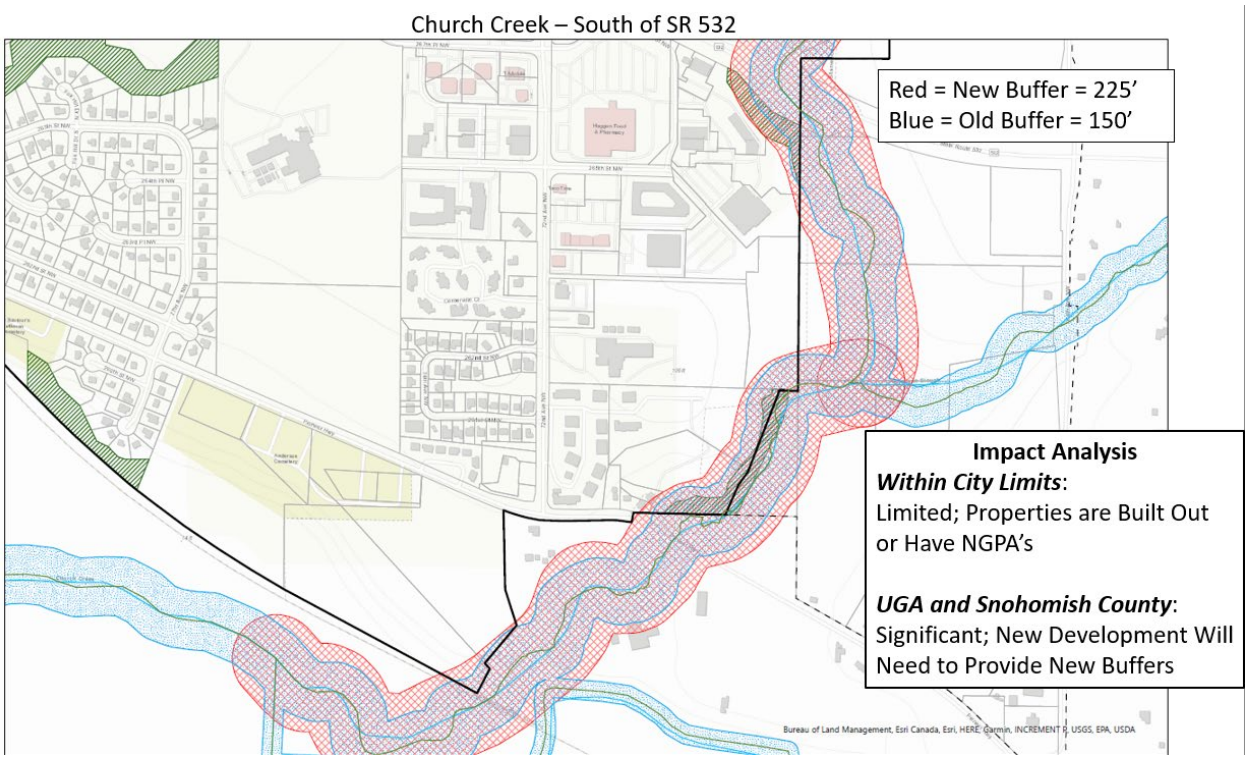
Douglas Creek - Continued



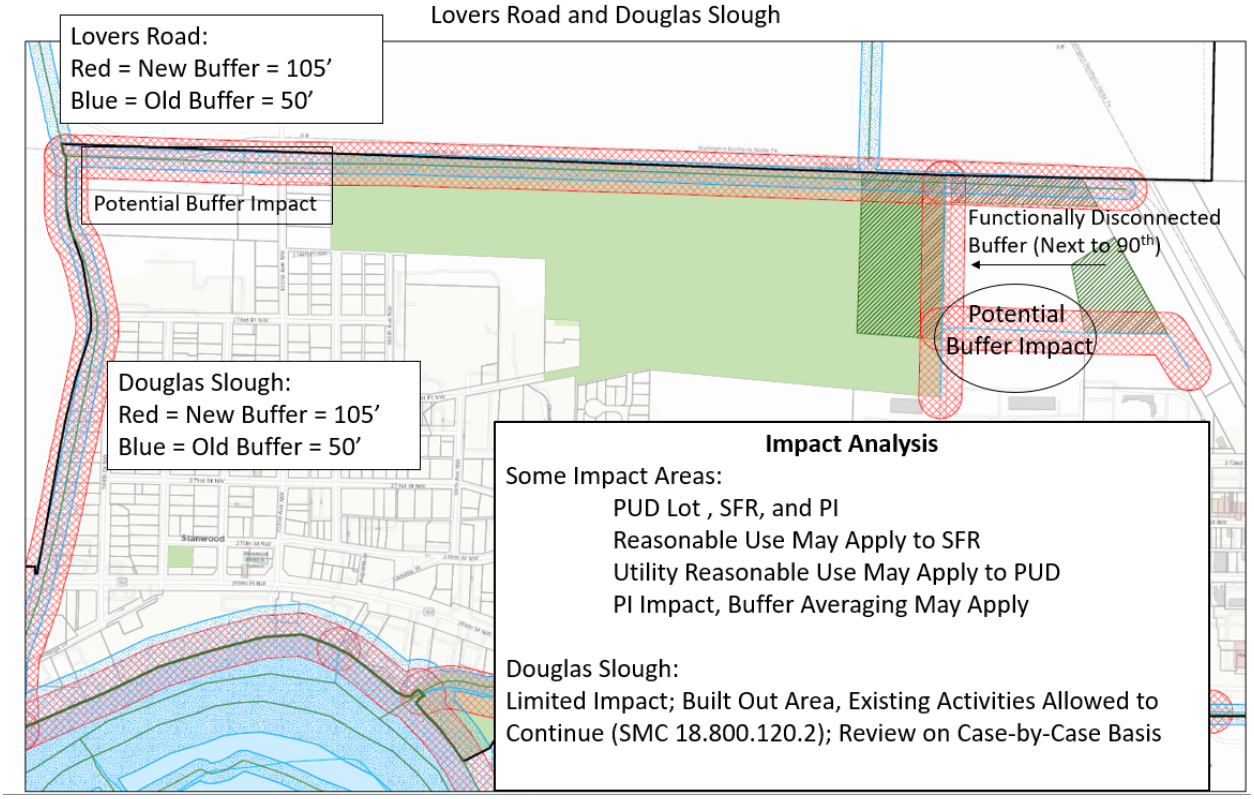
Uptown – Church Creek:

Church Creek – North of SR 532



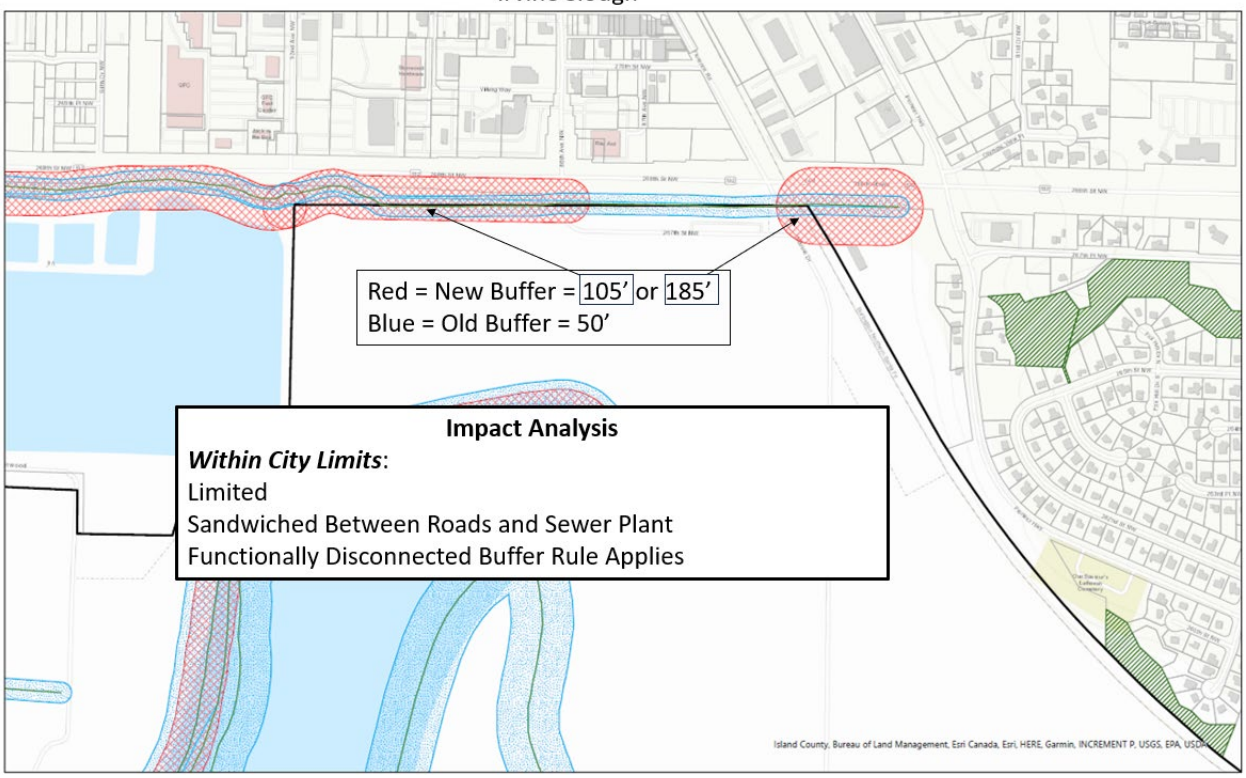


Downtown – Lovers Road and Douglas Slough:

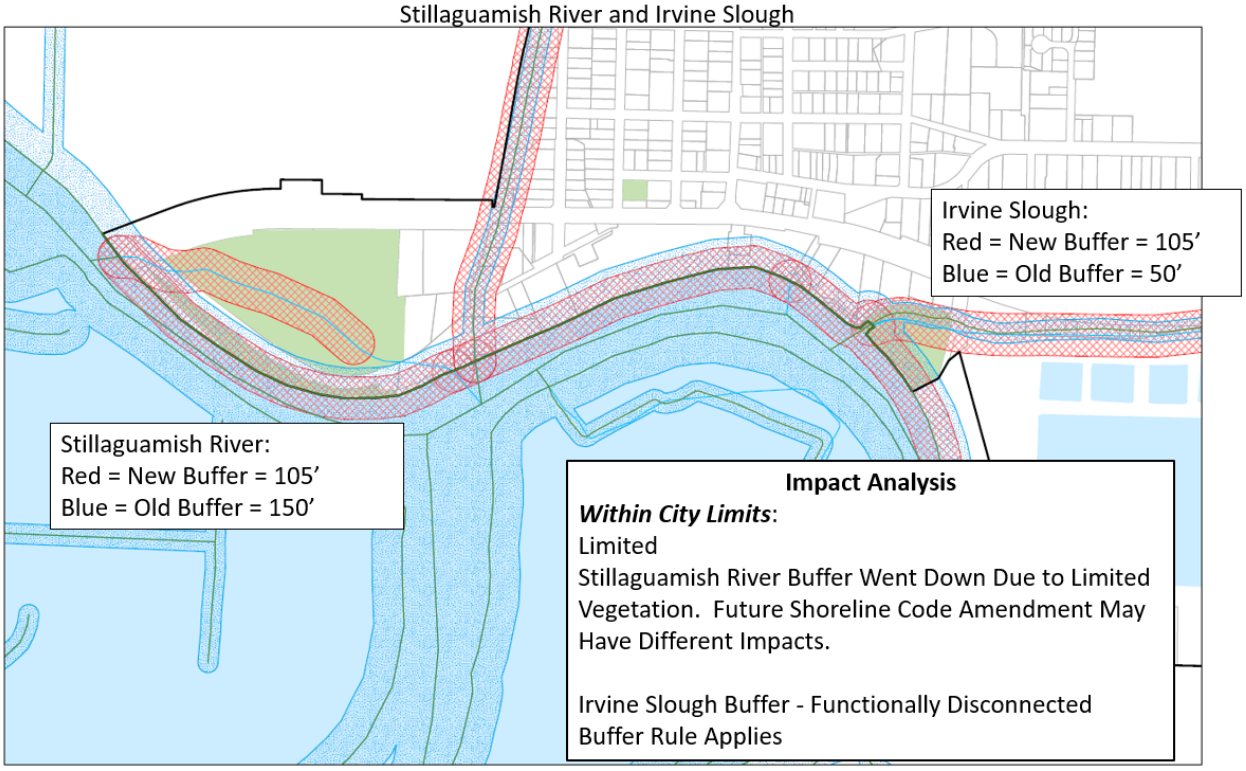


Downtown – Irvine Slough and Stillaguamish River:

Irvine Slough



Stillaguamish River and Irvine Slough

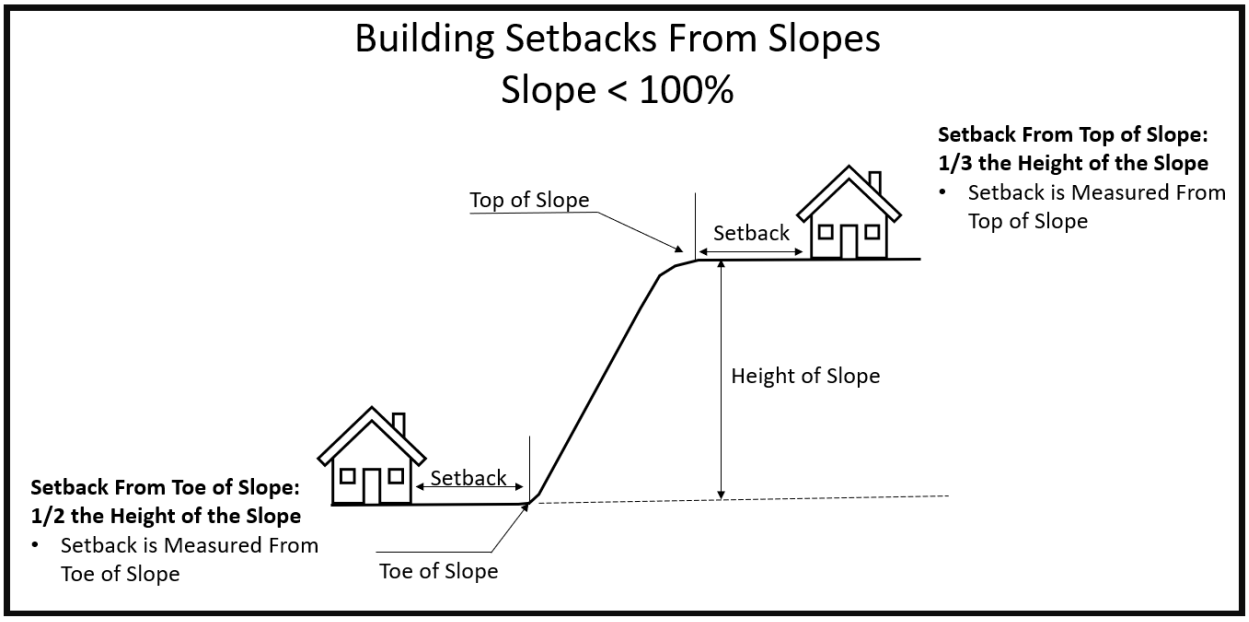


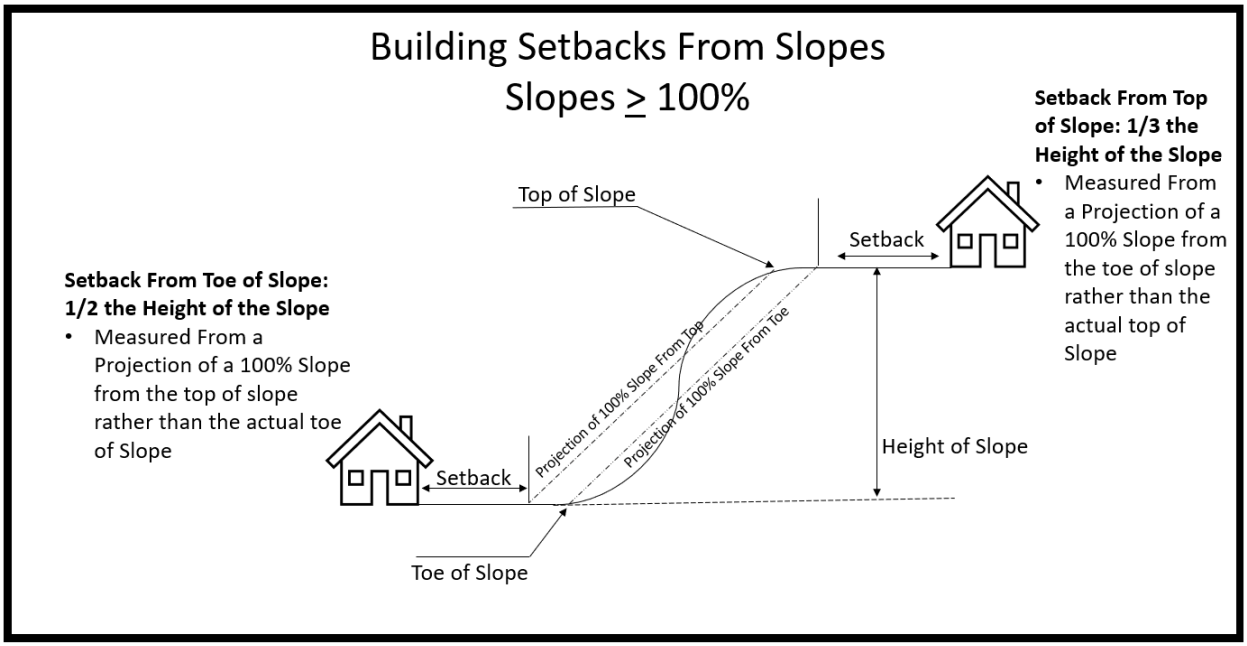
Geologically Hazardous Areas Summary

Geologically hazardous areas include areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose a risk or threat to public health and safety. In Stanwood, the following types of hazards are designated as a geologically hazardous area:

- Erosion hazard;
- Landslide hazard;
- Seismic hazard; and
- Other geological events including tsunamis, volcanic hazards, and differential settlement.

Development in these areas requires the submittal of a geotechnical report and structures must be setback from the top and toe of a steep slope as follows unless otherwise specified in the geotech report.





Other standards for developing in a Geologic Hazardous Area include:

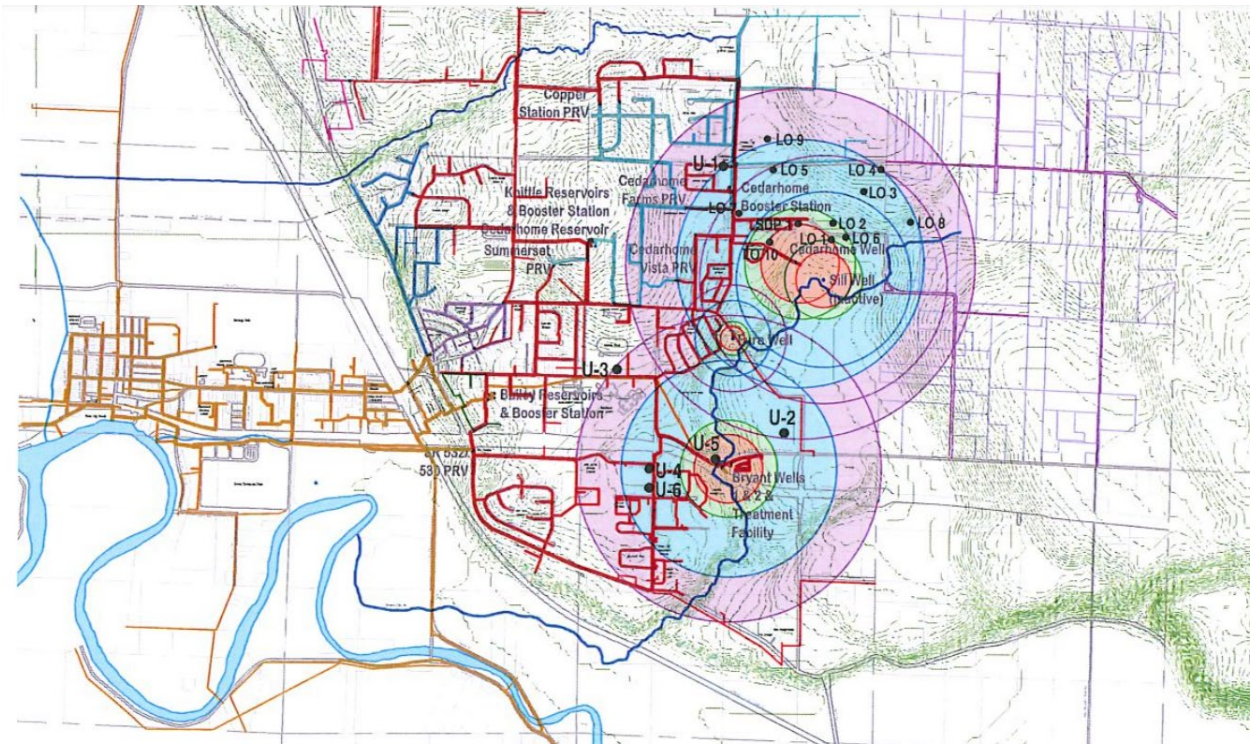
- Maintain vegetation on steep slopes
- Utilities are allowed on steep slopes if above ground and anchored in
- Point discharges are only allowed with energy dissipaters and not directly on a slope
- For subdivisions, landslide hazard and erosion areas must be located in separate tracts
- Tsunami hazard areas require an evacuation plan (none in Stanwood)

Aquifer Recharge Area Summary

An **aquifer recharge area** is a region where water from rain, streams, rivers, or other surface sources infiltrates the ground and replenishes an underground aquifer. Under the Growth Management Act, Cities are required to protect these areas as part of their critical area regulations. In Stanwood, Aquifer Recharge Areas include:

- Wellhead Protection Areas
- Sole Source Aquifers
- Susceptible Groundwater Management Areas per WAC 173-100
- Special Protection Areas per WAC 173-200-090
- Moderately or Highly Vulnerable Aquifer Recharge Areas per the Department of Ecology
- Moderately or Highly Susceptible Aquifer Recharge Areas per the Department of Ecology

Stanwood Wellhead Protection Areas



The following uses are generally prohibited in Aquifer Recharge Areas: landfills, underground injection wells, mining, wood treatment facilities, hard chrome plating operations, chemical lagoons and pits, hazardous material disposal sites, storage/processing/disposal of radioactive substances, new septic systems and other activities that negatively impact ground water sources.

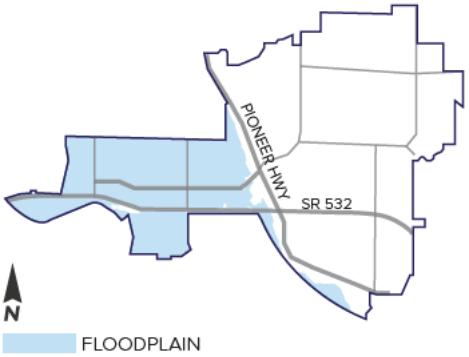
Uses that are allowed in an aquifer resource area may be subject to special regulations referred to as Class I or Class II operations. These include nonresidential uses and operations that present a risk to water resources because of the volume and type of hazardous materials that are used. Restrictions include:

- Potential location restrictions
- Application of current best management practices
- Inclusion of spill and emergency response plan
- An employee training program
- A site closure plan for decommissioning of hazardous materials
- An engineering and operations report detailing how to prevent the release of hazardous materials
- Ongoing maintenance of records and inspection reports

Also included in the code is a halogenated solvent list. This is a list of chemicals that are commonly used in various industrial applications due to their effectiveness in dissolving oils, fats, waxes, and resins, but are hazardous to health and the environment.

Frequently Flooded Areas Summary

The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain. This area generally includes land to the west of the railroad tracks and a small area west of Pioneer Highway just east of the railroad tracks. A 100-year flood area is defined as those lands that are subject to a one percent or greater chance of flooding in any one year.



The city's floodplain regulations are included as part of its critical area regulations. The draft includes all of the 2020 FEMA (Federal Emergency Management Agency) model ordinance requirements with two small changes: 1) allowing building modifications up to 50% of the buildings valuation every 12 months versus every 24 months and 2) includes increased protections for HVAC systems by requiring new and replacement HVAC systems to be located above the base flood elevation and elevated off the floor to minimize damage from flooding.

In summary, the proposed ordinance includes the following floodplain requirements:

- Readopts the 2020 FIRM maps
- Defines substantial development as work and costs incurred within a 12-month period
- Requires a floodplain permit that raises a building 1-foot above floodplain elevations or floodproofs the building

General building and construction provisions includes:

- Buildings must be anchored to the ground to avoid the potential to float;
- Construction materials need to be resistant to flood damage;
- Water supply systems and other utilities need to be designed to minimize or eliminate infiltration of flood waters;
- Building design standards for residential, non-residential and manufactured homes
- Limitations on storage of recreational vehicles;
- Detached structures used solely for parking or storage don't need to be raised above flood elevation with conditions; and
- Includes variance and appeal provisions.
-

Cultural Resources Summary

Protection of cultural resources is a new section added to the environmental code. Typically, cultural resource protection is implemented through SEPA (State Environmental Policy Act), which results in permit delays if local tribes or the State Department of Archaeology and Historic Preservation asks for an analysis during the comment period or after the SEPA determination has been issued. The Growth Management Act gives local governments the flexibility to expand

their environmental regulations to include protections for cultural resources. By adding cultural resource protection to city codes, it requires an evaluation early in the permit review process and helps avoid costly redesigns or project delays if cultural resources are discovered later in a project.

The draft code is based on Ecology's model language, Pierce County Code, and La Center, WA Municipal Code and includes the following provisions:

- Establishes clear procedures and specific standards for preservation of cultural resources;
- Requires submittal of a cultural resource report when a project is within 500 feet of a known historic site;
- A Cultural Resource Management Plan must be prepared when a Cultural Resource Site Assessment identifies the presence of significant cultural resources;
- The Community Development Director has the authority to require an Inadvertent Discovery Plan if requested by DAHP or local Tribes or if discoveries are found during project construction; and
- Local tribes will be noticed of pending projects as part of the city's standard noticing process.

CITY OF STANWOOD
WASHINGTON

ORDINANCE NO. 1547

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, ADOPTING REVISIONS TO SMC TITLE 18 FOR CRITICAL AREAS AND ENVIRONMENTAL REGULATIONS, ESTABLISHING SEVERABILITY, AND AN AFFECTIVE DATE

WHEREAS, the Growth Management Act requires cities and counties update their comprehensive plans and regulations every ten years, including critical areas regulations; and

WHEREAS, the GMA defines critical areas as wetlands, fish and wildlife habitat conservation areas, geological hazard areas, aquifer recharge areas, and floodplains; and

WHEREAS, the City Council has opted to include cultural resources as a regulated critical area; and

WHEREAS, cities in Snohomish County must review and update their critical areas by December 31, 2025; and

WHEREAS, cities must include best available science in developing policies and development regulations to protect the function and values of critical areas; and

WHEREAS, cities must also give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish; and

WHEREAS, the City has comprehensively reviewed its critical areas regulations applying best available science practices provided by the Department of Fish and Wildlife, Department of Ecology, and Department of Natural Resources; and

WHEREAS, the critical area amendments proposed implement the goals and policies of the Comprehensive Plan for protection and preservation of critical areas; and

WHEREAS, the City of Stanwood is in the process of consolidating Title 16, Subdivisions and Title 17, Zoning into a new Unified Development Code codified as Title 18; and

WHEREAS, the critical area regulations are being deleted from Title 17, Zoning and readopted with changes in Title 18, Unified Development Code; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted the proposed critical area code amendment for the 60-day review to the Washington State Department of Commerce on September 26, 2024. The 60-day review period was completed on November 25, 2024; and

WHEREAS, the code amendment was circulated for public review on October 22 through November 5, 2024; and

WHEREAS, the City received comments on the draft amendments from the Department of Ecology and Department of Natural Resources; and

WHEREAS, their comments have been incorporated into the amendments; and

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on October 22, 2024, and the comment / appeal period ended on November 5, 2024; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their October 16, 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 November 7, 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 October 14, 2024, held a public hearing on ordinance on January 13, 2025 and forwarded their findings of fact and conclusions recommending to approve the ordinance on April 14, 2025; and

WHEREAS, all persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so before both the Planning Commission and City Council; and

WHEREAS, the City Council held a public hearing and first reading of the draft code amendment on May 22, 2025, a second reading on June 12, 2025, and accepted public comment; and

WHEREAS, the City Council of Stanwood has authority under RCW 36.70A to adopt plans and regulations related to development and operations within the City of Stanwood; and

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

Section 1. Stanwood Municipal Code Title 18, Part 8 – Environment, is adopted as shown in Exhibit “A” attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. 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 3. 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 4. 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

Title 18 Unified Development Code

Part 8 Environment

Contents of this Part

Chapter 18.800 Critical Areas – General Provisions

ℹ The existing SMC section 17.114 has been moved to this new section, SMC 18.800. Many of the subsections remain the same but have been renumbered. All of the SMP sections have been taken out and moved under Title 18 Part 9 SMP.

