

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, May 28, 2020



AGENDA CITY COUNCIL REGULAR MEETING

Thursday, May 28, 2020 – 7:00 p.m.

This meeting will be conducted by telephone and online, connection information will be posted on City Website—<https://www.stanwoodwa.org>

Stanwood City Hall
10220 270th St. NW, Stanwood, WA 98292

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA**
- 4. PRESENTATION**
 - a. Proclamation –
Stanwood High School and Lincoln Hill High School Class of 2020
- 5. CITIZEN COMMENTS – REMOVED VIA MOTION AT 3-26-2020 MEETING**
- 6. STAFF REPORTS**
 - a. Police Compstat Report - April 2020
- 7. COMMITTEE REPORTS**
 - a. Planning Commission Meeting Minutes - April 27, 2020
- 8. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks
 - b. Approve May 14, 2020 Council Special Meeting Workshop Meeting Minutes
 - c. Approve May 14, 2020 Regular Meeting Minutes
 - d. Authorize the Mayor to Sign the Stanwood Port Susan Trail RCO Grant Agreement
 - e. Authorize the Mayor to Sign a Contract to Purchase New Playground Equipment for Church Creek Park
- 9. NEW BUSINESS**
 - a. First Reading, Second Reading and Final Adoption of Ordinance 1485 - Affordable Housing Sales Tax Code Amendment
 - a. Resolution 2020-04 Approving Sole Source Use and Community Resource Center Contract
 - b. First Reading, Second Reading and Final Adoption of Ordinance 1486 - Floodplain Regulations
 - c. CARES Act Funding – Authorize Mayor to Sign CRF Grant Agreement
- 10. CITIZEN CLOSING COMMENTS- REMOVED VIA MOTION AT 3-26-2020 MEETING**
- 11. REPORTS OF OFFICERS AND COMMITTEES**
 - a. Mayor's Report
 - b. City Administrator's Report
 - c. Councilmember Reports/Questions
- 12. ADJOURN**
- 13. EXECUTIVE SESSION TO DISCUSS POTENTIAL OR PENDING LITIGATION, RCW 42.30.110(1)(i)**

Upcoming Meetings:

June 11, 2020 Regular Meeting
June 25, 2020 Regular Meeting
July 09, 2020 Regular Meeting
July 23, 2020 Regular Meeting



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 4a

DATE: May 28, 2020

SUBJECT: Proclaiming the month of June 2020 to be Class of 2020 Appreciation Month

CONTACT PERSON: Leonard Kelley, Mayor

ATTACHMENTS: A – Stanwood High School and Lincoln Hill High School Class of 2020

SUMMARY STATEMENT

The Proclamation proclaiming the month of June 2020 to be Class of 2020 Appreciation Month is attached.

Proclamation
Stanwood High School and Lincoln Hill High School
Class of 2020

WHEREAS, 2020 gave way to unprecedented circumstances which have prohibited typical high school graduation, year-end activities and celebrations. Stanwood High School and Lincoln Hill High School seniors have exhibited incredible strength and resilience, persevered and risen to the challenges before them; and

WHEREAS, the Class of 2020 makes our community and school system a fantastic place to live and learn. Educators at Stanwood High School and Lincoln Hill High School work closely and passionately with our students and families to provide a wonderful education; and

WHEREAS, the Stanwood High School and Lincoln Hill High School makes our citizens proud of their commitment to responsible citizenship in this unprecedented time of Covid-19 and the Class of 2020 will be our future leaders, pioneers, creators, motivators and role models; and

WHEREAS, the community of Stanwood supports and congratulates all the students who will continue to influence our community long after this crisis has ended.

NOW THEREFORE, I, Leonard Kelley, Mayor of the City of Stanwood, Washington do hereby proclaim the month of June to be Class of 2020 Appreciation Month. By this proclamation, I do hereby dedicate Thursdays in June as Lynx Thursday and Fridays in June as Spartan Friday. Please show your support for our graduating seniors by wearing Blue on Lynx Thursdays and Red and White on Spartan Fridays. The unyielding display of school pride is something we, as a community can be proud of.

Dated this 28th day of May, 2020.

Leonard Kelley
Mayor, City of Stanwood, Washington



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 6a
DATE: May 28th, 2020
SUBJECT: Police April 2020 Compstat Report
CONTACT PERSON: Chief Rob Martin
ATTACHMENTS: April 2020 Compstat Report

SUMMARY STATEMENT

Attached is the April 2020 Compstat Report for council review.

Stanwood Police Department

April 2020

Administrative Personnel

Chief Rob Martin

Sergeant Jason Toner

Amanda Slattery – Stanwood City Employee

Stacey Davis – Stanwood City Employee

Operational Personnel

	Assigned	Vacancies	Percentage
Sergeants	2	0	100%
MPD	0	0	N/A
Deputies	7	0	100%
SRO	1	0	100%
Detectives	1	0	100%
Total	10	0	100%

Area of Operation

The City of Stanwood contracts its police services through the Snohomish County Sheriff's Office. The population for Stanwood is currently 7,070. Stanwood's city limit encompasses 2.8 square miles.



COMPSTAT REPORT

Type of Crime	April 2020	Year to Date 2020	April 2019	Year to Date 2019
Homicide	0	0	0	0
Rape	0	2	0	0
Robbery	0	0	1	1
Assault	0	15	3	15
Burglary	3	7	1	7
Larceny	14	34	10	53
Motor Vehicle Theft	1	5	0	5
General	April 2020	Year to Date 2020	April 2019	Year to Date 2019
Calls for Service (Incidents)	740	3263	846	3241
Case Reports	51	200	52	225
Traffic Collisions	4	24	11	37
Arrests (Adult/Juvenile)	14	63	23	68
Drug Arrests	1	3	1	6
Warrant Arrests	4	10	10	20
Impaired Driving Arrests	1	4	0	6
Infractions Issued	2	34	43	121
Public Disclosure Requests	29	152	42	132
Concealed Pistol Licenses	3	99	62	213
Pistol Transfer Checks	59	166	15	79
Fingerprinting & Approx. timeframe	1 @ .25 hrs	78 = 19.50 hrs	42 @ 105.5 hrs	174 @ 43.5 hrs

City Collisions for April 2020 4 collision

City Collisions for April Totals: 4					
Date	Case Number	Location	H & R Injured		Reason
4/3/2020	2020-2578	27600 Block of 80th AVE NW			Lost control of vehicle
4/7/2020	2020-2682	26000 Block of 72nd AVE NW	x		Hit & run in parking lot
4/14/2020	2020-2852	26500 Block of 72nd AVE NW	x		Hit & run in parking lot
4/29/2020	2020-3219	26700 Block of 72nd AVE NW			Failure to yeild

Stanwood School Dist. Resource Officer (SRO) Activity Report

Due to Schools being closed because of COVID19 there will be no SRO report for the month of April 2020.

Stanwood Police Department

Detective Report

April Newsletter

April 2020



Stanwood Case 2020-3188 **Burglary**

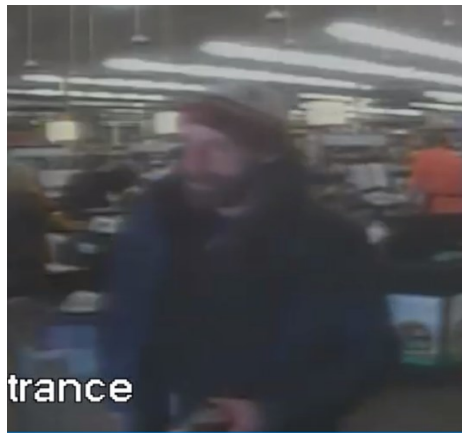
On 04-28-2020 Deputy Scott responded to a report of a theft from a secured area of the Country Store. The store manager reported a lawn mower stolen from inside a fenced area while the store was closed.

Store video showed the male inside the fenced area in front of the store. The male removed a lawn mower and was last seen pushing it as he traveled westbound from the business. The store manager recognized the male as past customer and reviewed video footage from one of his previous visits.

Sgt. Gilje recognized the male from past contacts, despite his attempt to obscure his face with some type of cloth. The male was located, arrested and booked into the Snohomish County Jail by Deputy Clarkson on 04-30-2020. At the time of his arrest, the male mentioned he could be positively identified as the suspect, because his face was covered.

The lawn mower has not been recovered.

Stanwood Case 2020-3016 **Identity Theft**



On 04-21-2020 Deputy Scott responded to a theft complaint and learned the victim's wallet had been stolen from the QFC store on 04-03-2020. The victim decided to report the theft after discovering fraudulent charges on one of his credit cards.

Detective Martin obtained video from the locations where the fraudulent transactions occurred. Video showed a male with a beard wearing a knit cap and hooded sweatshirt associated with the fraudulent transactions. Images of the subject have been shared with local law enforcement in an attempt to identify him. He is believed to be a resident in the Stanwood/Camano area.

Stanwood Police Department

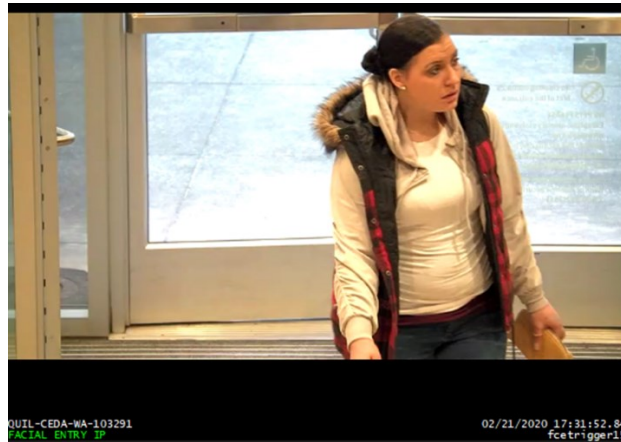
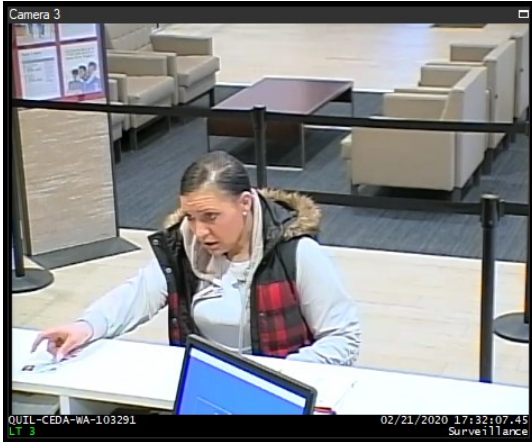
Detective Report

April Newsletter

March 2020



Stanwood Case 2019-8556 Update Burglary/Forgery



On 10-31-2020 a local business was burglarized and items stolen to include business checks. On 02-21-2020 the business owner was contacted by staff at the Bank of America Quil Ceda Village Branch to advise a woman was in the bank attempting to cash one of the business checks. The woman presented the forged check and Washington State Driver's license to the teller, but left both behind while bank staff was attempting to verify the check.

On 03-25-2020 Detective Martin obtained a search warrant for video from the bank. Bank of America provided the video on 04-30-2020. The video showed the woman present the forged check and her identification to the teller. The woman in the video appeared to be the same person shown on the Washington Driver's license the suspect left behind.

Detective Martin is attempting to locate the woman. The charge of Forgery is being referred to the Prosecutor's Office.



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7a
DATE: May 28th, 2020
SUBJECT: Planning Commission Meeting Minutes
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A- April 27, 2020 Meeting Minutes

SUMMARY STATEMENT

Minutes from the April 27, 2020 Planning Commission Meeting are attached to this staff report for approval as presented.



Planning Commission Meeting Minutes April 27, 2020

Planning Commission Chair, Linda Utgard called the meeting to order at 6:30 pm via Zoom Meetings.

Commissioners in Attendance: Linda Utgard, Darren Robb, Marcus Metz, Patrick Hosterman, Lance Dennis, Justin Burns, Larry Sather

Staff in Attendance: Community Development Director Patricia Love, Senior Planner Amy Rusko, Administrative Assistant Krista Hintz

The meeting began with Patricia Love giving a brief overview of the zoom meeting process. Votes will be taken via roll call. State your name for the record when commenting.

Public Requests or Comments.

There were no public requests or comments. The meeting link was posted on the website with the agenda.

Approval of Minutes

Marcus Metz made a motion to approve the minutes as presented. Larry Sather seconded the motion. Roll was taken, the minutes of the February 24, 2020 Planning Commission Meeting were approved as presented

New Business • Public Meeting – Upper Left Apartments Project

The applicant is proposing a three-story multi-family residential building on approximately 1.6 acres. The project site is located north 272nd Street and south of 276th Street. The multi-family residential building will accommodate 31 units. The project proposes 19 one-bedroom/studio units and 12 two-bedroom units within the building. The project includes a 15,000 square foot tenant outdoor space and barbeque area, parking lot lighting, frontage improvements along 72nd Avenue, stormwater pond, and perimeter landscaping. Public Comments submitted during the notice of application period were reviewed.

Commissioner Robb asked if a traffic impact study had been completed. The study was submitted with the application. The estimated number of trips through the intersection does not exceed our level of service. However, we are still looking at options like a possible stop sign at the intersection of 276th and 72nd.

Commissioner Robb also questioned if there was an opportunity for discussion with the developers to have that moved to a location not along 272nd. Retention ponds are typically located in a low point for drainage purposes to allow gravity to work rather than installing pumps.

Commissioner Dennis asked if there had been discussion about a bike/pedestrian lane along the length of 72nd Ave NW. The standards call for a landscape strip and full sidewalk. From the project, north to 276th there will be a connecting sidewalk.



Planning Commission Meeting Minutes April 27, 2020

Commissioner Robb asked if the improvements were set for two lane or three lanes. *From back of sidewalk on both sides will be 57feet. The road will stay in line with the apartments to the north.*

Commissioner Hosterman asked who was doing the traffic analysis study. How is the study taking into account traffic for future development on that road? *The study is being done by an independent consulting firm and can only take into account projects in our pipeline and the level of service in our comp plan. They cannot work off future projects that have not been submitted.*

Commissioner Robb asked if there has been conversation with Public Works about moving forward on the 72nd Corridor Widening- High Priority Plan. Patricia Love will check the Six Year CIP project list and get back to the Commissioners with that answer. Commissioner Robb stated he will check the Six Year Comp Plan.

Commissioner Hosterman asked if there were answers to the other four questions listed under Public Comments.

Question 1- Does not see the need for more apartments to be built in Stanwood. States that there are plenty of empty apartments available.

The zone allows for apartments to be built on the parcel. It is a private investment, If the developer sees a need for more apartments they can be built if it's a permitted use.

Question 2- Concerns of diminished privacy to neighboring property owners because the new tenants of the building will be able to peer into the backyards of residential homes in the church creek neighborhood. *Trees will be planted for privacy.*

Question 3- Concerned with parking. States that parking is a problem within the church creek development and high school students park in their neighborhood. The new apartment tenants will also seek parking in adjacent neighborhoods when their parking lot is full.

The project has accounted for the required amount of parking. Parking enforcement will become a police issue.

Question 4- Concerned that the proposed project will cause an increase of theft, drugs, and crime to the community. Adjacent neighborhoods have gotten their garages broken into and mailboxes vandalized. *Instances do increase when the population increases, however, theft and vandalism are police issues and don't increase just because the housing type is apartments.*

Question 5- Concerned that the project will cause more traffic congestion to 72nd Avenue. Answered above.

Commissioner Utgard asked if the retention pond would be an open pond or have a lid. *There will be a six-foot black vinyl fence and landscaping around an open pond.*

Commissioner Utgard also verified the site plan includes the required 60 spaces of parking.



Planning Commission Meeting Minutes April 27, 2020

Commissioner Burns commented in support of Commissioner Hosterman, that pedestrian safety and bike/pedestrian paths is something we should be looking at for that area with the current congestion as a consideration.

Commissioner Robb reiterated his concern about esthetics and safety of having the pond along the road.

Miscellaneous Business- Upcoming Items

We will be holding regular Planning Commission meetings via zoom through at least June. The first meeting in May will be a Public Hearing for Floodplain Regulations. Facing a June 19th deadline, a decision to forward a recommendation will need to be reached at the next meeting.

The second meeting in May will be Planning 101

Commissioner Sather made a motion to adjourn. Commissioner Robb seconded.

Meeting Adjourned: 7:17 pm



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8a

DATE: May 28, 2020

SUBJECT: Approval of Voucher and Payroll Checks

CONTACT PERSON: Reina Barber, Accounting Specialist

ATTACHMENTS: A - Voucher Check Detail

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank voucher checks 32544 through 32603 in the amount of \$1,083,051.94. Approve issuance of Washington Federal Bank payroll checks 1715 through 1724 and Washington Federal Bank electronic payroll funds transfers in the amount of \$297,380.68.

RECOMMENDED MOTION

I MOVE TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 32544 THROUGH 32603 IN THE AMOUNT OF \$1,083,051.94. APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK PAYROLL CHECKS 1715 THROUGH 1724 AND WASHINGTON FEDERAL BANK ELECTRONIC FUNDS TRANSFERS IN THE AMOUNT OF \$297,380.68.