18.800.010 Purpose.

(1) The purpose of SMC chapters 18.800-18.810 is to:

(a) designate and classify ecologically sensitive and hazardous areas and to protect these areas and ensure no net loss of functions and values, while also allowing for reasonable use of private property;

(b) implement the goals, policies, guidelines, and requirements of the Stanwood Comprehensive Plan and the Growth Management Act.

(2) By limiting development and alteration of critical areas, this chapter seeks to:

(a) Protect the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic hazards, or flooding;

(b) Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species, and to protect and enhance anadromous fisheries;

(c) Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;

(d) Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas; and

(e) Increase the quantity and quality of Stanwood's wetland resource base over the long term.

(3) The City finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit Stanwood and its residents, or that may pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, groundwater recharge and discharge, erosion control, wave attenuation, protection from hazards, historical, archaeological, and aesthetic value protection, and recreation. These beneficial functions are not listed in order of priority.

(4) This chapter is intended to protect critical areas in accordance with the Growth Management Act and through the application of Best Available Science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.

(5) This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current service levels below minimum standards.

18.800.020 Applicability.

ℹ This is a new section that incorporates the content of existing SMC 17.114.070 and 17.114.100(1).

(1) This Chapter applies:

(a) to the regulations in SMC Chapters 18.802-18.810; and

(b) to all uses, activities, and developments within, adjacent to, or likely to affect any critical area.

(2) For the purpose of this section, "adjacent to" means located:

(a) on a site immediately adjoining a critical area; and

(b) a distance equal to or less than the required critical area buffer width and building setback.

(3) Exception. Where a use, activity, or development is regulated by the Shoreline Master Plan, SMC Part 9, those regulations apply instead.

(4) All areas within the City meeting the definition of one or more critical areas, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter as well as compliance with all state and federal regulations and permits.

18.800.030 How to use the Critical Areas Code.

ℹ This is a new section to explain how the various components and chapters of the critical areas code is applied.

ℹ This section incorporates the content of existing SMC 17.114.030, Relationship to Other Regulations.

(1) Critical areas exist throughout the City. An activity, land use, or development must comply with the City's critical areas code to protect those critical areas, and in some cases, to protect the proposed activity from the critical area.

(2) The City's critical areas code is found in SMC Chapters 18.800-18.810. This chapter contains general provisions for all critical areas, while additional standards specific to each of the five types of critical area may be found in the following chapters:

(a) Chapter 18.802 Wetlands

(b) Chapter 18.804 Fish and Wildlife Habitat Conservation Areas

(c) Chapter 18.806 Geologically Hazardous Areas

(d) Chapter 18.808 Critical Aquifer Recharge Areas

(e) Chapter 18.810 Frequently Flooded Areas

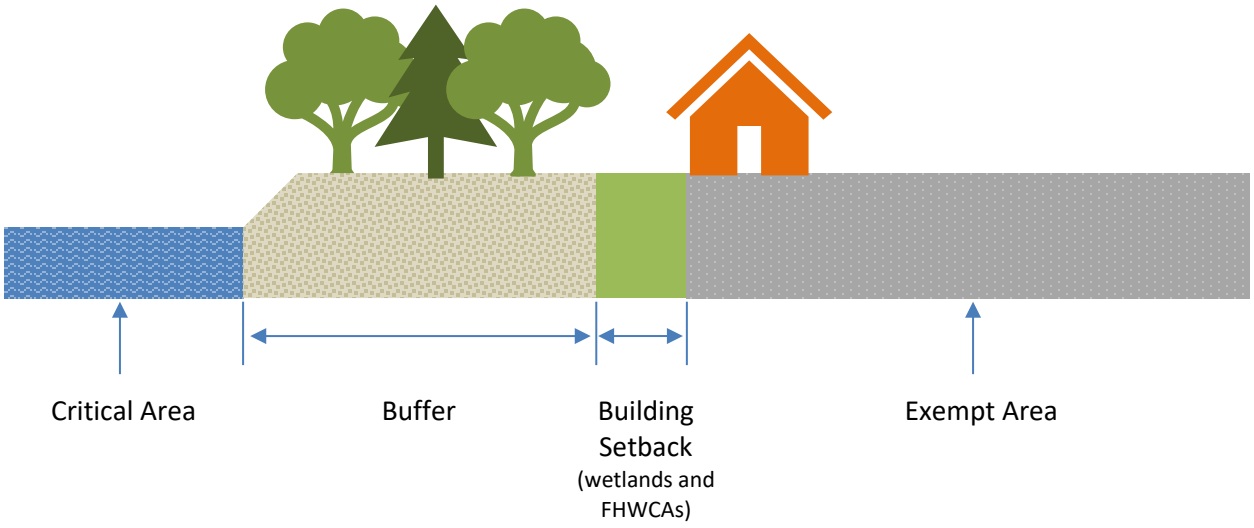
(3) The City's critical areas code regulates activities (including land uses and development) in and near critical areas. To determine the regulations that must be applied to an activity, land use, or development:

(a) Determine if the activity is within shoreline jurisdiction, as defined in the City's Shoreline Master Plan (SMC Title 18 Part 9). If it is, the SMP regulations apply instead of the City's critical areas code.

(b) Determine if the activity is exempt from critical areas regulation (SMC 18.800.110).

(c) If the activity is not exempt, determine whether the activity is proposed within the buffer or building setback for the relevant type(s) of critical area.

Figure 18.800.040-1 Buffer and Setback Areas



(d) If the activity is proposed within the buffer or building setback, determine whether the activity is allowed (SMC 18.800.120) and if so, comply with the standards applicable to that activity in that section and in the chapter applicable to the relevant type(s) of critical area.

(e) If the activity is neither exempt nor allowed, obtain a Critical Areas Report (SMC 18.800.150) to determine whether and how the activity can mitigate for its impacts on the critical area or its buffer. The first step in the required sequence of mitigation is to avoid impacts; see SMC 18.800.160 for the remainder of the sequence.

(f) If the activity's effects cannot be mitigated, you might be eligible to seek an exception from the City's critical areas code:

(i) For situations where no reasonable economic use of the property would otherwise be allowed, per SMC 18.800.180;

(ii) For public agencies or utilities, per SMC 18.800.190.

(g) If special conditions peculiar to your property exist, you may be eligible for a variance from the City's critical areas code per SMC 18.800.200.

(4) Where regulations for multiple types of critical areas overlap, each set of regulations applies to provide the most protection to the critical areas.

(5) Compliance with the City's critical areas code does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (e.g., other permits required by SMC Title 18, shoreline permits, Hydraulic Permit Act (HPA) permits, U.S. Army Corps of Engineers Section 404 permits, Department of Ecology's implementation of section 401 of the federal Clean Water Act, National Pollution Discharge Elimination System permits). The applicant is responsible for separately complying with those requirements.

18.800.040 Administration.

ℹ Based on existing SMC 17.114.020 Authority.

(1) The Director has the authority to interpret and apply, and the responsibility to enforce, this chapter.

(2) The City may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this chapter.

ℹ Next sentence based on existing SMC 17.114.050.

(3) The Director is authorized to adopt such administrative rules and regulations as necessary and appropriate to implement this chapter and to prepare and require the use of such forms as necessary for its administration.

ℹ Next section moved from 18.800.260 in prior drafts.

(4) Reasonable access to the site must be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

18.800.050 Interpretation.

In the interpretation and application of this title, the provisions of this chapter are the minimum requirements necessary, must be liberally construed to serve the purpose of this title, and must be deemed to neither limit nor repeal any other provisions under state statute.

18.800.100 Protection requirements.

ℹ This section is based on existing SMC 17.114.080, Protection of critical areas, but has been retitled. It also integrates existing SMC 17.114.100(2) et seq, formerly named Applicability, but deleting the list of example permits; and existing SMC 17.114.090, Best available science. The definition of Best Available Science in 17.114.090 has been deleted, because it duplicated the definition in the definitions chapter.

(1) The Director may not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of SMC Chapters 18.800-18.810.

(2) No activity or use is allowed if it results in a net loss of critical area functions and values. Any action taken pursuant to this chapter and Chapters 18.802 through 18.810 SMC must result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by Best Available Science.

(3) Per SMC 18.800.160, all actions and developments must be designed and constructed to mitigate adverse impacts and an applicant must first demonstrate an inability to avoid or reduce impacts before restoration and compensation of impacts may be allowed.

(4) Critical area reports and decisions to alter critical areas must:

(a) rely on Best Available Science to protect the functions and values of critical areas; and

(b) give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.

ℹ The following two sections were moved from 18.802.050 in prior drafts.

(5) Legal Nonconforming Uses. Existing legal pre-existing development that would not conform to current buffer requirements is not required to comply with the buffer widths in this chapter and Chapters 18.802 through 18.810 SMC if routine maintenance, modification, renovations, or redevelopment of existing structures do not intensify the nonconformity of the existing structure or use or increase impacts on the critical area from activities in the buffer. If activities in the buffer intensify the nonconformity of the existing structure or use or increase impacts on the buffer the development is subject to current buffer requirements.

(6) Existing Properties. If a parcel has a previous critical area buffer that was approved by the city and included in a native growth protection area tract or easement, proposed redevelopment or other modifications to the existing footprint are subject to the previously approved buffer if changes in use or activities on the property do not result in increased impacts to the critical area. If the existing buffer has become degraded or is not functioning or the buffer may be negatively impacted by the proposed modification or activities, the buffer must be enhanced.

18.800.110 Exempt activities.

ℹ This section is based on existing SMC 17.114.110.

(1) Exempt activities are exempt from the substantive requirements of this chapter and Chapters 18.802 through 18.810 SMC.

(a) Exempt activities do not require submittal of a critical areas reconnaissance or report.

(b) Exempt activities must use best available science to avoid direct and indirect impacts to critical areas.

(c) Exempt activities do not have permission to degrade a critical area or ignore risk from natural hazards.

(d) Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity must be restored, rehabilitated, or replaced at the responsible party's expense.

(e) Exempt activities must still comply with other local, state, and federal laws and requirements.

(2) The proponent of an activity must submit an application for exemption, consistent with SMC Title 18 Part 2, that describes the activity and identifies the applicable exemption from the list in this section. The Director must review the exemption request to verify that it complies with this chapter and approve or deny the exemption. If the exemption is approved, it must be placed on file with the department. If the exemption is

denied, the proponent may apply for critical areas review of a non-exempt activity, subject to the requirements of this chapter.

(3) Exempt activities defined:

(a) Emergencies.

(i) Emergencies are defined as those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter and Chapters 18.802 through 18.810 SMC.

(ii) Emergency actions that create an impact to a critical area or its buffer must:

(A) use reasonable methods to address the emergency; and

(B) have the least possible impact to the critical area or its buffer.

(iii) The person or agency undertaking such action must notify the city within one working day following commencement of the emergency activity. Within 30 days, the Director must determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of SMC 18.800.210, Unauthorized critical area alterations and enforcement, apply.

(iv) After the emergency, the person or agency undertaking the action must fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action must apply for review, and the alteration, critical area report, and mitigation plan must be reviewed by the city in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;

(b) Operation, Maintenance, or Repair. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species;

(c) Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to SMC 18.800.120(2)(e);

(d) Forest Practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, WAC Title 222, and those that are exempt from the city's jurisdiction, except that forest practice conversions are not exempt;

(e) Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to critical areas and buffers must be minimized and disturbed areas must be immediately restored; and

(f) Existing Structures. Existing structures may be maintained, repaired, and remodeled provided there is no further intrusion into a critical area or its buffer. New construction or reconstruction must conform to the requirements of this chapter and Chapters 18.802 through 18.810 SMC.

18.800.120 Allowed activities.

ℹ This section is based on existing SMC 17.114.140.

ℹ The first paragraph attempts to parallel the first paragraph of .110 Exempt Activities.

(1) Allowed activities are subject to the substantive requirements of this chapter and Chapters 18.802 through 18.810 SMC.

(a) Allowed activities must be reviewed and approved by the City, but do not require submittal of a critical areas report.

(b) The Director may apply conditions to the underlying or associated project permit, such as a building permit, to ensure protection of critical areas and compliance with the City's critical areas code.

(c) Allowed activities must be conducted, and the Director must require, using the best management practices that result in the least amount of impact to the critical areas. Best management practices are required for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications.

(d) Any incidental damage to, or alteration of, a critical area as the result of an allowed activity must be restored, rehabilitated, or replaced at the responsible party's expense.

(2) Allowed activities defined:

(a) Permit Requests Subsequent to Previous Critical Area Review. A new project permit when all the following conditions have been met:

(i) The provisions of this chapter have been addressed as part of a prior approval;

(ii) The critical area has been placed in a native growth protection area, open space tract, or protective easement;

(iii) There have been no material changes in the potential impact to the critical area or buffer since the prior review;

(iv) There is no new information available that is applicable to any critical area review of the site or particular critical area; and

(v) Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.

(b) Modification to Existing Structures. Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement; provided, that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;

(c) Activities Within the Improved Right-of-Way. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private

roadway except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater;

(d) Minor Utility Projects. Utility projects that have minor or short duration impacts to critical areas, as determined by the Director in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s); provided, that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities may not result in the transport of sediment or increased stormwater. Such allowed minor utility projects must meet the following criteria:

(i) There is no practical alternative to the proposed activity with less impact on critical areas;

(ii) The activity involves the placement of a utility pole, street sign, anchor, or vault or other small component of a utility facility; and

(iii) The activity involves disturbance of an area less than 75 square feet;

(e) Public and Private Pedestrian Trails. Public and private pedestrian trails subject to the following:

(i) The trail surface must meet all other requirements including water quality standards set forth in the city's adopted stormwater manual; and

(ii) Buffer widths, if applicable, must be increased, where possible, equal to the width of the trail corridor, including disturbed areas;

(iii) In wetlands and fish and wildlife habitat conservation areas, public and private pedestrian trails must be constructed of pervious materials and are restricted to the outer 50% of the buffer area except where necessary.

(f) Select Vegetation Removal Activities. The following vegetation removal activities are allowed, with approval from the Director:

(i) The removal of the following vegetation with hand labor and light equipment:

(A) Invasive and noxious weeds;

(B) Ivy (Hedera sp.);

(C) Himalayan blackberry (Rubus discolor, R. procerus); and

(D) Evergreen blackberry (Rubus laciniatus);

(ii) The removal of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property; provided, that:

(A) The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;

(B) Tree cutting is limited to limbing and crown thinning, unless otherwise justified by a qualified professional. Where pruning or crown thinning is not sufficient to address the hazard, trees may be cut to remove the hazard (first choice) or removed or converted to wildlife snags (second choice);

(C) All vegetation cut (tree trunks, stems, branches, etc.) must be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;

(D) The landowner must replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one year in accordance with an approved

restoration plan. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees must be species that are native and indigenous to the site and a minimum caliper of two inches in diameter at breast height (dbh) must be used;

(E) If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist must be consulted to determine timing and methods or removal that minimize impacts; and

(F) Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from the city; provided, that within 14 days following such action, the landowner must submit a restoration plan that demonstrates compliance with the provisions of this chapter;

(iii) Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter 76.09 RCW, recognized wildfire protection measures, and local forest practices regulations if adopted; provided, that the removed vegetation is replaced in kind or with similar native species within one year in accordance with an approved restoration plan;

(g) Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, as approved by the city; provided, that their use is restricted in accordance with State Department of Fish and Wildlife Management Recommendations and the regulations of the State Department of Agriculture and the U.S. Environmental Protection Agency;

(h) Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area must be minimized and disturbed areas immediately restored; and

(i) Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

18.800.130 Critical area review process.

ℹ This section is based on existing SMC 17.114.150 Critical area report – Review process.

(1) Requirement. For any proposed activity not (a) exempt under SMC 18.800.110, or (b) allowed pursuant to SMC 18.800.120, the proponent must submit the activity to critical area review as described in this section.

(2) To initiate critical areas review, an applicant must submit to the Director a completed critical area review request form.

(3) Site Inspection. Upon receipt of a critical area review request form, the Director must conduct a site inspection to identify critical area conditions on-site. The Director must notify the property owner of the inspection prior to the site visit. Reasonable access to the site must be provided by the property owner for the purpose of inspections during proposal review, restoration, emergency action, or monitoring.

(4) Determination. The Director must determine whether any critical areas may be affected by the proposal.

(a) Determination Criteria. The Director must use the following indicators to assist in determining the need for a critical area report:

(i) Indication of a critical area on the city critical areas maps that may be impacted by the proposed activity;

(ii) Information and scientific opinions from appropriate agencies, including but not limited to the Departments of Fish and Wildlife, Natural Resources, and Ecology;

(iii) Documentation, from a scientific or other reasonable source, of the possible presence of a critical area; or

(iv) A finding by a qualified professional or a reasonable belief by the Director that a critical area may exist on or adjacent to the site of the proposed activity.

(b) Decision on Review.

(i) No critical areas present. If, after a site visit, the Director's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area, then the Director may determine that the critical area review is complete and note in writing the reasons that no further review is required.

(ii) Critical areas present, but no impact. If the Director determines that there are critical areas within or adjacent to the project area, but that Best Available Science shows that the proposed activity is unlikely to degrade the functions or values of the critical area, the Director may waive the requirement for a critical area report. A waiver may be granted if there is substantial evidence that all the following requirements are met:

(A) No alteration of the critical area or buffer is proposed;

(B) The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this chapter and Chapters 18.802 through 18.810 SMC; and

(C) The proposal is consistent with other applicable regulations and standards.

(iii) Critical areas may be affected by proposal. If the Director determines that a critical area or areas are present and may be affected by the proposal, then the Director may require the applicant to submit either or both of the following prior to further review of the project:

(A) A critical areas reconnaissance consistent with SMC 18.800.140. If the reconnaissance identifies the presence of critical areas, the Director may require a critical areas report.

(B) A critical areas report consistent with SMC 18.800.150. The Director may indicate which of the critical area types that must be addressed in the report.

(5) Determination Subject to Reconsideration.

(a) A determination regarding the apparent absence of one or more critical areas by the Director is not an expert certification regarding the presence of critical areas and the determination is subject to possible reconsideration and reopening if new information is received.

(b) If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances or consult with relevant state agencies.

(6) The Director must condition any subsequent project permit approvals upon compliance with relevant critical areas reports and their proposed mitigation strategies and other methods to achieve protection of critical areas and compliance with Chapters 18.802 through 18.810 SMC.

18.800.140 Critical area reconnaissance.

ℹ This is a new section.

(1) When required per SMC 18.800.130, the applicant must submit a critical areas reconnaissance consistent with this section.

(2) Preparation by Qualified Professional. A critical area reconnaissance must be performed by one or more qualified professionals for the types of critical areas subject to the report.

(3) Objective. The objective of a critical areas reconnaissance is to professionally determine, based on Best Available Science and consistent with the standards in Chapters 18.802 through 18.810 SMC, whether critical areas are present on or adjacent to a project site.

(4) Minimum documentation. At a minimum, the critical area reconnaissance must result in a letter that:

(a) identifies the presence or absence of critical areas, and which types, on or adjacent to the site of the proposed project;

(b) describes the means and methods the qualified professional used in making determinations.

18.800.150 Critical area report.

(1) Preparation by Qualified Professional. A critical area report must be prepared by one or more qualified professionals for the types of critical areas subject to the report.

(2) Incorporate Best Available Science. The critical area report must use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report must evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this chapter.

(3) Minimum Report Contents. At a minimum, the report must contain the following:

(a) The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

(b) A copy of the site plan for the development proposal including:

(i) A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and

(ii) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;

(c) The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

(d) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;

(e) A statement specifying the accuracy of the report, and all assumptions made and relied upon;

(f) An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;

(g) An analysis of site development alternatives including a no development alternative;

(h) A description of reasonable efforts made to apply mitigation sequencing pursuant to SMC 18.800.180(4), Mitigation Sequencing, to avoid, minimize, and mitigate impacts to critical areas;

(i) Plans for adequate mitigation, as needed, to offset any impacts, in accordance with SMC 18.800.190, Mitigation plan requirements, including, but not limited to:

(i) The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and

(ii) The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;

(j) A discussion of the performance standards applicable to the critical area and proposed activity;

(k) Additional information for the relevant critical area type as required by:

(i) SMC 18.802.080 for wetlands;

(ii) SMC 18.804.080 for fish and wildlife habitat conservation areas;

(iii) SMC 18.806.070 for geologically hazardous areas;

(iv) SMC 18.808.070 for critical aquifer recharge areas; and

(v) SMC 18.810.060 for frequently flooded areas.

(4) Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Director.

(5) Limitations to Study Area. The Director may limit the required geographic area of the critical area report if:

(a) The applicant, with assistance from the city, cannot obtain permission to access properties adjacent to the project area; or

(b) The proposed activity affects only a limited part of the subject site.

(6) Modifications to Required Contents. The applicant may consult with the Director prior to or during preparation of the critical area report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, either more or less information is required to adequately address the potential critical area impacts and required mitigation.

(7) Additional Information. The Director may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this chapter. Additional information that may be required includes, but is not limited to:

(a) Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;

(b) Grading and drainage plans; and

(c) Information specific to the type, location, and nature of the critical area.

18.800.160 Mitigation requirements.

(1) The applicant must endeavor to avoid all impacts that degrade the functions and values of critical areas. If alteration to the critical area is unavoidable, all adverse impacts to critical areas and buffers resulting from a development proposal or alteration are required to be mitigated using Best Available Science in accordance with an approved critical area report and SEPA documents, so as to result in no net loss of critical area functions and values.

(2) Mitigation must be in-kind and on-site, when possible, or utilizing a wetland mitigation bank, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

(3) Mitigation may not be implemented until after city permit issuance, and must be in accordance with the provisions of the mitigation plan in the approved critical area report.

(4) Mitigation Sequencing. An applicant must demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration must be avoided, minimized, or compensated for in the following sequential order of preference:

   (a) Avoiding the impact altogether by not taking a certain action or parts of an action;

   (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

   (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;

   (d) Minimizing or eliminating the hazard by restoring or stabilizing the area through engineered or other methods;

   (e) Reducing or eliminating the impact by preservation and maintenance operations during the life of the action;

   (f) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

   (g) Monitoring the impact or other required mitigation and taking remedial action when necessary; and

   (h) Mitigation for individual actions may include a combination of the above measures.

(5) The city may encourage, facilitate, and approve innovative mitigation projects that are based on Best Available Science. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all the following circumstances exist:

   (a) Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;

   (b) The group demonstrates the organizational and fiscal capability to act cooperatively;

   (c) The group demonstrates that long-term management of the habitat area will be provided; and

   (d) There is a clear potential for success of the proposed mitigation at the identified mitigation site.

(6) Timing. Any approved mitigation must be completed concurrently with project impacts. The Director may choose to accept a performance bond when seasonal restrictions occur, when availability of the mitigation site is limited, or when on-site construction may impact the critical area.

(7) Mitigation is required for all unauthorized impacts.

18.800.170 Mitigation plan requirements.

When mitigation is required, the applicant must submit a mitigation plan as part of the critical area report for approval by the city. The mitigation plan must include:

(1) Environmental Goals and Objectives. The mitigation plan must include a written report identifying environmental goals and objectives of the compensation proposed and including:

  (a) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives must be related to the functions and values of the impacted critical area;

  (b) A review of Best Available Science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and

  (c) An analysis of the likelihood of success of the compensation project.

(2) Performance Standards. The mitigation plan must include measurable specific criteria for evaluating whether the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met.

(3) Detailed Construction Plans. The mitigation plan must include written specifications and descriptions of the mitigation proposed, such as:

  (a) The proposed construction sequence, timing, and duration;

  (b) Grading and excavation details;

  (c) Erosion and sediment control features;

  (d) A planting plan specifying native plant species, quantities, locations, size, spacing, and density; and

  (e) Measures to protect and maintain plants until established;

  (f) These written specifications must be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated outcome.

(4) Monitoring Program. The mitigation plan must include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol must be included outlining the schedule for site monitoring (for example, monitoring occurring in years one, three, five, and seven after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report must be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project must be monitored for a period necessary to establish that performance standards have been met, but not for a period less than 10 years.

(5) Contingency Plan. The mitigation plan must include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

(6) Financial Guarantees. The mitigation plan must include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures are required in accordance with SMC 18.310.080.

18.800.180 Exception – Reasonable use.

(1) If the application of this chapter or SMC Chapters 18.802 through 18.810 would deny all reasonable economic use of the subject property, the city is responsible for determining if compensation is an appropriate action, or the property owner may apply for a reasonable use permit pursuant to this section. Note that a reasonable use exception is distinguished from a variance by the fact that a reasonable use exception is available *only* when the application of the critical areas code would deny *all* reasonable economic use of the subject property.

ℹ Limitation on reasonable use based on Mukilteo Municipal Code 17.52.025.

(2) Reasonable use. On existing legal lots 9,600 square feet or less, a maximum building footprint of 1,500 square feet is allowed. Additional impervious area for the driveway access that provides the shortest and most direct access to the house with minimal encroachment or impact into the critical area or buffer may be permitted. When determining if the access has minimum encroachment or impact on a critical area the use of bridges and open bottom culverts are considered minimal impact. Yard areas may be permitted only if they do not encroach into the critical area or buffer.

(3) Exception Request and Review Process. An application for a reasonable use permit must be made to the Director and must include:

(a) a Reasonable Use Permit application form;

(b) a critical area report, including mitigation plan, if necessary; and

(c) any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents).

(4) The application is reviewed per SMC Title 18 Part 2. The Director must prepare a recommendation based on review of the submitted information, a site inspection, and the proposal's ability to comply with the reasonable use permit criteria in subsection (5) of this section.

(5) Review Criteria. An application for a reasonable use exception may be granted if consistent with all of the following criteria:

(a) The application of this chapter or Chapters 18.802 through 18.810 SMC would deny all reasonable economic use of the property;

(b) No other reasonable economic use of the property has less impact on the critical area;

(c) The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

(d) The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant, or their predecessor;

(e) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

(f) The proposed mitigation plan will result in no net loss of critical area functions and values consistent with Best Available Science; and

(g) The proposal is consistent with other applicable regulations and standards.

(6) Burden of Proof. The burden of proof is on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

18.800.190 Exception – Public agency and utility.

(1) If the application of this chapter or Chapters 18.802 through 18.810 SMC would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

(2) Exception Request and Review Process. An application for a reasonable use permit must be made to the Director and must include:

(a) A reasonable use permit application form;

(b) critical area report, including mitigation plan, if necessary; and

(c) any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW).

(3) The Director must prepare a recommendation based on review of the submitted information, a site inspection, and the proposal's ability to comply with the public agency and utility exception review criteria in subsection (4) of this section.

(4) Review Criteria. An application for a public agency and utility exception may be granted if all of the following criteria apply:

(a) The mitigation plan sequencing analysis shows there is no other practical alternative to the proposed development with less impact on the critical areas;

(b) The application of this chapter or Chapters 18.802 through 18.810 SMC would unreasonably restrict the ability to provide utility services to the public;

(c) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

(d) The proposal protects and mitigates impacts to the critical area functions and values consistent with Best Available Science; and

(e) The proposal is consistent with other applicable regulations and standards.

(5) Burden of Proof. The burden of proof is on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

ℹ The following is a new subsection to allow for special treatment for temporary construction impacts.

(6) The Director may provide expedited approval of temporary construction impacts, and may condition such approval to require best practices to minimize those impacts.

18.800.200 Variances.

(1) Variances from the standards of this chapter or Chapters 18.802 through 18.808 SMC may be authorized by the city in accordance with the criteria in this section and the procedures in SMC Chapter 18.330. For variances from SMC Chapter 18.810, see the variance procedures and criteria in that chapter. Note that if application of this critical areas code would deny all reasonable economic use of the property, a reasonable use exception (SMC 18.800.180) may be appropriate.

(2) Variance Criteria. For deviations from critical areas regulations, a variance may be granted only if the applicant demonstrates that the requested action conforms to all of the criteria in this section. The

decisionmaker must review the request and make a written finding that the request meets or fails to meet the variance criteria.

(a) Special conditions and circumstances exist that are peculiar to the land, the lot, or something inherent in the land, and that are not applicable to other lands in the same district;

(b) The special conditions and circumstances do not result from the actions of the applicant;

(c) A literal interpretation of the provisions of this chapter or Chapters 18.802 through 18.810 SMC would deprive the applicant of privileges permitted to other properties in the vicinity and zone of the subject property under the terms of this chapter, and the variance requested is the minimum necessary to provide the applicant with such rights;

(d) Granting the variance requested does not confer on the applicant any special privilege that is denied by this chapter or Chapters 18.802 through 18.810 SMC to other lands, structures, or buildings under similar circumstances;

(e) The granting of the variance is consistent with the general purpose and intent of this chapter and Chapters 18.802 through 18.810 SMC, and does not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;

(f) The decision to grant the variance includes Best Available Science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish-habitat; and

(g) The granting of the variance is consistent with the general purpose and intent of the Stanwood Comprehensive Plan and adopted development regulations.

(3) Conditions May Be Required. In granting any variance, the decisionmaker may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.

(4) Burden of Proof. The burden of proof is on the applicant to bring forth evidence in support of the application and upon which any decision must be made on the application.

18.800.210 Unauthorized critical area alterations and enforcement.

(1) When a critical area or its buffer has been altered in violation of this chapter or Chapters 18.802 through 18.810 SMC, all ongoing development work must stop and the critical area must be restored. The city has the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of the provisions of this chapter using the provisions of SMC Title 13.

(2) Site Investigations. The Director is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The Director is required to present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

(3) Requirement for Restoration Plan. All development work must remain stopped until a restoration plan is approved by the city. Such a plan is required to be prepared by a qualified professional using Best Available Science and must describe how the actions proposed meet the minimum requirements described in subsection (3) of this section. The Director, at the violator's expense, is required to seek expert advice in determining the adequacy of the plan. Inadequate plans must be returned to the applicant or violator for revision and resubmittal.

(4) Minimum Performance Standards for Restoration.

(a) For alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and habitat conservation areas, the following minimum performance standards must be met for the restoration of a critical area; if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified.

(i) The historic structural and functions and values must be restored, including water quality and habitat functions;

(ii) The historic soil types and configuration must be replicated;

(iii) The critical area and buffers must remove invasive species and be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values must be replicated at the location of the alteration; and

(iv) Information demonstrating compliance with the mitigation requirements in SMC 18.800.160 must be submitted to the Director.

(b) For alterations to flood and geological hazards, the following minimum performance standards must be met for the restoration of a critical area; if the violator can demonstrate that greater safety can be obtained, these standards may be modified.

(i) The hazard must be reduced to a level equal to, or less than, the pre-development hazard;

(ii) Any risk of personal injury resulting from the alteration must be eliminated or minimized; and

(iii) The hazard area and buffers must be replanted with native vegetation sufficient to minimize the hazard.

(5) Penalties. This chapter may be enforced pursuant to SMC Title 13 Civil Enforcement.

18.800.220 Critical area markers and signs.

(1) The boundary at the outer edge of critical area tracts and easements must be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.

(2) The boundary at the outer edge of the critical area or buffer must be identified with temporary signs prior to any site alteration. Such temporary signs must be replaced with permanent signs prior to occupancy or use of the site. Sign design must be approved by the Director.

(3) These provisions may be modified by the Director as necessary to ensure protection of sensitive features or wildlife needs.

18.800.230 Notice on title.

(1) In order to inform subsequent purchasers of real property of the existence of critical areas, an applicant for a land division including any property containing a critical area or buffer on which a development proposal is submitted is required to file a title notice with the county records and elections division against the subject property, per the direction of the city.

(2) The notice must state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist.

(3) This notice on title is not required for a development proposal by a public agency or public or private utility.

(4) The applicant is required to submit proof that the notice has been filed for public record before the city approves any site project permit for the property or, in the case of land divisions, at or before recording.

18.800.240 Native growth protection areas or tracts.

(1) Unless otherwise required in this chapter, an application for a land division must use native growth protection areas, placed in easements or tracts, to delineate and protect those contiguous critical areas and buffers listed below:

  (a) All landslide hazard areas and buffers;

  (b) All wetlands, streams, and their buffers;

  (c) All habitat conservation areas; and

  (d) All other lands to be protected from alterations as conditioned by project approval.

(2) Native growth protection areas must be recorded on all documents of title of record for all affected lots.

(3) Native growth protection areas must be designated on the face of the plat or recorded drawing in a format approved by the city attorney. The designation must include the following restrictions:

  (a) An assurance that native vegetation is to be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

  (b) The right of the city to enforce the terms of the restriction.

(4) Larger areas that are accepted by the city for dedication may be placed in a critical area tract.

(5) To prevent intrusion into critical areas and their buffers after construction, protective fencing, such as a split rial fence, shall be required to delineate and safeguard critical areas.

18.800.250 Bonds to ensure mitigation construction.

(1) An applicant may submit a request to deter 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 final permit approval only as follows:

  (a) Seasonal or environmental factors affecting site conditions would result in low probability of plant survival;

  (b) When project impacts occur in stages, and mitigation is only needed to align with specific phases of the project; or

  (c) When compliance with regulatory requirements involves consultations or approvals from other agencies and cannot be finalized at the time of project approval.

(2) If approval is granted by the City, the applicant must post a performance bond or other security in a form and amount deemed acceptable by the city.

(3) Deferral shall only be granted for up to 6 months. One 6-month extension may be permitted under if the applicant provides reasonable justification for the delay.

Chapter 18.802 Critical Areas – Wetlands

ℹ The existing SMC Chapter 17.125 has been moved to this new chapter SMC 18.802. Major edits to this chapter include revising wetland regulations to align with Ecology guidance.

18.802.010 Applicability.

ℹ This draft replaces the purpose, objectives, and "relationship to general standards" sections in each critical area chapter, which were largely duplicative of each other, with this new applicability section that makes reference to the general critical areas chapter.

This chapter provides standards for the "wetland" type of critical area and is applied pursuant to the general critical area regulations and processes in SMC Chapter 18.800.

18.802.020 Designation.

(1) Per WAC 173-22-035, wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions.

(2) All areas within the City of Stanwood that meet the wetland designation criteria are hereby designated critical areas and are subject to the provisions of this chapter, whether or not they have been previously formally identified.

18.802.030 Classification.

(1) Wetlands are classified using the Washington State Wetland Rating System for Western Washington, Publication Number 23-06-009, or as hereafter amended:

(a) Category I wetlands are wetlands that (a) represent a unique or rare wetland type; or (b) are more sensitive to disturbance than most wetlands; or (c) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (d) provide a high level of functions. Category I wetlands include the following:

(i) Estuarine wetlands greater than one acre;

(ii) Natural heritage wetlands that are identified by the Natural Heritage Program as supporting state-listed threatened or endangered plants;

(iii) Bogs;

(iv) Mature and old-growth forested wetlands;

(v) Wetlands in coastal lagoons; and

(vi) Wetlands scoring 23 to 27 based on functions in the Wetland Rating System.

(b) Category II wetlands are those that are difficult, though not impossible, to replace and provide high levels of some functions, including:

(i) Estuarine wetlands smaller than an acre or disturbed estuarine wetlands larger than an acre;

(ii) Interdunal wetlands larger than one acre; and

(iii) Wetlands scoring 20 to 22 based on functions in the Wetland Rating System.

(c) Category III wetlands include:

(i) Interdunal wetlands between one-tenth acre and one acre in size; and

(ii) Wetlands scoring 16 to 19 based on functions in the Wetland Rating System.

(d) Category IV wetlands are those that have the lowest level of functions in the Wetland Rating System, scoring 9 to 15 based on functions in the Wetland Rating System.

(2) All determinations of wetlands ratings and a wetlands delineation must be made based on the entire extent of the wetlands, unrelated to property lines or ownership patterns.

ℹ The existing SMC section 17.125.060 Standard buffer width requirements has been moved to this section. Wetland buffer tables and the mitigation table were updated based on current Ecology guidance and the Administrative Interpretation 2018-0520. Additional allowances for existing development and acceptable activities in buffers have been added.

18.802.040 Mapping.

ℹ This is a new section, added to maintain parallel organization with the other CA chapters.

The City maintains wetland survey maps which may be used as a guide to the presence or absence of wetlands but are not a substitute for the critical areas reconnaissance or reports required by Chapter 18.800 SMC.

18.802.050 Allowed activities.

In addition to the activities allowed in SMC 18.800.120, the following activities are allowed in wetlands and their buffers. In the event of a conflict between this section and SMC 18.800.120, this section controls.

(1) Conservation, Preservation, Restoration, and Enhancement. Restoration and enhancement of the critical area or its buffers if that action:

(a) does not alter the location, dimensions, or size of the critical area and buffer;

(b) does not alter or disturb existing native vegetation or wildlife habitat attributes (except as required for restoration or enhancement);

(c) improves and does not reduce the existing functions of the critical area or buffer; and

(d) is implemented according to a restoration or enhancement plan that has been approved by the city of Stanwood.

(2) Disturbance of Soils. When disturbance of soils is allowed in the critical area or its buffers as part of an authorized, permitted activity or as otherwise allowed in these standards, the following rules apply:

(a) Disturbance of soils is allowed only during the dry season, which is typically regarded as beginning on May 1 and ending on October 1 of each year; the Director may extend or shorten the dry season on a case-by-case basis, based on actual weather conditions.

(b) The soil duff layer in ungraded areas must remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed must be redistributed to other areas of the project site outside the critical area.

(c) The moisture-holding capacity of the topsoil layer must be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.

(d) Erosion and sediment control that meets or exceeds the standards set forth in the city of Stanwood's stormwater regulations (Chapter 17.140 SMC) must be provided.

(3) Public and Private Roadway Crossings, Bridges, and Culverts. Construction of public roadway crossings, culverts, and bridges less than or equal to 60 feet wide and private roads, bridges, or culverts less than or equal to 20 feet long, are subject to the following standards:

(a) There is no other feasible alternative route with less impact on the critical area or buffer;

(b) Critical area crossings do not result in fill of greater than one-tenth of an acre of critical area;

(c) Mitigation for impacts is according to an approved mitigation plan; and

(d) The culvert will not alter the hydrology of any existing wetland.

(4) Utility Lines. New utility lines may be permitted to cross critical area and their buffers if they comply with the following standards:

(a) Critical areas and their buffers must be avoided to the maximum extent feasible;

(b) Mitigation for impacts is according to an approved mitigation plan;

(c) Installation under a critical area must be accomplished when feasible by boring beneath the critical area at a depth sufficient to prevent adverse hydrology impacts, or beneath the scour depth and hyporheic zone of the water body and channel migration zone, unless it is not feasible due to engineering constraints;

(d) When boring under the critical area is not feasible, the utilities must cross the critical area at an angle to minimize the potential impact (e.g., at an angle between 60 and 90 degrees to the centerline of the channel in a stream) and must avoid paralleling a stream or following a down-valley course near a channel;

(e) Critical area crossings do not result in fill of greater than one-tenth of an acre of wetland; and

(f) Crossings must be contained within the footprint of an existing street, driveway, or utility crossing where possible.

(5) Modification of Existing Structures. No existing structure may be modified to increase impervious surface in a critical area or buffer.

ℹ Note previous subsections (6) and (7) from earlier drafts have been moved to chapter 18.800.

18.802.060 Buffers.

(1) Buffers are required for all wetlands regulated by this chapter. The required buffer widths in this section are appropriate for buffers that are well-vegetated and have applied impact minimization measures from Table 18.802.060(3); where vegetation is lacking, buffers may need to be widened or re-vegetated to create the appropriate plant community.

(2) Required widths, in feet, for wetland buffers are as shown in the tables in this subsection.

(a) Table 18.802.060-1 applies when no habitat corridor meeting the criteria in this subsection is provided.

(b) Table 18.802.060-2 applies when a habitat corridor meeting the following criteria is provided:

(i) The corridor has a width of 100 ft or more; and

(ii) The corridor connects wetlands that score 6 or more habitat points with any of the following:

(A) A legally protected relatively undisturbed and vegetated area (e.g., Priority Habitats, other compensation sites, wildlife areas/refuges, or national, county and state parks where they have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve);

(B) An area that is the site of a Watershed Project identified within and fully consistent with a Watershed Plan, as these terms are defined by RCW 89-08-46054;

(C) An area where development is prohibited per the provisions of the local shoreline master program; or

(D) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW.

(c) An increased buffer width greater than that shown in these tables may be required per SMC 18.802.060(5).

(d) An additional building setback is also required per SMC 18.802.070.

Table 18.802.060-1 Wetland Buffers (without a habitat corridor)

Wetland Category	Habitat Score			Buffer Based on Special Characteristics (when Identified on Wetland Rating Form by Qualified Biologist)
	3-5	6-7	8-9	
Category I or II: Based on rating of wetland functions (and not listed below)	75	150	300	Not Applicable / Use Habitat Score
Category I: Bogs and Wetlands of High Conservation Value	190	See Special Characteristic Buffer	300	250
Category I: Forested	75	150	300	Not Applicable / Use Habitat Score
Category I: Estuarine and Coastal Lagoons	150	See Special Characteristic Buffer		200
Category II: Estuarine and wetlands in coastal lagoons	110	See Special Characteristic Buffer		150
Category III: All	60	150	300	Not Applicable / Use Habitat Score
Category IV: All	40	50	50	50

Table 18.802.060-2 Wetland Buffers (with a habitat corridor)

Wetland Category	Habitat Score			Buffer Based on Special Characteristics (when Identified on Wetland Rating Form by Qualified Biologist)
	3-5	6-7	8-9	
Category I or II: Based on rating of wetland functions (and not listed below)	75	110	225	Not Applicable / Use Habitat Score
Category I: Bogs and Wetlands of High Conservation Value	See Special Characteristic Buffer		225	190
Category I: Forested	75	110	225	Not Applicable / Use Habitat Score
Category I: Estuarine and Coastal Lagoons	See Special Characteristic Buffer			150

Category II: Estuarine and wetlands in coastal lagoons	See Special Characteristic Buffer			110
Category III: All	60	110	225	Not Applicable / Use Habitat Score
Category IV: All	40	40	40	Not Applicable / Use Habitat Score

(3) The following impact minimization measures are required in addition to the buffers described above:

Table 18.802.060-3 Wetland Impact Minimization Measures

Disturbance	Activities and Uses That May Cause Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, high density residential	Direct lights away from wetland; use motion-activated lights; only use lighting where necessary for public safety and keep lights off when not needed; use lower-intensity LED lighting; dim light to the lowest acceptable intensity.
Noise	Manufacturing, high density residential	Place activity that generates noise away from wetland; construct a fence to reduce noise impacts on adjacent wetland and buffer; plant a strip of dense shrub vegetation adjacent to wetland buffer.
Toxic runoff	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered; establish covenants limiting use of pesticides within 150 feet of wetland; apply integrated pest management program.
Stormwater runoff/Change in water regime	Any impermeable surface, lawns, tilling	Infiltrate or treat, detain, and disperse runoff from impervious surfaces; retrofit stormwater detention and treatment for roads and existing adjacent development; prevent channelized or sheet flow from lawns that directly enters the buffer.
Pests and humans	Residential areas	Privacy fencing or landscaping with dense vegetation to delineate buffer edge and to discourage disturbance of wildlife by humans and pets; educational signage.
Dust	Tilled fields, roads	Best management practices for dust control.
Degraded buffer	Existing degraded buffer condition	Non-native plants to be removed and replaced with native vegetation per an approved planting plan; and restoration to be bonded and monitored per SMC 18.800.250.
Other	Other	Other as further defined by DOE wetlands guidance documents.

(4) Measurement.

(a) The buffer must be measured horizontally in a landward direction from the wetland edge.

(b) Where lands adjacent to a wetland display a continuous slope of 25% or greater, the buffer must include all such sloping areas.

(5) Increased Buffers.

(a) Priority Habitat Areas. If a Category I or II wetland with habitat score greater than five points is located within 300 feet of a priority habitat area as defined by the Washington State Department of Fish and Wildlife, the buffers established by subsection (2) of this section must be increased by 50 feet unless the applicant provides a relatively undisturbed vegetated corridor at least 100 feet wide between the wetland and all priority habitat areas located within 300 feet of the wetland. The corridor must be

protected for the entire distance between the wetland and the priority habitat through a conservation easement, native growth protection easement or the equivalent.

(b) Habitat for Endangered or Threatened Species, or Species of Local Importance. If the wetland contains documented habitat for endangered or threatened species, or species of local importance, the Director must establish the appropriate buffer based on a habitat assessment to ensure that the buffer provides adequate protection for the species.

(6) Averaging Buffer Widths. The width of a buffer may be averaged, thereby reducing the width of a portion of the buffer, and increasing the width of another portion, if the Director determines that all the following requirements are met:

(a) The ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;

(b) The total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;

(c) The additional buffer is contiguous with the standard buffer;

(d) If the buffer averaging allows a structure or landscaped area to intrude into the original buffer, the resulting intrusion may extend no more than 15 feet into the original buffer area; and

(e) No part of the width of the resulting buffer is less than 65% of the required buffer.

(7) Category IV wetlands less than 4,000 square feet: Wetlands that meet the following criteria are not subject to the avoidance and minimization requirements of this code and they may be filled if the impacts are fully mitigated through the purchase of credits from a mitigation bank or an in-lieu fee program, if available. A critical areas report must be submitted verifying that the wetlands:

(a) Are located in the areas covered by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (U.S. Army Corps of Engineers, 2010);

(b) Are not associated with riparian areas or their buffers;

(c) Are not associated with shorelines of the state or their associated buffers;

(d) Are not part of a wetland mosaic;

(e) Do not score 6 or more points for habitat function based on the Washington State Wetland Rating System for Western Washington (Ecology Publication #14-06-029 or as revised by Ecology);

(f) Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife;

(g) Do not contain state or federally listed species, or their critical habitat; and

(h) Do not contain species of local importance as identified by the city of Stanwood.

(8) Wetlands less than 1,000 square feet: Wetlands that meet the criteria listed in subsection 7 above are exempt from the buffer provisions contained in this Chapter.

(9) Functionally Disconnected Buffers. Buffers may exclude areas that are functionally and effectively disconnected from the wetland by an existing public or private road, or legally established development as determined by the Director. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer.

(a) Significant developments include built public infrastructure such as roads, railroads, dikes, and private developments such as homes or commercial structures.

(b) Allowable buffer exclusion should be limited in scope to just the portion of the buffer affected and may not interrupt the entire buffer's functions.

(c) A critical area report may be required by the Director to analyze and document the buffer functionality.

18.802.070 Building setbacks.

Unless otherwise provided, buildings and other structures must be set back 15 feet from the edges of all wetland buffer boundaries. The following may be allowed in the building setback area:

(1) Landscaping;

(2) Uncovered decks;

(3) Building overhangs if such overhangs do not extend more than 18 inches into the setback area; and

(4) Impervious ground surfaces, such as driveways and patios; such improvements may be subject to water quality regulations as adopted in Chapter 17.140 SMC.

18.802.080 Critical area report requirements.

A critical area report is required for any development activity allowed under this chapter and SMC 18.802.100 within the critical area or its buffer. In addition to the general requirements of SMC 18.800.150, the following must be included in the critical area report:

(1) A map drawn to scale or survey showing the following information:

(a) the edge of the wetland based on the standards listed in WAC 173-22-035;

(b) the wetland characteristics and plant communities based on the U.S. Fish and Wildlife Service Classification of Wetlands and Deep Water Habitats in the U.S.;

(c) stream corridors including name (if named) and stream type based on the State Department of Natural Resources' Official Water Type Maps; and

(d) observed or reported wildlife that make use of the area including, but not limited to, nesting, breeding, and feeding areas;

(2) A description of the streams and wetlands within 225 feet of the subject property, including:

(a) buffers;

(b) drainage systems entering and leaving the site;

(c) a list of observed and documented plant and wildlife species;

(d) a description of the relative abundance of documented plant and wildlife species; and

(e) a description of the method used for flagging the wetland edge, stream corridor, and buffers;

(3) A description and illustration of proposed development activities allowed under this section and SMC 18.802.100 within the wetlands or buffers;

(4) A description of any previous disturbances to the wetlands or buffers;

(5) A summary of the methodology used to conduct the study, including documentation of any fieldwork performed on the site, field data sheets for delineations, rating system forms, and baseline hydrologic data;

(6) A description of the methodologies used to conduct the wetland delineations, wetland ratings and impact analyses, including references;

(7) A proposed classification of the wetlands based on SMC 18.802.050 and an explanation or rationale for the proposed rating;

(8) A mitigation plan that meets the requirements of SMC 18.802.090;

(9) A discussion of existing functions and values of the wetland(s) and buffers;

(10) A discussion of the changes to wetland and buffer functions and values resulting from the proposed development activity.

18.802.090 Mitigation plan requirements.

(1) If alteration of a wetland is unavoidable, all adverse impacts to the wetland must be mitigated in accordance with the mitigation plan component of an approved critical area report. When mitigation is required by this chapter, it must address restoration, rehabilitation, and compensation in accordance with SMC 18.800.160 and 18.800.170 and the following requirements:

(a) Wetland acreage must be replaced at the following ratios when proposed on site or off site within the same subdrainage basin ("Stillaguamish floodplain"):

Table 18.802.090-1 Replacement Ratios

Wetland Category	Re-Establishment of Creation	Rehabilitation	Preservation	Enhancement	Other
Wetlands of High Conservation Value	Consult with WA DNR	Consult with WA DNR	24:1	Consult with WA DNR	As Determined by the Dept. of Ecology or Corp of Engineers
Category 1 – Forested	6:1	12:1	24:1	24:1	
Category 1 – Bogs	N/A	N/A	24:1	N/A	
Category 1 – Estuarine	3:1 (Re-establishment only)	6:1	12:1	Limited Circumstances (case by case)	
Category I – All Others	4:1	8:1	16:1	16:1	
Category II - Estuarine	4:1 (Re-establishment only)	8:1	16:1	Limited Circumstances (case by case)	
Category II – All Others	3:1	6:1	12:1	12:1	
Category III	2:1	4:1	8:1	8:1	
Category IV	1.5:1	3:1	6:1	6:1	

(b) In kind, on-site mitigation that is sufficient to achieve equivalent or greater critical area and/or buffer biologic functions and values is preferred to ensure, to the greatest extent feasible, that the plan results in mitigation for direct impacts resulting from the alteration.

(c) Off-site mitigation may be used in those situations where adequate on-site mitigation is not feasible to achieve.

(2) The mitigation plan must:

(a) Include a baseline study that analyzes the existing functions and values of the wetlands and buffer, functions and values that may be lost, and the system's functions and values after mitigation;

(b) Specify how lost functions and values will be replaced;

(c) Specify when mitigation will occur relative to project construction and to the requirements of permits required by other jurisdictions;

(d) Address the need for and, when appropriate, determine the width of the buffer adjacent to any altered wetland edge;

(e) In public projects, provide interpretative signage at the rate of one per every five acres or portion thereof, the contents and design of which must be approved by the Director prior to installation;

(f) Include a narrative monitoring plan and plan sheet with sufficient detail for the City to field verify mitigation success.

18.802.100 Wetland mitigation bank credit.

(1) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

(a) The bank is certified under Chapter 173-700 WAC;

(b) The Director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(c) The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(2) Replacement ratios for projects using bank credits must be consistent with replacement ratios specified in the bank's certification.

(3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

Chapter 18.804 Critical Areas – Fish and Wildlife Habitat Conservation Areas

ℹ The existing SMC Chapter 17.130 has been moved to this new Chapter SMC 18.804. The definition for FWHCA's will be updated in the definitions section, consistent with RCW 36.70A.030(6). The following sections were updated based on Ecology guidance, including changing the stream typing to be consistent

throughout the chapter. The stream buffers were also updated by adding a requirement for using SPTH for new development.

18.804.010 Applicability.

i This draft replaces the purpose, objectives, and "relationship to general standards" sections in each critical area chapter, which were largely duplicative of each other, with this new applicability section that makes reference to the general critical areas chapter.

This chapter provides standards for the "Fish and Wildlife Habitat Conservation Area" type of critical area and is applied pursuant to the general critical area regulations and processes in SMC Chapter 18.800.

18.804.020 Designation.

(1) All areas within the City meeting one or more of the criteria in (2) are hereby designated Fish and Wildlife Habitat Conservation Areas and are subject to the provisions of this chapter.

(2) Fish and Wildlife Habitat Conservation Areas include:

(a) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.

(i) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service may be consulted as necessary for current listing status.

(ii) State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The Washington Department of Fish and Wildlife maintains the most current listing and may be consulted as necessary for current listing status.

(b) State Priority Habitats and the Habitats of State Priority Species. Priority habitats and species are priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status; sensitivity to habitat alteration; and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the Washington Department of Fish and Wildlife; maps and reports can be obtained by contacting the Washington Department of Fish and Wildlife's Priority Habitats and Species Program.

(c) Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the City Council, including those that possess unusual or unique habitat warranting protection. Any species identified by the City Council must be listed.

(d) Commercial and Recreational Shellfish Areas. These areas include all public and private tidelands or bedlands suitable for shellfish harvest, kelp, eelgrass beds and forage fish spawning areas, including shellfish protection districts established pursuant to Chapter 90.72 RCW.

(e) Naturally Occurring Ponds under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

(f) Waters of the State. In the city of Stanwood, waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031.

(g) State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the Washington Department of Natural Resources.

(h) Land essential for preserving connections between habitat blocks and open spaces.

18.804.030 Classification.

ℹ This section is based on existing SMC 17.130.050.

ℹ The classification of streams was updated based on the new water typing system in WAC 222-16-030. Language closely mirrors the WAC and was not updated for grammar or plain language. Some inconsistencies between code and WAC were inherited from existing code. Updated "department" in the definition to "Ecology."

Streams are classified as described in this section, consistent with WAC 222-16-030:

(1) Type S Streams. All waters, within their bankfull width, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW, including periodically inundated areas of their associated wetlands.

(2) Type F Streams. Segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water, as more fully described in WAC 222-16-030.

(3) Type Np Streams. All segments of natural waters within the average bankfull width of defined channels that are perennial non-fish habitat streams. Perennial streams are streams that do not dry any time during a year of normal rainfall. Type Np streams are not used by fish and do not have the potential to provide fish habitat. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices Board Manual, Section 23), then Type Np Streams begin at a point along the channel where the contributing basin area is at least 52 acres.

(4) Type Ns Streams. All segments of natural waters within the average bankfull width of the defined channels that are not Type S, F, or Np Streams. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np streams. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np streams.

18.804.040 Mapping

(1) The approximate location and extent of fish and wildlife habitat conservation areas are shown on the City's critical area maps contained in the comprehensive plan. These maps may be used as a general guide only and actual type, extent, and boundaries must be determined by a qualified biologist.

(2) The City and Washington State DNR maintain hydro-watercourse maps which may be used as a guide to identification of stream types, but not as a definitive declaration of stream type. To establish the stream type for the purposes of this chapter, stream typing must generally include on-site reconnaissance by a qualified biologist.

(3) Critical habitat is the specific areas within the geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection. Washington State Department of Fish and Wildlife maintains a Priority Habitats and Species Website which contains on-line maps which can be used as a guide to identify potential development impacts on species.

18.804.050 Allowed activities.

In addition to the activities allowed in SMC 18.800.120, the following activities are allowed in FWHCAs and their buffers. In the event of a conflict between this section and SMC 18.800.120, this section controls.

ℹ The activities in SMC 18.802.050 for wetlands duplicated almost the entirety of this section, so we're incorporating that by reference.

(1) Any of the activities allowed in SMC 18.802.050.

(2) Streambank Stabilization.

(a) Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft armoring techniques in accordance with an approved critical area report. All actions must comply with the appropriate state and federal guidelines and obtain any required state and federal permits.