CHECK REGISTER

City Of Stanwood
MCAG #: 0695

05/06/2020 To: 05/19/2020

Time: 16:13:12 Date: 05/20/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2364	05/06/2020	Claims	3	32544	Ace Hardware	898.43	20013
2365	05/06/2020	Claims	3	32545	American Planning Assn	420.00	Patrica Love ID #209758
2366	05/06/2020	Claims	3	32546	Aramark Uniform Services Inc	477.42	937963000
2367	05/06/2020	Claims	3	32547	DR Horton	123.02	04 1701 28 - 6524 281ST PL NW
2368	05/06/2020	Claims	3	32548	Faber Construction Corp	75,382.78	City Of Stanwood
2369	05/06/2020	Claims	3	32549	Graybar Electric Co	840.84	381685
2370	05/06/2020	Claims	3	32550	Hamilton Lumber LLC	325.03	City Of Stanwood
2371	05/06/2020	Claims	3	32551	Jessica McCready	1,833.34	City Of Stanwood
2372	05/06/2020	Claims	3	32552	Lenz Enterprises Inc	320.17	City Of Stanwood
2373	05/06/2020	Claims	3	32553	Office Depot	55.65	36274097; 34274097
2374	05/06/2020	Claims	3	32554	PUD Of Snohomish County *	277.53	202423729
2375	05/06/2020	Claims	3	32555	Refund - Larissa & Kevin Sigman	218.13	Ref Utility 2174 - Sigman - Overpayment At Closing
2376	05/06/2020	Claims	3	32556	Ricoh USA, Inc.	743.84	1316669-3660143; 1316669-3659652; 1316669-3660142
2377	05/06/2020	Claims	3	32557	Shred-it US JV LLC	41.91	14668765
2378	05/06/2020	Claims	3	32558	Sno Co Auditor *	494.00	City Of Stanwood
2379	05/06/2020	Claims	3	32559	Sno Co Dept Of Emergency Management	2,474.50	DEMSTNWD
2380	05/06/2020	Claims	3	32560	Sno Co Prosecuting Attorney *	1,914.12	City Of Stanwood
2381	05/06/2020	Claims	3	32561	Sno Co Sheriff's Office - CB	3,170.92	City Of Stanwood; City Of Stanwood
2382	05/06/2020	Claims	3	32562	Stanwood Auto Parts	147.41	56100; 56100
2383	05/06/2020	Claims	3	32563	Stanwood Camano News	80.55	261981
2384	05/06/2020	Claims	3	32564	Stanwood Chamber Of Commerce	1,100.00	City Of Stanwood; City Of Stanwood
2385	05/06/2020	Claims	3	32565	Stanwood City Utility	3,441.67	2886; 2965; 3439; 2741; 2688; 2749; 3184; 1075; 2964; 2732;
2386	05/06/2020	Claims	3	32566	Sterling National Bank	53,829.48	1155170
2387	05/06/2020	Claims	3	32567	TMG Services Inc	1,960.66	1920010; 1920010; 1920010; 1920010
2388	05/06/2020	Claims	3	32568	Unum Life Insurance	88.40	City Of Stanwood
2460	05/13/2020	Claims	3	32569	APP- Associated Petroleum Products	2,024.81	04-0100494
2461	05/13/2020	Claims	3	32570	Badger Meter Inc	691.90	460708
2462	05/13/2020	Claims	3	32571	Gaylynn Brien	60.00	City Of Stanwood
2463	05/13/2020	Claims	3	32572	Cascade Septic, LLC	110.00	City Of Stanwood
2464	05/13/2020	Claims	3	32573	Department Of Commerce - Pwtfl	432,785.95	PW-06-962-040; PW-05-691-058; PW-06-962-041
2465	05/13/2020	Claims	3	32574	Edge Analytical Inc	200.00	STA01
2466	05/13/2020	Claims	3	32575	Frontier *	1,363.74	206-188-0411-053105-5; 360-629-4907-072497-5
2467	05/13/2020	Claims	3	32576	Glass Tech Stanwood Inc	1,638.00	
2468	05/13/2020	Claims	3	32577	Granich Engineered Products Inc	2,710.58	City Of Stanwood
2469	05/13/2020	Claims	3	32578	Housing Authority of Snohomish County		INCORRECT INVOICE AMOUNT PER AHA
2470	05/13/2020	Claims	3	32579	J.A. Brennan Associates, PLLC	823.25	City Of Stanwood
2471	05/13/2020	Claims	3	32580	Les Schwab Tire Centers	196.55	S34-00006
2472	05/13/2020	Claims	3	32581	Navia Benefits	50.00	City Of Stanwood
2473	05/13/2020	Claims	3	32582	O'Reilly Auto Parts	4.36	1872464
2474	05/13/2020	Claims	3	32583	Office Depot	165.56	36274097; 36274097

CHECK REGISTER

City Of Stanwood
MCAG #: 0695

05/06/2020 To: 05/19/2020

Time: 16:13:12 Date: 05/20/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2475	05/13/2020	Claims	3	32584	PUD Of Snohomish County *	4,861.48	200367373; 200142180; 202727285; 202694204; 202670675; 202579512; 221041510; 202882056; 200738672
2476	05/13/2020	Claims	3	32585	Pitney Bowes Inc- Purchase Power *	1,005.00	8000-9090-0519-5677
2477	05/13/2020	Claims	3	32586	Puget Tech LLC	2,784.00	City Of Stanwood
2478	05/13/2020	Claims	3	32587	RH2 Engineering Inc	29,858.44	City Of Stanwood; City Of Stanwood
2479	05/13/2020	Claims	3	32588	Refund - Landon Balok	150.00	Ref Prev Owner Landon Balok Acct #2229 For \$150 Payment Made In Error. Approved By Finance Director.
2480	05/13/2020	Claims	3	32589	Sno Co District Court	799.75	DCT34003
2481	05/13/2020	Claims	3	32590	Sno Co Information Services *	9,869.51	DIS1107
2482	05/13/2020	Claims	3	32591	Sno Co Planning & Development Svcs	1,334.00	PDS00006
2483	05/13/2020	Claims	3	32592	Sno Co Sheriffs Office *	152,121.75	SSH00001
2484	05/13/2020	Claims	3	32593	Snohomish County Public Def Association	2,221.97	City Of Stanwood
2485	05/13/2020	Claims	3	32594	Stanwood Auto Parts	75.84	56100
2486	05/13/2020	Claims	3	32595	Stanwood Camano News	116.80	261981; 261981
2487	05/13/2020	Claims	3	32596	Stillaguamish Outdoor Media Corp.	6,000.00	City Of Stanwood
2488	05/13/2020	Claims	3	32597	T-Bailey, Inc	277,015.70	City Of Stanwood
2489	05/13/2020	Claims	3	32598	USA Bluebook	31.68	478228
2490	05/13/2020	Claims	3	32599	Utilities Underground Loc	81.27	134200
2491	05/13/2020	Claims	3	32600	Verizon Wireless	930.17	372541731-00001
2492	05/13/2020	Claims	3	32601	Washington State Patrol *	13.25	ST301
2493	05/13/2020	Claims	3	32602	Waste Management Skagit	154.18	8-34465-95001
2494	05/13/2020	Claims	3	32603	Wave Broadband	142.65	3201-0316545-01

001 General Fund	177,201.27
101 Street Fund	6,777.91
104 Park And Trail Improvement Fund	823.25
108 Transportation Sales Tax Fund	36.52
115 Tourism And Promotion DSC	11,367.34
401 Sewer Fund	120,636.28
403 Sewer Construction Fund	4,166.65
410 Drainage Fund	1,287.69
411 Drainage Construction Fund	75,382.78
421 Water Fund	328,822.03
422 Water Construction Fund	302,707.49
451 Water Bond Reserve	53,829.48
630 Agency Fund	13.25

Claims: 1,083,051.94

* Transaction Has Mixed Revenue And Expense Accounts 1,083,051.94

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 Johnson
() Deputy Finance Director

Date: 5-20-2020

CHECK REGISTER

City Of Stanwood
MCAG #: 0695

05/06/2020 To: 05/19/2020

Time: 16:13:28 Date: 05/20/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2302	05/08/2020	Payroll	3	EFT		4,336.45	April 2020 Payroll
2303	05/08/2020	Payroll	3	EFT		2,194.68	April 2020 Payroll
2304	05/08/2020	Payroll	3	EFT		1,931.88	April 2020 Payroll
2305	05/08/2020	Payroll	3	EFT		391.04	April 2020 Payroll
2306	05/08/2020	Payroll	3	EFT		3,456.21	April 2020 Payroll
2307	05/08/2020	Payroll	3	EFT		7,147.03	April 2020 Payroll
2308	05/08/2020	Payroll	3	EFT		4,224.68	April 2020 Payroll
2309	05/08/2020	Payroll	3	EFT		1,816.27	April 2020 Payroll
2311	05/08/2020	Payroll	3	EFT		4,685.88	April 2020 Payroll
2312	05/08/2020	Payroll	3	EFT		2,338.07	April 2020 Payroll
2313	05/08/2020	Payroll	3	EFT		3,144.94	April 2020 Payroll
2314	05/08/2020	Payroll	3	EFT		12,928.06	April 2020 Payroll
2315	05/08/2020	Payroll	3	EFT		3,527.49	April 2020 Payroll
2316	05/08/2020	Payroll	3	EFT		3,039.11	April 2020 Payroll
2317	05/08/2020	Payroll	3	EFT		5,769.86	April 2020 Payroll
2318	05/08/2020	Payroll	3	EFT		391.04	April 2020 Payroll
2319	05/08/2020	Payroll	3	EFT		4,918.06	April 2020 Payroll
2320	05/08/2020	Payroll	3	EFT		856.85	April 2020 Payroll
2321	05/08/2020	Payroll	3	EFT		5,583.62	April 2020 Payroll
2322	05/08/2020	Payroll	3	EFT		4,049.36	April 2020 Payroll
2323	05/08/2020	Payroll	3	EFT		3,259.96	April 2020 Payroll
2324	05/08/2020	Payroll	3	EFT		2,388.57	April 2020 Payroll
2325	05/08/2020	Payroll	3	EFT		391.04	April 2020 Payroll
2326	05/08/2020	Payroll	3	EFT		3,497.38	April 2020 Payroll
2327	05/08/2020	Payroll	3	EFT		2,753.49	April 2020 Payroll
2328	05/08/2020	Payroll	3	EFT		391.11	April 2020 Payroll
2329	05/08/2020	Payroll	3	EFT		3,247.70	April 2020 Payroll
2330	05/08/2020	Payroll	3	EFT		1,297.99	April 2020 Payroll
2331	05/08/2020	Payroll	3	EFT		5,227.80	April 2020 Payroll
2332	05/08/2020	Payroll	3	EFT		4,305.29	April 2020 Payroll
2333	05/08/2020	Payroll	3	EFT		4,149.25	April 2020 Payroll
2334	05/08/2020	Payroll	3	EFT		391.11	April 2020 Payroll
2335	05/08/2020	Payroll	3	EFT		2,475.87	April 2020 Payroll
2336	05/08/2020	Payroll	3	EFT		4,310.10	April 2020 Payroll
2337	05/08/2020	Payroll	3	EFT		2,729.11	April 2020 Payroll
2338	05/08/2020	Payroll	3	EFT		2,590.99	April 2020 Payroll
2339	05/08/2020	Payroll	3	EFT		3,856.23	April 2020 Payroll
2340	05/08/2020	Payroll	3	EFT		391.11	April 2020 Payroll
2341	05/08/2020	Payroll	3	EFT		391.11	April 2020 Payroll
2352	05/08/2020	Payroll	3	EFT	HSA Bank	1,891.33	Pay Cycle(s) 05/08/2020 To 05/08/2020 - HSA Contributions ER; Pay Cycle(s) 05/08/2020 To 05/08/2020 - HSA Contr EE Over 55
2353	05/08/2020	Payroll	3	EFT	Internal Revenue Service (941)	61,979.71	941 Deposit for Pay Cycle(s) 05/08/2020 - 05/08/2020
2354	05/08/2020	Payroll	3	EFT	WA St Department Of Retirement Systems	44,677.49	Pay Cycle(s) 05/08/2020 To 05/08/2020 - PERS2; Pay Cycle(s) 05/08/2020 To 05/08/2020 - PERS 3; Pay Cycle(s) 05/08/2020 To 05/08/2020 - 457 - DRS (DCP)
2355	05/08/2020	Payroll	3	1715	AFLAC	444.79	Pay Cycle(s) 05/08/2020 To 05/08/2020 - AFLAC, Pre-Tax; Pay Cycle(s) 05/08/2020 To 05/08/2020 - AFLAC, Post-Tax

CHECK REGISTER

City Of Stanwood
MCAG #: 0695

05/06/2020 To: 05/19/2020

Time: 16:13:28 Date: 05/20/2020

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2356	05/08/2020	Payroll	3	1716	AWC Employee Benefit Trust	14,457.66	Pay Cycle(s) 05/08/2020 To 05/08/2020 - AWC - Health First 250; Pay Cycle(s) 05/08/2020 To 05/08/2020 - AWC- Dental J; Pay Cycle(s) 05/08/2020 To 05/08/2020 - AWC - Vision; Pay Cycle(s) 05/08/2020 To;
2357	05/08/2020	Payroll	3	1717	Colonial Life Insurance	66.75	Pay Cycle(s) 05/08/2020 To 05/08/2020 - Colonial Life Ins
2358	05/08/2020	Payroll	3	1718	Hartford Retirement Plan Services	3,141.27	Pay Cycle(s) 05/08/2020 To 05/08/2020 - 457 - MassMutual (Hartford); Pay Cycle(s) 05/08/2020 To 05/08/2020 - Roth 457(b)(MassMutual)
2359	05/08/2020	Payroll	3	1719	ICMA Retirement Trust	2,566.90	Pay Cycle(s) 05/08/2020 To 05/08/2020 - 457 - ICMA
2360	05/08/2020	Payroll	3	1720	Navia Benefits	116.67	Pay Cycle(s) 05/08/2020 To 05/08/2020 - Medical FSA- S125; Pay Cycle(s) 05/08/2020 To 05/08/2020 - Navia Limited FSA
2361	05/08/2020	Payroll	3	1721	Western Conference of Teamsters Pension Trust	8,092.75	Pay Cycle(s) 05/08/2020 To 05/08/2020 - Teamsters Pension
2362	05/08/2020	Payroll	3	1722	Teamsters Union Local 231	1,411.00	Pay Cycle(s) 05/08/2020 To 05/08/2020 - Teamsters Dues
2363	05/08/2020	Payroll	3	1723	Washington Teamsters Welfare Trust	31,370.00	Pay Cycle(s) 05/08/2020 To 05/08/2020 - Teamsters Dental; Pay Cycle(s) 05/08/2020 To 05/08/2020 - Teamsters Medical
2310	05/08/2020	Payroll	3	1724		2,388.57	April 2020 Payroll
		001 General Fund				150,598.67	
		101 Street Fund				21,313.69	
		108 Transportation Sales Tax Fund				1,442.87	
		401 Sewer Fund				42,793.06	
		410 Drainage Fund				24,837.23	
		421 Water Fund				56,395.16	
						297,380.68	Payroll: 297,380.68

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 Dornheim
() Deputy Finance Director

Date: 5-20-2020



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8b

DATE: May 28, 2020

SUBJECT: City Council May 14, 2020 Special Meeting Minutes

CONTACT PERSON: Sara Robinson, Deputy Clerk

ATTACHMENTS: A – Council Special Meeting Minutes

SUMMARY STATEMENT

Minutes of the May 14, 2020 Special City Council Meeting are attached.

RECOMMENDED MOTION

I MOVE TO APPROVE THE MINUTES OF THE May 14, 2020 SPECIAL COUNCIL MEETING AS PRESENTED.

CITY OF STANWOOD
Special Meeting Workshop of the City Council
Thursday, May 14, 2020 – 5:30 p.m.
Zoom Online Meeting & Telephone
MINUTES

1. Welcome

Mayor Kelley called the meeting to order at 5:30 p.m.

Deputy Clerk Sara Robinson called the roll with the following Councilmembers present: Rob Johnson, Diane White, Elizabeth Callaghan, Timothy Pearce, Steve Shepro, Sid Roberts and Judy Williams. The meeting was quorate.

Also present: Public Works Director Kevin Hushagen, Assistant Public Works Director/City Engineer Shawn Smith, Community Development Director Patricia Love, Attorney Brett Vinson, Police Chief Rob Martin, Fire Chief John Cermak, City Administrator Jennifer Ferguson, and Deputy Clerk Sara Robinson.

2. Organization Assessment and Staffing Study

Martin Chaw, Senior Project Manager with FCA Group presented the City Organization Assessment and Staffing Study. This project started in 2019. The scope of work included evaluation of the workforce and alignment to the needs of the community. Current staff was interviewed to get a full picture of the different positions and staffing needs. The team conducted an interjurisdictional survey of similar cities which included North Bend, Port Townsend, Snohomish and Yelm (did not respond). The study included job duties, organizational structures and levels of staffing.

Chaw reviewed the study findings and conclusions which were broken down into the following sections and included staffing recommendations and the benefits of each- Invest in Local Economy of Downtown, Maintain existing City assets (streets, parks & utilities), Support Delivery of Capital Improvements, Support City Operations and Employee Experience, and Enhance Public Engagement

Conclusion and next steps include –

Framework for addressing needs and priorities identified by city employees and the WSU community survey. Focus on building infrastructure capacity and adding staff resources to retain and support existing business, grow/build downtown and economic core, and maintain existing city assets. The City Administrator and Mayor will identify the timing of when new positions will be hired or change in positions for service delivery. This will happen through biennial budget setting. The City Council will authorize staffing and benefit budget allocation to deliver levels of service.

11. Adjourn

Stanwood City Council Meeting Minutes – May 14, 2020

Mayor Kelley adjourned the meeting at 6:40 p.m.

CITY OF STANWOOD

ATTEST:

Leonard Kelley, Mayor

Sara Robinson, Deputy Clerk



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 8c

DATE: May 28, 2020

SUBJECT: City Council May 14, 2020 Regular Meeting Minutes

CONTACT PERSON: Sara Robinson, Deputy Clerk

ATTACHMENTS: A – Council Regular Meeting Minutes

SUMMARY STATEMENT

Minutes of the May 14, 2020 Regular City Council Meeting are attached.

RECOMMENDED MOTION

I MOVE TO APPROVE THE MINUTES OF THE MAY 14, 2020 REGULAR COUNCIL MEETING AS PRESENTED.

CITY OF STANWOOD
Regular Meeting of the City Council
Thursday, May 14, 2020 – 7:00 p.m.
Zoom Online Meeting & Telephone
MINUTES

1. Call to Order

Mayor Kelley called the meeting to order at 7:00 p.m.

2. Roll Call

Deputy Clerk Sara Robinson called the roll with the following Councilmembers present: Rob Johnson, Diane White, Elizabeth Callaghan, Timothy Pearce, Steve Shepro, Sid Roberts and Judy Williams. The meeting was quorate.

Also present: Public Works Director Kevin Hushagen, Assistant Public Works Director/City Engineer Shawn Smith, Community Development Director Patricia Love, Attorney Brett Vinson, Police Chief Rob Martin, Fire Chief John Cermak, City Administrator Jennifer Ferguson, and Deputy Clerk Sara Robinson.

3. Approval of the Agenda

Motion by Councilmember Johnson to amend the agenda by moving agenda item 8b-Task Order with PACE Engineers Inc. to the Consent Agenda as Item 7c. Second by Councilmember Pearce. Motion carried unanimously.

Motion by Councilmember Johnson, second by Councilmember White, to approve the agenda as amended. Motion carried unanimously.

4. Citizen Comments - Removed via motion at 3-26-2020 Meeting

5. Committee Reports

- a. Parks and Trails Advisory Committee Meeting Minutes - February 18, 2020

7. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve April 23, 2020 City Council Meeting Minutes
- c. Authorize the Mayor to Sign a Task Order with Pace Engineers, Inc. for the Irvine Slough Storm Water Separation Project Phase 2

Motion by Councilmember Johnson, Second by Councilmember Roberts, to approve the Consent Agenda items a through c. Motion carried unanimously.

Stanwood City Council Meeting Minutes – May 14, 2020

8. New Business

- a. First and Second Reading and Final Adoption of Ordinance 1487, 2019-2020 Budget Amendment

City Administrator, Jennifer Ferguson presented the proposed budget amendment for the 2019-2020 Budget. The adjustments include, Beginning Net Cash to Actual – All Funds, Capital Projects- Sewer and Park Construction and Operating Expenditures – All Funds. The Finance Committee reviewed the proposed budget amendment at the regular committee meeting on May 7, 2020 and recommend adoption.

Motion by Councilmember Johnson, second by Councilmember Pearce the first and second reading and final adoption of Ordinance 1487, 2019-2020 Budget Amendment. Motion carried unanimously.

- b. Authorize the Mayor to sign the Stanwood Port Susan Trail Phase 2 Design Project Contract with Confluence Environmental

Community Development Director, Patricia Love presented the Stanwood Port Susan Trail Phase 2 Design Project. The design and permitting of the project is in our 2020 work plan. The goal is to design and construct a 6-10 foot wide pedestrian trail that starts at the 88th Avenue park and ride lot and connect to the trail section on top of the SR 532 Berm that is currently under construction. The trail will be a 5 mile looped trail around the water treatment plant and pass through the Hamilton Landing Park then connect to the Stillaguamish River outlook platform build by the boy scouts next to Twin City Foods. Both the Community Development Committee and Parks and Trails Advisory Committee have been briefed on the draft trail alignment and proposed scope of work. Both committees are supportive of moving forward with the project.

Motion by Councilmember Roberts, second by Councilmember Johnson to authorize the Mayor to sign the Task Order with Confluence Environmental for the Environmental Studies and 30 Percent Design of the Stanwood Port Susan Trail in an amount not to exceed \$245,000. Motion carried unanimously.

- c. Authorize the Mayor to Sign a Contract with Quality Controls Corporation for a New Telemetry System for the Wastewater Department

Public Works Director, Kevin Hushagen presented the request to authorize the mayor to sign a contract with Quality Controls Corporation (QCC) to provide a new telemetry system including spare parts for the wastewater department. QCC was recently contracted to provide an upgraded supervisory control and data acquisition (SCADA) system at the Wastewater Treatment Plant. The next phase of upgrading the communications system in the wastewater department is to build a new telemetry system. The need for accurate and real time monitoring of the entire wastewater system is vital to support the health and safety

Stanwood City Council Meeting Minutes – May 14, 2020

to our citizens and employees. The Public Works Committee supported this work and recommended bringing the contract to Council to explain the importance of accurate real time monitoring.

Motion by Councilmember Johnson, second by Councilmember White to authorize the Mayor to sign a contract with QCC to provide a Telemetry System for the wastewater department including spare parts not to exceed \$191,407. Motion carried unanimously.

- d. Discuss Six Year Transportation Improvement Plan Directing Staff to Set a Public Hearing for May 28, 2020

Public Works Director, Kevin Hushagen presented the proposed Six Year Transportation Improvement Plan (TIP) 2021 through 2026 and requests direction from council for staff to set a Public Hearing for May 28, 2020 as required by RCW 35.77.010.

The purpose of the six year TIP is to assure that each city and town will have a plan looking into the future for not less than six years as a guide in carrying out a coordinated transportation program. Projects seeing grant or outside funding need to be identified on the six year TIP. The Public Works Committee reviewed the plan and recommends setting a public hearing and adoption by resolution prior to the July deadline.

Motion by Councilmember Johnson, second by Councilmember Roberts to direct staff to set a Public Hearing for May 28, 2020 to adopt the Six Year TIP as presented. Motion carried unanimously.

9. Citizen Closing Comments – Removed via motion at the 3-26-2020 Meeting

10. Reports of Officers and Committees

- a. Mayor's Report –

Mayor reported that things are still moving forward in Stanwood. He is involved in two conference calls per week and he and Jennifer attend more meetings now than ever before. Everything is going very smooth and everyone is working well together. Unfortunately some of our favorite events for the summer are being cancelled due to the Covid-19 pandemic. We are not giving up on the concerts and are hopeful that maybe a car concert will be held in one of the large parking lots in the City. We want to do all that we can for the moral of the Stanwood citizens while staying safe.

- b. City Administrator's Report-

Jennifer Ferguson wanted to share some things that staff is working on to adapt. Permits have been shifted to a paperless method. Staff is working on ways to automate the permit process while still having a connection with the customers. The cares act funding is now available. Stanwood is not big enough to benefit from the Federal funding entitlement but we will submit some of our expenses to Snohomish County as they qualify for the funding. The City does qualify for non-entitlement funding from the state. The amount is

Stanwood City Council Meeting Minutes – May 14, 2020

approximately \$210,000. Use of the funds is not to be used to replace revenue loss. Fiscal impact will be at a different time. The City would like to use the funds for sanitizing equipment that can be used at city parks, technology upgrades and supporting the community resource center to assist for households that are experience a financial deficit. The Kids Eat site located in the QFC parking lot is going to look different soon. There is a more permanent structure planned for that site.

City Attorney Brett Vinson wanted to give council some information about enforcement of the Governors orders. The city is not required to enforce his orders. There may be an executive meeting after the next Council Meeting to discuss a possible issue related to this.

c. Councilmember Reports and Questions

Councilmember Johnson asked Chief Cermak to give a report for the North County Regional Fire Authority.

Chief John Cermak noted that a new Fire Engine and an Ambulance were delivered this week and will be in service in the next 30-60 days. Crews are training on them now. There is a new training facility opening at 300th and Old Highway 99. This location could also become another fire station at some point.

11. Adjourn

Mayor Kelley adjourned the meeting at 7:45 p.m.

CITY OF STANWOOD

ATTEST:

Leonard Kelley, Mayor

Sara Robinson, Deputy Clerk



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8d
DATE: May 28, 2020
SUBJECT: Stanwood Port Susan Trail – RCO Grant Authorizing Resolution
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A – Grant Resolution

ISSUE

The issue in front of the City Council is to authorize the Mayor to sign the Recreation and Conservation Office (RCO) Authorizing Resolution for the Stanwood Port Susan Trail project.

RECOMMENDATION

1. Review and discuss the RCO Grant Authorizing Resolution.
2. Authorize the Mayor to sign the Authorizing Resolution that allows the City to enter into a grant with the RCO in the amount of \$448,000 for the Stanwood Port Susan Trail.

SUMMARY STATEMENT

This last legislative session, the city submitted a capital funding request to the Washington State Legislature for design and construction funds for the Stanwood Port Susan Trail project. Our funding request was fully funded, however the dollars were split into two separate grant sources: Washington Department of Commerce (DOC) and the Recreation and Conservation Office (RCO). The Commerce Funds will be used for the design, permitting and bidding of the trail while the RCO funds will be used for construction.

Funding and project application policies of the RCO requires cities to approve an Authorizing Resolution which formally declares their intent to fund the proposed project and acknowledge RCO's grant policies and requirements. To receive the RCO grant funds the City must submit an Authorizing Resolution approved by the City Council and signed by the Mayor, as part of our formal grant submittal materials.

DISCUSSION

The Stanwood Non-Motorized Transportation Plan adopted in 2016 envisions a walkable and bikable community. This Plan provides the guide for future trails and bike paths.

The Non-Motorized Transportation plan includes the Proposed Pedestrian Network figure which shows a desire for a looped trail system around the perimeter of the City's downtown area from the train station to the farmlands just north of Ovenell Park (Green Dot). The need for more walking and biking facilities was reinforced in the 2019 / 2020 community survey; under the parks category, walking trails and waterfront access were the two highest priorities. This trail has been named the Stanwood Port Susan trail due to its connection with the Stillaguamish River and views of Port Susan Bay.

The Stanwood Port Susan Trail is a 5 mile looped trail network that has been segregated into 5 distinct independent phases which will eventually create a looped multiuse trail system when completed. Phase I is currently under construction as part of the SR 532 Berm Project and is expected to be completed by the summer of 2020.



The design and permitting of the Stanwood – Port Susan trail Phase 2 segment is in our 2020 work plan. Our goal is to design and construct a 6-10 foot wide pedestrian trail that starts at the 88th Avenue park and ride lot, connects to the SR 532 Berm that is currently under construction, loops the water treatment plant, passes through Hamilton Landing Park and connects to the Stillaguamish River overlook platform built by the boy scouts next to Twin City Food. The project would include:

- 6- 10 foot wide trail – width will vary on the waste water treatment plant dike to accommodate existing conditions
- Gateway trail entry locations
- River view and plaza area near the southeast corner of the looped trail
- Wetland and buffer mitigation for trail impacts
- Pedestrian bridge spanning Irvine Slough
- Interpretive Signs

The City Council approved the preliminary design contract for the Stanwood Port Susan Trail on May 14, 2020. Work on the environmental studies is anticipated to start by June 1, 2020.

FINANCIAL IMPACT

The Stanwood Port Susan Trail Design is included in the 2020 work plan and budget. Construction of the trail was anticipated in 2024. Fund 104, Park and Trail Improvement Fund, includes the budget for the trail design work under line item 594.76.63.19. Since the approval of the preliminary design contract on May 14th, the city has confirmed that RCO has allocated more funds to the Stanwood Port Susan Trail than originally expected. Grant funds include a \$194,000 Department of Commerce grant and a \$448,000 RCO grant. These funds are allocated per year as spending is anticipated.

The following is the updated project budget.

Stanwood Port Susan Trail Budget

Capital Budget	Previous Years	2020	2021	2022	2023	2024	2025	Project Total
Sources/Funding	Appropriated to Date	Budget	Projection	Projection	Projection	Projection	Projection	Overall Project Sources
General Fund		\$ 250,000		\$ 300,000	\$ 300,000			\$ 850,000
Department of Commerce Grant		\$ 144,000	\$ 50,000					\$ 194,000
RCO Grant			\$ 224,000	\$ 244,000				\$ 468,000
REET 1					\$ 350,000			\$ 350,000
REET 2	\$ 71,710							\$ 71,710
Loan- Snoco		\$ 73,000						\$ 73,000
Total Sources	\$ 71,710	\$ 467,000	\$ 274,000	\$ 544,000	\$ 650,000	\$ -	\$ -	\$ 2,006,710
Uses/Costs	Appropriated to Date	Budget	Projection	Projection	Projection	Projection	Projection	Overall Project Uses
Planning and Design-NMTP	\$ 71,710							\$ 71,710
Berm Trail		\$ 73,000						\$ 73,000
Design & Permit Port Susan Ph 2		\$ 394,000	\$ 50,000					
Phase 2 Construction - Trail			\$ 224,000	\$ 244,000				
Phase 2 Construction - Public Plaza Areas				\$ 300,000	\$ 250,000			
Phase 3 Construction Design	\$ -				\$ 400,000			\$ 400,000
Total Uses	\$ 71,710	\$ 467,000	\$ 274,000	\$ 544,000	\$ 650,000	\$ -	\$ -	\$ 2,006,710
Capital Sources Over (Under) Uses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Budgetary caution should be noted as follows:

1. **Final Design**: We do not have an estimate for final design yet as the alignment and permitting requirements will be determined with the preliminary design. We only have confirmation of the Commerce grant amount. Staff has asked the consultants to prepare full design plans for the project which includes the public plaza, signal changes at 92nd Avenue and a pedestrian bridge across Irvine Slough. Addition city funds may be needed to supplement the grant funds.
2. **Construction**: Full build out of the trail, with all of the public amenities, will be expensive. To manage these costs, the trail will be built in phases: first the trail itself to get it open and accessible to the community, then the viewing points and

plazas. Depending on the bidding environment, supplemental funds may be needed for the trail construction.

There is no City match requirement for the RCO funds. Future Council actions will be required to accept the grant funds and approve supplemental contracts.

COMMITTEE RECOMMENDATION

Both the Community Development Committee (February 27 and April 23, 2020 meetings) and the Parks/Trails Advisory Committee (January 18, February 18 and May 5, 2020 meetings) have been briefed on the draft trail alignment and proposed scope of work. Both committees are supportive of moving forward with the project.

CITY COUNCIL OPTIONS

1. Authorize the mayor to sign the RCO Authorizing Resolution for the Stanwood Port Susan Trail.
2. Do not move forward with the RCO grant at this time.

RECOMMENDED MOTION

I MOVE TO AUTHORIZE THE MAYOR TO SIGN THE RCO AUTHORIZING RESOLUTION FOR THE STANWOOD PORT SUSAN TRAIL PROJECT AND DIRECT STAFF TO BRING THE FUNDING CONTRACT BACK TO THE COUNCIL FOR FINAL APPROVAL.

**CITY OF STANWOOD
Stanwood, Washington**

RESOLUTION 2020-06

**A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON,
AUTHORIZING AN APPLICATION FOR FUNDING TO THE
RECREATION AND CONSERVATION OFFICE FOR THE
STANWOOD PORT SUSAN TRAIL PROJECT.**

WHEREAS, the City of Stanwood submitted a capital funding request to the Washington State Legislature for design and construction of the Stanwood Port Susan Trail project; and

WHEREAS, the State Legislature funded the City's project request; and

WHEREAS, the Recreation and Conservation Office (RCO) will manage and distribute the grant funds; and

WHEREAS, RCO requires cities to approve an Authorizing Resolution which formally declares their intent to fund their proposed project and acknowledge RCO's grant policies and requirements.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF
STANWOOD, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Authorization. The Mayor, or his designee, is hereby authorized to make formal application to the Recreation and Conservation Office for funding assistance for the Stanwood Port Susan Trail. Attachment A, RCO Application Resolution / Authorization, hereby becomes part of the formal application submittal materials.

PASSED AND APPROVED by the City Council of the City of Stanwood this 28th day of May 2020.

CITY OF STANWOOD

By: _____
Leonard Kelley, Mayor

ATTEST:

By _____
Jennifer Ferguson, City Administrator/Interim City Clerk

Exhibit A



Applicant Resolution/Authorization

Organization Name (sponsor) City of Stanwood, Washington

Resolution No. or Document Name Resolution # 2020-06

Location of Resolution or Document: City of Stanwood, Washington

Project(s) Number(s), and Name(s): Stanwood Port Susan Trail; Project Number 20-1720

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Patricia Love, Community Development Director
Project contact (day-to-day administering of the grant and communicating with the RCO)	Patricia Love, Community Development Director Carly Ruacho, Senior Planner
RCO Grant Agreement (Agreement)	Mayor Leonard Kelley
Agreement amendments	Mayor Leonard Kelley Jennifer Ferguson, City Administrator Patricia Love, Community Development Director
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Mayor Leonard Kelley

The above persons are considered an “authorized representative(s)/agent(s)” for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office’s WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.

11. Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
12. Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
13. This resolution/authorization is deemed to be part of the formal grant application to the Office.
14. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____
Title Mayor Leonard Kelley _____ Date May 28, 2020

On File at: Stanwood City Hall, 10220 – 270th Street NW, Stanwood, WA 98292

Washington State Attorney General's Office

Approved as to form Bruce Tallen 2/13/2020 _____
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8e

DATE: May 28, 2020

SUBJECT: Church Creek Park Playground Equipment
Purchase/Installation contract with PlayCreation

CONTACT PERSON: Carly Ruacho, Senior Planner

ATTACHMENTS: A – Church Creek Park Concept Quote
B – 3D Playground Design Layout
C – Equipment Highlight List
D – Equipment Layout Plan

ISSUE

The issue in front of the City Council is whether or not to authorize the purchase of new playground equipment for Church Creek Park in the amount of \$102,846.85 (including installation) from Landscape Structures Inc. (via their local representative PlayCreation) utilizing the Sourcewell cooperative purchasing program for which Stanwood is a member.