(b) Streambank stabilization to protect existing structures from channel migration is permitted in accordance with an approved critical area report. All actions must comply with the appropriate state and federal guidelines and obtain any required state and federal permits.

(c) Maintenance of existing streambank stabilization features is allowed subject to the following:

(i) Only hand equipment (no power tools) may be used within the stream and stream buffer;

(ii) No clearing of vegetation within the stream or stream buffer;

(iii) Maintenance actions must be restricted to May 1st through October 1st or as modified by appropriate state and federal timing restrictions; and

(iv) All actions must comply with the appropriate state and federal guidelines and obtain any required state and federal permits.

ℹ Note previous subsections (6) and (7) from earlier drafts have been moved to chapter 18.800.

18.804.060 Buffers.

ℹ This section is based on existing SMC 17.130.060.

ℹ Consistent with Department of Fish and Wildlife guidance and Best Available Science, this section proposes to abandon the table of buffer widths based on stream type and instead set buffer width based on site-potential tree height (SPTH) using the associated mapping tool to determine stream buffers for new development.

Buffers are required for all streams regulated by this chapter. Required minimum stream buffer widths are as stated in this section.

(1) New development must utilize the Washington Department of Fish and Wildlife (WDFW) site potential tree height (SPTH) mapping tool to determine appropriate stream buffers. The buffer must be equal to the height of the tallest 200-year-old site-potential tree ($SPTH_{200}$) or 100 feet, whichever is greater. Note an additional building setback as required by SMC 18.804.070 is also required.

(2) Buffers for state or federally designated endangered, threatened, and sensitive species per SMC 18.804.020(2) must be established per an approved habitat management plan as described in SMC 18.804.090.

(3) Measurement.

  (a) The buffer must be measured horizontally in a landward direction from the ordinary high-water mark.

  (b) Where lands adjacent to a stream display a continuous slope of 25% or greater, the buffer must include all such sloping areas.

(4) Averaging Buffer Widths. The width of a buffer may be averaged, thereby reducing the width of a portion of the buffer, and increasing the width of another portion, if all the following requirements are met:

  (a) Averaging does not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection and erosion protection, and other functions of the stream or buffer;

  (b) The total area of the buffer on the subject property is not less than the buffer which would be required if averaging were not allowed; and

  (c) No part of the width of the buffer is less than 65% of the required width or 25 feet, whichever is greater.

(5) Buffer Width Reduction. Buffer widths may be reduced if the buffer is enhanced in accordance with the following requirements:

  (a) Buffer width reduction and enhancement is targeted for buffer areas that have minimal functions and values due to existing physical characteristics;

  (b) The applicant demonstrates that proposed buffer enhancement, together with proposed buffer width reduction, will result in an increase in the functional value of the buffer when compared with the functional value of the standard buffer;

  (c) The applicant includes a comparative analysis of buffer values prior to and after enhancement, and demonstrates compliance with this section, as part of the critical area report described in SMC 18.804.080;

(d) The buffer width is not reduced below 75% of the standard buffer width, or 25 feet, whichever is greater, and the total buffer area reduction is not less than 75% of the total buffer area before reduction; and

(e) The functions and values of the stream protected by the buffer are not decreased.

(6) Functionally Disconnected Buffers. Buffers may exclude areas that are functionally and effectively disconnected from the stream by an existing public or private road, or legally established development as determined by the Director. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer.

(a) Significant developments include built public infrastructure such as roads, railroads, dikes, and private developments such as homes or commercial structures.

(b) Allowable buffer exclusion should be limited in scope to just the portion of the buffer affected and shall not interrupt the entire buffer functions.

(c) A critical area report may be required by the Director to analyze and document the buffer functionality.

18.804.070 Building setbacks.

(1) Buildings and other structures must be set back 15 feet from the outer edges of stream buffers, except as provided in subsection (2).

(2) The following may be allowed in the building setback area:

(a) Landscaping;

(b) Uncovered decks;

(c) Building overhangs if such overhangs do not extend more than 18 inches into the setback area; and

(d) Impervious surfaces such as driveways and patios (subject to City stormwater regulations).

i New provisions addressing existing development and activities in buffers have been added.

18.804.080 Critical area report requirements.

(1) If a critical area report is required, the Director may require that the critical area report contain any or all of the components described in this section, in addition to the general requirements of SMC 18.800.150.

(2) Stream and buffer impacts:

(a) Stream corridors, name (if named), and stream type based on the State Department of Natural Resources' Official Water Type Maps and SMC 18.804.050;

(b) Observed or reported wildlife that make use of the area including, but not limited to, nesting, breeding, and feeding areas;

(c) A description of the streams and wetlands within 150 feet of the subject property, including buffers, drainage systems entering and leaving the site, a list of observed and documented plant and wildlife species, a description of the relative abundance of documented plant and wildlife species, and a description of the method used for flagging the wetlands edge, stream corridor, and buffers;

(d) A description and illustration of proposed development activities within the stream or buffer;

(e) A description of any previous disturbances to the stream or buffer;

(f) A summary of the methodology used to prepare the report;

(g) A mitigation plan which meets the requirements of SMC 18.800.160 and 18.800.170;

(h) A stream relocation plan, if applicable;

(i) A discussion of existing functions and values of the stream and buffers; and

(j) A discussion of the changes to stream and buffer functions and values resulting from the proposed development activity.

(3) Wildlife Habitat:

(a) If a habitat assessment is required, it must be integrated into the critical area report as described in subsection (2) above;

(b) A map drawn to scale or survey showing the location and description of the primary association area(s) of the species or natural habitats on the property;

(c) Physical and biological features that the species needs for life processes including:

(i) Space for individual and population growth for normal behavior;

(ii) Cover or shelter;

(iii) Food, water, air light minerals, or other nutritional or physiological requirements;

(iv) Site for breeding and rearing offspring, germination, or seed dispersal; and

(v) Habitats that protected from disturbances or are representative of the historical geographical and ecological disturbances of the species;

(d) If the habitat assessment identifies a fish and wildlife habitat conversation area is present or adjacent to a development, then a habitat management plan consistent with SMC 18.804.090 must be prepared and integrated into the critical areas report.

18.804.090 Mitigation and management requirements

(1) If the habitat assessment determines that the proposed development could potentially adversely impact a fish and wildlife habitat conservation area, the applicant must provide a habitat management and mitigation plan consistent with this section for evaluation by the city, state, and federal agencies.

(2) The habitat management and mitigation plan must be prepared by a qualified biologist.

(3) The habitat management and mitigation plan must be based on the most currently available best available science to minimize impacts associated with the proposed development. The following guidance documents must be used when preparing the plan:

(a) Washington State Department of Fish and Wildlife Priority Habitats and Species (PHS) Program;

(b) Washington State Department of Fish and Wildlife Land Use Planning for Salmon, Steelhead, and Trout guidance paper;

(c) Governor's Salmon Recovery Office and Recreation and Conservation Office website for ecosystem connectively and riparian vegetation; and

(d) Statewide Strategy to Recovery Salmon: the Washington Way.

(4) The habitat management and mitigation plan must contain:

(a) A description of how the proposal will avoid, minimize or mitigate impacts to fish or critical species and their habitats;

(b) A mitigation plan that specifies how functions and values lost as a result of the activity will be replaced;

(c) Specifications for when and how mitigation will occur relative to construction;

(d) Performance standards for monitoring and maintenance of the mitigation area; and

(e) Calculation of performance and maintenance surety amounts.

Chapter 18.806 Critical Areas – Geologically Hazardous Areas

ℹ The existing SMC Chapter 17.115 Critical Areas – Geologically Hazardous Areas – Specific Standards has been moved to this new Chapter SMC 18.806. A definition for geologically hazardous areas will be added to the definitions section, consistent with RCW 36.70A.030(14) and WAC 365-190-120(1).

18.806.010 Applicability.

ℹ This draft replaces the purpose, objectives, and "relationship to general standards" sections in each critical area chapter, which were largely duplicative of each other, with this new applicability section that makes reference to the general critical areas chapter.

This chapter provides standards for the "Geologically Hazardous Area" type of critical area and is applied pursuant to the general critical area regulations and processes in SMC Chapter 18.800.

18.806.020 Designation.

ℹ The following definition is taken from the critical areas checklist and RCW 36.70A.030(14) and WAC 365-190-120(1). This definition also appears in the definitions chapter of Title 18.

(1) Geologically hazardous areas, as defined in RCW 36.70A.030 and WAC 365-190-120, include areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health and safety concerns. They pose a threat to the health and safety if incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards must be designated as a geologically hazardous area:

(a) Erosion hazard;

(b) Landslide hazard;

(c) Seismic hazard; and

(d) Other geological events including tsunamis, volcanic hazards, and differential settlement.

(2) Erosion Hazard Areas. Erosion hazard areas include, but are not limited to, those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard. On the city's critical areas maps, these are shown as areas of moderate or steep slopes. Erosion hazard areas are also those areas impacted by shore land or stream bank erosion, or both.

(3) Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples include:

(a) Areas of historic failures, such as those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;

(b) Areas with all three of the following characteristics:

(i) Slopes steeper than 15%; and

(ii) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(iii) Springs or groundwater seepage;

(c) Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;

(d) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

(e) Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;

(f) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and

(g) Any area with a slope of 40% or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

(4) Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow groundwater table. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

(a) The magnitude of an earthquake;

(b) The distance from the source of an earthquake;

(c) The type of thickness of geologic materials at the surface; and

(d) The type of subsurface geologic structure.

(5) Tsunami Hazard Areas. Tsunami hazard areas are coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events.

ℹ The following sections were reworked based on the Critical Areas Checklist.

(6) Volcanic Hazard Areas. Areas susceptible to mud or debris flows from volcanic eruptions (Glacier Peak).

(7) Other Hazard Areas. Geologically hazardous areas also include areas determined by the city to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement, and hazards from mine workings (such as adits, gangways, tunnels, drifts, or air shafts).

18.806.030 Classification.

Geologic hazard areas are classified according to the following categories for each geologic hazard type.

Table 18.806.040-1 Geologic hazard types

Classification	Documentation and Data Sources
Known or suspected risk	Documentation or projection of the hazard by a qualified professional exists.
Risk unknown	Documentation or projection of the lack of hazard by a qualified professional exists, or data are not available to determine the presence or absence of a geologic hazard.

18.806.040 Mapping.

ℹ This section is based on existing SMC 19.70.420 Mapping.

(1) The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps (see the Natural Features Element of the Stanwood Comprehensive Plan). The adopted critical area maps include:

(a) U.S. Geological Survey landslide, seismic, and volcanic hazard maps;

(b) Department of Natural Resources Geological Survey's Geologic Information Portal, including seismic hazards and slope stability, as applicable;

(c) National Oceanic and Atmospheric Administration tsunami hazard maps (pending); and

(d) Locally adopted maps.

(2) These maps are to be used as a guide for city staff, project applicants and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

18.806.050 Allowed activities.

In addition to the activities allowed in SMC 18.800.120, the following activities are allowed in geologically hazardous areas and their setbacks. In the event of a conflict between this section and SMC 18.800.120, this section controls.

(1) In addition to the standards in SMC 18.800.120, trails proposed to be located in landslide or erosion hazard areas must be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.

(2) Moderate and Severe Erosion Hazards and Landslide Hazards on Moderate and Steep Slopes. Except as otherwise provided for in this chapter and Chapter 18.800 SMC, only those activities approved and permitted consistent with an approved geotechnical report in accordance with this chapter are allowed in moderate or severe erosion hazard areas or in landslide hazard areas with moderate or steep (severe) slopes.

(3) The following activities are allowed within slight erosion, low landslide, all volcanic, and all seismic hazard areas without a geotechnical report:

(a) Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;

(b) Single-Family Infill Development. Construction of a single-family unit, additions, and accessory structures that do not impact streams, wetlands, or their buffers; and

(c) Installation of fences.

(4) Critical facilities are not permitted on seismic faults or tsunami inundation areas. If such a prohibition is unreasonable, an allowance for critical facilities in tsunami areas can be made with the following specific conditions:

(a) Construction of new critical facilities is permissible if no feasible alternative site is available.

(b) Critical facilities must have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood).

(c) Floodproofing and sealing measures must be taken to ensure that toxic substances are not displaced by or released into flood waters.

(d) Access routes elevated to or above the level of the base flood elevation are provided to all critical facilities to the extent possible.

18.806.060 Setbacks and Other Performance Standards.

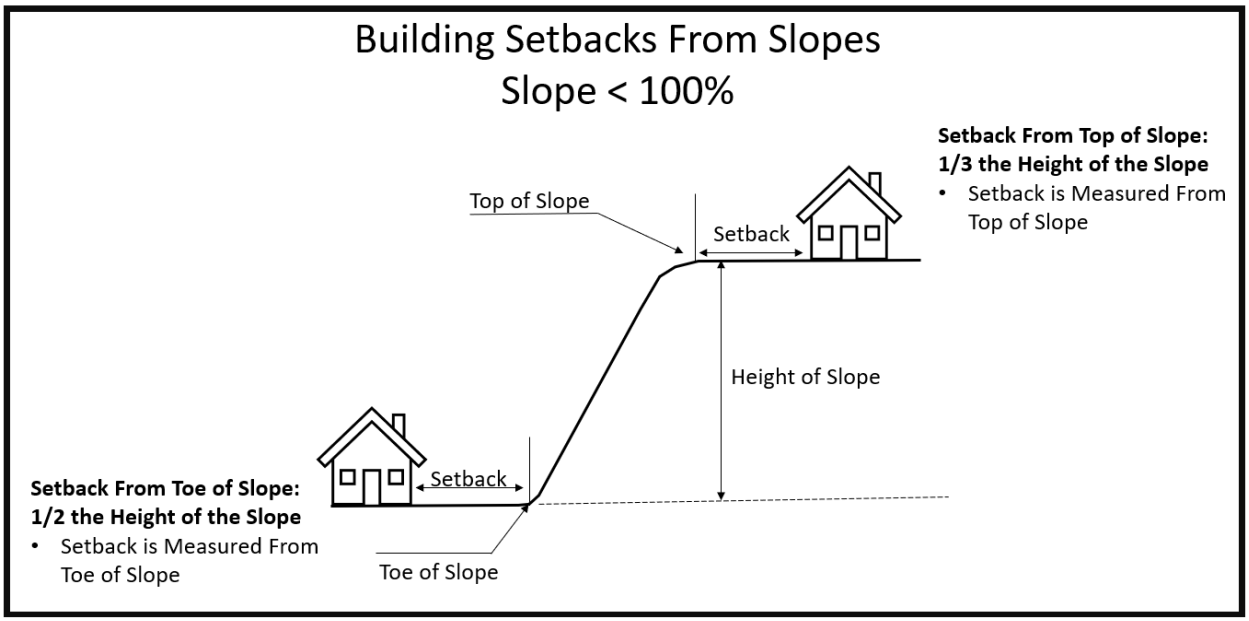
(1) Erosion and Landslide Hazard Areas. Activities on sites containing moderate or high erosion or landslide hazards must meet the following requirements:

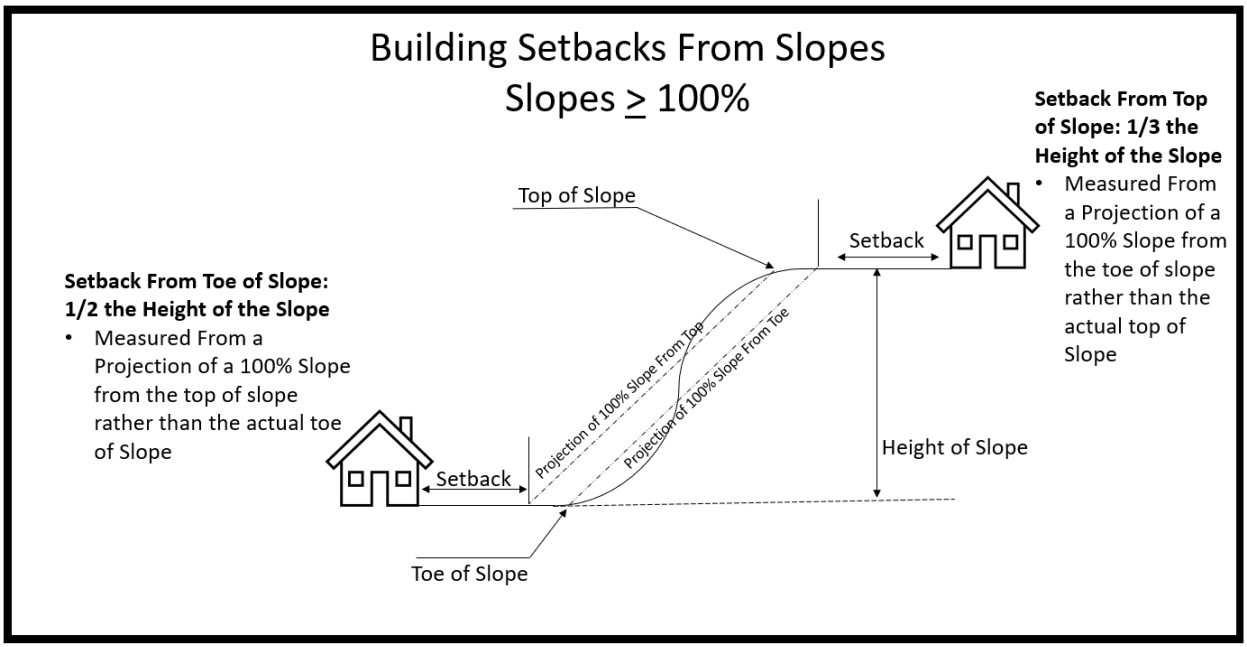
(a) Setback Required. A setback must be established from all edges of moderate or high erosion or landslide hazard areas. The size of the setback must be determined by the city to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a geotechnical report prepared by a qualified professional.

(i) Minimum Setback. At the base of a slope, the setback must be equal to one-half the height of the slope (as measured vertically from the toe to the top of the slope). For slopes less than 100%, the setback must be measured from the toe of the slope. For slopes greater than 100%, the setback must be measured from a projection of a 100% slope from the top of the slope rather than the actual toe of the slope. See Figure 18.806.080-1.

(ii) At the top of a slope, the setback must be equal to one-third the height of the slope. For slopes less than 100%, this setback must be measured from the top of the slope. For slopes greater than 100%, this setback must be measured from the projection of a 100% slope originating at the toe.

Figure 18.806.080-1 Setback widths for slopes





(iii) Setback Reduction. The setback may be reduced to a minimum of 25 feet if a qualified professional demonstrates to the city's satisfaction that the reduction adequately protects the proposed development, adjacent developments and uses and the subject critical area.

(iv) Increased Setback. The setback may be increased where the city determines a larger setback is necessary to prevent risk of damage to proposed and existing development.

(b) Alterations. Alterations of an erosion or landslide hazard area and/or setback may only occur for activities for which a geotechnical analysis is submitted and certifies that:

(i) The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;

(ii) The development will not decrease slope stability on adjacent properties; and

(iii) Such alterations will not adversely impact other critical areas.

(c) Design Standards. Development within an erosion or landslide hazard area and/or setback must be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability excludes designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

(i) The proposed development may not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions must be based on a minimum horizontal acceleration as established by the current version of the Uniform Building Code;

(ii) Structures and improvements must be clustered to avoid geologically hazardous areas and other critical areas;

(iii) Structures and improvements must minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

(iv) Structures and improvements must be located to preserve the most critical portion of the site and its natural landforms and vegetation;

(v) The proposed development may not result in greater risk or a need for increased setbacks on neighboring properties;

(vi) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes;

(vii) Development must be designed to minimize impervious lot coverage.

(d) Vegetation Must Be Retained. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area is prohibited. Yard and other uses are allowed in the setback if allowed by the approved geotechnical report.

(e) Seasonal Restriction. Clearing is allowed only from May 1st to October 1st of each year; the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practice permit issued by the Department of Natural Resources.

(f) Utility Lines and Pipes. Utility lines and pipes are permitted in erosion and landslide hazard areas only if the applicant demonstrates that no other practical alternative is available. The line or pipe must be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance are allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.

(g) Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area are prohibited except as follows:

(i) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas;

(ii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or

(iii) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed setback demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

(h) Subdivisions. The division of land in erosion and landslide hazard areas and associated setbacks is subject to the following:

(i) Land that is located wholly within an erosion or landslide hazard area or its setback may not be subdivided. Land that is located partially within an erosion or landslide hazard area or its setback may be divided; if each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its setback.

(ii) Access roads and utilities may be permitted within the erosion or landslide hazard area and associated setbacks if the city determines that no other feasible alternative exists.

(i) Prohibited Development. On-site sewage disposal systems, including drain fields, are prohibited within erosion and landslide hazard areas and related setbacks.

(2) Tsunami Hazard Areas (Unknown Hazard). Activities on sites containing areas susceptible to inundation due to tsunami hazards require an evacuation and emergency management plan. Uses in all tsunami hazard areas must adhere to the following standards, in addition to the other requirements of this chapter:

(a) All new construction must be located landward of the reach of mean high tide.

(b) All new construction and substantial improvements must be elevated on pilings and columns so that:

(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and

(ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(c) Design Must Be Certified. The structural design, specifications and plans for a proposed activity within a tsunami hazard area must be developed, reviewed, and certified by a registered professional engineer or architect that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the standards of this section.

(d) Space Below Lowest Floor Must Be Free of Obstruction. The space below the lowest floor of all new construction and substantial improvements must be either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall is required to have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or if required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse must result from water load less than that which would occur during the base flood; and

(ii) The elevated portion of the building and supporting foundation system is not subject to collapse, displacement, or other structural damage because of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination must each have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(e) Use of Breakaway Walls Must Be Limited. If breakaway walls are utilized, such enclosed space must be used solely for parking of vehicles, building access, or storage, and may not be used for human habitation.

(f) Manufactured Homes. Manufactured homes to be placed or substantially improved in tsunami hazard areas must meet the requirements of this chapter.

(g) Recreational Vehicles. Recreational vehicles placed on sites within tsunami hazard areas must meet the requirements of this chapter.

(3) Seismic and Other Hazard Areas. Alterations of these geologically hazardous areas or associated setbacks may only occur for activities that:

(a) Do not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;

(b) Do not adversely impact other critical areas;

(c) Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

(d) Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

18.806.070 Geotechnical report requirements.

In addition to the general requirements of SMC 18.800.150, geotechnical reports for geologically hazardous areas must meet the requirements of this section.

(1) Erosion and Landslide Hazard Areas. A geotechnical report for an erosion hazard or landslide hazard area must include the following information at a minimum:

(a) Site Plan. The report must include a copy of the site plan for the proposal showing:

(i) The height of slope, slope gradient, and cross section of the project area;

(ii) The location of springs, seeps, or other surface expressions of groundwater on or within 200 feet of the project area or that have the potential to be affected by the proposal; and

(iii) The location and description of surface water runoff.

(b) Hazards Analysis. The hazards analysis must specifically include:

(i) A description of subsurface conditions based on data from site-specific explorations;

(ii) Descriptions of surface and groundwater conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;

(iii) An estimate of slope stability and the effect construction and placement of structures may have on the slope over the estimated life of the structure;

(iv) An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;

(v) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

(vi) A study of slope stability including an analysis of proposed cuts, fills, and other site grading;

(vii) Recommendations for building siting limitations;

(viii) An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

(c) Geotechnical Engineering Report. The technical information for a project within a landslide hazard area must include a geotechnical engineering report prepared by an engineer licensed in the State of Washington that presents engineering recommendations for the following:

(i) Parameters for design of site improvements including appropriate foundations and retaining structures. These must include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;

(ii) Recommendations for drainage and subdrainage improvements;

(iii) Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and

(iv) Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.

(d) Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan is required. The erosion and sediment control plan must be prepared in compliance with requirements set forth in the city's stormwater management regulations.

(e) Drainage Plan. The report must include a drainage plan for the collection, transport, treatment, discharge and/or recycling of water prepared in accordance with the city's surface water management plan. The drainage plan must consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area.

(f) Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas must include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan and/or other means for maintaining long-term soil stability.

(g) Monitoring Surface Waters. If the city determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the geotechnical report must include a plan to monitor the surface water discharge from the site. The monitoring plan must include a recommended schedule for submitting monitoring reports to the city.

(2) Seismic Hazard Areas. In addition to the basic report requirements, a geotechnical report for a seismic hazard area must also meet the following requirements:

(a) The site map must show all known and mapped faults that are within 200 feet of the project area or that have potential to be affected by the proposal.

(b) The hazards analysis must include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

(c) A geotechnical engineering report must evaluate the physical properties of the subsurface soils, especially the thickness of unconsolidated deposits and their liquefaction potential. If it is determined that the site is subject to liquefaction, mitigation measures appropriate to the scale of the development must be recommended and implemented.

(3) Tsunami Hazard Areas. In addition to the basic report requirements, a geotechnical report for a tsunami hazard area must meet the following requirements:

(a) Site Plan. The site plan must show all areas within 200 feet of the project area that have the potential to be inundated by wave action derived from a seismic event;

(b) Hazards Analysis. The hazards analysis must include a complete discussion of the potential impacts of the tsunami hazard on the site; and

(c) Emergency Management Plan. The emergency management plan must include plans for emergency building exit routes, site evacuation routes, emergency training, notification of local emergency management officials, and an emergency warning system.

(4) Volcanic and Other Geologically Hazardous Areas. In addition to the basic report requirements, the Director may require additional information to be included in the geotechnical report if determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required includes, but is not limited to:

(a) Site Plan. The site plan must show all hazard areas located within 200 feet of the project area or that have the potential to be affected by the proposal; and

(b) Hazards Analysis. The hazards analysis must include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

Chapter 18.808 Critical Areas – Critical Aquifer Recharge Areas

ℹ The existing SMC Chapter 17.135 Critical Areas – Critical Aquifer Recharge Areas – Specific Standards has been moved to this new Chapter SMC 18.808.

18.808.010 Applicability.

ℹ This draft replaces the purpose, objectives, and "relationship to general standards" sections in each critical area chapter, which were largely duplicative of each other, with this new applicability section that makes reference to the general critical areas chapter.

This chapter provides standards for the "Critical Aquifer Recharge Area" type of critical area and is applied pursuant to the general critical area regulations and processes in SMC Chapter 18.800.

18.808.020 Designation.

Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(3). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. These areas include the following:

(1) Wellhead Protection Areas. Wellhead protection areas may be defined by the boundaries of the 10-year time of groundwater travel or boundaries established using alternate criteria approved by the Washington State Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

(2) Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Water Drinking Act.

(3) Susceptible Groundwater Management Areas. Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.

(4) Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.

(5) Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines.

(6) Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the State Department of Ecology.

18.808.040 Mapping.

(1) The approximate location and extent of critical aquifer recharge areas are shown on the adopted critical areas maps (see the Natural Features Element of the Stanwood Comprehensive Plan).

(2) These maps are to be used as a guide for the city, project applicants, and/or property owners and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

18.808.050 Allowed activities.

The following activities are permitted in a CARA without a critical areas report:

(1) Activities permitted under SMC 18.800.120.

(2) Residential uses connected to the city sewer.

(3) Commercial/industrial/institutional uses connected to the city sewer that do not utilize, produce, store, or otherwise discharge hazardous materials, as defined in WAC 173-303-090(8) or SMC 18.808.110.

(4) Utility lines.

18.808.060 Prohibited activities.

The following activities or uses are prohibited within all critical areas identified as CARAs:

(1) Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;

(2) Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

(3) Mining.

  (a) Metals and hard rock mining; and

  (b) Sand and gravel mining, prohibited from critical aquifer recharge areas determined to be highly susceptible or vulnerable;

(4) Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);

(5) Hard chrome plating operations;

(6) Chemical lagoons and pits;

(7) Hazardous material disposal sites;

(8) Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances;

(9) New septic systems; and

(10) Other Prohibited Uses or Activities:

(a) Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source;

(b) Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream; and

(c) Activities that are not connected to an available sanitary sewer system, prohibited from critical aquifer recharge areas associated with sole source aquifers.

18.808.070 Critical area report requirements.

(1) A critical area report is required for:

(a) any proposed use that is not allowed under SMC 18.808.050;

(b) any activity that is located within the one-year time of travel zone for any wellhead.