RECOMMENDATION

1. Review and discuss the proposed playground design and equipment list.
2. Authorize the purchase of equipment and installation totaling \$102,846.85.

SUMMARY STATEMENT

In early fall of 2019, the City applied for and received a grant request from Snohomish County for \$10,000 to support the Church Creek Park facility improvement project. The project included replacing the playground with equipment that serves multiple age ranges and resurfacing the existing sport court so that it can be used for both basketball and pickleball. Other site amenities discussed were the inclusion of additional benches if funds were available.

DISCUSSION

Church Creek Park is one of only a few community parks in north Snohomish County; it has been serving the residents of Stanwood, Camano Island and the north County for over 25 years. It is a family friendly park with playground equipment, picnic shelter, restrooms, baseball field, 18-hole disc golf course, wooded trails and access to the creek. The playground equipment is limited, outdated, deteriorated, and only serves a small age range of children.



The project will improve the usability of Church Creek Park by providing new, modern playground facilities for a variety of age ranges. The new playground equipment is geared towards multiple age ranges and is intended to draw people to the park and encourage children and parents to use the park more often.

The original project scope also included improving the existing basketball court through an acrylic resurfacing process to seal cracks in the existing court and also to restripe the surface to accommodate basketball and pickleball. However, through the project review and design period it was determined that resurfacing of the existing basketball court was not feasible within the existing budget. Another, separate project will be put forward at a later date to address the improvements needed to repurpose the existing court and/or construct a new court.

City staff has worked with the Stanwood Park and Trails Advisory Committee to select the appropriate playground equipment for the site; no permits are needed for this work.

The equipment vendor, Landscape Structures Inc. (PlayCreation), was selected from the list of vendors on the Sourcewell and WA State contract lists due to their selection of nature inspired play structures which was a high priority of the PTAC as well as the community in general.

FINANCIAL IMPACT

Project Element	Cost
Playground Equipment/Installation	\$ 102,847
Wood Chips	\$ 3,000
Demolition/Disposal	\$ 7,500
Contingency	\$ 7,500
Subtotal:	\$ 120,847
Budget:	\$ 135,000
Difference:	\$ (14,153)

This project is identified in the City's Park Plan and included in the 2019-2020 budget in the amount of \$125,000. With the \$10,000 grant from Snohomish County, the total project budget is \$135,000. With all projected project costs, it is anticipated that the project will come in approximately \$14,000 under budget. As discussed earlier there is a desire to include benches as well as other nature inspired elements which may be a possibility and is reserved for a second phase depending on actual costs of the removal and installation of the Landscape Structures Inc. (PlayCreation) equipment.

By utilizing the Sourcewell contract, a national cooperative purchasing program which combines the buying power of 50,000 government, education, and nonprofit organizations, the city is saving 6% off the manufactures retail pricing of the equipment for a total savings of \$4,152.90. Stanwood has been a member of the Sourcewell program for many years and has benefited from other similar purchases including the skate park ramps and public works maintenance equipment.

COMMITTEE RECOMMENDATION

The Parks/Trails Advisory Committee has reviewed the playground equipment project on a number of occasions during their 2019 and 2020 meetings. The Committee voted unanimously at its May 4, 2020 meeting to recommend the purchase and installation of the equipment as proposed. The PTAC is supportive of the project and eager to get the project completed in 2020.

CITY COUNCIL OPTIONS

1. Authorize the purchase of new playground equipment for Church Creek Park in the amount of \$102,846.85 (including installation) from Landscape Structures Inc. (via their local representative PlayCreation) utilizing the Sourcewell cooperative purchasing program for which Stanwood is a member
2. Direct staff to make changes to the playground design and/or cost equipment list.
3. Do not authorize the purchase and installation of the new playground equipment.

RECOMMENDED MOTION

I MOVE TO AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT AT CHURCH CREEK PARK (INCLUDING INSTALLATION) FROM LANDSCAPE STRUCTURES INC. (PLAYCREATION) AS PROVIDED IN ATTACHMENT "A" IN THE AMOUNT OF \$102,846.85.

Church Creek Park - Concept #1R
Quote #2004-7901R3



City of Stanwood
Public Works Department
10220 270th St. NW
Stanwood, WA 98292
Carly Rauch | 360-454-5234
Carly.Rauch@ci.stanwood.wa.us

PROJECT LOCATION:

Please advise

APPROVAL SIGNATURE

signature

print name

date

PO#

Date	Lead Time	Terms	Quoted by
April 23, 2020	2-3 weeks	see attached	John Larson 206.940.1108

Quantity	Drawing / Model #		per unit	Total
1	1762249-1-5	PlayBooster 5-12 years, itemized quote attached		\$ 69,215.00
				\$ -
		Complete installation by factory approved and CPSI certified crew.		\$ 23,870.00
				\$ -
				\$ -
		NOTE: Site prep, border and safety surfacing are not included in this quote.		\$ -
				\$ -

Sourcewell (#030117-LS)

\$ (4,152.90)

Issue Purchase Order to:
Landscape Structures, Inc.
attention: Misty Link
601 - 7th Street South
Delano, MN 55328-0198
MistyLink@playlsi.com
763.972.5591



Send Purchase Order for Processing to:
PlayCreation, Inc.
attention: John Larson
2104 SW 152nd Street, ste 1
Burien, WA 98166
JohnL@PlayCreation.com
206.932.5778 fax

Sub Total	\$ 88,932.10
Freight	\$ 5,250.00
P&P Bond	\$ -
Tax (9.2%)	\$ 8,664.75
TOTAL	\$ 102,846.85

Itemized Quote

Date: 04/23/2020
By: John Larson
Project: Church Creek Park

Organization: PlayCreation, Inc
Contact: johnl@playcreation.com | 206.940.1108

Design No: 1762249-1-5
Location: Stanwood, WA

PlayBooster® (5-12 years)						
PHASE-1 Direct Bury Mixed Material			UNIT		TOTAL	
QTY	NO.	DESCRIPTION	WEIGHT (lb)	PRICE (US \$)	WEIGHT (lb)	PRICE (2020)
PlayBooster®						
Climbers Nature-Inspired						
1	172666B	Corkscrew Climber w/Recycled Wood-Grain Handholds 72"Dk DB			109.0	1,845.00
1	169322A	Discovery Tree Climb w/Aluminum Post w/Roof DB Only ¹			1792.0	17,930.00
1	111812A	Headform Set			2.1	0.00
1	169318F	Wood Plank Wiggle Ladder 72"Deck w/Recycled Wood-Grain Handholds DB			94.0	1,535.00
Climbers W/Permalene Handholds						
1	202594A	Portal Climber w/Permalene Handhold (Left) 8" Deck Diff attached to 72"Dk DB Only			184.0	5,180.00
1	145624D	Vertical Ascent 72"Dk			104.0	1,260.00
Decks						
2	122197A	90* Triangular Tenderdeck	66.0	805.00	132.0	1,610.00
1	152911C	Curved Transfer Module Right 48"Dk DB			279.0	2,715.00
2	121948A	Kick Plate 8"Rise	13.0	110.00	26.0	220.00
3	111228A	Square Tenderdeck	118.0	955.00	354.0	2,865.00
1	121949A	Tri-Deck Kick Plate 8"Rise			13.0	155.00
Enclosures						
1	217909A	DigiFuse Barrier Panel Above Deck Animal Tracks-Salmon/Tracks - 000000005			36.0	1,210.00
1	115253A	Hole Panel			30.0	565.00
1	169319A	Recycled Wood-Grain Lumber Panel			85.0	1,155.00
1	115254A	Storefront Panel			24.0	580.00
Motion & More Fun						
1	111362A	Talk Tube 40' Tubing Kit PB			15.0	200.00
1	111363A	Talk Tube At Grade Mounted DB Only			14.0	475.00
Posts						
1	111404D	124"Alum Post DB			30.0	330.00
1	111404C	132"Alum Post DB			31.0	345.00
2	111404A	148"Alum Post DB	36.0	365.00	72.0	730.00
1	111404M	148"Steel Post DB			88.0	330.00
1	111403A	182"Alum Post For Roof DB			40.0	415.00
2	111404Z	182"Steel Post DB (44" Bury)	105.0	440.00	210.0	880.00

Itemized Quote

Date: 04/23/2020
By: John Larson
Project: Church Creek Park

Organization: PlayCreation, Inc
Contact: johnl@playcreation.com | 206.940.1108

Design No: 1762249-1-5
Location: Stanwood, WA

PlayBooster® (5-12 years)						
PHASE-1 Direct Bury Mixed Material			UNIT		TOTAL	
QTY	NO.	DESCRIPTION	WEIGHT (lb)	PRICE (US \$)	WEIGHT (lb)	PRICE (2020)
1	111403K	182"Steel Post For Roof DB			104.0	390.00
1	111404I	84"Alum Post DB			21.0	255.00
Roofs						
1	211190A	Tree House Roof w/Stack and w/Kids Only sign			305.0	3,240.00
Slides						
1	130798A	Double Swirl Slide 56"Dk DB			176.0	2,110.00
1	222708A	WhooshWinder Slide 72"Dk DB ¹			346.0	4,715.00
Freestanding Play Climbers						
1	173908A	Log Stepper 18"Height DB Only			244.0	910.00
1	173909A	Log Stepper 28"Height DB Only			426.0	1,385.00
2	173907A	Log Stepper 8"Height DB Only	155.5	665.00	311.0	1,330.00
Motion & More Fun						
2	247179A	Curva Spinner DB Only	117.0	1,740.00	234.0	3,480.00
Sensory Play						
1	173594A	Log Crawl Tunnel DB Only			2010.0	5,920.00
Signs						
1	182503C	Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury			24.0	0.00

Freestanding Play (2-12 years)						
PHASE-1 Direct Bury Aluminum			UNIT		TOTAL	
QTY	NO.	DESCRIPTION	WEIGHT (lb)	PRICE (US \$)	WEIGHT (lb)	PRICE (2020)
Freestanding Play Swings						
2	174018A	Belt Seat ProGuard Chains for 8' Beam Height	8.0	120.00	16.0	240.00
2	176038A	Full Bucket Seat ProGuard Chains for 8' Beam Height	14.0	325.00	28.0	650.00
1	177332A	Single Post Swing Frame 8' Beam Height Only			213.0	1,180.00
1	177333A	Single Post Swing Frame Additional Bay 8' Beam Height Only			129.0	880.00

Itemized Quote

Date: 04/23/2020
By: John Larson
Project: Church Creek Park

Organization: PlayCreation, Inc
Contact: johnl@playcreation.com | 206.940.1108

Design No: 1762249-1-5
Location: Stanwood, WA

SUMMARY		CONCRETE (cu-ft)	FOOTINGS (count)	LABOR (man-hours)	WEIGHT (lb)	PRICE (2020)
PlayBooster® (5-12 years) PHASE-1		57.4	35	60.0	7,965.1	66,265.00
Total Safety Zone Area = 2305 sq. ft.						
Freestanding Play (2-12 years) PHASE-1		21.0	3	10.0	386.0	2,950.00
Total Safety Zone Area = 774 sq. ft.						
ALL PHASES	PlayBooster®	42.0	28	55.0	4,716.1	53,240.00
	Freestanding Play	36.4	10	15.0	3,635.0	15,975.00
	Total	78.4	38	70.0	8,351.1	69,215.00

- Square Footage calculation is approximate and for estimation purposes only. Landscape Structures shall not be held liable for any costs associated with surfacing by others.
- Estimated man-hours do not include hours for custom product installation or site preparation.
- ¹ This Quote has a total weight above 5,000 lbs or product(s) that require a freight quote. Freight tables cannot be used - Please contact LSI for a freight quote.
- This quote is valid for 60 days. Purchase orders submitted with an expired quote are subject to price changes. Custom freight quotes are valid for 30. Expired custom freight quotes are subject to changes.

Landscape Structures Inc. ("Manufacturer") warrants that all playstructures and/or equipment sold will conform in kind and in quality to the specifications manual for the products identified in the Acknowledgment of Order and will be free of defects in manufacturing and material. Manufacturer further warrants:

100-Year Limited Warranty On all PlayBooster® and PlayShaper® aluminum posts, stainless steel fasteners, clamps, beams and caps against structural failure due to corrosion/natural deterioration or manufacturing defects, and on PlayBooster steel posts against structural failure due to material or manufacturing defects.

15-Year Limited Warranty On all Evos® and Weevos® steel arches, all plastic components (including TuffTimbers™ edging), all aluminum and steel components not covered above, Mobius® climbers, Rhapsody® Outdoor Musical Instruments, decks and TenderTuff™ coatings (except Wiggle Ladders, Chain Ladders and Swing Chain) against structural failure due to material or manufacturing defects.

10-Year Limited Warranty On concrete products against structural failure due to natural deterioration or manufacturing defects. Does not cover minor chips, hairline cracks or efflorescence.

8-Year Limited Warranty On Aeronet® climbers and climbing cables against defects in materials or manufacturing defects.

5-Year Limited Warranty On Rhapsody® cables and mallets against defects in materials or manufacturing defects, on polycarbonate panels against defects in materials or manufacturing defects, and on bamboo panels against delamination due to defects in materials or manufacturing defects. Does not cover damage which may be associated with the natural characteristics of bamboo aging, including but not limited to discoloration, splitting, cracking, warping or twisting, nor the formation of algae, mold and other forms of fungal-type bodies on bamboo.

3-Year Limited Warranty On all other parts, i.e.: Pulse® products, all swing seats and hangers, Mobius climber handholds, Wiggle Ladders, Chain Ladders and ProGuard™ Swing Chain, Track Ride trolleys and bumpers, all rocking equipment including Sway Fun® gliders, belting material, HealthBeat® resistance mechanism, Seesaws, etc., against failure due to corrosion/natural deterioration or manufacturing defects.

The environment near a saltwater coast can be extremely corrosive. Some corrosion and/or deterioration is considered "normal wear" in this environment. Product installed within 500 yards (457 meters) of a saltwater shoreline will only be covered for half the period of the standard product warranty, up to a maximum of five years, for defects caused by corrosion. Products installed in direct contact with saltwater or that are subjected to salt spray are not covered by the standard warranty for any defects caused by corrosion.

This warranty does not include any cosmetic issues or wear and tear from normal use of the product, or misuse or abuse of the product. It is valid only if the playstructures and/or equipment are erected to conform with Landscape Structures' installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc.



2020 Play Equipment Warranty

You have our word.

All the warranties commence on date of Manufacturer's invoice. Should any failure to conform to the above express warranties appear within the applicable warranty period, Manufacturer shall, upon being notified in writing promptly after discovery of the defect and within the applicable warranty period, correct such nonconformity either by repairing any defective part or parts, or by making available a replacement part within 60 days of written notification. Manufacturer shall deliver the repaired or replacement part or parts to the site free of charge, but will not be responsible for providing labor or the cost of labor for the removal of the defective part or parts, the installation of any replacement part or parts or for disposal costs of any part or parts. Replacement parts will be warranted for the balance of the original warranty.

THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, WHETHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE.

The remedies hereby provided shall be the exclusive and sole remedies of the purchaser. Manufacturer shall not be liable for any direct, indirect, special, incidental or consequential damages.

Manufacturer neither assumes nor authorizes any employee, representative or any other person to assume for Manufacturer any other liability in connection with the sale or use of the structures sold, and there are no oral agreements or warranties collateral to or affecting this agreement. The warranties stated above are valid only if the structures and/or equipment are erected in conformance with Landscape Structures' installation instructions and maintained according to the maintenance procedures furnished by Landscape Structures Inc.; have been subjected to normal use for the purpose for which the goods were designed; have not been exposed to saltwater or salt spray; have not been subject to misuse, negligence, vandalism, or accident; have not been subjected to addition or substitution of parts; and have not been modified, altered, or repaired by persons other than Manufacturer or Manufacturer's designees in any respect which, in the judgement of Manufacturer, affects the condition or operation of the structures.

To make a claim, send your written statement of claim, along with the original job number or invoice number to: Landscape Structures Inc. 601 7th Street South, Delano, Minnesota, 55328-8605.

Signed:  President Date: 01/01/2020





Terms of Sale

PRICING: Landscape Structures' list prices do not include delivery and handling charges. Prices are subject to change without notice.

TERMS: To tax-supported institutions and those with established credit: net 30 days from the date of the invoice. 1.5% per month thereafter; freight charges are prepaid and applied to the invoice.

TAXES: Landscape Structures' list prices do not include applicable taxes, if any.

WEIGHTS: Weights are approximate and may vary.

DELIVERY: If delivery of the equipment is by common carrier, and there is damage or a shortage, notify the carrier at once and sign delivery documents provided by the carrier noting the damage or shortage. Most products are delivered on large pallets and will require a forklift or similar equipment to unload as a unit on the site.

INSTALLATION: All playstructures and/or equipment are delivered unassembled and packaged with recyclable materials. For a list of factory-certified installers in your area, please contact your Landscape Structures playground consultant.

SERVICE: We have knowledgeable, qualified playground consultants throughout the world who are available to help you before, during and after the sale. Landscape Structures has exclusive design software that features all of our parts and pieces in pull-down menus. With this software, your playground consultant can design a playground layout that meets not only your needs, but ASTM and CPSC standards as well. In addition, we have a full staff of NPSI-certified designers, along with 2D and 3D drawing capabilities and custom capabilities to assist you with your playground plans.

RETURN POLICY: As an indication of our commitment to our customers, Landscape Structures will accept returns of new structures and/or new equipment purchased within 60 days of the original invoice date. Advance notification is necessary to ensure proper credit. Parts not included in this return policy are custom parts (including PlayShaper® posts), as well as used or damaged parts. A 20% restock fee plus all return freight charges will apply to all product returns. NOTE: All parts are subject to inspection upon return. Parts returned damaged may not receive a full credit. For this reason, it is important that all returned parts are properly packaged to prevent damage while in transit.

PRODUCT CHANGES: Because of our commitment to safety, innovation, and value, we reserve the right to change specifications at any time.

PLEASE CONTACT US AT:

Landscape Structures Inc.
601 7th St. South
Delano, MN 55328-8605
888.438.6574 (*inside the U.S.A.*)
763.972.5200 (*outside the U.S.A.*)
playlsi.com





Church Creek Park
 1762249-1-6 Stanwood, WA
 5-04-2020

*landscape
 structures*
 playlsi.com

+

PLAY*CREATION
 PlayCreation.com

Talk Tube



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Auditory			Cooperation Social Skill Development Imaginative Play

Talk Tubes enable children to verbally communicate from one end of the structure to the other.
Children often incorporate these into their pretend play scenarios.

DigiFuse® Animal Track Seek & Find Panel



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Visual Proprioception Tactile Auditory	Eye-Hand Coordination Fine Motor Motor Planning	Problem Solving Language & Literacy	Cooperation Social Skill Development Imaginative Play

The DigiFuse Animal Tracks Seek and Find Panel encourage children to seek and find the different animal tracks scattered throughout the playground. This engages children in cooperative or competitive play as they work their way around the playground to find the assorted foot prints.

Belt Seat Swing



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular + Proprioception Tactile Visual	Balance, Coordination, Motor Planning, Core, Upper & Lower Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The vestibular system has opportunities for development through the swings found on the playground.

Swing structures often include a variety of swing so that children can find their “just right” swing.

The Belt Seat is designed for children who have good core trunk control and are able to initiate their own swinging experiences.

Corkscrew Climber



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular + Proprioception Tactile Visual	Balance, Coordination, Core Body Strength, Motor Planning, Upper & Lower Body Strength, Agility, Flexibility	Problem Solving Strategic Thinking	Cooperation Social Skill Development Imaginative Play

The Corkscrew can be used as a spinner to exit the play deck providing a fun vestibular trip back to earth. It can also be used as a climber to re-enter the play deck helping children work on their motor coordination, muscle strength and agility.

Curva™ Spinner



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular+ Proprioception Tactile	Agility, Balance, Coordination, Flexibility, Motor Planning, Core, Lower & Upper Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Curva™ Spinner provides children with a fun way that they can spin and rotate alone or together. It allows them to use their arms and legs muscles to play with the forces of gravity to give their vestibular system a playful spin.

Discovery Tree Climb™



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular Proprioception Tactile Visual	Balance, Coordination, Flexibility, Motor Planning, Core, Lower & Upper Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The nature-inspired Discovery Tree Climb provides a challenging realistic tree climbing experience for children. It includes natural wood textures and hidden critters that children will enjoy finding as they play on and around this fun climber.

Double Swirl Slide



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular + Proprioception	Balance Coordination Motor Planning	Problem Solving	Social Skill Development

The Double Swirl Slide provides children with a fun swirl as they head down the slide. It fully engages the child's vestibular system as they slide to the earth below. The double slide design encourages social play as they wait to slide down with a friend.

Full Bucket Seat Swing



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular + Proprioception Tactile Visual	Balance, Coordination, Motor Planning, Core, Upper & Lower Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The vestibular system has opportunities for development through the swings found on the playground.

Swing structures often include a variety of swing so that children can find their "just right" swing.

The Full Bucket Seat Swing which is designed for the little swinger on the playground.

It provides them with additional support so they can enjoy their first swinging experiences.

Hole Panel



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Tactile Proprioception	Balance Coordination Motor Planning Core Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Hole Panel creates the perfect opening for children to crawl and climb through.
It can quickly become a door, window or whatever a child can image.

Log Crawl Tunnel



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular Proprioception Tactile Visual	Coordination; Motor Planning; Core, & Upper Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Log Crawl Tunnel creates a nice quiet space where children of different ages can hang out during their play experience. The visual look and texture brings the nature inspired aspect into the playground. Children often use their fingers to explore the different textures on the log as well as look for the little critters that might be hanging out in the log.

Log Steppers



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular Proprioception Tactile Visual	Balance, Coordination , Motor Planning, Lower & Core Body, Flexibility	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Log Steppers will help children work on their balance and motor planning skills. The visual look and texture brings the nature inspired aspect into the playground. Children often use their fingers to explore the different textures of these steppers as they play in this area.

Portal Climber



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular + Proprioception Tactile	Agility, Balance, Coordination, Flexibility, Motor Planning, Core, Upper & Lower Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Portal Climbers provides children with fun way to move one part of the playground to another without touching the ground. The rope structure challenges children to constantly respond to their own movements as well as the movement of other children climbing within the net. The design allows children to enter and exit the net climber from any point on the net.

Recycled Wood Plank Panel



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Visual Tactile Proprioception	Eye-Hand Coordination Fine Motor		Cooperation Social Skill Development Imaginative Play

The Recycled Wood Plank Panel provides children with a nature inspired safe way to view the world beyond the playground structure.

Storefront Panel



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Visual Proprioception Tactile	Eye-Hand Coordination Fine Motor Motor Planning	Problem Solving Strategic Thinking	Cooperation Social Skill Development Imaginative Play

The Store Front Panel design allows children to engage in large variety of pretend play experiences.

Vertical Ascent® Climber



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular Proprioception Tactile	Balance, Coordination, Upper Body Strength, Core Body Strength, Motor Planning; Flexibility	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Vertical Ascent® Climber is a vertical climbing wall that encourages children to work on their motor planning skills as they climb up and down from the structure. Children have to work on eye-hand and eye-foot hold coordination. The hand holds at the deck level provide a safe transition onto and off the deck.

WhooshWinder® Slide



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular+ Proprioception Visual	Balance Coordination Motor Planning	Problem Solving	Cooperation Social Skill Development Imaginative Play

The WhooshWinder Slides provide children with a full spiral experience as they race down to earth. This fully engages their vestibular system as well as builds balance and motor coordination as children adjust their body as they twist down the spiral.

Wood Plank Wiggle Ladder



Sensory Systems Engaged	Motor Skills	Cognitive Skills	Social Skills
Vestibular+ Proprioception Tactile	Agility, Balance, Coordination, Flexibility, Motor Planning. Core, Upper & Lower Body Strength	Problem Solving	Cooperation Social Skill Development Imaginative Play

The Wiggle Ladder has solid wood planks attached to chains. This combination results in some movement as children climb. This requires children to adjust their muscles as they climb to the deck above building core body strength as well as balance and motor coordination.



Date	Previous Drawing #	Initials
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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9a

DATE: May 28, 2020

SUBJECT: Affordable Housing Sales Tax Code Amendment

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Draft Ordinance 1485
B – Sole Source Resolution 2020-04
C – Community Resource Center Contract

ISSUE

The issue before the City Council is the approval of three action items implementing SB 1406 authorizing the use of state sales tax for affordable housing / rental assistance programs in the City of Stanwood:

1. Adoption on a new Chapter of the Stanwood Municipal Code, Chapter 3.50, Sales and Use Tax for Affordable Housing
2. Sole Source Use Resolution
3. Community Resource Center of Stanwood Camano Contract

RECOMMENDATION

Review and discuss the draft Sales and Use Tax Code Amendment along with the associated Sole Source Resolution and implementing contract with the Community Resource Center of Stanwood Camano.

SUMMARY

In September of 2019 the City Council approved Resolution 2019-10 expressing their intent to adopt legislative action to authorize the collection of state sales as allowed by the Legislature for investments in affordable housing. As a follow up to that resolution, a new chapter of the Municipal Code has been drafted that allows for the collection of the sales tax and identifies how it may be used. To be eligible for the tax credit the ordinance must be adopted by the end of June 2020.

Key elements of the proposed ordinance include:

- Creation of new SMC Chapter 3.50 Sales and Use Tax for Affordable Housing
- Imposes a state sales tax rate of 0.0073 percent (collected out of existing sales tax; not a new tax)

- Use of the funds include:
 - Acquiring, rehabilitating, or constructing affordable housing, or
 - Providing the operations and maintenance costs of new units of affordable or supportive housing; or
 - Providing rental assistance to tenants.
- The tax is valid for 20 years
- City must provide annual reports to the Department of Commerce on how the funds were spent.

The City is proposing to use the funds for rental assistance supporting Stanwood residents. To do this, we are proposing to enter into a contract agreement with the Community Resource Center for the management and allocation of the funds.

DISCUSSION

The State of Washington is dealing with an affordable housing crisis. Housing costs are rising at staggering rates leaving a large portion of our local population unable to afford basic housing. To help address this issue the Washington State Legislature passed House Bill 1406 which “provides a new affordable housing revenue stream for those counties, cities, and towns that choose to participate. This sales tax option is actually a credit against the state sales tax rate of 6.5%, so it will not increase the tax rate for consumers.” (Association of Washington Cities)

House Bill 1406 provides a 20 year tax revenue sharing program to help fund affordable housing programs. This is not a new tax, but instead a reallocation of the state’s existing sales tax to be used for affordable housing programs such as acquiring, rehabilitating or constructing affordable housing. For cities with populations of less than 100,000 the funds can also be used for rental assistance programs.

In September of 2019, the City Council reviewed two options on how to use the funds:

1. Regional Approach: Pool our funds with the County to support housing affordability programs. Funds would be managed by the Alliance for Housing Affordability (AHA) of which the City is a current member.
2. Local Approach: The law allows cities with a population of less than 100,000 to use funds locally for “rental assistance” programs. The term “rental assistance” is not defined in chapter 82.14 RCW; however, both federal and state housing programs use the term “rental assistance” to mean providing rent, security deposits, or utility payment assistance to tenants.

Upon review of the House Bill and considering Stanwood’s housing needs, the City Council opted to participate in the revenue sharing program and use the funds locally to support rental assistance programs.

To fully implement the sales tax credit, the City is required to create a financial account dedicated to monitoring and reporting on the funds allocated to Stanwood. To do this a

new chapter of the Stanwood Municipal Code was created, Chapter 3.50 - Sales and Use Tax for Affordable Housing.

The City desires to reinvest the collected tax revenue back into the community to support city residents in need of housing assistance, however the City does not have the procedures nor a housing program in place to efficiently distribute the funds. Fortunately, HB 1406 allows cities to partner with other agencies or non-profits to provide the services on behalf of the City.

The Community Resource Center of Stanwood-Camano is the only locally operated nonprofit in the community that provides anti-poverty programs designed to relieve the effects of and address the root causes of poverty. Their Anti-Poverty Programs provides direct financial assistance to Stanwood residents and families in need of assistance to prevent discontinuation of necessary services, eviction, and other basic needs. These programs include:

- **Housing** - Financial assistance available to alleviate and avoid homelessness in the form of hotel vouchers, state park vouchers, **rent and/or mortgage assistance.**
- **Utility** - Financial **assistance for essential utilities like water and heat.** Assistance is provided in the form of vouchers and/or cash assistance.

Supporting the attached code amendment is a Sole Source Resolution declaring our intent to partner with the Community Resource Center and an associated five (5) year contract to provide rental assistance to city residents using sales tax funds collected under HB 1406.

The City Attorney has reviewed and approved all three documents.

COMPREHENSIVE PLAN CONSISTENCY

Stanwood's 2015 Comprehensive Plan states that approximately 44 percent of City households are considered cost burdened by spending more than 30% of their income on housing. As such, the City has adopted several policies that directly address housing affordability.

Housing Element of the 2015 Comprehensive Plan: Choice and Affordability Goal

HG-1 - To provide fair and equal access to housing for all persons regardless of race, color, religion, gender, sexual orientation, age, national origin, family status, source of income or disability.

Policies

- | | |
|---------------|--|
| <i>HP-1.1</i> | Encourage the use of affordable housing techniques and incentives to assure housing opportunities for people of all incomes, ages, and assistance needs. |
| <i>HP-1.2</i> | Encourage housing opportunities for those with housing assistance needs through the use of available regional and federal funding programs. |

- HP-1.3* Disperse small scale special needs housing throughout the residential neighborhoods. Special needs housing provides living arrangements for those with physical, mental, or emotional disabilities where appropriate.
- HP-1.6* Accept and plan for Stanwood's "fair share" of the County's affordable housing needs as determined by the Snohomish County Tomorrow planning process.

Adoption of Ordinance 1485 is consistent with the City's Comprehensive Plan as it provides a source of long term (20 years) revenue to support families in Stanwood with their housing needs.

FISCAL IMPACT

Funding for this effort comes from the state's share of existing sales tax revenue, therefore it is not a new tax nor does it affect the amount of sales tax distributed to the city. The state is prioritizing the use of their portion of existing sales tax revenue to support housing affordability initiatives. The Association of Washington Cities has estimated that Stanwood is expect to receive approximately \$13,000 a year.

Funds will be distributed quarterly to the Community Resource Center based on an invoice requesting reimbursement for services provided the previous quarter. Use of the funds is limited to rental assistance services; salaries, benefits, office space, supplies or any other administrative costs are not eligible for reimbursement.

Funds will become available for use under the contract after the first full quarter collected by the City and then quarterly thereafter. This allows the City and the Community Resource Center to know the actual amount of funding available for the following quarter.

COMMITTEE RECOMMENDATION

The Community Development Committee reviewed the proposal at their February 27th special meeting and were supportive of both participating in the state sales tax revenue sharing program and using the funds locally to help with rental assistance. They recommended that the term of the contract be limited to five (5) years with the option for extensions. By requiring a review of the program every five (5) years it would give another agency or non-profit the opportunity to compete for the contract if they could provide similar or equal services.

The initial term of the proposed contract with the Community Resource Center covers a five (5) year period between April 1, 2020 and December 31, 2025. If the City finds that no other agency or non-profit can provide similar services, the term of the contract may be extended for three (3) consecutive five (5) year periods for a total of twenty (20) years. If another agency or non-profit can provide equal or better services the contract

shall be put out to public bid and the Community Resource Center of Stanwood Camano may participate in the bidding process.

CITY COUNCIL OPTIONS

1. Adopt Ordinance 1485 creating a new chapter of the Stanwood Municipal Code, Chapter 3.50, Sales and Use Tax for Affordable Housing, Resolution 2020-04 and implementing contract with the Community Resource Center.
2. Request changes to Ordinance 1485 and / or Resolution 2020-04 and direct staff to address specific Council issues or concerns prior to reconsidering the ordinance.

RECOMMENDED MOTION

“I MOVE TO APPROVE ORDINANCE 1485, AS SET FORTH IN ATTACHMENT A, CREATING A NEW CHAPTER OF THE STANWOOD MUNICIPAL CODE, CHAPTER 3.50 – SALES AND USE TAX FOR AFFORDABLE HOUSING.”

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN RESOLUTION 2020-04, AS SET FORTH IN ATTACHMENT B, DECLARING THAT THE CONTRACT WITH THE COMMUNITY RESOURCE CENTER OF STANWOOD CAMANO MEETS THE CRITERIA FOR A SOLE SOURCE CONTRACT.”

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN THE CONTRACT, AS SET FORTH IN ATTACHMENT C, FOR RENTAL ASSISTANCE SERVICES WITH THE COMMUNITY RESOURCE CENTER OF STANWOOD CAMANO FOR A PERIOD OF FIVE YEARS.”

CITY OF STANWOOD
WASHINGTON

ORDINANCE NO. 1485

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING CHAPTER 3.50 OF THE STANWOOD MUNICIPAL CODE ADOPTING LEGISLATION TO AUTHORIZE A SALES AND USE TAX FOR AFFORDABLE AND SUPPORTIVE HOUSING IN ACCORDANCE WITH SUBSTITUTE HOUSE BILL 1406 (CHAPTER 338, LAWS OF 2019); ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, seventy-one (71) percent of the lowest income households in Washington are paying over 50 percent of their income towards rent. As such the Governor has declared that the State is facing an affordable housing crises.

WHEREAS, at current funding levels, local governments are unable to keep up with the demand for safe and affordable housing and communities need more housing resources. To help manage this crises, the state Legislature prioritized a portion of the state's existing sales tax to be used by jurisdictions to make investments in affordable housing and rental assistance.