(2) In addition to the requirements of SMC 18.800.150, a hydrogeological assessment must be provided in a critical area report, and contain the following information:

(a) Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on-site or immediately adjacent to the site, and permeability of the unsaturated zone;

(b) Groundwater depth, flow direction, and gradient based on available information;

(c) Currently available data on wells and springs within 1,300 feet of the project area;

(d) Location of other critical areas, including surface waters, within 1,300 feet of the project area;

(e) Available historic water quality data for the area to be affected by the proposed activity;

(f) Best management practices proposed to be utilized, including any low impact development techniques;

(g) Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;

(h) Groundwater monitoring plan provisions;

(i) Discussion of the effects of the proposed project on the groundwater quality and quantity, including:

(i) Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features; and

(ii) Predictive evaluation of contaminant transport based on potential releases to groundwater; and

(j) A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans must include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

18.808.080 Class I and Class I operations.

Certain nonresidential operations present a greater potential risk to water resources because of the volume and type of hazardous materials that are managed. These nonresidential operations are classified below and are subject to the stipulated actions defined in this section.

Table 18.808.090-1 Classifications

Class I Operations	
Definition	Operations that at any time within a one-year period will or do manage over 220 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that contain constituents referenced in the Code of Federal Regulations, 40 CFR 302.4 (referenced in Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)); or B. Hazardous materials, including any mixtures thereof, that contain constituents from the lists specified for Class II operations below.
Concentration Declassification	A Class I operation is no longer a classified operation if the Class I constituents (40 CFR 302.4) contained in a product or waste are individually present at less than 1% by weight for noncarcinogenic hazardous materials, and less than 0.1% by weight for known or suspected carcinogenic hazardous materials. (Operators should review the Safety Data Sheet for the hazardous materials to make this determination).
Consumer Quantity Declassification	A Class I operation is no longer a classified operation if both of the following conditions are met: A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses, or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material.
Metal and Metal Alloy Declassification	Solid metals and solid metal alloys, including but not limited to roll stock, bar stock, sheet stock, and manufactured articles such as equipment, parts, building materials, and piping, that contain one or more metals listed in 40 CFR 302.4 or WAC 173-303-090(8) must be declassified; except, that where machining, forming, grinding, cutting, melting, or other activities produce residues such as shavings, grindings, swarf, fume, or other finely divided particulate forms of a listed metal or metal alloy that may present a threat to water resources, such residues shall not be declassified.
Class II Operations	
Definition	Operations that at any time within a one-year period will or do manage over 2,200 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that exhibit the characteristic of toxicity because they contain leachable constituents as defined in WAC 173-303-090(8) as amended; or B. Hazardous materials, including any mixtures thereof, that contain constituents that are referenced on the Halogenated Solvent List in SMC 18.808.110.
Site Cleanup Reclassification	A Class II operation must be reclassified as a Class I operation if the primary activity is site remediation or cleanup pursuant to an approved settlement agreement or a remedial action under Chapter 70.105B RCW.
Concentration Reclassification	A Class II operation must be reclassified as a Class I operation if the Class II constituents (from WAC 173-303-090(8)) are present in the hazardous materials being managed at concentrations of less than 5% by weight.
Transfer Warehouse Reclassification	A Class II operation must be reclassified as a Class I operation if the following conditions are met: A. The operation is a transfer warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer; and B. Containers of hazardous materials are not opened at the site under any circumstance; and Products containing Class II hazardous materials are managed in containers with individual capacities of no more than 400 gallons.

Consumer Quantity Declassification	A Class II operation is no longer a classified operation if both of the following conditions are met: A. The operation is focused on research, education, distribution, or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses, or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material.

18.808.090 Required BMPs for Class I and Class II operations.

(1) Development Restrictions.

(a) No Class I or Class II operations are permitted within the one-year time of travel zone in a wellhead protection area.

(b) No Class II operations are permitted within the five-year time of travel zone in a wellhead protection area.

(2) Structural Best Management Practices. All new Class I and II operations must implement the provisions of this section prior to the date of issuance of the certificate of occupancy.

(a) Design and Construction. Operations must be designed, constructed, maintained, and operated to minimize the possibility of an unplanned release of hazardous materials to soil or water resources.

(b) Container/Tank Management. A container or tank holding a hazardous material must always be closed, except to add or remove materials. Hazardous materials must also be managed so that they do not damage the structural integrity of the operation or devices containing the material.

(c) Container/Tank Condition. All containers and tanks must be maintained in such a manner as to ensure effective operation and prevent the release of hazardous materials.

(d) Container/Tank Identification. The owner/operator is required to label all containers and tanks containing hazardous materials to identify the major risk(s) associated with the contents. This labeling must conform to applicable sections of the Uniform Fire Code, Occupational Safety and Health Standards, and/or the State of Washington's Dangerous Waste Regulations.

(e) Releases and Ancillary Equipment. Any leaking pipe, pump, or other ancillary equipment must be repaired or replaced promptly. All hazardous materials that have been released are to be contained and abated immediately. The City is to be notified of any release of hazardous materials in quantities greater than or equal to the reportable quantities referenced in 40 CFR 302.4 (also referenced in Section 103a of CERCLA), or releases of other hazardous materials that clearly impact water resources, as soon as possible but no later than 24 hours after the release. Ancillary equipment associated with hazardous materials must be supported and protected against physical damage and excessive stress.

(f) Compatibility. The owner/operator must use a container or tank made of or lined with materials which are compatible with the hazardous materials to be stored.

(g) Containment. Container and tank storage areas must have a containment system that can collect and holding spills and leaks. This containment must:

(i) Be constructed of an impervious surface with sealed joints;

(ii) Eliminate or minimize joints between concrete slabs and slab/foundation interfaces in the operation;

(iii) Provide pollution control measures to protect water resources, including run-off collection and discharge from active areas;

(iv) Be designed to provide secondary containment of 110% of the container's or tank's capacity; or in areas with multiple tanks, 110%of the largest tank or 10% of the aggregate tank volumes, whichever is larger. Secondary containment must be provided in all areas where hazardous materials are loaded/unloaded, transferred, accumulated, or stored; and

(v) Be compatible with the materials that are being handled.

(h) Loading Areas. Loading and unloading areas must be designed, constructed, operated, and maintained to:

(i) Contain spills and leaks that might occur during loading/unloading;

(ii) Prevent releases of hazardous materials to water resources;

(iii) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(iv) Allow for removal as soon as possible any collected hazardous materials resulting from spills, leaks, and equipment cleaning.

(i) Closure. At closure of an operation, all remaining structures, containers, tanks, liners, and soil containing or contaminated with hazardous materials at concentrations above state and federal regulatory thresholds must be decontaminated and properly disposed of or managed.

(3) Spill and Emergency Response Plan (SERP).

(a) All new Class I and II operations must develop and implement a Spill and Emergency Response Plan (SERP) within 90 days of the date of issuance of the certificate of occupancy. Other operations may also be required to develop and implement a SERP if the city determines this action will help prevent releases of hazardous materials to water resources.

(b) The SERP must be maintained on-site and be made available to the city upon request.

(c) The SERP must be updated at least every five years or as needed to reflect significant changes in operation or practices.

(d) At a minimum, the SERP must include the following information:

(i) Spill Prevention.

(A) Drawings including the layout of the operation, a floor plan, direction of drainage, entrance and exit routes, and areas where hazardous materials are received, stored, transported, handled or used in operations.

(B) Listings of all hazardous materials on-site including types, volumes, locations and container types and sizes.

(C) Spill prevention related equipment including equipment which serves to detect releases of potential water resources contaminants.

(ii) Emergency Response.

(A) Chain of command and procedures for spill response.

(B) Phone list of response agencies including federal, state and city emergency contact numbers and environmental cleanup companies.

(C) Procedures for treating and disposing of spilled hazardous materials.

(iii) Certification. The SERP must include a certification signed by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my

knowledge true and complete, and the spill prevention equipment and emergency response measures described herein are as stated." The signed certificate must include the authorized representative's name (printed), title, and contact information.

(4) Operational Inspections.

(a) All new Class I and II operations must implement the provisions of this section upon issuance of certificate of occupancy. Other operations may also be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.

(b) Schedule. The owner/operator must develop a written schedule for inspecting all monitoring equipment, safety or emergency equipment, security devices, and any other equipment that helps prevent, detect, or respond to water resource-related hazards.

(c) Regular Inspections. The owner/operator must perform site inspections to identify malfunctions and deterioration of equipment or containers, operator errors, discharges, or any other condition that may cause or lead to the release of hazardous materials to water resources. The owner/operator must conduct these inspections often enough to identify problems in time to correct them before they impact water resources. Inspections must be completed in all areas where hazardous materials are managed, and a written record of those inspections made at least annually.

(d) Water Resource-Related Hazard Mitigation. The owner/operator must remedy any problems revealed by the inspection. Where a water resource-related hazard is imminent or has already occurred, remedial action must be taken immediately.

(5) Training Program.

(a) All new Class I and II operations must implement the provisions of this section upon issuance of certificate of occupancy. Other facilities also may be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.

(b) Operations must develop a training program or amend an existing program that informs employees at least once each year of any possible risks to water resources associated with on-site operations. The owner/operator must ensure that employees know or understand:

(i) The location of hazardous materials managed at the operation and the associated potential risks to water resources;

(ii) The location of safety data sheets (SDS) at the operation;

(iii) How employees can detect the presence or release of hazardous materials;

(iv) How employees can protect themselves through work practices, emergency procedures, and with personal protective equipment;

(v) How to locate and use the operation's spill and emergency response plan; and

(vi) How to prevent the pollution or contamination of water resources.

(6) Closure Plan.

(a) Each new Class II operation must prepare and submit to the city a closure plan within six months of the date of issuance of the certificate of occupancy. Class II operations must ensure that their facilities are closed in a manner that prevents the release of hazardous materials during closure, protects water resources, and prevents post-closure escape of hazardous materials to water.

(b) Plan Requirements. The closure plan must detail how the operation will, upon any closure anticipated to be longer than two years, remove and properly dispose of hazardous materials, and perform an

investigation to confirm the presence or absence of hazardous materials in the soil and groundwater, if potential contamination is indicated. Specifically, the closure plan must include the following:

(i) A listing of the types and quantities of hazardous materials reasonably expected to be present on-site during the operating life of the operation.

(ii) A description of the plan for removal and disposal of hazardous materials.

(iii) A description of the plan to decontaminate containment systems and ancillary equipment.

(iv) An estimate of the cost to implement the closure plan, using the assumption that a third party will conduct removal and disposal activities.

(v) A certification signed by an authorized representative of the business/industry submitting the closure plan stating, "I certify that the information provided in this document is to the best of my knowledge accurate and the closure measures described herein will be implemented as stated." The signed certificate must include the authorized representative's name (printed), title, and contact information.

(c) Report Update. The owner/operator of an operation must update the closure plan every five years or recertify the current information and estimates. The closure plan must also be updated if operating procedures change in such a way that the volume/mass of hazardous material is increased by 25% or more.

(7) Engineering and Operating Report. If the city recognizes and demonstrates a need for additional information on an operation's practices, the city may require the operation to submit an engineering and operating report to accommodate the city's review of operations and to prevent releases of hazardous materials to water resources. If required, the report must provide the following:

(a) The type of industry or business including the kind and quantity of finished products.

(b) A process flow diagram illustrating the process flow of water and materials in a normal operating day. This must include details on the operation's plumbing and piping and where specific chemicals are added to processes.

(c) A discussion of any discharges to the municipal sewer system.

(d) A discussion of any discharges through land applications, including seepage lagoons, irrigation, and subsurface disposal. As applicable, this discussion may also include the depth to groundwater and anticipated overall effects of the operations on the quality of water resources.

(e) Provisions for any plans for future expansion or intensification.

(f) A certification signed and dated by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete." The signed certificate must include the authorized representative's name (printed), title, and contact information.

(8) Records and Reports.

(a) Operations must maintain records of required inspection, training, cleaning, and maintenance events. Where operations are otherwise required by the city or another agency to maintain such records, those records must satisfy this requirement. All operations are required to maintain these records on-site for at least three years and must make them available to the city upon request.

(b) Plans, reports, or other documentation concerning the management of hazardous materials must also be made available to the city upon request.

(c) Information provided to the city must be available to the public. Information not claimed as confidential at the time of submission must be made available to the public if requested.

18.808.100 Halogenated solvent list.

ℹ This section is existing SMC 17.135.110, and is referenced in the Class I/Class II Operations section above.

Table 18.808.110-1 Halogenated Solvent List

Solvent	Synonym(s)	CAS No.	Specific Density (g/cc)
Benzyl chloride	Chloromethylbenzene	100-44-7	1.100
Bis(2-chloroethyl)ether	Bis(-chloroethyl)ether	111-44-4	1.220
Bis(2-chloroisopropyl)ether	Bis(-chloroisopropyl)ether	108-60-1	1.103
Bromobenzene	Phenyl bromide	108-86-1	1.495
Bromochloromethane	Chlorobromomethane	74-97-5	1.934
Bromodichloromethane	Dichlorobromomethane	75-27-4	1.980
Bromoethane	Ethyl bromide	74-96-4	1.460
Bromoform	Tribromomethane	75-25-2	2.890
Carbon tetrachloride	Tetrachloromethane	56-23-5	1.594
Chlorobenzene	Benzene chloride	108-90-7	1.106
2-Chloroethyl vinyl ether	(2-Chlorethoxy)ethane	110-75-8	1.048
Chloroform	Trichloromethane	67-66-3	1.483
1-Chloro-1-nitropropane	Chloronitropropane	600-25-9	1.209
2-Chlorophenol	o-Chlorophenol	95-57-8	1.263
4-Chlorophenyl phenyl ether	p-Chlorodiphenyl ether	7005-72-3	1.203
Chloropicrin	Trichloronitromethane	76-06-2	1.656
m-Chlorotoluene		108-41-8	1.072
o-Chlorotoluene	2-Chloro-1-methylbenzene	95-45-8	1.082
p-Chlorotoluene		106-43-4	1.066
Dibromochloromethane	Chlorodibromomethane	124-48-1	2.451
1,2-Dibromo-3-chloropropane	DPCP	96-12-8	2.050
Dibromodifluoromethane	Freon 12-B2	75-61-6	2.297
1,2-Dichlorobenzene	o-Dichlorobenzene	95-50-1	1.305
1,3-Dichlorobenzene	m-Dichlorobenzene	541-73-1	1.288
1,1-Dichloroethane	1,1-DCA	75-34-3	1.176
1,2-Dichloroethane	Ethylene dichloride, 1,2-DCA	107-06-2	1.235
1,1-Dichloroethene	Vinylidene chloride 1,1-DCE	75-35-4	1.218
trans-1,2-Dichloroethylene	trans-1.2-DCE	156-60-5	1.257
1,2-Dichloropropane	Propylene dichloride	78-87-5	1.560
cis-1,3-Dichloropropene	cis-1,3-Dichloropropylene	10061-01-5	1.224
trans-1,3-Dichloropropene	trans-1,3-Dichloropropylene	10061-02-0	1.182
Ethylene dibromide	1,2-Dibromoethane, EDB	106-93-4	2.179

Solvent	Synonym(s)	CAS No.	Specific Density (g/cc)
Hexachlorobutadiene	HCBD	87-68-3	1.554
Hexachlorocyclopentadiene	HCCPD	77-47-4	1.702
Methylene chloride	Dichloromethane	75-09-2	1.327
Pentachloroethane	Ethane pentachloride	76-01-7	1.680
1,1,2,2-Tetrabromoethane	Acetylene tetrabromide	79-27-6	2.875
1,1,2,2-Tetrachloroethane	Acetylene tetrachloride	79-34-5	1.595
Tetrachloroethylene	Perchlororethylene, PCE	127-18-4	1.623
1,2,4-Tetrachlorobenzene	1,2,4-TCB	120-82-1	1.454
1,1,1-Trichloroethane	Methyl chloroform, 1,1,1-TCA	71-55-6	1.339
1,1,2-Trichloroethane	1,1,2-TCA	79-00-5	1.440
Trichloroethylene	TCE	79-01-6	1.464
1,1,2-Trichlorofluoromethane	Freon 11	75-69-4	1.487
1,2,3-Trichloropropane	Allyl trichloride	96-18-4	1.389
1,1,2-Trichlorotrifluoroethane	Freon 113	76-13-1	1.564

Chapter 18.810 Critical Areas – Frequently Flooded Areas

ℹ The existing SMC Chapter 17.120 is moved to this new Chapter SMC 18.810. This section was renamed from "Floodplain Management" to "Critical Areas – Frequently Flooded Areas"

18.810.010 Applicability.

ℹ This draft replaces the purpose, objectives, and "relationship to general standards" sections in each critical area chapter, which were largely duplicative of each other, with this new applicability section that makes reference to the general critical areas chapter.

(1) This chapter provides standards for the Frequently Flooded Area type of critical area and is applied pursuant to the general critical area regulations and processes in SMC Chapter 18.800.

(2) Because this chapter implements requirements for the City's participation in the National Flood Insurance Program, in the event of a conflict between this chapter and Chapter 18.800 SMC, this chapter controls.

18.810.020 Methods of reducing flood losses.

To accomplish its purpose, this chapter includes methods and provisions for:

(1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which results in damaging increases in erosion or in the flood heights or velocities;

(2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers that unnaturally divert flood water or may increase flood hazards in other areas.

18.810.030 General provisions.

(1) Lands to Which These Standards Apply. These standards apply to all areas of special flood hazards within the jurisdiction of the city of Stanwood. All development within special flood hazard areas is subject to the regulations contained within this chapter and all other state or federal regulations. Special flood hazards may result from high river flow, alteration of river channels, tsunami, high tides combined with high winds, sea level rise associated with global warming, and increased runoff due to increased impervious surface area.

(2) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated June 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, is adopted by reference and declared to be a part of this code. The flood insurance study is on file at City Hall.

(3) Penalties for Noncompliance. No structure or land may hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these standards and other applicable regulations. Violation of the provisions of these standards by failure to comply with any of their requirements (including violations of conditions and safeguards established in connection with conditions) constitutes a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements must upon conviction thereof be fined not more than $1,000 or imprisoned for not more than 90 days or both for each violation and in addition must pay all costs and expenses involved in the case. Nothing herein contained may prevent the city of Stanwood from taking such other lawful action as is necessary to prevent or remedy any violation.

(4) Abrogation and Greater Restrictions. These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these standards and any other code, easement, covenant, or deed restriction conflict or overlay, whichever imposes the more stringent restrictions must prevail.

(5) Interpretation. In the interpretation and application of these standards, all provisions must be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(6) Warning and Disclaimer of Liability. The degree of flood protection required by these standards is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by humanmade or natural causes. These standards do not imply that land outside the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. These standards may not create liability on the part of the city of Stanwood, any officer or employee thereof, or the Federal Insurance and Mitigation Administration for any flood damages that result from reliance on them, or any administrative decision lawfully made hereunder.

ℹ The definition for "substantial improvement" has been moved to this section and updated to allow for upgrades up to 50% of the building's value every year, rather than every two years.

(7) For the purpose of this chapter, "substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure taking place during the last 12-month period, the cost of which equals or exceeds 50% of the market value of the structure before "the start of construction" of the improvement must comply with the requirements of SMC 18.810. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. Substantial improvement does not include either:

(a) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

18.810.040 Administration.

ℹ This section is based on SMC 17.120.030 Administration.

(1) Designation. The Director serves as the city's floodplain administrator and is hereby appointed to administer, implement, and enforce these standards by granting or denying development permit applications in accordance with their provisions.

ℹ Several of the duties below were restructured and renumbered to make clear that they are responsibilities of the floodplain administrator/director.

(2) Duties. The duties of the Director include, but are not limited to:

(a) Review all development permits to determine that:

(i) The permit requirements of these standards have been satisfied;

(ii) All necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.

(iii) The site is reasonably safe from flooding;

(iv) Notify Federal Insurance Administrator if annexations occur in the special flood hazard area.

(b) Use of Other Base Flood Data. If base flood elevation data has not been provided in accordance with SMC 18.810.020(2), Basis for Establishing the Areas of Special Flood Hazard, the Director is required to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer SMC 18.810.080, Specific Standards.

(c) Obtain and maintain flood information.

(i) Where base flood elevation data is provided through the flood insurance study or otherwise required, these data must be obtained and a record made of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether the structure contains a basement.

(ii) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS or FIRM, or as otherwise required:

(A) Obtain and maintain the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

(B) Maintain the floodproofing certifications required in subsection (7)(c) of this section.

(iii) Maintain for public inspection all records pertaining to the provisions of these standards.

(iv) Records of all variance actions; include justification for their issuance.

(v) Improvement and damage calculations.

(d) Whenever a watercourse is to be altered or relocated:

(i) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means.

(ii) Ensure that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

(e) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards. (For example, where there appears to be a conflict between a mapped boundary and actual field conditions.) The person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation. Such appeals must be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

(3) Changes to Special Flood Hazard Area.

(a) A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community, or project proponent, must notify FEMA of the changes by submitting technical or scientific data in accordance with this chapter. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements must be based upon current data.

(b) If a CLOMR application is made, then the project proponent must also supply the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications. Once a CLOMR has been approved, the project proponent must follow up with the LOMR application once the project is complete.

18.810.050 Permits and review required.

ℹ This is a new section that includes some content from the Administration section that didn't belong there.

(1) A project permit must be obtained before construction or development begins within any area of special flood hazard area. A permit is required for all structures, including manufactured homes, and for all development activities, including fill and other activities.

(2) Application for a project permit must be made consistent with SMC Title 18 Part 2 and must include all of the application requirements of the underlying permit and the following:

(a) plans drawn to scale showing:

(i) the nature, location, dimensions, and elevations of the area in question;

(ii) existing or proposed structures;

(iii) fill;

(iv) storage of materials;

(v) drainage facilities;

(b) elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the floodplain administrator;

(c) elevation in relation to mean sea level to which any nonresidential structure has been floodproofed;

(d) certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SMC 18.810.050(2);

(e) description of the extent to which a watercourse may be altered or relocated because of the proposed development; and

(f) any other such information that may be reasonably required by the floodplain administrator to review the application.

18.810.060 Critical area report requirements.

In addition to the general requirements of SMC 18.800.150, critical area reports for frequently flooded areas must meet the requirements of this section.

(1) Area addressed in critical area report:

(a) The site area of the proposed activity;

(b) All areas of special flood hazard, as indicated on the flood insurance map(s) within 200 feet of the project area; and

(c) All other flood areas indicated on the flood insurance map(s) within 200 feet of the project area.

(2) Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area must contain a flood hazard assessment including the following site- and proposal-related information at a minimum:

(a) Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:

(i) Floodplain (100-year flood elevation), 10- and 50-year flood elevations, floodway, other critical areas, buffers, and shoreline areas;

(ii) Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;

(iii) Clearing limits; and

(iv) Elevation of the lowest floor (including basement) of all structures, and the level to which any nonresidential structure has been floodproofed.

18.810.070 Provisions for flood hazard reduction.

In all areas of special flood hazard, the following standards are required to be met:

(1) Anchoring.

(a) All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(2) Construction Materials and Methods.

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

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

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

(d) All structures, utilities and other improvements must be located on the buildable portion of the site outside of the floodplain unless there is no buildable site area out of the floodplain. For sites with no buildable area out of the floodplain, structures must be placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the city detects any evidence of active hyporheic exchange on a site, the development must be located to minimize disruption of such exchange.

(e) Fill and grading within the floodplain must only occur upon a determination from a qualified professional that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the city has delineated such zones as of the time of the application.

(3) Utilities.

(a) All new and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.

(b) New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems in flood waters.

(c) On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

ℹ The following line was added to increase protections of HVAC systems in the event of a flood.

(d) New and replacement HVAC systems must be located above the base flood elevation and elevated off the floor to minimize damage from flooding.

(4) Subdivision and Development Proposals.

(a) All development proposals, including subdivisions and manufactured home parks, must be consistent with the need to minimize flood damage.

(b) All development proposals, including subdivisions and manufactured home parks, must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All development proposals, including subdivisions and manufactured home parks, must have adequate drainage provided to reduce exposure to flood damage.

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it must be generated for development proposals, including subdivisions and manufactured home parks, greater than 50 lots or five acres (whichever is the lesser).

(5) Review of Building Permits. Where elevation data is not available either through the flood insurance study, or from another authoritative source, applications for building permits must be reviewed to ensure that proposed construction is reasonably safe from flooding. The test of reasonableness includes use of historic data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.

(6) Storage of Materials and Equipment.

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

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

18.810.080 Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in SMC 18.810.020(2), Basis for Establishing the Areas of Special Flood Hazard, or SMC 18.810.030(2), Use of Other Base Flood Data, the following provisions are required:

(1) Residential Construction.

(a) New construction and substantial improvement of any residential structure must have the lowest floor elevated to the base flood elevation plus one foot. Mechanical equipment and utilities, including HVAC systems, must be waterproofed or elevated at least one foot above base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if usable solely for parking, access or storage must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Other uses that are subject to flooding are prohibited. Designs must meet or exceed the following minimum criteria. Alternatively, a registered engineer or architect may design and certify engineering openings.

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

(ii) The bottom of all openings shall be no higher than one-foot above grade;

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices so long as they permit the automatic entry and exit of flood waters; and

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

(2) Nonresidential Construction.

(a) New construction and substantial improvement to any commercial, industrial, or other nonresidential structure must either have the lowest floor elevated to the level of the base flood elevation plus one foot, or, together with attendant utility and sanitary facilities, must:

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

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

(iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certification must be provided to the Director as set forth in SMC 18.810.030(3)(b);

(iv) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1)(b) of this section; and

(v) An applicant floodproofing nonresidential buildings must be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

(3) Manufactured Homes.

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

(i) Outside of a manufactured home park or subdivision;

(ii) In a new manufactured home park or subdivision;

(iii) In an expansion to an existing manufactured home park or subdivision; or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

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

(i) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or

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

(4) Recreational Vehicles. Recreational vehicles to be placed on sites within zones A1 – A30 and AE on the community's FIRM are required to either:

(a) Be on site for fewer than 180 consecutive days;

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

(c) Must obtain a development permit and meet the requirements, including elevation and anchoring, for manufactured homes.

(5) Appurtenant Structures (Detached Garages and Small Storage Structures). Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

(a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

(b) The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials;

(c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

(d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;

(e) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with subsection (1)(b) of this section;

(f) The structure must have low damage potential;

(g) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use;

(h) The structure may not be used for human habitation;

(i) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (1) of this section; and

(j) Upon completion of the structure, certification that the requirements of this section have been satisfied must be provided to the floodplain administrator for verification.

(6) Requirements for All Crawlspace Construction. All crawlspaces that have enclosed areas or floors below the base flood elevation must be:

(a) Designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Have openings that allow for the automatic entry and exit of flood waters. The bottom of the flood opening can be no more than one foot above the lowest adjacent exterior grade and meet the requirements in subsection (1)(b) of this section;

(c) Constructed with materials resistant to flood damage, including foundation walls, joists, insulation or other materials that will be below BFE;

(d) Located in areas where flood velocities do not exceed five feet per second;

(e) Any building utility systems, including HVAC systems, within the crawlspace must be elevated above the BFE or designed so that flood waters cannot enter or accumulate within the system components during flood conditions; and

(f) In addition to the above requirements, below-grade crawlspaces must be constructed so that:

(i) The interior grade of the crawlspace below the BFE is not more than two feet below the lowest adjacent exterior grade;

(ii) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, does not exceed four feet at any point;

(iii) An adequate drainage system to remove flood waters from the interior area of the crawlspace is installed.

18.810.090 Encroachments.

The cumulative effect of any proposed development, if combined with all other existing and anticipated development, may not increase the water surface elevation of the base flood more than one foot at any point.

18.810.100 Prohibited uses.

ℹ Since the term "critical facility" exists nowhere else in the municipal code, we've extracted it from the definitions chapter and placed it here.

(1) The following uses and activities are prohibited in frequently flooded areas:

(a) Critical facilities. Critical facilities are prohibited within frequently flooded areas to prevent damage to such facilities, to avoid costs that may be incurred by the public, and to maintain functionality of such facilities during flood events. If such a prohibition is unreasonable, an allowance for critical facilities in frequently flooded areas can be made with the following specific conditions:

(i) Construction of new critical facilities may be permissible within frequently flooded areas if no feasible alternative site is available.

(ii) Critical facilities constructed within frequently flooded areas must have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood).

(iii) Floodproofing and sealing measures must be taken to ensure that toxic substances are not displaced by or released into flood waters.