WHEREAS, in the 2019 Regular Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406, Chapter 338, Laws of 2019 commonly referred to as SHB 1406; and

WHEREAS, SHB 1406 authorizes the governing body of a city or county to use a portion of the existing state sales taxes collected for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing, and, if eligible, for providing rental assistance to tenants; and

WHEREAS, the tax must be used to assist persons whose income is at or below sixty percent of the County's median income; and

WHEREAS, Stanwood's 2015 Comprehensive Plan states that approximately 44 percent of City households are considered cost burdened by spending more than 30% of their income on housing; and

WHEREAS, people living in cost burdened households often have to make difficult choices between paying for housing, food, and / or medical services; and

WHEREAS, twenty-three (23) percent of the City's households fall within the extremely low income range earning less than the area's median income of \$26,400 (as noted in the 2015 Comprehensive Plan); and

WHEREAS, Housing Policy HP 1.1 of the 2015 Comprehensive Plan “encourages the use of affordable housing techniques and incentives to assure housing opportunities for people of all incomes, ages, and assistance needs”; and

WHEREAS, Housing Policy HP 1.2 of the 2015 Comprehensive Plan “encourages housing opportunities for those with housing assistance needs through the use of available regional and federal funding programs”; and

WHEREAS, the City has determined that imposing the sales and use tax to address this need will benefit its residents; and

WHEREAS, in order for the City to impose the tax, the City first adopted Resolution No. 2019-10 declaring the City's intent to levy a portion of the State's sales tax for housing and rental assistance, and

WHEREAS, the City must adopt legislation authorizing the maximum capacity of the tax by July 27, 2020; and

WHEREAS, the City of Stanwood now desires to adopt legislation imposing a local sales and use tax as authorized by SHB 1406 as set forth herein.

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

Section 1. Tax Imposed. A new chapter of the Stanwood Municipal Code, Chapter 3.50, entitled “Sales and Use Tax for Affordable Housing” is hereby established to read in its entirety as follows:

CHAPTER 3.50

SALES AND USE TAX FOR AFFORDABLE HOUSING

Sections:

- 3.50.010 Purpose of Tax**
- 3.50.015 Imposition of Sales and Use Tax for Affordable Housing**
- 3.50.020 Applicability of Tax**
- 3.50.025 Administration and Collection**
- 3.50.030 Duration of Tax**

3.50.010 Purpose of Tax

The Washington State Legislature recognizes that local governments have been faced with a rising level of homelessness and limited affordable housing. To help address the

state housing affordability crises, the legislature provided authority to counties and cities the authority to implement a local sales tax to fund affordable or supportive housing.

3.50.015 Imposition of Sales and Use Tax for Affordable Housing

- A. There is imposed a sales and use tax as authorized by Washington State Legislature Chapter 338, Laws of 2019, which shall be codified in Chapter 82.14 RCW, upon every taxable event, as defined in Chapter 82.14 RCW, occurring within the City of Stanwood.
- B. The tax shall be imposed upon and collected from those persons from whom the State sales tax or use tax is collected pursuant to Chapter 82.08 and 82.12 RCW.
- C. The rate of the tax imposed by SMC Chapter 3.50 shall be the maximum capacity of the sales and use tax (0.0073 percent authorized by SHB 1406) of the selling price or value of the article used.
- D. The tax imposed under SMC Chapter 3.50 shall be deducted from the amount of tax otherwise required to be collected or paid to the Department of Revenue under Chapter 82.08 or 82.12 RCW. The Department of Revenue will perform the collection of such taxes on behalf of the City at no cost.
- E. The Department of Revenue will calculate the maximum amount of tax distributions for the City of Stanwood based on the taxable retail sales in the City, and the tax imposed under SMC Chapter 3.50 will cease to be distributed to the City for the remainder of any State Fiscal Year in which the amount of tax exceeds the maximum amount of tax distributions for the City as properly calculated by the Department of Revenue. Distributions to the City of Stanwood that have ceased during a State Fiscal Year shall resume at the beginning of the next State Fiscal Year.

3.50.020 Applicability of Tax

- A. The City may use the moneys collected by the tax imposed under SMC Chapter 3.50 for the following purposes:
 - 1. Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or
 - 2. Providing the operations and maintenance costs of new units of affordable or supportive housing; or
 - 3. Providing rental assistance to tenants.
- B. The housing and services provided under SMC Chapter 3.50 may only be provided to persons whose income is at or below 60 percent of the median income of the City.

3.50.025 Administration and Collection

The administration and collection of the tax imposed by SMC Chapter 3.50 shall be in accordance with the provisions of Washington State Legislature Chapter 338, Laws of 2019, which shall be codified in Chapter 82.14 RCW. The Mayor, with approval by the City Council, is hereby authorized to and directed to execute and sign contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax.

3.50.030 Duration of Tax

- A. The tax imposed by the City under SMC Chapter 3.50 will expire 20 years after the date on which the tax is first imposed.
- B. The Finance Director shall provide notice to the City Council and the Mayor of the expiration date of the tax each year beginning three years before the expiration date, and shall also promptly notify the City Council and the Mayor of any changes to the expiration date.
- C. The Finance Director must report annually to the Washington State Department of Commerce, in accordance with the Department's rules, on the collection and use of the revenue from the tax imposed under SMC Chapter 3.50.

Section 2. Findings of Fact and Conclusions. In support of the amendment approved in this Ordinance the Stanwood City Council adopts the Findings of Fact and Conclusions attached hereto as Exhibit "A" and incorporated herein by reference and the analysis contained in the Staff Report on the amendments.

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

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

Section 5. Conflict. In the event that there is a conflict between the provision of this Ordinance and any other City ordinance, the provision of this Ordinance shall control.

Section 6. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this 26th day of March 2020.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

By: _____
David Hammond, City Clerk

APPROVED AS TO FORM:

By: _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date: _____

Exhibit A
Findings of Fact and Conclusions



City of Stanwood, Washington
Findings of Fact and Conclusions of Law

Stanwood City Council
Sales and Use Tax for Affordable Housing Code Amendment

A. GENERAL INFORMATION

File Number(s): Code Amendment 2019-0467

Project Summary: Sales and Use Tax Code Amendment

Applicant: City of Stanwood

Location: The code amendment applies city wide.

Public Meeting: March 26, 2020

Location: Virtual On-Line Meeting Due to State and Federal Coronavirus Restrictions

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The State of Washington is dealing with an affordable housing crisis. Housing costs are rising at staggering rates leaving a large portion of our local population unable to afford basic housing. To help address this issue the Washington State Legislature passed House Bill 1406 which "provides a new affordable housing revenue stream for those counties, cities, and towns that choose to participate. This sales tax option is actually a credit against the state sales tax rate of 6.5%, so it will not increase the tax rate for consumers." (Association of Washington Cities)

House Bill 1406 provides a 20 year tax revenue sharing program to help fund affordable housing programs. This is not a new tax, but instead a reallocation of the state's existing sales tax to be used for affordable housing programs such as acquiring, rehabilitating or

constructing affordable housing. For cities with populations of less than 100,000 the funds can also be used for rental assistance programs.

In September of 2019 the City Council approved Resolution 2019-10 expressing their intent to adopt legislative action to authorize the collection of state sales as allowed by the Legislature for investments in affordable housing. As a follow up to that resolution, a new chapter of the Municipal Code has been drafted that allows for the collection of the sales tax and identifies how it may be used. To be eligible for the tax credit the ordinance must be adopted by the end of June 2020.

Key elements of the proposed ordinance include:

- Creation of new SMC Chapter 3.50 Sales and Use Tax for Affordable Housing
- Imposes a state sales tax rate of 0.0073 percent (collected out of existing sales tax; not a new tax)
- Use of the funds include:
 - Acquiring, rehabilitating, or constructing affordable housing, or
 - Providing the operations and maintenance costs of new units of affordable or supportive housing; or
 - Providing rental assistance to tenants.
- The tax is valid for 20 years
- City must provide annual reports to the Department of Commerce on how the funds were spent.

C. COMPLIANCE WITH THE COMPREHENSIVE PLAN

Stanwood's 2015 Comprehensive Plan states that approximately 44 percent of City households are considered cost burdened by spending more than 30% of their income on housing. As such, the City has adopted several policies that directly address housing affordability.

Housing Element of the 2015 Comprehensive Plan: Choice and Affordability

Goal

HG-1 - To provide fair and equal access to housing for all persons regardless of race, color, religion, gender, sexual orientation, age, national origin, family status, source of income or disability.

Policies

HP-1.1 Encourage the use of affordable housing techniques and incentives to assure housing opportunities for people of all incomes, ages, and assistance needs.

HP-1.2 Encourage housing opportunities for those with housing assistance needs through the use of available regional and federal funding programs.

HP-1.3 Disperse small scale special needs housing throughout the residential neighborhoods. Special needs housing provides living arrangements for those with

physical, mental, or emotional disabilities where appropriate.

HP-1.6 Accept and plan for Stanwood's "fair share" of the County's affordable housing needs as determined by the Snohomish County Tomorrow planning process.

Adoption of Ordinance 1485 is consistent with the City's Comprehensive Plan as it provides a source of long term (20 years) revenue to support families in Stanwood with their housing needs.

D. FINDINGS OF FACT

1. Seventy-one (71) percent of the lowest income households in Washington are paying over 50 percent of their income towards rent. As such the Governor has declared that the State is facing an affordable housing crises.
2. At current funding levels, local governments are unable to keep up with the demand for safe and affordable housing and communities need more housing resources. To help manage this crises, the state Legislature prioritized a portion of the state's existing sales tax to be used by jurisdictions to make investments in affordable housing and rental assistance.
3. In the 2019 Regular Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406, Chapter 338, Laws of 2019 commonly referred to as SHB 1406.
4. SHB 1406 authorizes the governing body of a city or county to use a portion of the existing state sales taxes collected for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing, and, if eligible, for providing rental assistance to tenants.
5. The tax must be used to assist persons whose income is at or below sixty percent of the County's median income.
6. Stanwood's 2015 Comprehensive Plan states that approximately 44 percent of City households are considered cost burdened by spending more than 30% of their income on housing.
7. People living in cost burdened households often have to make difficult choices between paying for housing, food, and / or medical services.
8. Twenty-three (23) percent of the City's households fall within the extremely low income range earning less than the area's median income of \$26,400 (as noted in the 2015 Comprehensive Plan).

9. Housing Policy HP 1.1 of the 2015 Comprehensive Plan “encourages the use of affordable housing techniques and incentives to assure housing opportunities for people of all incomes, ages, and assistance needs”.
10. Housing Policy HP 1.2 of the 2015 Comprehensive Plan “encourages housing opportunities for those with housing assistance needs through the use of available regional and federal funding programs”.
11. The City has determined that imposing the sales and use tax to address this need will benefit its residents.
12. In order for the City to impose the tax, the City first adopted Resolution No. 2019-10 declaring the City's intent to levy a portion of the State's sales tax for housing and rental assistance.
13. The City must adopt legislation authorizing the maximum capacity of the tax by July 27, 2020.
14. The City of Stanwood now desires to adopt legislation imposing a local sales and use tax as authorized by SHB 1406 as set forth herein.
15. A new chapter of the Municipal Code, Chapter 3.50, Sales and Use Tax for Affordable Housing, has been drafted that allows for the collection of the sales tax and identifies how it may be used.
16. Key elements of the proposed ordinance include:
 - Creation of new SMC Chapter 3.50 Sales and Use Tax for Affordable Housing
 - Imposes a state sales tax rate of 0.0073 percent (collected out of existing sales tax; not a new tax)
 - Use of the funds include:
 - Acquiring, rehabilitating, or constructing affordable housing, or
 - Providing the operations and maintenance costs of new units of affordable or supportive housing; or
 - Providing rental assistance to tenants.
 - The tax is valid for 20 years
 - City must provide annual reports to the Department of Commerce on how the funds were spent.
17. The proposed code amendment is not a “development regulation” as defined as RCW 36.70A.030(7) and is therefore exempt from State of Washington Department of Commerce noticing requirements.
18. The proposed code change is procedural in nature and contains no substantive changes to development standards or the environment therefore a State

Environmental Policy Act (SEPA) Exemption was issued on the proposed amendment on February 11, 2020.

19. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the City Council at the public meeting on March 26, 2020 for their consideration.

E. CONCLUSIONS OF LAW

1. The City Council of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. The proposal is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including the Housing Element of the 2015 Comprehensive Plan.
3. The City Council has determined that it is in the best interest of the City to participate in the Sales Tax Sharing Program to support rental assistance and affordable housing programs in the City of Stanwood.
4. After considering staff comments and public testimony the Stanwood City Council determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

Now therefore the City Council of the City of Stanwood hereby **ADOPTS** the Findings of Fact and Conclusions of Law contained herein.

Dated this 26^h date of March 2020.

Leonard Kelley, Mayor

City of Stanwood

CITY OF STANWOOD
Stanwood, Washington

RESOLUTION NO. 2020-04

A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON, TO APPROVE A SOLE SOURCE PROCUREMENT AND WAIVER OF FORMAL BIDDING REQUIREMENTS ALLOWING THE CITY TO ENTER INTO A CONTRACT WITH THE COMMUNITY RESOURCE CENTER OF STANWOOD CAMANO FOR THE PURPOSE OF PROVIDING RENTAL ASSISTANCE SUPPORT PROGRAMS TO STANWOOD RESIDENTS CONSISTENT WITH WASHINGTON STATE SUBSTITUTE HOUSE BILL 1406, CHAPTER 338, LAWS OF 2019.

WHEREAS, during the 2019 Regular Legislative Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406, Chapter 338, Laws of 2019 commonly referred to as SHB 1406; and

WHEREAS, SHB 1406 authorizes the governing body of a city or county to use a portion of the existing state sales taxes collected for affordable housing projects and if eligible for rental assistance programs; and

WHEREAS, the tax must be used to assist persons whose income is at or below sixty percent of the County's median income; and

WHEREAS, to obtain the City's share of sales tax revenue, the state requires that an authorizing resolution of intent to participate in the tax credit program be adopted, followed by an implementing ordinance. The City of Stanwood adopted Resolution 2019-10, Affordable Housing Tax on September 12, 2019 and then follow up with an ordinance to levy the tax credit on March 26, 2020; and

WHEREAS, the law allows cities with a population of less than 100,000 to use funds locally for "rental assistance" programs. The term "rental assistance" is not defined in chapter 82.14 RCW; however, both federal and state housing programs use the term "rental assistance" to mean providing rent, security deposits, or utility payment assistance to tenants; and

WHEREAS, the City desires to reinvest the collected tax revenue back into the community to support city residents in need of housing assistance; and

WHEREAS, Stanwood's 2015 Comprehensive Plan states that approximately 44 percent of City households are considered cost burdened by spending more than 30% of their income on housing; and

WHEREAS, the Community Resource Center of Stanwood-Camano is a 501c(3) (EIN # 91-1833161) nonprofit whose mission is to administer and cultivate programs that foster a healthy community; and

WHEREAS, the Community Resources Foundation was founded in 1997 as a nonprofit community service organization to take over the management of the Stanwood Camano Community Resource Center. The Community Resource Center was originally opened in 1992 under the temporary management of Deaconess Children's Services; and

WHEREAS, the Community Resource Center of Stanwood-Camano is the only locally operated nonprofit in the community that provides anti-poverty programs designed to relieve the effects of and address the root causes of poverty; and

WHEREAS, their Anti-Poverty Programs provides direct financial assistance to Stanwood residents and families in need of assistance to prevent discontinuation of necessary services, eviction, and other basic needs. These programs include:

- Housing - Financial assistance available to alleviate and avoid homelessness in the form of hotel vouchers, state park vouchers, rent and/or mortgage assistance
- Utility - Financial assistance for essential utilities like water and heat. Assistance is provided in the form of vouchers and/or cash assistance; and

WHEREAS, SHB 1406 requires monitoring and reporting on how funds collected from the sales tax revenue are used and distributed within the community. The City of Stanwood does not have the procedures nor a housing program in place to efficiently distribute the funds; and

WHEREAS, the Community Resource Center of Stanwood – Camano has the staffing resources and experience to managing housing grant funds. They have two on-going contracts with Snohomish County and Island County to provide housing assistance programs.

- Island County Human Services Contract HS-09-19 to provide rental subsidies for Camano Households at or below 50% Area Median Income (AMI) living in Island County who are at risk of becoming homeless.
- Snohomish County Human Services Contract [HCS-20-75-01-029] to provide family support operations and programming; and

WHEREAS, the Community Resource Center of Stanwood – Camano has the staffing resources and experience to provide quarterly and annual reports as well as expenditure reports in accordance with standard accounting practices and governmental requirements; and

WHEREAS, the Community Resource Center of Stanwood – Camano also has procedures and protocols in place to screen, evaluate, and confirm need based on the applicants AMI which includes: using local county level data informing AMI and requiring proof of income (paystub, SSI/DSHS award letters, bank statement, etc.) to confirm eligibility. Landlords are also required to submit a W-9 for verification and record monitoring; and

WHEREAS, The City of Stanwood wishes to partner with the Community Resource Center to provide rental assistance services to the residents of Stanwood for the following reasons:

- They have the systems and protocols in place to manage a Stanwood specific program geared to providing services to the local community;
- They have the staffing resources and experience needed to effectively run and efficiently distribute the funds
- They have experience managing governmental contracts which includes program monitoring and reporting, billing, and insurance coverage.
- In February 2020 they received certification approved by Snohomish County Human Services Department and the Community Foundation of Snohomish County for their work operating as a hub providing a range of support services, access to basic needs and opportunities to develop new skills, with an emphasis on multi-generational support services aiding residents of all ages and backgrounds.
- In late December 2019 they added a new mentoring program that will engage families after crisis to take the next step to self-sufficiency and ending the cycle of poverty.

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

Section 1. Based upon the preceding legislative findings cited above, the City Council hereby declares that the contract with the Community Resource Center of Stanwood Camano is clearly and legitimately limited to a single source to provide poverty and rental assistance services to the residents of Stanwood.

Section 2. Based upon the preceding legislative findings and pursuant to RCW 35.23.352(9) competitive bidding exemptions and RCW 39.04.280(1)(a) sole source, RCW 39.04.280(1)(b), and RCW 39.04.270, the competitive bidding requirements for the City are hereby waived and the Mayor is authorized to execute a contract with the Community Resource Center of Stanwood Camano

to provide rental assistance services to city residents on the behalf of the City of Stanwood.

Section 3. This Resolution shall be valid for five (5) years upon signature of the attached contract (Exhibit A) by the Mayor of the City of Stanwood.

Section 4. Prior to expiration of this Resolution and the attached contract, the term of these agreements may be extended for three (3) consecutive five (5) year periods for a total of twenty years if the City finds that the Community Resource Center of Stanwood Camano remains the only agency or non-profit that can provide specialized rental assistance to Stanwood residents which includes meeting all of the state required monitoring and reporting requirements. If the City finds that others can provide similar services, then the contract shall be put out to bid according standard city practices.

PASSED AND APPROVED by the City Council of the City of Stanwood this 26th day of March, 2020.

CITY OF STANWOOD

By: _____

Leonard Kelley, Mayor

ATTEST:

By _____

David Hammond, City Clerk

Exhibit A
Resolution 2020-04
Contract with the Community Resource Center of Stanwood Camano
Provision of Rental Assistance Services on the Behalf of the City of Stanwood

DRAFT

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF STANWOOD WASHINGTON
AND COMMUNITY RESOURCE CENTER OF STANWOOD CAMANO
FOR CONSULTANT SERVICES**

THIS AGREEMENT ("Agreement") is made and entered into by and between the City of Stanwood, Washington, a Washington State municipal corporation ("City"), and the Community Resource Center of Stanwood Camano, a Washington _501c(3) Non-Profit Foundation ("Consultant").

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

ARTICLE I. PURPOSE

The purpose of this Agreement is to partner with the Community Resource Center of Stanwood Camano to provide rental assistance support programs to Stanwood residents consistent with Washington State Substitute House Bill 1406, Chapter 338, Laws of 2019. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF SERVICES

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

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

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

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

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

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

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

III.3 **TERM.** The term of this Agreement shall commence on April 1, 2020 and shall terminate at midnight, December 31, 2025. The parties may extend the term of this Agreement by written mutual agreement.

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

III.5 **EMPLOYMENT.**

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

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

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

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

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

In the event the Consultant indicates "no", but an employee in fact was a retiree of a Washington State retirement system, and because of the misrepresentation the City is required to defend a claim by the Washington State retirement system, or to make contributions for or on account of the employee, or reimbursement to the Washington State retirement system for benefits paid, Consultant hereby agrees to save, indemnify, defend and hold City harmless from and against all expenses and costs, including reasonable attorney's fees incurred in defending the claim of the

Washington State retirement system and from all contributions paid or required to be paid, and for all reimbursement required to the Washington State retirement system. In the event Consultant affirms that an employee providing work has ever retired from a Washington State retirement system, said employee shall be identified by Consultant, and such retirees shall provide City with all information required by City to report the employment with Consultant to the Department of Retirement Services of the State of Washington.

III.6 INDEMNITY.

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

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

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

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

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

III.7 INSURANCE.

a. **Insurance Term**
The Consultant shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Contractor's work through the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated herein

b. **No Limitation**
Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

c. **Minimum Scope of Insurance - Consultant shall obtain insurance of the types described below:**

- (1). Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01
- (2). Commercial General Liability insurance shall be written at least as broad on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.
- (3). Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- (4). Professional Liability insurance appropriate to the Consultant's profession.

d. **The minimum insurance limits shall be as follows:**

Consultant shall maintain the following insurance limits:

- (1) Comprehensive General Liability. Insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.
- (2) Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.
- (4) Professional Liability/Consultant's Errors and Omissions Liability. \$1,000,000 per claim and \$1,000,000 as an annual aggregate.

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

f. **Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

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

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

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

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

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

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates

of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

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

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

III.11 INDEPENDENT CONTRACTOR.

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

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

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

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

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

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

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

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

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

____ None _____

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

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

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 PAYMENTS.

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed the City's yearly share of the sales tax revenue generated by the Affordable Housing Tax Credit authorized by Substitute House Bill 1406 without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the City. The Consultant shall maintain time and expense records and provide them to the City upon request.

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

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

Services and City requirements.

IV.3 MAINTENANCE/INSPECTION OF RECORDS.

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

b. Public Records

The parties agree that this Agreement and records related to the performance of the Agreement are with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant shall provide copies of any City records in Consultant's possession, necessary to fulfill that Public Records Request. If the Public Records Request is large the Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

ARTICLE V. GENERAL

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

**City Administrator
City of Stanwood
10220 270th Street NW
Stanwood, WA 98092
360-629-2181**

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

**Executive Director
Community Resource Center of Stanwood Camano
PO Box 935
9612 271st Street NW
Stanwood, WA 98292**

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

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

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

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

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

V.5 **SEVERABILITY**

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

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

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

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

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

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

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

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

DATED this _____ day of _____, 2020.

CITY OF STANWOOD

COMMUNITY RESOURCE CENTER OF
STANWOOD CAMANO

By _____
Leonard Kelley, Mayor

By _____
Joanna Dobbs, Executive Director

Approved as to form:

Grant K. Weed, City Attorney

Exhibit A
Scope of Services
Community Resource Center of Stanwood Camano

I. Introduction and Intent

During the 2019 Regular Legislative Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406, Chapter 338, Laws of 2019 commonly referred to as SHB 1406. SHB 1406 authorizes the governing body of a city or county to use a portion of the existing state sales taxes collected for affordable housing projects and if eligible for rental assistance programs.

The City desires to reinvest the collected tax revenue back into the community to support city residents in need of housing assistance by partnering with the Community Resource Center of Stanwood Camano through their anti-poverty program designed to relieve the effects of and address the root causes of poverty.

The purpose of this Agreement is to partner with the Community Resource Center who will act as an agent of the City of Stanwood for the purpose of distributing funds collected under the Affordable Housing Tax Credit Program implemented by Stanwood Municipal Code, Chapter 3.50, Sales and Use Tax for Affordable Housing. Funds shall be used for the sole purpose of providing direct financial assistance to Stanwood residents and families in need of rental assistance.

Funds distributed to the Community Resource Center may only be applied to their Anti-Poverty Program to provide rental assistance as follows:

- **Housing** – Financial assistance to support rent and/or mortgage assistance.
- **Utility** - Financial assistance for essential utilities like water and heat.

II. Scope of Services

The Consultant shall manage and administer the funds collected under the Affordable Housing Tax Credit Program implemented by Stanwood Municipal Code, Chapter 3.50, Sales and Use Tax for Affordable Housing.

- a. **Location Restriction:** Rental assistance funds provided under this contract may only be distributed to residents living within the jurisdictional city limits of Stanwood.
- b. **Eligibility:** Rental assistance funds may only be distributed to those households that are at or below 60% of the median income of the Snohomish County. The Consultant shall provide the City with copies of their procedures and protocols in place to screen, evaluate, and confirm need based on the applicants AMI which includes: using local county level data informing AMI and requiring proof of income

(paystub, SSI/DSHS award letters, bank statement, etc.) to confirm eligibility. Landlords are also required to submit a W-9 for verification and record monitoring.

- c. Reporting: The Consultant shall provide the resources and experienced staff needed to monitor and prepare both quarterly and annual expenditure reports in accordance with standard accounting practices required by the Washington State Department of Commerce. Information reported shall include, but not be limited to: amount of funds received and expended, number of clients served, average income of those served, general location of those served, and amounts provided to each client.
- d. Distribution of Funds: Funds shall be distributed to as many clients as possible in any one year. The consultant shall strive to limit assistance to less than \$500.00 per request and limit the number of repeat requests to two. To ensure that the funds are used per this Agreement, payments shall be made directly to the landlord on behalf of the individual or families.
- e. Annual Report to City Council: The consultant shall present a yearly executive summary report to the Stanwood City Council detailing the needs in the community and how the funds were used to help alleviate that need. The time and date for presentation of that report to the City Council shall be determined by mutual agreement between the City and the Consultant.

III. Reporting Requirements

The Consultant shall collect data on clients who receive funds provided under this program and share that data with the City of Stanwood. Reports shall be submitted to the City of Stanwood as follows:

Report Type	Due Date Per Year
Quarterly Reports:	
• First Quarter	Third Monday of April
• Second Quarter	Third Monday of July
• Third Quarter	Third Monday of November
• Fourth Quarter	Third Monday of January
Annual Report	January 31 or Last Working Day of the Month
Yearly City Council Presentation	As Determined by Mutual Agreement

The Consultant shall provide two paper copies and one electronic copy of the quarterly and annual reports. Reports shall be submitted to the City of Stanwood, Attention City Administrator at Stanwood City Hall.

IV. Invoices

The City agrees to make quarterly reimbursement payments to the Consultant for services provided in accordance with this Agreement within 30 calendar days of receipt of an invoice and the associated quarterly report. No payment shall be made

in the month during which services are delivered unless otherwise approved by the City.

Funds shall become available for use under the contract after the first full quarter collected by the City and quarterly thereafter. This allows the City and the Consultant to know how much funds will be available for the following quarter.

The Consultant shall only submit reimbursement invoices for funds provided directly to clients for rental assistance. Salaries, benefits, office space, supplies or any administration of this contract are not eligible for reimbursement.

V. TERM

SHB 1406 authorizes the use of a portion of the existing state sales taxes collected for affordable housing projects and if eligible for rental assistance programs for 20 years. This contract however covers a five (5) year period covering the period between April 1, 2020 and December 31, 2025.

Prior to expiration of this contract and if the City finds that no other agency or non-profit can provide similar services, the term of this contract may be extended for three (3) consecutive five (5) year periods for a total of twenty (20) years. If another agency or non-profit can provide equal or better services the contract shall be put out to public bid and the Community Resource Center of Stanwood Camano may participate in the bidding process.

VI. Contract Amount

The amount of money the City receives per year to fund this program will vary based on consumer spending as the account is funded by sales tax revenue. Due to the unknown nature of the funding, the amount distributed under this contract shall not exceed the City's quarterly and yearly share of the sales tax revenue generated by the Affordable Housing Tax Credit authorized by Substitute House Bill 1406.



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9b
DATE: May 28, 2020
SUBJECT: Floodplain Regulations Code Amendment Update
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A Ordinance 1486—Floodplain Regulations
B Summary of Changes

ISSUE

The issue before the City Council is to review and approve the attached draft Floodplain Regulations Code Amendment.

SUMMARY

Over the past several years the Federal Emergency Management Agency (FEMA) has been working on updating the Snohomish County Flood Insurance Rate Maps. This work has been completed and FEMA now requires all jurisdictions within Snohomish County to update their floodplain regulations by June 19, 2020.

RECOMMENDATION

1. Review and discuss the amendments to Chapter 17.120, Critical Areas – Frequently Flooded Areas – Specific Standards.
2. Open the public hearing and allow for the first, second and final reading of Ordinance 1486 making changes to the City's floodplain regulations.

PLANNING COMMISSION RECOMMENDATION

Snohomish County cities and counties must update their Floodplain Regulations by July 19, 2020 in order to participate in the National Flood Insurance Program. In order to meet this mandated timeline the Planning Commission held a virtual public hearing on the Ordinance on May 11, 2020. After considering staff comments and reviewing the ordinance, the Planning Commission unanimously recommended approval of Ordinance 1486 and the associated Findings of Fact and Conclusions. Notice of the on-line meeting was published in the Stanwood Camano News on March 28, 2020 and noticed on the City's website; there were no public participants at the meeting.

DISCUSSION

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.

On December 19, 2019 the City received notice that the FEMA updated the Snohomish County flood hazard determination maps. The city must adopt the most current flood hazard map revision as well as any associated development regulations by June 19, 2020 in order to maintain participation in the National Flood Insurance Program (NFIP). Participation in the NFIP allows city residents the option to obtain flood insurance as well as qualify for federal disaster aid.

According to FEMA, the City of Stanwood can either repeal their existing floodplain ordinance and replace it with the model or meet all items in the provided model ordinance. The attached draft ordinance maintains the city's current floodplain regulations with proposed draft amendments which comply with the State's model ordinance. Updating our floodplain regulations is important as, per the Code of Federal Regulations, a community that does not adopt updated regulations along with the new flood maps becomes automatically suspended from the NFIP until the updated ordinance is adopted and approved by FEMA.

A copy of the draft ordinance was sent to FEMA on January 15, 2020 for their review. Responses back from FEMA on the draft regulations over a few month period, including: February 25, March 20, April 14, and May 11, 2020. FEMA has provided written verification that the proposed code edits meet federal regulations.

COMPREHENSIVE PLAN CONSISTENCY

Stanwood's Comprehensive Plan envisions a strong community that balances the needs of residents and business; protects the environment; encourages economic development and preservation of the City's small town rural character.

Natural Features Goals and Policies:

Goal NFG -1: To achieve a well-balanced relationship between the built and natural environments utilizing guidance derived from best available science.

Policy NFG – 1.6: Promote appropriate uses and design techniques to minimize the risk to human life, property, and public facilities in geologically hazardous and frequently flooded areas.

Policy NFG – 1.7: 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.

The State of Washington identified Snohomish County as a priority for FEMA's Risk MAP program. The State determines its priorities based on population at risk to hazards, recent events, and community interest.

FEMA has been working with team of scientist to develop new floodplain maps since 2011. Using *Best Available Science*, new risk maps were created showing the location of properties relative to special flood hazards. Adopting updated floodplain regulations is consistent with the comprehensive plan and city policy to be a participating community in the National Flood Insurance Program.

ORDINANCE SUMMARY

The city's floodplain regulations were adopted as part of its critical area regulations: Stanwood Municipal Code, Chapter 17.120, Critical Areas – Flood Hazard Areas. The attached draft ordinance includes both major and minor amendments consistent with the model ordinance. Attached is a section by section summary of the proposed changes showing how the city proposes to comply with the model ordinance.

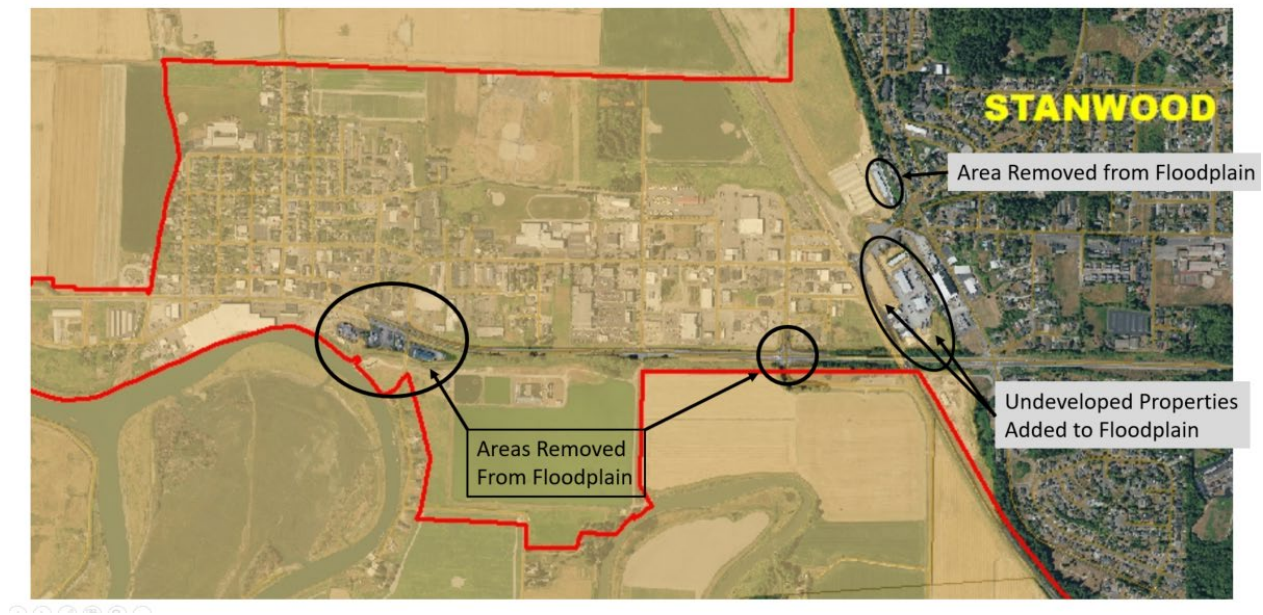
In summary, the proposed ordinance includes the following floodplain amendments:

1. Updated definitions related to floodplains;
2. Expanded Purpose section regarding minimizing damage and notifying potential purchasers;
3. Added a new section regarding Methods of Reducing Flood Loss;
4. Adopting the 2020 FIRM map;
5. Identifies penalties for non-compliance
6. Adopts new regulations for:
 - a. storage of materials and equipment in floodplains;
 - b. construction of detached garages, storage structures and other development regulations such as anchoring of buildings,
 - c. use of flood resistant materials, constructing above the base flood elevation; and
7. Minor textual amendments to be consistent with the FEMA / Washington State model ordinance.

The updated flood maps have removed some properties from the floodplain while adding others into the floodplain designation. Changes include:

- Areas Removed from the Floodplain:
 - Commercial area south of SR 532 and north of Irvine Slough by the Water and Wastewater Treatment Plant and Hamilton Landing Park. Properties include the strip mall east of 98th and on west side of 98th Avenue the 2 banks, Cookie Mill, coffee stand and a portion of Mission Motors.
 - Intersection of 88th Avenue and SR 532
- Areas Added to the Floodplain:
 - Undeveloped properties on the southeast side of Cedarhome Drive east of the rail road tracks near the vet clinic and industrial buildings.