(iv) Access routes elevated to or above the level of the base flood elevation must be provided to all critical facilities to the extent possible.

(2) For the purpose of this section, "critical facility" means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, essential public facilities, schools, nursing homes, hospitals, fire and emergency response installations, and installations that produce, use or store hazardous materials or hazardous waste.

18.810.110 Variance procedure and appeal process.

(1) Variances from these regulations and appeals are heard as provided by Chapter 18.330 SMC, Variances.

(2) In reviewing such applications for variances, the city must consider all technical evaluations, all relevant factors, and criteria specified in other sections of these standards, including criteria in SMC 18.800.200, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage on the owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity that the facility has a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use that are not subject to the flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the city's Comprehensive Plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

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

18.810.120 Conditions for variances.

(1) Variances may only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing laws or ordinances. Unavoidable impacts to floodplain functions and values must be mitigated in accordance with SMC 18.800.180(4), Mitigation Sequencing.

(2) Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation does not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances must be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of SMC 18.810.030, Administration, and SMC 18.810.040, Provisions for flood hazard reduction, have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(5) Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure or its inhabitants' economical or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevation should be quite rare.

(6) Variances may be issued for nonresidential buildings in very limited circumstances to allow less floodproofing than watertight or dry floodproofing, where it can be determined that such action has low damage potential, complies with all other variance criteria, except subsection (1) of this section, and otherwise complies with SMC 18.810.040(1) through (3).

(7) Any applicant to whom a variance is granted must be given written notice that the structure may be permitted to be built with a lowest floor elevation below the base flood elevation and that:

(a) The issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

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

(8) The floodplain administrator must maintain a record of all variance actions, including justification for their issuance.

Chapter 18.812 Cultural Resources

ℹ This is all new code, except for some parts from SMC 18.906.040 Preservation of Cultural Resources in the SMP. The new language was adapted from Ecology's model language from Appendix B to the Shoreline Master Program Handbook, Pierce County 18S.30.020, and La Center Municipal Code 18.360.

ℹ A definition of "cultural resources" is included in the proposed UDC procedures ordinance and encompasses cultural, historical, and archaeological resources.

18.812.010 Purpose.

The purposes of this chapter are to:

(1) Establish clear procedures and specific standards for preservation of cultural resources.

(2) Recognize that cultural resources may be found throughout the city and are valuable resources because they are limited and irreplaceable.

(3) Ensure coordination and consistency with the State Environmental Policy Act, the Shoreline Management Act, the Growth Management Act, and RCW Chapters 27.34, 27.44, 27.48, and 27.53.

18.812.020 Applicability.

This chapter applies to all areas within the City of Stanwood and all applications for a project permit.

18.812.030 Preservation of Cultural Resources.

ℹ This section is based on SMC 18.906.040, Preservation of Cultural Resources, in the SMP. References specific to the SMP were removed. Some text was moved to 18.812.030(2)(a) and 18.812.040(1) of this chapter.

(1) An owner of property containing identified or probable cultural resource sites is encouraged to coordinate well in advance of application for development to ensure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.

ℹ And some portion of this section is reorganized recommended language from DAHP and Ecology.

(2) The Department must provide notice of an application for a project permit consistent with SMC 18.230.055.

(3) The Director may condition approval of a project permit to comply with this chapter when:

(a) The project site contains known cultural resources, as identified by any of the following:

(i) Department of Archaeology and Historic Preservation (DAHP);

(ii) a tribal government;

(iii) National Register of Historic Places;

(iv) Washington Heritage Register;

(b) The property is listed by DAHP as eligible for listing in either the National Register of Historic Places or the Washington Heritage Register;

(c) The property is listed in any city register of historic places;

(d) When the city determines that reliable and credible information indicates the probable existence of an archaeological resource or site;

(e) When a permit or approval is required for any ground-disturbing activities.

(4) The Director may condition approval of a project permit to require:

(a) consultation with the Washington Department of Archaeology and Historic Preservation and any affected tribal governments;

(b) preservation or conservation of cultural resources as required by applicable federal, state, and local statutes.

~~(c) an inadvertent discovery plan prepared by a professional archaeologist or using the department's template.~~

(5) <u>An inadvertent discovery plan shall be prepared by a professional archaeologist or using the department's template for all ground disturbing project permits not exempted by SMC 18.230.055(1).</u>

(6) An application for development in an area known to be significant must provide for monitoring of any development activity for previously unidentified cultural resources.

18.812.040 Cultural Resource Site Assessment

ℹ Capitalized Cultural Resource Site Assessment to make it a term of art like CRMP.

(1) The Director may require a Cultural Resource Site Assessment prior to approval of development on a property within 500 feet of a site known to contain or in an area identified as having the potential for the presence of cultural resources or when requested by an entity identified in 18.812.030(3)(a).

(2) Exception. A Cultural Resource Site Assessment is not required when a Cultural Resource Management Plan is prepared pursuant to SMC 18.812.050.

(3) A Cultural Resource Site Assessment must:

(a) Be performed by a professional archaeologist or historic preservation professional whose documentation and methodology should be replicable by another archaeologist to reach a similar conclusion;

(b) Use best available technology and archaeological techniques;

(c) Be based on a thorough review of records, documentation, and other relevant literature;

(d) Describe any cultural resources that are discovered on the site, using any relevant maps, written descriptions, and photographs;

(e) Assess whether the proposed use would affect any cultural resources discovered;

(f) Be submitted to the city, DAHP, and to any interested or affected tribal governments.

18.812.050 Cultural Resource Management Plan

(1) A Cultural Resource Management Plan ("CRMP") must be prepared when a Cultural Resource Site Assessment identifies the presence of significant cultural resources.

ℹ The remainder of this section is recommended language from DAHP and Ecology.

(2) A CRMP must be prepared by a professional archaeologist or historic preservation professional.

(3) To prepare recommendations for a CRMP, the author must solicit comments from the Washington Department of Archaeology and Historic Preservation and any affected Tribal government. Any comments received must be incorporated into the conclusions and recommendations of the CRMP to the maximum extent practicable.

(4) A CRMP must contain at least the following elements:

(a) Purpose of the project; a site plan; the depth and location of all ground disturbing activities including, but not limited to, utilities, driveways, clearing and grading; an examination of project on-site design alternatives; an explanation of why the proposed activity requires location on or access through an historic or significant archaeological resource.

(b) A description of the cultural resources affected by the proposal;

(c) An evaluation of the cultural resource and an analysis of the potential adverse impacts as a result of the activity;

(d) An analysis of how these impacts have been avoided, or where avoidance is not possible, how these impacts have been or will be mitigated/minimized; and

(e) A recommendation of appropriate mitigation measures for the impacts to cultural resources, which may include but are not limited to the following:

(i) Recording the site with the Washington Department of Archaeology and Historic Preservation; listing the site in the National Register of Historic Places, Washington Heritage Register, or any locally developed historic registry;

(ii) Preservation in place;

(iii) Reinternment in the case of grave sites;

(iv) Covering an archaeological site with a nonstructural surface to discourage pilferage (i.e., maintained grass or pavement);

(v) Excavation and recovery of archaeological resources;

(vi) Inventorying prior to covering of archaeological resources with structures or development; and

(vii) Monitoring of construction excavation.

(f) The Director must use the recommendations and conclusions of the CRMP in determining the presence and extent of cultural resources and appropriate mitigation measures.

(g) The Director may reject or request revision of the conclusions reached in a CRMP when the Director can demonstrate that the assessment is inaccurate or does not fully address the cultural resource management concerns.

18.812.060 Inadvertent discovery.

(1) If archaeological, cultural, or historical sites or artifacts of potential significance, or human skeletal remains are discovered in the process of development:

(a) work on that portion of the site must be stopped immediately;

(b) the site must be secured;

(c) the discovery must be reported as soon as possible to the Director;

(d) the Director must notify the Washington State Department of Archaeology and Historic Preservation, affected tribes, and other appropriate agencies;

(e) the Director must require the applicant to immediately prepare a Cultural Resources Site Assessment to determine the significance of the discovery and the extent of damage to the resource.

(2) If a Cultural Resources Site Assessment is required per subsection (1):

(a) The Director must distribute the assessment to the Washington Department of Archaeology and Historic Preservation and affected tribes to determine the significance of the discovery.

(b) The Director must allow 15 days for review, or 30 days in the case of inadvertent discovery of human remains.

(c) At the conclusion of the review period:

(i) if the site has been determined not to be significant by the above listed agencies or governments, or if the above listed agencies or governments have failed to respond, such stopped work may resume;

(ii) if the site is determined to be significant, a Cultural Resources Management Plan must be prepared per SMC 18.812.050.

(3) Treatment of cultural artifacts or human skeletal remains must comply with RCW 27.44.055, 68.50.645, and 68.60.055.

CITY OF STANWOOD
Planning Commission Findings of Fact and Recommendation

10220-270TH Street NW
Stanwood, WA 98292

City of Stanwood, Washington

Critical Areas Code Amendment

Findings of Fact and Conclusions of Law

A. GENERAL INFORMATION

File Number(s):	24-0132 (Code Amendment)
Project Summary:	Critical Areas Code Amendment
Applicant:	City of Stanwood
Location:	Applies Throughout the City of Stanwood Jurisdictional Limits
Staff Contact:	Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

Washington's Growth Management Act (GMA) requires all cities and counties to designate and regulate "critical areas", which are defined as wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The City has elected to add Cultural Resources as a protected critical area as it is required under Washington State Executive Order 05-05. The Executive Order requires agencies to integrate cultural resource reviews into their planning processes. This includes assessing the potential impacts of construction, development, or land use projects on archaeological sites, historic buildings, and other cultural assets.

The legislature set a staggered schedule for cities and counties throughout the state to update their plans. Jurisdictions within King, Pierce, Kitsap and Snohomish County are required to update their comprehensive plans by December 31, 2024 and critical area regulations by December 2025.

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. As part of the Unified Development Code adoption process, the critical areas codes are being migrated from existing Title 17, Zoning, to new Title 18, Part 8 – Environmental.

The critical area code amendment includes the following environmental protections and has been organized into the UDC as follows and will be notated as Stanwood Municipal Code, Chapter 18.800-18.812.

Chapter	Provisions
SMC 18.800	General Provisions - Applies to All Critical Areas
SMC 18.802	Wetlands
SMC 18.804	Fish and Wildlife Habitat Conservation Areas
SMC 18.06	Geologically Hazardous Areas
SMC 18.808	Critical Aquifer Recharge Areas
SMC 18.810	Frequently Flooded Areas
SMC 18.812	Cultural Resources

C. CRITICAL AREA CODE AMENDMENT SUMMARY

The City of Stanwood's current critical areas codes were adopted in 2004 with various updates and amendments in the subsequent years. The 2025 critical area code amendments integrate recent state legislation and best available science developed by the Department of Ecology, Department of Fish and Wildlife and Department of Natural Resources. Updates to the Critical Area Regulations include:

- Reorganizing and renumbering the existing critical areas regulations to new chapters and aligning them with state guidance based on Best Available Science.
- Duplicative sections were streamlined, definitions updated, and provisions made more consistent with Best Available Science and state regulations.
- Wetland regulations (SMC 18.802) and stream buffers (SMC 18.804) have been revised to align with Washington State Department of Ecology guidance, including buffer updates based on site-potential tree height (SPTH).
- The geologically hazardous areas chapter (SMC 18.806) incorporates definitions consistent with RCW and WAC.
- Floodplain management is renamed "Frequently Flooded Areas" (SMC 18.810) with added protections for HVAC systems.
- New cultural resources provisions were added based on state recommendations.

A Critical Areas Summary paper has been prepared and presented to the Planning Commission summarizing the 2025 critical area code amendments. A full copy of that paper is included in the official public hearing record. The following highlights the objectives of the amendments by subject matter.

General Provisions:
The General Provisions Chapter serves as the foundational set of baseline regulations addressing critical areas. By including common requirements in one chapter, the aim is to streamline the overall code, ensuring that these provisions apply uniformly across each of the critical area sections without needing to be repeated.

Wetlands:
Wetlands are classified into four categories using the 2014 Washington State Wetland Rating System for Western Washington: Type 1 being the rarest and most difficult to replace to Type 4 having the lowest level of functions and values. Buffer widths have been updated to be consistent with the Department of Ecology's best available science for Western Washington using habitat score ranges.

Fish and Wildlife Habitat Conservation Areas:
Wildlife habitat is generally protected under the Endangered Species Act and the US Fish and Wildlife Services Ecological Services Program. The Washington State Department of Fish and Wildlife (WDFW) is part of the federal Ecological Services Program. The ordinance adopts regulations consistent with the WDFW to protect fish, wildlife, plants and their habitats:

- Stream protection is based on the Washington State DNR stream typing identification system: Shorelines, Fish Baring, Non-Fish Baring and Non-Fish Seasonal Streams.
- Critical habitat and species protection includes endangered, threatened, sensitive, priority, and those of local importance.
- Buffers are based on site potential tree height or based on a habitat management plan prepared by a qualified biologist.

Geologically Hazardous Areas:
Geologically hazardous areas include areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose a risk or threat to public health and safety. In Stanwood, the following types of hazards are designated as a geologically hazardous area:

- Erosion hazard;
- Landslide hazard;
- Seismic hazard; and
- Other geological events including tsunamis, volcanic hazards, and differential settlement.

Development in these areas requires the submittal of a geotechnical report and structures must be setback from the top and toe of a steep slope unless otherwise specified in the geotech report.

Aquifer Recharge Areas:
The City of Stanwood has two wellhead protection zones that are protected under the aquifer recharge regulations. The following uses are generally prohibited in Aquifer Recharge Areas: landfills, underground injection wells, mining, wood treatment facilities, hard chrome plating operations, chemical lagoons and pits, hazardous material disposal sites, storage/processing/disposal of radioactive substances, new septic systems and other activities that negatively impact ground water sources.

Frequently Flooded Areas:
The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain. The regulations are consistent with the 2020 FEMA (Federal Emergency Management Agency) model ordinance. In summary, the proposed ordinance includes the following floodplain requirements:

- Readopts the 2020 FIRM maps;
- Defines substantial development as work and costs incurred within a 12-month period; and
- Requires a floodplain permit that raises a building 1-foot above floodplain elevations or floodproofs the building.

Cultural Resources:
Protection of cultural resources is a new section added to the critical areas code. The Growth Management Act gives local governments the flexibility to expand their critical areas ordinances to include protections for cultural resources. By adding cultural resource protection to critical area codes, it requires an evaluation early in the permit review process and helps avoid costly redesigns or project delays if cultural resources are discovered later in a project. The draft code:

- Establishes clear procedures and specific standards for preservation of cultural resources;
- Requires submittal of a cultural resource report when a project is within 500 feet of a known historic site;
- A Cultural Resource Management Plan must be prepared when a Cultural Resource Site Assessment identifies the presence of significant cultural resources; and
- Requires an Inadvertent Discovery Plan if requested by DAHP or local Tribes or if discoveries are found during project construction.

D. CODE AMENDMENT CRITERIA (SMC 17.155.090(2))

The city may approve zoning code text amendments per the following criteria:

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

Critical Area Codes and zoning codes serve distinct but interrelated purposes in land-use regulation, and their consistency is crucial for ensuring balanced development and environmental protection. By integrating Critical Area Codes into the review process, the city ensures that zoning permissions are not granted without addressing environmental considerations. Having both development laws that provide land use rights and critical areas codes that protect the environment allows the City to grow per the vision of the Comprehensive Plan while safeguarding critical environmental resources.

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

One of the fundamental premises of the Growth Management Act is to manage growth while protecting the public health, welfare and safety. Critical Area Codes balance the need to growth while protecting the environment. Critical areas perform key functions that enhance our environment and protect us from hazards. The beneficial functions and values that critical areas provide include but are not limited to:

- Water quality protection and enhancement;
- Fish and wildlife habitat and food chain support;
- Flood storage, conveyance, and attenuation (the slow release) of flood waters;
- Groundwater recharge and discharge;
- Drinking water quality and quantity;
- Erosion control; wave attenuation; and protection from natural hazards;
- Historical, archaeological, and aesthetic value; and
- Open space and recreation.

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

Stanwood's 2024-20244 Comprehensive Plan envisions a strong community that provides urban services while preserving its rural community heritage and unique natural environment. The Plan envisions a community with diverse commercial districts and a variety of housing types ranging from detached single family residential homes to mixed use commercial developments.

One of the primary goals of the Growth Management Act is to protect environmentally sensitive lands, including wetlands, wildlife habitats, and areas prone to natural hazards like flooding and landslides. The 2024 – 2044 Comprehensive Plan was built around these goals and contains two elements dedicated to protecting and enhancing the environment: Natural Features and Shorelines. These two elements contain 110 polices dedicated to protecting, preserving and enhancing the City's natural features.

The critical area regulations, as drafted, reflect the Growth Managements two primary environmental protection goals:

- Apply best available science from credible, peer reviewed scientific data; and
- Ensure no net loss of critical areas.

The following Natural Features Goal and associated policies directly relate to updating critical areas regulations.

Natural Features Goal #3: Protect, preserve, and enhance critical areas most sensitive to human activities by applying guidance derived from best available science.

Policy NFP 3.2: Protect the functions and values of Stanwood's critical aeras by maintaining and updating the Critical Areas Regulations consistent with the most recent best available science with the goal of achieving "properly functioning conditions" while maintaining Stanwood's unique character.

Policy NFP 3.3: Designation and classification of critical areas should be consistent with the most recent systems and protocols prepared by the appropriate state and federal agencies.

E. FINDINGS OF FACT

1. In 2022 the City of Stanwood began 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. The critical area regulations are being deleted from Title 17, Zoning and readopted with changes in Title 18, Unified Development Code.

4. The Growth Management Act requires cities and counties update their comprehensive plans and regulations every ten years, including critical areas regulations.

5. The GMA defines critical areas as wetlands, fish and wildlife habitat conservation areas, geological hazard areas, aquifer recharge areas, and floodplains.

6. The City Council has opted to include cultural resources as a regulated critical area.

7. Cities in Snohomish County must review and update their critical areas by December 31, 2025.

8. Cities must include best available science in developing policies and development regulations to protect the function and values of critical areas.

9. Cities must also give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish.

10. Stanwood has updated its critical areas regulations and buffers to align with best available science as recommended by the Washington State Departments of Fish and Wildlife, Ecology, and Natural Resources:

    a. The Department of Ecology's buffer recommendations are based on scientific studies aimed at ensuring the long-term protection of wetland functions, supporting wildlife habitat, and maintaining wildlife corridors.

    b. The Department of Fish and Wildlife's stream buffer guidelines, which incorporate site-specific tree height measurements, are grounded in scientific research to support bank stability, stream shading, the input of woody debris and nutrients, and effective pollution filtration.

11. Wetland classification, protection, buffers and mitigation is based on the Washington State Wetland Rating System for Western Washington, publication number 23-06-009.

12. Salmon, fish protection and stream typing classification is based on the Department of Natural Resource typing system listed in WAC 222-16-030.

13. Endangered, threatened, sensitive, priority species habitat identification, protection, and mitigation must be based on a habitat assessment and management plan prepared by a qualified biologist applying best available science.

14. Geologic hazardous areas are defined following state law and the Department of Natural Resources guidelines; development is subject to a geotechnical report prepared by a geotechnical engineer or geologist.

15. The City's groundwater is protected from contamination by applying critical aquifer recharge regulations around the City's two wellhead protection zones consistent with the Washington Department of Health and Department of Ecology rules and guidelines.

16. While the downtown is located in the 100-year floodplain, new and remodeled buildings are subject to floodplain regulations consistent with the 2020 FEMA (Federal Emergency Management Agency) model ordinance and FIRM maps.

17. Cultural resource protection will now be a zoning requirement and no longer subject to limitations under the State Environmental Policy Act (SEPA).

18. The critical area amendments proposed implement the goals and policies of the Comprehensive Plan for protection and preservation of critical areas.

19. Pursuant to RCW 36.70A.106, the City submitted the proposed critical area code amendment for the 60-day review to the Washington State Department of Commerce on September 26, 2024. The 60-day review period was completed on November 25, 2024.

20. The code amendment was circulated for public review on October 22 through November 5, 2024.

21. The City received comments on the draft amendments from the Department of Ecology, Department of Natural Resources and Tulalip Tribes and their comments were incorporated into the code amendment.

22. A SEPA determination of non-significance for the draft ordinance was issued on October 22, 2024, and the comment / appeal period ended on November 5, 2024.

23. The Stanwood Advisory Group reviewed the draft ordinance at their October 16, 2024, meeting and provided comments which were integrated into the amendments.

24. The Stanwood Community Development Committee reviewed the draft ordinance at their November 7, 2024, meeting and provided comments which were integrated into the amendments.

25. The Stanwood Planning Commission held their first reading of the ordinance on October 14, 2024, held a public hearing on ordinance on January 13, 2025, and forwarded their findings of fact and conclusions recommending approval of the ordinance to the City Council.

26. All persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so.

27. 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 January 13, 2025, for their consideration.

F. 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. Stanwood Municipal Code requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to Title 17, Zoning.

3. On December 31,2024, the Planning Commission public hearing notice was printed in the Stanwood Camano News and notices were sent to the party of record list and agency distribution list as required by law.

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 2024-2044 Comprehensive Plan Natural Features and Shoreline Elements, including Natural Features Goal Number 3 and 3.2 and 3.3.

6. The proposal is beneficial to the public health, safety and welfare by ensuring the City's critical area regulations are consistent with the Growth Management Act, are based on best available science and provides for no net loss of critical areas.

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.

G. STAFF RECOMMENDATION

I 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 to the Stanwood Municipal Code.

Dated this 12 day of May 2025.

Patrick Hosterman, Planning Commission Chair
City of Stanwood

From: Sears, Tricia (DNR)
To: Love, Patricia
Cc: Sears, Tricia (DNR); Aken, Jeff (COM)
Subject: Stanwood's Critical Areas Ordinance update (Commerce ID# 2024-S-7513): WGS comments
Date: Tuesday, October 29, 2024 4:13:45 PM

10/29/24

Hello Patricia,

In keeping with the interagency correspondence principles, I am providing you with comments on Stanwood's Critical Areas Ordinance update (Commerce ID# 2024-S-7513).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining, climate change, and natural hazards mitigation plans.

Specifically in this proposal, I reviewed Title 18 Part 8 Environment v2 2024-08-25.

I have reviewed the document via another review process, related to Tansy Shroeder's email to Emma Oliver at DNR for the City of Stanwood which has issued a Notice of SEPA Determination of Non-Significance for 24-0132, Stanwood Unified Development Code: Critical Areas Ordinance Update. Tansy is a Senior Planner at Stanwood and Emma is the SEPA External Affairs Coordinator at DNR. After Emma received the email from Tansy, Emma reached out to me, and I provided her with the following comments on 10/24/24.

I reviewed the Critical Area Code Narrative Summary, the Determination of Non-Significance, Title 18 Part 8 – Environment V2 wo Comments, and the Request for Review documents.

Critical Area Code Narrative Summary:
It states, "The geologically hazardous areas chapter (SMC 18.806) incorporates definitions consistent with RCW and WAC." Great!

Title 18 Part 8 – Environment V2 wo Comments:
On page 7 it states, "i(f) If the activity's effects cannot be mitigated, you might be eligible to seek an exception from the City's critical areas code:" It also states, "(g) If special conditions peculiar to your property exist, you may be eligible for a variance from the City's critical areas code per SMC 18.800.200." It's unusual to see the word "you" in the code. Typically, the code says applicant or property owner. That's what most of the other provisions in Title 18 use.

On page 37 there is a blue information box that says, "A definition for geologically hazardous areas will be added to the definitions section, consistent with RCW 36.70A.030(14) and WAC 365-190-120(1)." And another box that says, "The following definition is taken from the critical areas checklist and RCW 36.70A.030(14) and WAC 365-190- 120(1)." When the provisions are in finalized form and the blue

boxes are removed, will the code be written to include the references to RCWs and WACs?

On page 39, in 18.806.040 Mapping, suggest adding a reference to the Department of Natural Resources, Washington Geological Survey's Geologic Information Portal.

On page 45, it says "Geotechnical Engineering Report. The technical information for a project within a landslide hazard area must include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:" Suggest stating a licensed in Washington engineer.

Below, I include our usual language for future endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in current or future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to WAC 365-190-120 geologically hazardous areas for definitions in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding a reference to the WGS Geologic Information Portal in other areas besides the CAO. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. Geologic Information Portal | WA - DNR
- If you have not checked out our Geologic Planning page, you may wish to do so. Geologic Planning | WA - DNR

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 11/25/24.

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov

From: Atkins, Emily (ECY)
To: Love, Patricia
Cc: Ryan Walters; Schroeder, Tansy; Katie Cote; Gresham, Doug (ECY)
Subject: Re: Stanwood CAO Amendments
Date: Thursday, October 31, 2024 11:11:05 AM
Attachments: image001.png
image002.jpg

Patricia,

Thank you for allowing us the opportunity to go over your draft CAO with you. We appreciate your willingness to discuss our concerns on October 22nd, 2024 and we are glad to see our recommendations implemented, in particular the mitigation ratio table and the increase of buffer widths consistent with Ecology guidance. We know that a lot of work has gone into creating a CAO that protects wetland functions while updating your current city code. Based on our review of the current draft CAO attached in this email it generally appears consistent with Ecology guidance for wetlands. We have no further feedback at this time.

If anything else comes up or you have any other questions or concerns please feel free to reach out to me!

Best,

Emily Atkins
She/Her
Critical Areas Ordinance Coordinator
Shorelands and Environmental Assistance Program
WA State Dept of Ecology
emily.atkins@ecy.wa.gov | **360-628-6680**

From: Love, Patricia <Patricia.Love@ci.stanwood.wa.us>
Sent: Monday, October 28, 2024 4:03 PM
To: Atkins, Emily (ECY) <eatk461@ECY.WA.GOV>
Cc: Ryan Walters <mail@ryanwalters.com>; Schroeder, Tansy <Tansy.Schroeder@ci.stanwood.wa.us>; Katie Cote <Katie.Cote@bhcconsultants.com>
Subject: Stanwood CAO Amendments

Emily,

Natural Resources Department
Environmental Division
6406 Marine DR NW
Tulalip, WA 98271

October 31, 2024

Tansy Schroeder | Senior Planner
City of Stanwood, WA.

Re: City of Stanwood Notice of SEPA DNS 24-0132 Stanwood Unified Development Code: Critical Areas Ordinance Update

The Tulalip Tribes appreciates the opportunity to review and provide comments on Stanwood's Critical Areas Ordinance update, SEPA DNS 24-0132. The Tulalip Tribes are federally recognized and are signatories to the Treaty of Point Elliott of 1855. The Tulalip Tribes retain constitutionally protected, treaty-reserved rights to harvest, consume, and otherwise manage fish, shellfish, and other treaty reserved resources within our usual and accustomed areas. These treaty rights and resources are integral to supporting our tribal economy, and furthermore play a vital role in ensuring the health, welfare, and cultural ways of life of our tribal nation and our members.

Our natural resources are of paramount importance to us, and we strive to maintain, restore, and protect ecological processes in our watersheds wherever possible. We believe that with any development or land disturbing activity adjacent to critical areas that contain or impact fish - bearing waters, special care must be taken to maintain or restore the natural environment, to allow these processes to continue. Stanwood's regulations pertaining to Wetlands and Fish & Wildlife Habitat Conservation Areas are a key component to the protections we rely on for the health and productivity of our natural resources.

In the interest of ensuring that the City's regulations are aligned with our treaty-reserved rights, we offer the following suggested additions and changes to Title 18 Draft Ordinance, Unified Development Code. Our suggested additions/changes are underlined, and explanations for these edits are in italics:

Pg 5 of 69: 18.800.010(e) <u>implement the goals of Executive Order 89-10, section 1: "It is the further long-term goal to increase the quantity and quality of Washington's wetlands resource base".</u>

6406 Marine DR NW
Tulalip, WA 98271
360-716-4617

Rationale: It is not enough to only require protection of what is left of our wetlands and the buffers required to protect them. It is not enough to rely on the "No Net Loss" mandate. Through administrative buffer reductions, exemptions, reasonable use, and other mechanisms, we are still seeing a slow and steady loss of these ecosystems. Jurisdictions should elect to adopt a "Net Ecological Gain" standard, and require mechanisms for restoration and/or enhancement at an equal or greater rate than reduction mechanisms.

Pg 9 of 69: 18.800.100(5) No new activity or use is allowed in a previously-degraded wetland or stream buffer, unless that activity or use allows for immediate or future restoration or enhancement of that buffer.

Rationale: Current code does not take into consideration the long term goal of increasing the quantity and quality of Washington's wetland resource base (pursuant to Executive Order 89-10, Section 1). More than 50% of the State's original wetlands have been lost through anthropomorphic alterations. Critical Areas protections, including buffer widths, have increased over the years as best available science advances our knowledge of the importance of these increases. Consequently, there is a vast amount of legally existing development and disturbance within areas that we now realize should never have been disturbed. Current code considers these areas to be lost, and therefore allows new development within them. In the interest of increasing the state's wetland resource base, we believe when the use or activity in any of these previously degraded buffer areas is proposed to be discontinued, the area should be restored to it's original natural condition, not redeveloped.

Pg 18 of 69: 18.800.180(4) Review Criteria. An application for a reasonable use exception may be granted if the inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter, or its predecessor; and at least one of the following criteria apply:

(a) The application of this chapter or Chapters 18.802 through 18.810 SMC would deny all reasonable economic use of the property;

(b) No other reasonable economic use of the property has less impact on the critical area;

(c) The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

~~(d) The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter, or its predecessor;~~

6406 Marine DR NW
Tulalip, WA 98271
360-716-4617

(d) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

(e) The proposal will result in no net loss of critical area functions and values consistent with Best Available Science; or

(f) The proposal is consistent with other applicable regulations and standards.

Rationale: If a property was purchased after critical areas ordinances were established that result in such an encumbrance that it would deny all reasonable economic use, it must be acknowledged that the purchaser acted in full knowledge that this property was "unbuildable" according to the provisions of critical areas code, and purchased it anyways. In this case, reasonable use should be categorically denied if they wish to develop it. Otherwise, any parcel that is encumbered enough can be considered exempt from critical areas protections.

Pr 25 of 69: 18.802.050 ~~(6)~~(7) Existing Properties. If existing properties have a previous wetland buffer that was approved by the city, the approved wetland buffer will remain in effect, unless changes in the use or activities on the property would result in increased impacts to the wetland. In this case, the provisions of this chapter would apply. Redevelopment or other modifications to the existing footprint are subject to the previously approved wetland buffer. If the existing buffer has become degraded or is not functioning or the buffer may be negatively impacted by the proposed modification or activities, the buffer must be enhanced.

Rationale: Many pre-recorded CASP's exist with what would now be considered undersized buffers. As a protective mechanism, it does makes sense for a CASP to remain in perpetuity if pressure on recorded critical areas won't increase. However, in the event a parcel goes from, say, one SFR to a 25-lot subdivision, there will be a much greater potential for impacts to the critical area, and that already-undersized buffer will become less effective. The level of protection a buffer provides in a pre-recorded CASP should be what remains in perpetuity, not necessarily the width of the buffer. Note: This suggested change would also apply to SMC 18.804.050(8)

Pg 33 of 69: 18.804.040 Mapping, and Pg 37 of 69: 18.804.080(1): It should be noted that GIS layers depicting stream type, including WaDNR's hydro-watercourse map, should only be used as a guide, and not a definitive declaration of stream type. Stream typing to be used when establishing buffer widths for development and land disturbing activities should include on-site reconnaissance by a qualified biologist.

6406 Marine DR NW
Tulalip, WA 98271
360-716-4617

The Tulalip Tribes appreciates the city of Stanwood's diligence in addressing potential impacts to critical areas, essential fish habitat, and Tribal fisheries interests. Thank you for considering our suggestions, and we look forward to continuing our shared commitment to conservation together.

Todd Gray
Environmental Protection Ecologist
The Tulalip Tribes | Natural Resources Dept.
360-716-4620 | toddgray@tulaliptribes-nsn.gov

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

ATTACHMENT D

WEB MBAKS.COM | OFFICE 425.451.7920 | FAX 425.646.5985
335 116TH AVENUE SE | BELLEVUE, WASHINGTON 98004

January 7, 2025

Stanwood Planning Commission
City of Stanwood
10220 270th St. NW
Stanwood, WA 98202

RE: Critical Areas Ordinance

Dear Stanwood Planning Commission:

The Master Builders Association of King and Snohomish Counties (MBAKS) thanks you for the opportunity to engage with you as you consider changes to the Critical Areas Ordinance (CAO). With nearly 2,600 members, MBAKS is the largest local homebuilders' association in the United States, providing a range of housing choice and affordability. We aspire to be the most trusted and respected housing experts in the region.

First, congratulations on adoption of the 2024 Comprehensive Plan. As you are aware, the Growth Management Act (GMA) directs most growth to existing urban areas. As a result, there is a substantial challenge which lies ahead as you embark on the review of the development regulations or Unified Development Code.

This letter outlines some of the concerns we have in the Critical Areas Ordinance under consideration. The concerns fall into two categories that are separate, but related. The first is the expansion of the wetland buffers. The second is the use of sight potential tree height (SPTH) to delineate stream buffers.

As part of the comprehensive plan adopted by Stanwood, the Planning Commission alongside staff and city council will be working on Unified Development Code changes to accommodate additional housing (4,608 units), population (10,963 people) and employment out to 2044.

GMA and Comprehensive Code Update Guidance

As you know, with housing, Goal 4 of the GMA (RCW 36.70A.020(4) states "Housing. Plan for and accommodate housing affordable to all economic segments of the

population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."

In the Stanwood Comprehensive Plan, the Land Use Chapter gives some additional guidance. Under UP 3.1: New development and growth should be concentrated within the City's underutilized lands.

In the Housing Chapter, HG-2 Housing Variety Update, urges the Stanwood Municipal Code to allow for the development of a range of housing types to ensure a diverse variety of living accommodations for those desiring to live in Stanwood.

Moreover, HP 2.6: Encourage and support the development of a variety of housing types that effectively uses the City's remaining land supply to meet housing needs, including accessory dwelling units, cottages, manufactured homes and similar infill housing types.

Wetlands

First, the initial buffers presented to the Comprehensive Plan & Municipal Code Update Project Advisory Group for the October 16th meeting noted:

> The buffers shown below are the same buffers which are currently being applied to projects via a 2018 administrative zoning interpretation consistent with the Department of Ecology's 2018 modified habitat score ranges.

However, in the most recent materials under consideration the buffers are proposed to be expanded by an additional 40 to 75 feet for wetlands with habitat scores 6-7 and 8-9 without reference to what available science is being relied upon and how the increased buffer widths improve wetland functions.

We would request more information for the basis of this decision. How has best available science has changed? What improvement to the wetland system is seen by expanding the buffers and how is this improvement measured?

Stream Buffers

Primarily, the concern is SPTH is not the best available science. On panel 12 of the WDFW's Recommendation for Riparian Ecosystems, by Mary Huff, Tom O'Brien, Tim Quinn, and George Wilhere (attached), the presenters acknowledge, "Volume 2 is not in and of itself Best Available Science (BAS). It states our policy preferences, reflective of WDFW's mandate, based on the science." As a note, Volume 1 is an outline of the science and research done on stream buffers. Volume 2 gives WDFW's management recommendations.

This is not best available science. The recommendations are guidelines, not rules or mandates. Cities, like Stanwood, at their discretion may choose to follow the recommendations, but are not required to do so. This is an unfunded

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties
WEB MBAKS.COM | OFFICE 425.451.7920 | FAX 425.646.5985
335 116TH AVENUE SE | BELLEVUE, WASHINGTON 98004

recommendation from a state agency, not that different from the unfunded mandates from the legislature.

Furthermore, a Clark County study recommended against adopting SPTH for steam buffers (Designating Riparian Habitat Areas Using WAC 222 Site Class and 200-year Site Potential Tree Height, Brent Davis, Community Development, February 19, 2023):

> Based on the averaging analysis and findings regarding the extent of impact full implantation of the Management Recommendations would have on property owners and the County's ability to meet its GMA planning goals, the County proposes to maintain the existing reduction in Riparian Management Zones applied to perennial non-fish bearing waters (Type Np streams) and maintain the WDFW recommended width to protect water quality functions in seasonal non-fish bearing waters (Type Ns streams).

Please note, the study acknowledged SPTH would subject additional land to critical areas designation, especially for non-fish bearing waters. Like Stanwood, according to the stream maps the impacted land was largely undeveloped. The study found the magnitude of this increase in regulated area poses several risks in the context of the Growth Management Act.

Here, the impacts should be evaluated against Goal 4 of the GMA (RCW 36.70A.020(4)) which states "Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."

In addition, Stanwood's recently adopted 2024 Comprehensive Plan gives some guidance. Under UP 3.1: New development and growth should be concentrated within the City's underutilized lands.

Moreover, there are additional risks to property owners pointed out in the Clark County study that may include:

> 1. Increased chances current property owners cannot achieve reasonable investment backed expectations. (However, see exceptions built in the current legislation).
>
> 2. Increased design, development, permitting, and mitigation costs.
>
> 3. Opportunity costs resulting from reduced future growth in values.

In past correspondence, I reminded the city as new and revised policies are developed and considered through new regulations, those new rules often have a direct or indirect impact on the cost to provide housing.

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

WEB MBAKS.COM | OFFICE 425.451.7920 | FAX 425.646.5985
335 116TH AVENUE SE | BELLEVUE, WASHINGTON 98004

Furthermore, to avoid new and revised policies negatively impacting the cost of housing in the future, we ask that the concerns outlined above be analyzed at the staff level and discussed by the Planning Commission.

This new policy proposal expanding wetland buffers and using SPTH for steam buffer management must be scrutinized closely. The connection between new and revised policies and impacts on housing should be evaluated upfront. We believe this will equip you to make more informed choices as policies are developed and considered. This work will also help ensure you are meeting GMA housing, employment, and population requirements.

We understand and appreciate the challenges that come from increased growth in our region. MBAKS is committed to working with you and city staff as the Critical Areas Ordinance update moves forward.

Please let us know if you have any questions or would like to discuss this further.

Sincerely,

Russell Joe

Russell Joe
Snohomish County Government Affairs Manager

Everyone deserves a place to call home.

cc: Sid Roberts, City of Stanwood Mayor
Patricia Love, Community Development Director
Tansy Schroeder, City Planner

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

WEB MBAKS.COM | OFFICE 425.451.7920 | FAX 425.646.5985
335 116TH AVENUE SE | BELLEVUE, WASHINGTON 98004

From:	Schroeder, Tansy
To:	Love, Patricia
Subject:	FW: City of Stanwood Notice of Planning Commission Public Hearing - 24-0132 Stanwood Unified Development Code: Critical Areas Ordinance Update
Date:	Tuesday, January 7, 2025 2:46:38 PM
Attachments:	image003.png image004.png image005.png image001.png

Comments from stillaguamish on cao

Mx. Tansy Schroeder (They/Them/Theirs)
Senior Planner | City of Stanwood
10220 270th St NW
Stanwood, WA 98292
Direct: 360-454-5211 | City Hall: 360-629-2181
Email: tansy.schroeder@stanwoodwa.org

City of Stanwood | Discover Stanwood Camano

Email may be considered a public record subject to public disclosure under RCW 42.56

From: Sam Barr <sbarr@stillaguamish.com>
Sent: Tuesday, January 7, 2025 2:38 PM
To: Schroeder, Tansy <Tansy.Schroeder@ci.stanwood.wa.us>
Cc: THPO Stillaguamish <THPO@stillaguamish.com>
Subject: RE: City of Stanwood Notice of Planning Commission Public Hearing - 24-0132 Stanwood Unified Development Code: Critical Areas Ordinance Update

Hi Tansy,

Happy new year and thanks for sending this along to our Stillaguamish THPO office for comment. Overall, we view this as an important step to have Cultural Resource protection incorporated into the Critical Area Ordinance. There are a couple comments that we would like to submit and we would also appreciate having a meeting to discuss this further.

Comments:

- It isn't clear when these protections for cultural resources are triggered and fall within a critical area. How is this critical area defined?
- It states that 500 feet from a known cultural resource site would be considered a critical area.

But we think that area needs to be expanded further than that.

We would recommend considering DAHP's Statewide Predictive Model, in addition to tribal knowledge that may or may not be published.

Also, we are wondering if there is a standard template for an Inadvertent Discovery Plan and we would like to make sure that you have the correct contact info for our staff that should be listed on there.

Thanks again and we are happy to work though this together,

Sam Barr | Cultural Resources/THPO Supervisor
Direct Line: (360)631-5587
Cell Phone: (360)622-7055
Cultural Department
3322 236th St NE, Arlington, WA 98223

From: Schroeder, Tansy <Tansy.Schroeder@ci.stanwood.wa.us>
Sent: Tuesday, December 31, 2024 8:12 AM
To: Alex Funderburg Jr - BNSF <Alex.FunderburgJr@BNSF.com>; Amy Trainer - Swinomish Tribe <atrainer@swinomish.nsn.us>; White, Brenda <bjwhite@snopud.com>; Brett Shattuck <bshattuck@tulaliptribes-nsn.gov>; Bridget Moran - Skagit River System Cooperative <bmoran@skagitcoop.org>; Cascade Natural Gas <service@cngc.com>; Casey Stevens <cstevens@stillaguamish.com>; Charlotte Scofield <cscofield@Stillaguamish.com>; Commerce Review <Reviewteam@commerce.wa.gov>; Community Transit <construction.supervisor@commtrans.org>; DAHP SEPA <sepa@dahp.wa.gov>; Daniel Katz - Army Corp <daniel.m.katz@usace.army.mil>; Darin Klein - Dept. of Corrections <darin.klein@doc.wa.gov>; Dept of Fish and Wildlife <R4Cplanning@dfw.wa.gov>; Dept of Health <sepa.reviewteam@doh.wa.gov>; Dept of Natural Resources <sepacenter@dnr.wa.gov>; Dept of Natural Resources - NW Region <northwest.region@dnr.wa.gov>; Doug Gresham - DOE <doug.gresham@ecy.wa.gov>; Energy Facility Site Evaluation Council <efsec@utc.wa.gov>; Erika Harris - PSRC <eharris@psrc.org>; Henry Lippek <lippek@aol.com>; Hoffman - SCSD <shoffman@stanwood.wednet.edu>; Island County Parks <janv@islandcountywa.gov>; Island County Planning <PlanningDept@islandcountywa.gov>; Jason Griffith <jgriffith@Stillaguamish.com>; Jeff Storrar - WSDOT <StorraJ@wsdot.wa.gov>; John Cermak <jcermak@northcountyfireems.com>; Josephine Jefferson - Swinomish Tribe <jjefferson@swinomish.nsn.us>; Kate Tourtellot - Community Transit <Kate.Tourtellot@commtrans.org>; Kelly McLain - Dept. of Agr <kmclain@agr.wa.gov>; Kerry Lyste <klyste@stillaguamish.com>; Kurt Nelson - Tulalip Tribe <knelson@tulaliptribes-nsn.gov>; Larry Covey - DSHS <Larry.Covey@dshs.wa.gov>; Palma-De Guzman Acuario, Maria <Maria.Palma-DeGuzman@snoco.org>; Mary Wicklund - PUD <mlwicklund@snopud.com>; Maureen Barnes - PUD <mlbarnes@snopud.com>; Michelle Walker - Army Corp <michelle.walker@usace.army.mil>;

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: PO Box 43200, Olympia, WA 98504-3200 · 360 902-2200 · TDD 360 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street, Olympia, WA

January 10, 2025

RE: Proposed Amendments relating to the Critical Area Ordinance pursuant to the Growth Management Act, amending Stanwood Municipal Code 18.804 Critical Areas – Fish and Wildlife Habitat Conservation Areas

Dear Planning Commission Members,

My name is Morgan Krueger, and I am the Regional Land Use Lead for this area representing the Washington Department of Fish and Wildlife (WDFW). Thank you for the opportunity to comment **in support** of the proposed stream buffer amendments to Stanwood's Critical Areas Ordinance (CAO), Chapter 18.804. I would like to provide additional information to address possible concerns, clarify state law requirements, and emphasize the vital connection between healthy environments and thriving communities.

Under the Washington Administrative Code (WAC 365-195-900 through WAC 365-195-925), jurisdictions are required to include Best Available Science (BAS) when updating their critical area regulations. This ensures that regulations are grounded in science and helps achieve the requirement for no net loss of ecological values and functions.

As an example, the importance of adhering to BAS is underscored by the legal case involving the City of Anacortes. Anacortes' updated CAO was challenged at the Growth Management Hearings Board (GMHB) due to concerns that its stream buffer widths did not fully reflect BAS. The GMHB ultimately ruled against the city, requiring it to revise its regulations and align them with BAS. Following this decision, Anacortes adopted revised stream buffers informed by WDFW's BAS recommendations, incorporating Site Potential Tree Height at 200 years ($SPTH_{200}$).

The BAS underpinning WDFW's riparian buffer recommendations is outlined in the 2020 document, **Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications**. Volume 1 synthesizes peer-reviewed research regarding riparian area functions, such as pollution filtering, flood control, and nutrient cycling. Volume 1 Chapter 9 specifically details $SPTH_{200}$, stating that "Protecting functions within at least one 200-year SPTH is a scientifically supported approach if the goal is to protect and maintain full function of the riparian ecosystem."

While Volume 1 is WDFW's BAS, **Volume 2** translates this science into practical management recommendations. The two volumes work together, with Volume 1 establishing the scientific foundation and Volume 2 providing actionable guidance for implementing that science in policy.

Recognizing the importance of WDFW's BAS, many jurisdictions, including Clark, Peirce, Kitsap, and King counties, have designed stream buffers that integrate WDFW's recommendations while tailoring them

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: PO Box 43200, Olympia, WA 98504-3200 · 360 902-2200 · TDD 360 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street, Olympia, WA

to meet local needs. By incorporating WDFW's BAS, Stanwood is strengthening its CAO and increasing the potential for achieving its intended goals.

It is important to note that riparian areas are essential in maintaining ecosystem services that directly benefit communities. They filter pollutants, reduce flood risks, stabilize streambanks, and support critical habitat for fish and wildlife, including salmon. Protecting riparian areas is not simply an environmental mandate; it is a fundamental investment in public health, safety, and resilience.

We commend the city for valuing the health of local communities and the environment by incorporating WDFW's BAS into its regulations. The connection between healthy environments and healthy communities cannot be overstated.

If additional technical assistance or clarification is needed, WDFW is available to support your efforts.

Thank you for your time.

Morgan Krueger

Region 4 Land Use Lead

Morgan.Krueger@dfw.wa.gov

WDFW's Land-use planning priorities and resources page link

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

January 13th, 2025

Patricia Love, Community Development Director
City of Stanwood
10220 270th St NW
Stanwood, WA 98292

Subject: Ecology Letter on Draft Buffer Width Updates to City of Stanwood CAO

Dear Patricia Love,

Thank you for giving the Department of Ecology (Ecology) the opportunity to review the City of Stanwood's draft Critical Area Ordinance (CAO) sent to us on October 28th, 2024. We appreciate your willingness to discuss our recommendations on the wetland portions of the ordinance and we see some our feedback has been made for the update. It is obvious that a lot of effort and work was put into referencing the *2022 Wetland Guidance for Critical Area Ordinance (CAO) Updates: Western and Eastern Washington*[1] (Ecology Publication #22-06-014), which is based on best available science (BAS).

Ecology helps local governments meet the requirements of the Growth Management Act (GMA) by providing guidance and example language that is based on BAS. When we reviewed the draft provided by planning staff on October 2024, we saw the wetland buffer tables (Tables 18.802.060 1-4) were updated to be based on Ecology's recommend buffers in Option 1 of our wetland guidance. However, in our feedback we noted that the standard buffer widths (with 225 feet being the widest) proposed in the October 2024 draft should be used along with a habitat corridor and minimization measures as described in the wetland guidance document.

The current draft's standard wetland buffers have 40 feet as the lowest possible buffer and 300 feet as the widest possible buffer. This would be consistent with our guidance which recommends these buffer widths if not providing a habitat corridor for wetlands with a habitat score of 6 or higher and minimization measures. The current draft CAO, as of the date of this letter, does not require the use of a habitat corridor so the wider standard buffers would be appropriate. However, if the city decides to require the use of habitat corridors as defined in our guidance it could be appropriate to use the reduced buffers from our guidance in the Option 1 buffer tables.

Please call or email me with any questions or for further discussion. I can be reached at (360) 628-6680 or Emily.Atkins@ECY.WA.GOV.

Sincerely,

Emily Atkins
Critical Area Ordinance Coordinator
Shorelands and Environmental Assistance Program

cc:
Doug Gresham, Department of Ecology

[1] https://apps.ecology.wa.gov/publications/documents/2206014.pdf

From: Meagen Watne
To: Love, Patricia; Schroeder, Tansy
Subject: Comment on Critical Area Code definitions
Date: Tuesday, January 14, 2025 12:47:48 PM
Attachments: IMG_0986.png

Good Afternoon Ladies!

I hope y'all had a great holiday. In reading through Mondays packet there is one comment I have. I am so used to sending you two comments I wasn't sure who else to send these to. If you could assist me there it would be very appreciated.

For qualified professional: if at all possible I would like to see additional language requiring professional certifications for all categories. There are multiple professional organizations across many of the disciplines that provide proof an individual isn't just someone who studied, but someone competent in their field. Simply having a degree in the field doesn't mean one is immediately qualified to make and provide public assessments. This sort of vague language leaves a door open for someone to I hate to say it, snag a friend to make an assessment regardless of their actual qualifications on the matter. Also relevant work experience could be a two year internship out of school and then a ten year gap to today. Tying work experience to current work/ within the last five years brings the qualifications up to modern times and modern information.

These are not huge game changers, but we seem to spend quite a bit of money on studies. Having them contain the best possible information they can starts with ensuring the people making the studies are as qualified as we can ask for.

From: Cathy Wooten
To: Love, Patricia
Subject: Re: DOE Wetland Guidance Document
Date: Friday, February 7, 2025 5:50:52 AM
Attachments: image001.png
image002.jpg

Thank you Patricia, for sending this resource to me. Very interesting, I sure appreciate your willingness to educate me! I feel very reassured by your (repeated!) statement about your commitment to following Ecology's guidelines. Thank you for holding that line for our environment!

A couple of things jumped out at me right away.
1. (page 20) The buffers recommended are based on a moderate risk approach. This means that there is a moderate risk that wetland functions will be impacted when we use the recommended buffer. Adopting narrower buffers represents a higher-risk approach, and we need to be prepared to justify, using BAS (best available science) why such an approach is necessary and to offer alternative means of protecting wetland functions that help reduce the risk.
2. (pg 21) Buffer recommendations are based on the assumption that the buffer area is well vegetated with native species appropriate to the ecoregion. Then direction is given as to what needs to happen if not well vegetated.

I have not yet taken the time to look further into the western WA specific info in the appendices.. Leaving that for another day.
I hope you have a lovely weekend! Good thing you went over the pass when you did, so much snow to deal with starting last weekend...
Cathy

On Thu, Feb 6, 2025 at 1:49 PM Love, Patricia <Patricia.Love@ci.stanwood.wa.us> wrote:

> Cathy – please see the attached DOE wetland guidance document. I'm happy to talk to you about this if you'd like.
>
> *Patricia Love*
>
> Patricia Love | City of Stanwood

From: Atkins, Emily (ECY)
To: Love, Patricia
Subject: Re: Stanwood Critical Area Code Amendment
Date: Friday, February 14, 2025 11:49:44 AM
Attachments: image001.png
image002.jpg
02142025ECYComments2ndDraft_Title 18 Part 8 - Environment v7 2025-02-11.docx

Hello Patricia,

Thanks again for sending your current draft to review! I double checked the wetland buffer tables and I only have two recommendations on your tables.

Table 18.802.060-1 Wetland Buffers (without a habitat corridor)
Your table currently lists "Category II: Estuarine and wetlands in coastal lagoons" with a habitat score of 3-5 as 75 feet. Our guidance for using the option 1 buffer width tables recommends a 110 foot buffer for these wetlands if minimization measures and habitat corridor are provided. For wetlands that score 5 or fewer habitat points, only impact minimization measures are needed to use the recommended reduced buffers. 110 feet is also the width used in your draft CAO for Table 18.802.060-2 for those wetlands. You might consider changing the 75 to 110 to reflect our guidance and your Table 2 (see recommended edit in attached document).

This is a formatting recommendation. You might make the columns for habitat scores of 6-7 and 8-9 as “See Special Characteristic Buffer” for "Category II: Estuarine and wetlands in coastal lagoons". This would be consistent with the way it is formatted for your "Category I: Estuarine and Coastal Lagoons".

Table 18.802.060-2 appears to be consistent with our guidance on buffer widths recommended in option 1 of our wetland CAO guidance so good job!

Best,

Emily Atkins
She/Her
Critical Areas Ordinance Coordinator
Shorelands and Environmental Assistance Program
WA State Dept of Ecology
emily.atkins@ecy.wa.gov | **360-628-6680**

From: Love, Patricia <Patricia.Love@ci.stanwood.wa.us>

This Page Intentionally Left Blank

CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM:	**11a**
DATE:	May 22, 2025
SUBJECT:	Reclassify Finance Analyst to Senior Accountant Reclassify Parks Planning Manager to Project Manager
CONTACT PERSON:	David Hammond, Finance Director Pat Adams, Human Resources Manager
ATTACHMENT(S):	A – Senior Accountant Job Description B – Project Manager (Parks, Trails, Open Space and Development Projects) Job Description C – Updated City Organization Chart

---

PURPOSE

Request council authorize re-classification of the Finance Analyst position to a Senior Accountant position.

Request council authorize re-classification of the Parks Planning Manager to Project Manager.

BACKGROUND

Senior Accountant

In 2023, Council authorized hiring a Finance Analyst to support development of improved procedures and generally support financial operations, but also to prepare for the Finance Manager's planned retirement. The Finance Manager's retirement is approaching later this summer and staff plans to recruit for the Finance Analyst's replacement in a timely manner.

Staff is requesting to reclassify the position to Senior Accountant from Finance Analyst for two reasons. When the current analyst is promoted, we will still have his project management and analysis skill sets within the finance department, so payroll and general ledger accounting will be our biggest needs in the immediate future. Further, we believe we will draw a larger applicant pool when advertising to hire a Senior Accountant.

Project Manager

In May 2022, the City Council approved the reclassification of the Senior Planner to Parks Planning Manager. This move marked a key step toward the development of a formal Parks Department, enhancing internal coordination and public engagement related to parks and trails initiatives.

The requested reclassification will serve to support the City's growing demand for managing capital and infrastructure projects. The Project Manager's role will be a full-time position and incorporates additional technical responsibilities, grant functions, construction management and interdepartmental coordination. The position will retain core parks planning responsibilities while adding capacity to manage infrastructure and economic development projects. The position will continue to serve as staff liaison to PTAC, manage public input on parks design and ensure consistency with the City's Comprehensive Plan and parks goals.

This reclassification from Parks Planning Manager to Project Manager represents the natural progression in the City's commitment to service delivery, combining the strengths of long-range parks planning with the hands-on execution of capital and community development projects.

Fiscal Impact

Senior Accountant

The reclassification proposes to place the Senior Accountant on the same pay range as the Finance Analyst, so there is no impact from what has been budgeted.

Project Manager

There is no additional fiscal impact associated with this classification change. The conversion of the position from part-time to full-time was approved in the City's adopted biennial budget, and the reclassification does not alter the budgeted salary range.

Fund(s):	General Fund and Capital Funds		
Amount:	NA	**Project Estimate:**	NA
Budget Authorized	**[X] Yes [ ] No**	**Amendment Required?**	**[] Yes [X] No [ ] Monitor**

RECOMMENDATIONS

Staff Recommendation:

Staff recommends that the Council authorize the Mayor to reclassify the Finance Analyst to Senior Accountant and the Parks Planning Manager to Project Manager

Committee/Board Recommendation:
This item is scheduled for discussion at the May 22nd Finance/Personnel Committee, so staff will provide committee recommendation verbally.

CITY COUNCIL OPTIONS

1. Authorize the Mayor to reclassify one or both of the positions requested.

2. Do not authorize the reclassifications.

PROPOSED MOTION

"I MOVE TO AUTHORIZE THE MAYOR TO RECLASSIFY THE FINANCE ANALYST POSITION TO SENIOR ACCOUNTANT AND THE PARKS PLANNING MANAGER TO PROJECT MANAGER."

CITY OF STANWOOD

POSITION DESCRIPTION

Title: Senior Accountant
Department: Finance
FLSA Status: Exempt
Union Status: Non-Represented

GENERAL DESCRIPTION

Under direction, the Senior Accountant performs professional level accounting and analyst work, including coordinating various functions of the City's financial systems and subsystems and analyzing, implementing and monitoring new financial programs.

SUPERVISION RECEIVED

Reports to the Finance Manager and Finance Director

SUPERVISION EXERCISED

May exercise supervision over accounting technicians, assistants, specialists or consultants on a given project, as assigned. May oversee the work of support staff, part-time or temporary employees or volunteers, as assigned.

ESSENTIAL DUTIES

1. Works with other City departments to develop and maintain accurate and meaningful financial data and satisfy reporting requirements for monthly, quarterly, annual and specialized reports.

2. Analyzes financial and investment data and develops forecasts of revenues and expenditures; performs routine and complex reconciliation of accounts and subsidiary ledgers; verifies and tests financial data; conducts variance analysis.

3. Prepares monthly, quarterly and annual journal entries for posting to the general ledger.

4. Prepares monthly payrolls for review, approval, and submittal to the Accounting Manager; generates technical payroll reports for government agencies; prepares and submits tax deposits and special State and Federal statements, including W-2s; updates employee information for taxes, benefits, wage assignments, garnishments, retirement and other wage deductions.

5. Generates a variety of special and recurring reports which compile hours worked, overtime, benefits, accruals and leave tracking; researches and

analyzes data for special reports, surveys, and budgeting process; traces transactions to locate and resolve discrepancies.

6. Processes payroll, benefits, and technical transactions for the City in compliance with all applicable Federal, State and county rules, regulations, and procedures.

7. Enters payroll, benefits, and related data into computer systems; maintains information system database; enters data, processes transactions, validates data, and compiles documentation.

8. Reviews timesheets and source documents for compliance with rules and regulations; determines proper handling of payroll and technical transactions within designated limits; coordinates correction of timesheet errors with City departments.

9. Assists in various cash management and banking activities and maintains appropriate records.

10. Assists in the preparation of the city-wide annual budget and annual financial statement.

11. Responsible for oversight and preparation of records and reports related to grants and LID's.

12. Prepares or reviews required reports for state and federal agencies.

13. Assists in accounting system development, including implementation and maintenance of proper internal controls.

14. Oversees the maintenance of fixed assets inventory, including annual physical count.

PERIPHERAL DUTIES

Attends professional development workshops and conferences to keep abreast of trends and developments in the field of municipal planning.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

1. Bachelor's degree in accounting, finance or related field

2. Five (5) years of progressively responsible work experience as a professional accountant, preferable in a City or other public agency, including lead responsibility for payroll, forecasting and analyst work.

3. Any equivalent combination of education, training, and experience, which provides the skills, knowledge and abilities to perform the essential functions of the position.

Necessary Knowledge, Skills and Abilities:

- Knowledge of auditing and internal control theory and standards.
- Knowledge of Budgeting/Accounting/Reporting system (BARS).
- Significant knowledge of payroll practices and IRS requirements.
- Knowledge of governmental accounting and budgeting principles and practices.
- Knowledge of financial and legal aspects of grant management.
- Knowledge of computerized systems, personal computers, spreadsheets, word processing, calculators, and office equipment.
- Knowledge of City organization, operations, policies and objectives.
- Ability to prepare and analyze comprehensive financial, statistical and narrative reports.
- Ability to use and assess financial system needs and implement procedures for efficient financial management.
- Ability to prepare technical written management reports.
- Ability to use independent professional judgment to interpret laws and regulations, assure compliant accounting practices, make sound recommendations and implement appropriate measures.
- Ability to perform a variety of professional accounting duties including financial analysis and forecasting.
- Ability to work independently from general instructions.
- Ability to establish and maintain effective working relationships with fellow employees, the public and others.
- Ability to read, understand and apply information from technical and financial resources.
- Ability to effectively work cooperatively as a member of a service-oriented team.
- Ability to communicate effectively verbally and in writing.
- Ability to cooperate and support the City's customer commitment process.
- Skill in supervision, management and leadership.
- Ability to maintain confidentiality of information.
- Ability to attend evening meetings when required.
- Ability to handle stressful situations, maintaining composure while under pressure.
- Ability to follow City safety guidelines and procedures.

SPECIAL REQUIREMENTS

Must be bondable; possess valid state driver's license, or ability to obtain within 30 days of hire, with acceptable driving record.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing, spreadsheet and data base software, 10-key calculator, phone, copy machine, fax machine, motor vehicle.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described below are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The work environment is indoor office, and generally the noise level is quiet to moderately noisy.

SELECTION GUIDELINES

Formal application, review of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

CITY OF STANWOOD

POSITION DESCRIPTION

Title: Project Manager
(Parks, Trails, Open Space and Development Projects)
Department: Public Works
FLSA Status: Exempt
Union Status: Non-Represented

GENERAL DESCRIPTION

Under direction, plans, organizes, and manages a wide range of park and development projects from conception through implementation; manages and performs a variety of grant functions; acquires property and easements for projects; reviews plans; provides information and assistance to the public regarding park and development projects; and maintains a variety of files.

SUPERVISION RECEIVED

Works under the direct supervision of the City Engineer and/or the Public Works Director.

SUPERVISION GIVEN

May exercise supervision over consulting engineers on a given project, as assigned. May oversee the work of support staff, part-time or temporary employees or volunteers, as assigned.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Plans, organizes, and manages a wide range of park, economic development, and capital projects from conception through implementation; writes request for qualifications; prepares project budget and schedules; drafts the master plan; plans and conducts public involvement process; writes press releases; manages consultants; prepares contracts for services; directs and reviews consultant team; approves payments; approves final product; presents to Council for approval.

2. Oversees, prepares, and follows-up on grant applications; administers grants and monitors budgets; serves as liaison with grant agencies; prepares necessary reports.

3. Participates in acquiring property and easements for assigned projects; researches and analyzes title reports and deeds, contracts for appraisals, and right-of-way services; meets with property owners as necessary; coordinates work with City Attorney and advisors.

4. Reviews and provides information on site plans and landscaping plans for private development permit applications.

5. Develops cost estimates for construction projects; prepares construction drawings, specifications, and bid documents; investigates contractor qualifications; recommends selection to City Council.

6. Coordinates parks planning and design work with other departments and outside agencies; ensures that designs comply with state and local codes and regulations.

7. Coordinates interagency park development projects as necessary.

8. Prepares and administers consultant services contracts.

9. Contacts other agencies and jurisdictions to gather information necessary for completing assigned projects.

10. Responds to a variety of questions and inquiries from City staff and the public regarding assigned areas of responsibility; provides information within the area of assignment; resolves complaints in an efficient and timely manner.

11. Attends and participates in professional group meetings; staffs Parks and Trails Advisory Committee.

12. Coordinates with other third party private and public utilities.

13. Coordinates permit submissions and preparation from other review agencies for City projects.

14. Performs related duties as required.

DESIRED MINIMUM QUALIFICATIONS

Education and/or experience:

- Equivalent to a bachelor's degree from an accredited college or university with a major in Parks Administration, Planning (Urban, Regional, Environmental, Natural Resource or Park), Landscape Architecture, Civil Engineering, or a related field.
- Four years of increasingly responsible experience in the essential duties of the position.
- Any combination of education and experience necessary to perform the essential functions of the position.

License or Certificate:

- Possession of a valid Washington State Driver's License.

Knowledge, Skills and Abilities:

Knowledge of:

- Principles of parks planning and administration.
- Principles of civil engineering, construction, architecture, landscape architecture, and site design.
- Principles and practices of project management.
- Methods and techniques of contract negotiation.
- Methods and techniques of effective technical report preparation and presentation.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Pertinent federal, state, and local laws, codes, and regulations.

Ability to:

- Coordinate and oversee various park, development, and capital construction projects.
- Serve as project manager for park, development, and capital planning projects.
- Read and interpret plans and maps, including blueprints, site plans, topographic maps, and zoning maps.
- Read and interpret state and federal agencies grant reporting, reimbursement, and retention requirements.
- Ensure construction compliance with established policies and procedures.
- Respond to requests and inquiries from City staff, the public and outside organizations.
- Review and administer construction contracts.
- Prepare clear and concise reports.
- Operate office equipment including computers and supporting word processing, spreadsheet, and database applications.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing; motor vehicle; calculator; phone; copier and fax machine.

PHYSICAL AND WORKING ENVIRONMENT

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

POSITION DESCRIPTION

Environment: Primarily office with some field environment; travel from site to site; exposure to noise, dust, and inclement weather conditions; work around moving objects and vehicles.

Physical: Incumbents require sufficient mobility to work in an office setting and travel to various locations as needed; stand, walk, or sit for prolonged periods of time; operate office equipment including use of a computer keyboard; light lifting and carrying; ability to verbally communicate to exchange information.

Vision: See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents; and to operate assigned equipment.

Hearing: Hear in the normal audio range with or without correction.

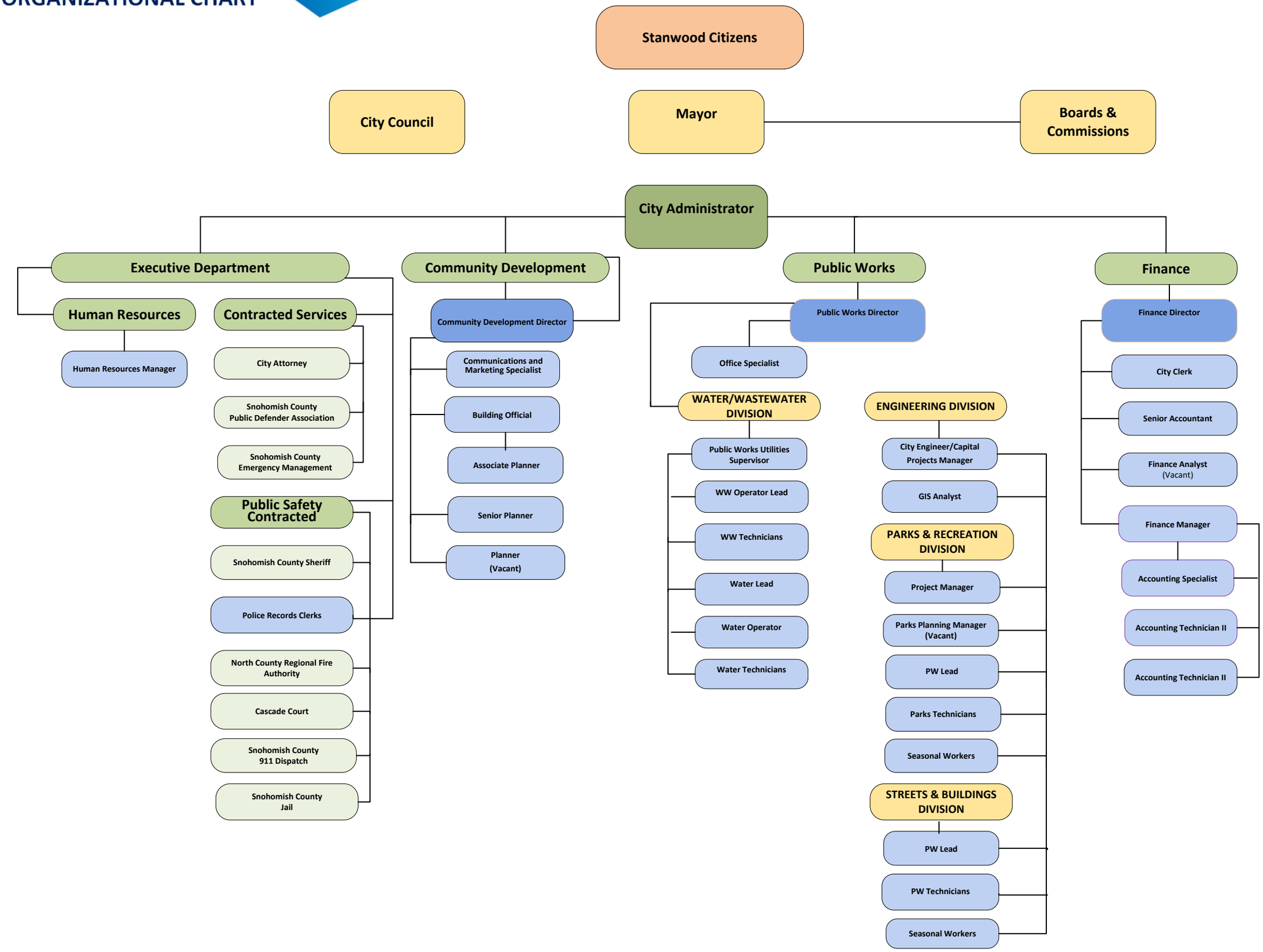
SELECTION GUIDELINES
Formal application, evaluation of education and experience, oral interview and job-related tests may be required. Must successfully pass pre-employment screening, including reference check, criminal background, and driver's records check.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

CITY OF STANWOOD
ORGANIZATIONAL CHART

May 2025



CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: **11b**

DATE: May 22, 2025

SUBJECT: Heritage Park Playground Project Contract Approval

CONTACT PERSON: Alan Lytton, City Engineer

ATTACHMENTS: A – Drawings and Renderings

PURPOSE

The purpose of this agenda item is to authorize the Mayor to approve a contract with Great Western Recreation for the design and installation of the Heritage Park Playground, in an amount not to exceed $500,000, and to consider adding Swings as an alternate, at a cost of $60,000.

BACKGROUND

The City of Stanwood issued a Request for Proposals (RFP) for the design and construction of a new playground at Heritage Park. This project is a key component of the City's commitment to increasing youth wellness and recreation opportunities.
A total of four proposals were received and evaluated based on:

- Responsiveness to RFP criteria
- Innovation and inclusivity in playground design
- Value and cost-effectiveness
- Compliance with safety and accessibility standards
- Experience and qualifications of the vendor

After thorough review, Great Western Recreation was identified as providing the best overall value and meeting the City's requirements most effectively.
The selected design by Great Western Recreation includes:

- Separate Play Areas for Ages 2–5 and 5–12**:** Ensuring developmentally appropriate activities and safety.
- Six Essential Elements of Physical Activity:
    1. Climbing
    2. Balancing
    3. Brachiating (upper-body)
    4. Spinning
    5. Sliding
    6. Swinging

These components support holistic child development and physical health.

The design incorporates best practices in play design, including signage, data collection potential, and community engagement, with the intent to be recognized as a National Demonstration Site for Youth Physical Activity by PlayCore.

Budget

The total project cost is not to exceed $500,000, which includes:

- Design
- Site preparation
- Equipment
- Installation
- Safety surfacing
- Project management

Also included is a bid alternate to add a swing set and safety surfacing South of the exiting playground. This is not included in the $500,000 budget. The swing addition shall not exceed $60,000.

ANALYSIS

The Budget includes $500,000 in the Heritage Park Fund for playground improvements.

Fiscal Impact			
Fund(s):	Fund 104 $500,000		
Amount:	$500,000	**Project Estimate:**	$500,000
Budget Authorized	**[x] Yes [ ] No**	**Amendment Required**	**[ ] Yes [x] No [ ] Monitor**

RECOMMENDATIONS

Staff Recommendation:

Staff recommends awarding the contract to Great Western Recreation including swings not to exceed $560,000.

Committee/Board Recommendation:

The Public Works Committee and PTAC have reviewed playground designs and have provided feedback, and they are also in favor of swings..

Heritage Park- Option 1

Executive Summary

Please note, Staff and Great Western are finalizing design. Price will not exceed $500,000

Job: 114782-01-01

Project Description:

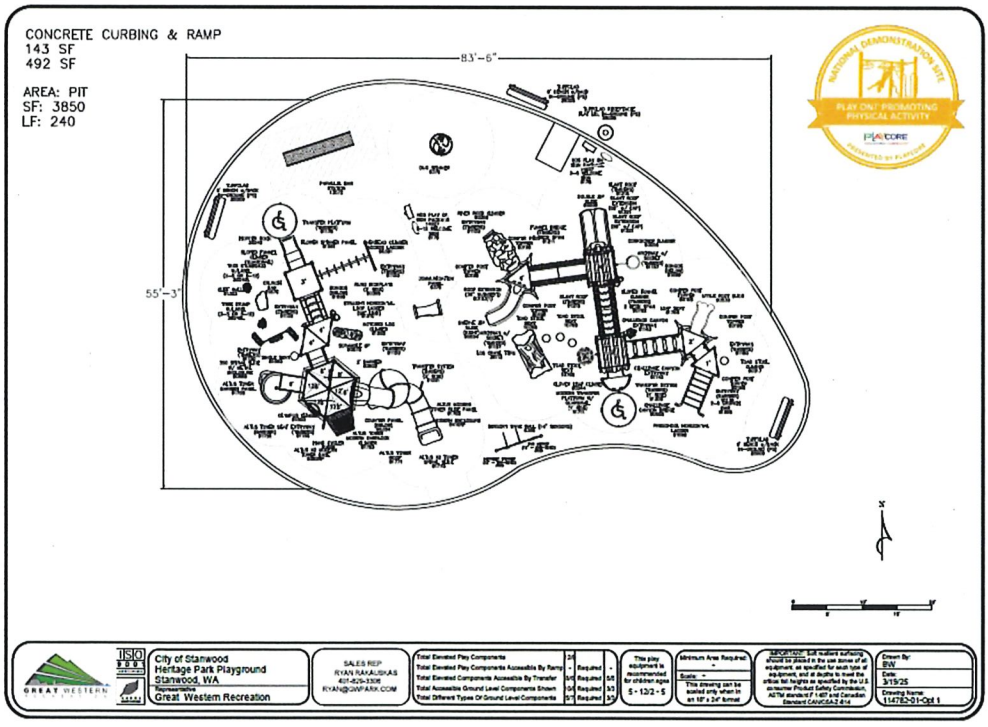
Meeting NDS requirements for PlayOn!, this playground will challenge and excite all children at Heritage Park. Climb to new heights and look out across the horizon in our 12'6" tower in the 5-12 area, or scramble up our river rock climber to whiz down 4' high slides in our 2-5 area. Our designs are backed by research and support children in achieving their developmental milestones.

Total Cost: **$493,681.68**

Pricing Disclaimer: The following quotes encompass all aspects of the project, including equipment, surfacing, installation, freight, and applicable taxes. Detailed line-item information is available on page 48 for your review.

Primary Contact: **Ryan Rakauskas (Primary Contact)**

GWR-Territory Manager
C: 401-829-3306 | EM: ryan@gwpark.com



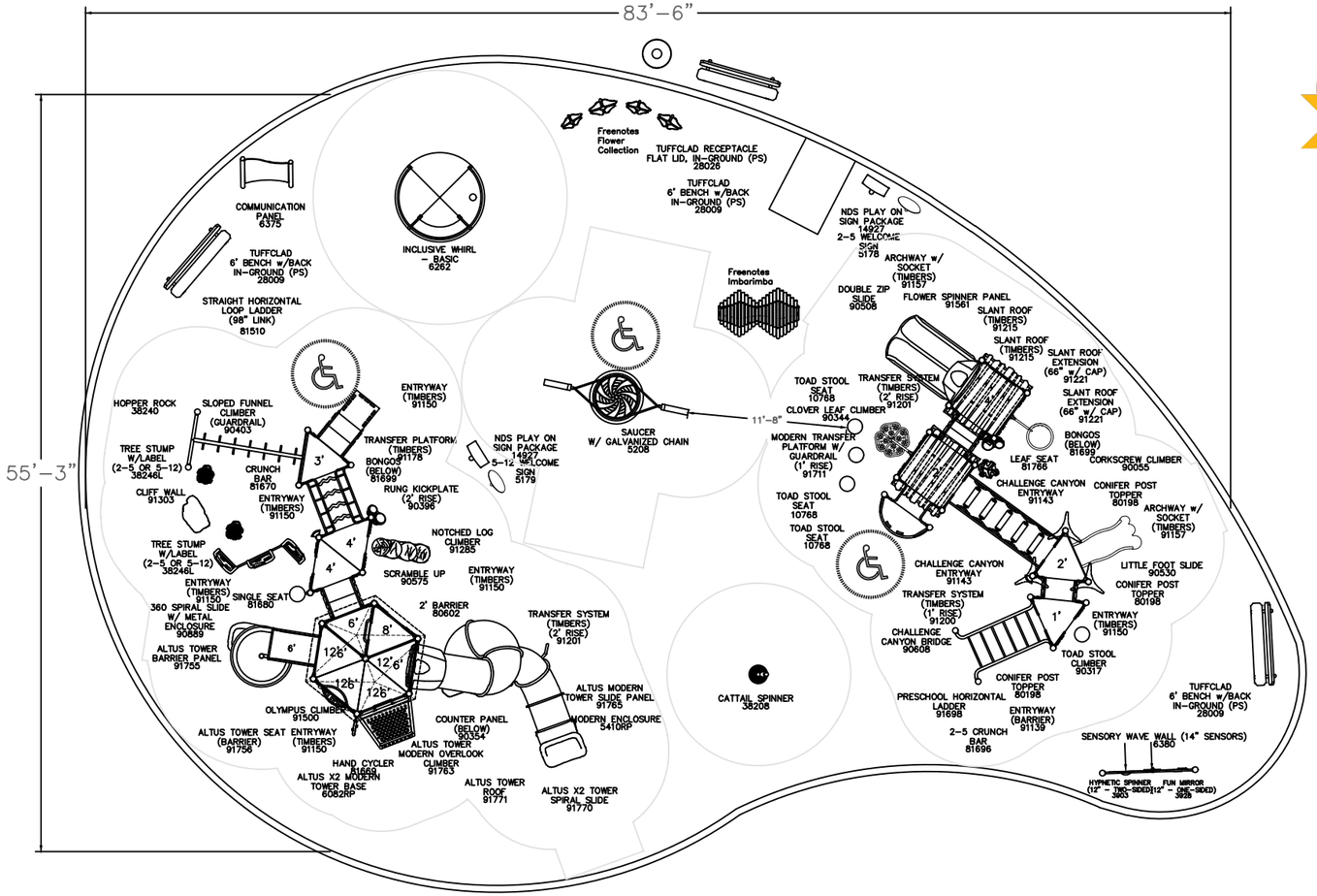
GREAT WESTERN RECREATION

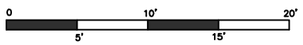
GameTime® A PLAYCORE Company

435-760-5103 | gwpark.com

CONCRETE CURBING & RAMP
143 SF
492 SF

AREA: PIT
SF: 3850
LF: 240





NATIONAL DEMONSTRATION SITE
PLAY ON!® PROMOTING PHYSICAL ACTIVITY
PLAYCORE
PRESENTED BY PLAYCORE

GREAT WESTERN RECREATION

ISO 9001 CERTIFIED
ISO 14001 CERTIFIED

City of Stanwood
Heritage Park Playground
Stanwood, WA

Representative
Great Western Recreation

SALES REP
RYAN RAKAUSKAS
401-829-3306
RYAN@GWPARK.COM

Total Elevated Play Components	12/9		
Total Elevated Play Components Accessible By Ramp	-	Required	-
Total Elevated Components Accessible By Transfer	8/6	Required	5/5
Total Accessible Ground Level Components Shown	10/8	Required	3/3
Total Different Types Of Ground Level Components	5/7	Required	3/3

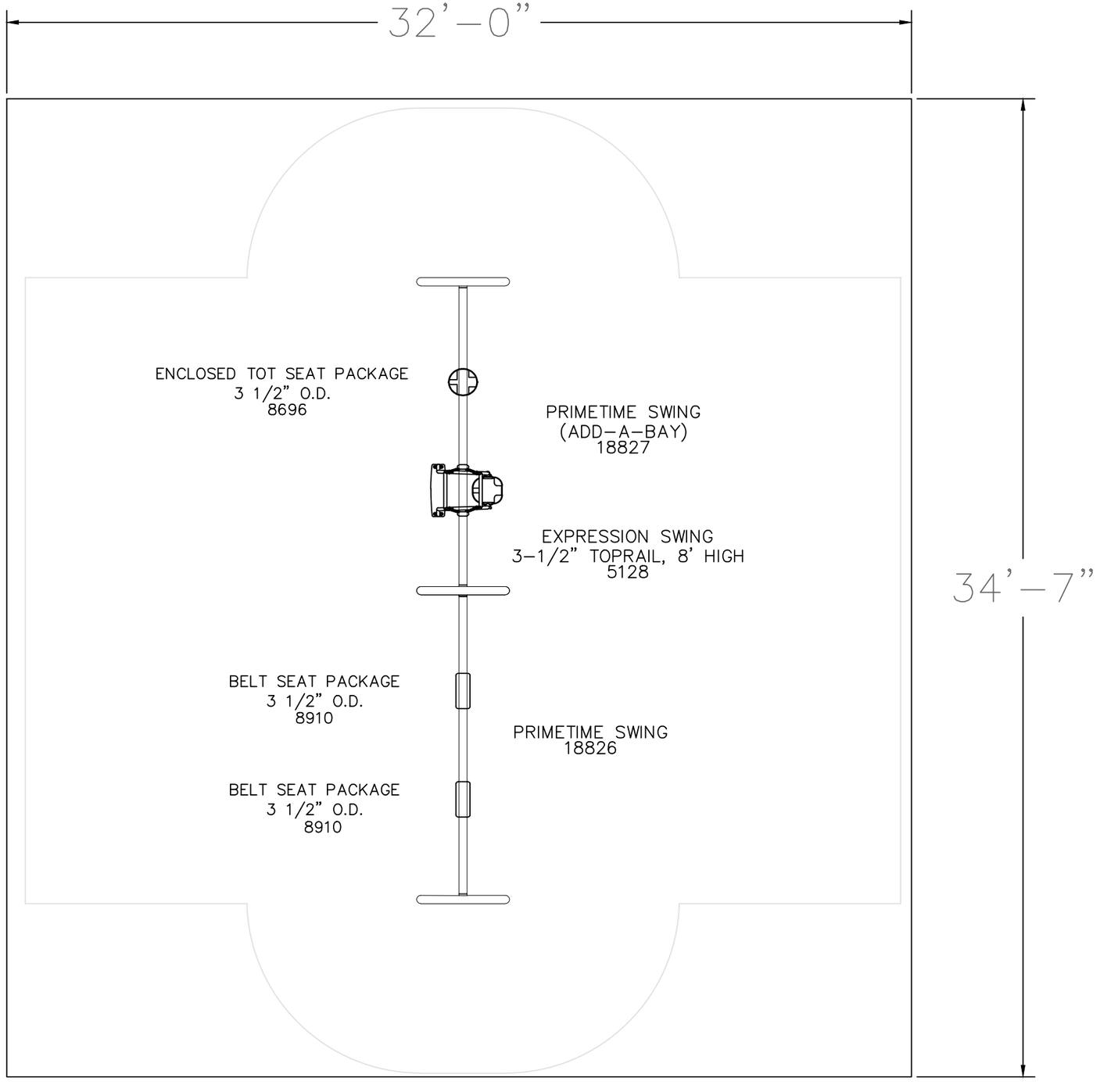
This play equipment is recommended for children ages
5 - 12/2 - 5

Minimum Area Required:
-

Scale: -
This drawing can be scaled only when in an 18" x 24" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By: BW
Date: 5/19/25
Drawing Name: 114782-01-Opt 5



AREA: ALT. SWING PI
SF: 1108
LF: 134

This Swing has changed to a trandem swing.

CITY COUNCIL OPTIONS

1. Authorize the Mayor to sign a contract with Great Western Recreation for the Heritage Park Playground improvements not to exceed $500,000
2. Authorize the Mayor to sign a contract with Great Western Recreation for the Heritage Park Playground and swing set improvements not to exceed $560,000
3. Send back to Public Works Committee for additional discussion.
4. Reject all bids and delay the project.

PROPOSED MOTION(S)

Without Swing Set

"I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH GREAT WESTERN RECREATION FOR THE HERITAGE PARK PLAYGROUND IMPROVEMENT PROJECT NOT TO EXCEED $500,000".

Including Swing Set

"I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH GREAT WESTERN RECREATION FOR THE HERITAGE PARK PLAYGROUND IMPROVEMENT PROJECT NOT TO EXCEED $560,000".