Changes in Floodplain Zone



COMMITTEE RECOMMENDATION

This item was brought to the Community Development Committee on February 27 and April 23, 2020. The CDC acknowledged the tight timeframe needed to adopt the ordinance in order to meet the federally mandated deadline and agreed to one meeting for the first, second and final reading of the ordinance.

FINANCIAL IMPACT

The proposed floodplain code amendments are mandatory to maintain our participation in the NFIP. Costs associated with adopting the ordinance include staff time and attorney review. Greater costs to our community would be felt if we do not adopt the mandated changes and our residents are unable to obtain flood insurance coverage or be eligible for federal disaster aid.

CITY COUNCIL OPTIONS

1. Authorize the mayor to sign Ordinance 1486, Floodplain Regulations Cod Amendment as recommended by the Planning Commission.
2. Direct staff to make changes to the Ordinance and approve with requested changes
3. Do not approve Ordinance 1487 and send back to the Planning Commission for further review.

RECOMMENDED MOTION

I MOVE TO AUTHORIZE THE MAYOR TO SIGN ORDINANCE 1486, FLOODPLAIN REGULATIONS CODE AMENDMENT AND THE ASSOCIATED FINDINGS OF FACT AND CONCLUSIONS, AS RECOMMENDED BY THE STANWOOD PLANNING COMMISSION.

CITY OF STANWOOD
WASHINGTON

ORDINANCE NO. 1486

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) CHAPTER 17.20 ENTITLED "DEFINITIONS" RELATED TO DEFINITIONS NEEDED FOR IMPLEMENTATION OF THE NATIONAL FLOOD INSURANCE PROGRAM; CHAPTER 17.120 ENTITLED "CRITICAL AREAS – FREQUENTLY FLOODED AREAS – SPECIFIC STANDARDS" RELATING TO DEVELOPMENT WITHIN FLOOD ZONES; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP); and

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

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

WHEREAS, as a condition of participation in the NFIP, the City of Stanwood is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for local residents; and

WHEREAS, the last update to the City's floodplain regulations occurred in 2009 (Ordinance 1250); and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated draft model ordinance that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, In order to maintain participation in the NFIP and allow Stanwood

residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards; and

WHEREAS, the city desires to amend Stanwood Municipal Code Chapter 17.120, Frequently Flooded Areas, to adopt state and federal regulations relating to special flood hazards; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the amendments proposed to SMC Chapter 17.120, Frequently Flooded Areas, and issued a Determination of Non-Significance on February 18, 2020; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their February 10 and May 11, 2020 meetings and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the City Council Community Development Committee reviewed the proposed language and amendments set forth in this Ordinance at their February 27, and April 23, 2020 meetings; and

WHEREAS, the City Council held their first, second and final reading of the draft code amendment on _____, 2020 and accepted public comment; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to Title 17.120 Frequently Flooded Areas, and

WHEREAS, the City Council of Stanwood has authority under Title 35A, RCW 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, DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Stanwood Municipal Code, Title 17.20, Definitions, is hereby amended with updated definitions as they relates to frequently flooded areas, as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Frequently Flooded Areas. Stanwood Municipal Code, Title 17.120, Critical Areas - Frequently Flooded Areas – Specific Standards, is hereby amended to include updated floodplain development regulations consistent with state and federal standards, as provided in Exhibit "B" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Findings of Fact and Conclusions. In support of the amendment approved in this Ordinance the Stanwood City Council adopts the Findings of Fact and Conclusions attached hereto as Exhibit "C" and incorporated herein by reference and the analysis contained in the Staff Report on the amendments.

Section 4. 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 5. 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 6. Conflict. In the event that there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 7. Effective Date. This Ordinance shall take effect five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this ____ day of _____ 2020.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

By: _____
Sara Robinson, Deputy City Clerk

APPROVED AS TO FORM:

By: _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date: _____

**Exhibit A
To Ordinance 1486**

**Amendments to
Stanwood Municipal Code
Title 17.20, Definitions**

The following definitions are either added to Chapter 17.20 or edited as shown.

17.20.020 “A” Definitions

Alteration of Watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards): A request for a review of the interpretation of any provision of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, or a request for a variance.

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

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

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

17.20.030 “B” Definitions

Base Flood Elevation (BFE): ~~The height above mean sea level expected to be reached by the 100-year flood as officially determined by the U.S. Army Corps of Engineers. The elevation to which floodwater is anticipated to rise during the base flood.~~

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

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

17.20.060 “E” Definitions

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

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

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

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

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

17.20.070 “F” Definitions

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

Flood or Flooding:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in of this definition.

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

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

Floodplain or Flood-Prone Area: ~~A land area adjoining a river, stream, watercourse or pond that is likely to be flooded.~~ Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain Administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination

thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

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

17.20.090 "H" Definitions

Habitat Assessment (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards): A written document that describes a project, identifies and analyzes the project's impacts to habitat for species discussed in the "Endangered Species Act – Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region," and provides an Effects Determination.

Historic Structure: Any structure that is:

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

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

17.20.140 "M" Definitions

Manufactured/Mobile Home Park or Subdivision: ~~A tract of land under single ownership or control upon which six or more mobile/manufactures homes occupied as dwelling may be located. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

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

17.20.150 "N" Definitions

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

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

17.20.160 "O" Definitions

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

17.20.190 "R" Definitions

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data,

high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

17.20.200 "S" Definitions

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

Substantial Improvement (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards): Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

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

17.20.230 "V" Definitions

Variance (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently

Flooded Areas – Specific Standards): A grant of relief by a community from the terms of a floodplain management regulation.

Violation For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards): The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

17.20.240 “W” Definitions

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

Water Dependent (For the purpose of Chapter 17.120 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards): A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**Exhibit B
To Ordinance 1486**

**Amendments to
Stanwood Municipal Code
Title 17.120**

Critical Areas – Frequently Flooded Areas – Specific Standards

Chapter 17.120

CRITICAL AREAS – FREQUENTLY FLOODED AREAS – SPECIFIC STANDARDS

Sections:

- 17.120.010 Purpose.**
- 17.120.015 Methods of Reducing Flood Losses**
- 17.120.020 General provisions.**
- 17.120.025 Relationship to general standards for critical areas.**
- 17.120.030 Administration.**
- 17.120.035 Critical area reports – Specific requirements for frequently flooded areas.**
- 17.120.040 Provisions for flood hazard reduction.**
- 17.120.050 Specific standards.**
- 17.120.060 Encroachments.**
- 17.120.070 Prohibited uses.**
- 17.120.080 Variance procedure and appeal process.**
- 17.120.090 Conditions for variances.**

17.120.010 Purpose.

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

The purpose of these standards is to:

- (1) Protect human life and property;
- (2) Minimize the expenditure of public money; and
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;

- (5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- (7) Notify potential buyers that the property is in a Special Flood Hazard Area;
- (8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- (3 9) Maintain the city's flood insurance eligibility while avoiding regulations which are unnecessarily restrictive or difficult to administer.

17.120.015 Methods of Reducing Flood Losses

In order 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 result 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 floodwater or may increase flood hazards in other areas.

17.120.020 General provisions.

(1) Lands to Which These Standards Apply. These standards shall apply to all areas of special flood hazards within the jurisdiction of the city of Stanwood. All development with Special Flood Hazards 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 Emergency Management Agency Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated ~~November 8, 1999~~ 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 the City Hall, ~~10220 270th Street N.W., Stanwood, WA 98292.~~

(3) Penalties for Noncompliance. No structure or land shall 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) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than 90 days or both for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall 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 shall prevail.

(5) Interpretation. In the interpretation and application of these standards, all provisions shall 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 shall not

create liability on the part of the city of Stanwood, any officer or employee thereof, or the Federal Emergency Management Agency Insurance and Mitigation Administration, for any flood damages that result from reliance on them or any administrative decision lawfully made hereunder.

17.120.025 Relationship to general standards for critical areas.

This chapter contains standards specific to frequently flooded areas, and should be considered in conjunction with the standards in SMC Chapter 17.114 SMC, Critical Areas, General Provisions. Please refer to that chapter for general standards and administration. In the event of a conflict between this chapter and Chapter 17.114 SMC, this chapter shall prevail.

17.120.030 Administration.

(1) Designation of the Administrator. The planning Community Development Director director, or his/her designee, is hereby appointed to administer, and implement, and enforce these standards by granting or denying development permit applications in accordance with their provisions. The duties of the planning director Community Development Director shall include, but not be limited to:

(a) Review all development permits to determine that: Permit Review.

(i) Review all development permits to determine that The permit requirements of these standards have been satisfied;

(ii) Review all development permits to determine that 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 when annexations occur in the Special Flood Hazard Area.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC 17.120.020(2), Basis for Establishing the Areas of Special Flood Hazard, the planning director Community Development Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer SMC 17.120.050, Specific Standards.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the flood insurance study

or otherwise required, these data shall 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 or not the structure contains a basement.

(b) 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:

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

(ii) Maintain the floodproofing certifications required in SMC 17.120.030(7)(c).

(c) Maintain for public inspection all records pertaining to the provisions of these standards.

(d) Records of all variance actions, include justification for their issuance.

(e) Improvement and damage calculations.

(4) Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

(a) 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 Emergency Management Agency Insurance~~ Administrator through appropriate notification means.

~~(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. Assure that~~ the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(5) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards. (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 shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

(6) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures, including manufactured homes (as set forth in the definitions

of this code), and for all development, including fill and other activities.

(7) Application of Development Permit. Application for a development permit shall be made on forms furnished by the ~~city engineer~~ Community Development Director, who acts as the City's Floodplain Administrator, and ~~may~~ shall include all of the permit submittal requirements of the underlying permit including, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. ~~Specifically,~~ In addition, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;

(b) Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed;

(c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SMC 17.120.050(2); and

(d) Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development; and

~~(e) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and~~

~~(ef) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.~~

(8) 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, shall notify FEMA of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(b) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the

floodplain development permit, including all required property owner notifications. Once a CLOMR has been approved, the project proponent shall follow up with the LOMR application once the project is complete.

17.120.035 Critical area reports – Specific requirements for frequently flooded areas.

In addition to the general requirements of SMC 17.114.160, critical area reports for frequently flooded areas must meet the requirements of this section.

(1) Prepared by a Qualified Professional. A critical areas report for a frequently flooded area shall be prepared by a qualified professional who is a hydrologist or engineer and who is licensed in the state of Washington with experience in preparing flood hazard assessments.

(2) Area addressed in critical area report:

(a) The site area of the proposed activity;

(b) All areas of a special flood hazard area, 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.

(3) Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall 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.

17.120.040 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 shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufacturing Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(2) Construction Materials and Methods.

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

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

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

(d) All structures, utilities and other improvements shall be located on the buildable portion of the site out 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 shall 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 shall be located to minimize disruption of such exchange.

(e) Fill and grading within the floodplain shall 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 shall be designed to minimize or eliminate infiltration of flood waters into the system.

(b) New and replacement sanitary sewage systems shall 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 shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision and Development Proposals.

(a) All development proposals, including subdivisions and manufactured home parks, proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision development proposals, including subdivisions and manufactured home parks, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision development proposals, including subdivisions and manufactured home parks, shall 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 shall be generated for subdivision development proposals, including subdivisions and manufactured home parks, and other proposed developments which contain at least 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 shall be reviewed to assure that proposed construction will be 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.

17.120.050 Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SMC 17.120.020(2), Basis for Establishing the Areas of Special Flood Hazard, or SMC 17.120.030(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 shall have the lowest floor elevated to the base flood elevation plus one foot.

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

(ii) The bottom of all openings shall be no higher than one foot above grade; and

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

(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 shall 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, shall:

(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 shall be provided to the ~~planning director~~ Community Development Director as set forth in SMC 17.120.030(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) Applicants floodproofing nonresidential buildings shall 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 shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to 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) Areas of Shallow Flooding. Uses in areas of shallow flooding shall adhere to the following standards, in addition to the other requirements of this chapter:—~~

~~(a) Residential Structures. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified.~~

~~(b) Nonresidential Structures. New construction and substantial improvements of nonresidential structures within AO zones shall either:~~

~~(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the flood insurance map or at least two feet if no depth number is specified; or~~

~~(ii) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used,~~

compliance shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Following construction of the structure, certifications shall be submitted to the city that record the actual (as-built) elevation to which the structure was floodproofed.

(c) ~~Drainage Paths.~~ All development shall include adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(d) ~~Recreational Vehicles.~~ Recreational vehicles placed on sites within AO zones on the flood insurance map(s) shall meet the requirements of this chapter.

(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 SMC 17.120.050(1)(b).
- (f) The structure shall 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, and
- (h) The structure shall 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 SMC 17.120.050(1).

- (j) Upon completion of the structure, certification that the requirements of this section have been satisfied shall 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 later 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 floodwaters. The bottom of the flood opening can be no more than 1 foot above the lowest adjacent exterior grade and meet the requirements in [local section discussing flood openings];
- (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 5 feet per second; and
- (e) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate with the system components during flood conditions.
- (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 2 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 4 feet at any point;
 - iii. An adequate drainage system to remove floodwaters from the interior area of the crawlspace is installed.

17.120.060 Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

17.120.070 Prohibited uses.

Uses and activities prohibited from frequently flooded areas:

(1) Critical facilities are prohibited from frequently flooded areas to prevent damage to such facilities, to avoid costs that will 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:

- (a) Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available.
- (b) Critical facilities constructed within frequently flooded areas shall 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 will not be displaced by or released into flood waters.
- (d) Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

~~(2) Wells used for potable water are prohibited from the floodway.~~

~~(3) On-site sewage disposal systems are prohibited from the floodway, the channel migration zone, and the 10-year floodplain elevation.~~

17.120.080 Variance procedure and appeal process.

(1) Variances from these regulations and appeals shall be heard as provided by the land use process table, SMC ~~17.80.130~~ SMC 17.81A-I: Classification of Permits and Decisions.

(2) In reviewing such applications for variances, the city shall consider all technical evaluations, all relevant factors, criteria specified in other sections of these standards, including criteria in SMC 17.114.490 200, 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 individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity that the facility have 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.

17.120.090 Conditions for variances.

(1) Variances shall 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 shall be mitigated in accordance with SMC 17.114.180(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 will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. ~~listed on the National Register of Historic Places, the State Inventory of Historic Places, or for structures determined to be historically significant by the Stanwood Area Historical Society without regard to the procedures set forth in this chapter.~~

~~(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall 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 17.120.030, Administration and SMC 17.120.040, Provisions for Flood Hazard Reduction of this ordinance 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 a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, except subsection (1) of this section, and otherwise complies with SMC 17.120.040(1) through (3).

(7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that: ~~the cost of flood insurance will be commensurate with the increased rise resulting from the reduced lowest floor elevation.~~

(a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

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

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

**Exhibit C
To Ordinance 1486
Findings of Fact and Conclusions**



City of Stanwood, Washington
Findings of Fact and Conclusions of Law

Stanwood City Council

A. GENERAL INFORMATION

File Number(s): Code Amendment 2020-0040

Project Summary: Amendments to the City's Floodplain Regulations

Applicant: City of Stanwood

Location: The code amendment applies city wide.

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

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.

For the City to maintain its eligibility to participate in the National Flood Insurance Program (NFIP) the City must maintain updated floodplain maps and regulations consistent with NFIP standards. If the City does not adopt the most current floodplain maps and regulations, its residents would not be able to obtain flood insurance or other grant assistance through the NFIP.

On December 19, 2019 the City received notice that the Federal Emergency Management Agency (FEMA) updated the Snohomish County flood hazard determination maps. The city must adopt the most current flood hazard map revision as well as associated development regulations by June 19, 2020. Ordinance 1486 does hereby adopt the June 2020 Flood Insurance Rate Map (FIRM) and associated development regulations

consistent with federal regulations.

C. COMPLIANCE WITH THE COMPREHENSIVE PLAN

Stanwood's Comprehensive Plan envisions a strong community that balances the needs of residents and business; protects the environment; encourages economic development and preservation of the City's small town rural character.

Natural Features Goals and Policies:

Goal NFG -1: To achieve a well-balanced relationship between the built and natural environments utilizing guidance derived from best available science.

Policy NFG – 1.6: Promote appropriate uses and design techniques to minimize the risk to human life, property, and public facilities in geologically hazardous and frequently flooded areas.

Policy NFG – 1.7: 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.

The State of Washington identified Snohomish County as a priority for FEMA's Risk MAP program. The State determines its priorities based on population at risk to hazards, recent events, and community interest.

FEMA has been working with team of scientist to develop new floodplain maps since 2011. Using *Best Available Science*, new risk maps were created showing the location of properties relative to special flood hazards. Adopting updated floodplain regulations is consistent with the comprehensive plan and city policy to be a participating community in the National Flood Insurance Program.

D. FINDINGS OF FACT

1. Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP).
2. Flood zones are land areas identified by the Federal Emergency Management Agency (FEMA). Each flood zone describes that land area in terms of its risk of flooding for floodplain management and insurance purposes.
3. The City of Stanwood is impacted by periodic flooding resulting from large storm events combined with high tides.

4. Due to the topographic nature of the City, all of west Stanwood lies in the 100-year floodplain, identified as the AE zone. 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.
5. 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.
6. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
7. As a condition of participation in the NFIP, the City of Stanwood is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP.
8. Adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for local residents.
9. The City first adopted floodplain regulations in 1995 (Ordinance 929) with major amendments in 2000 (Ordinance 1089), 2004 (Ordinance 1164) and 2009 (Ordinance 1250).
10. The Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated draft model ordinance that includes all the minimum standards required as a condition of participation in the NFIP.
11. In order to maintain participation in the NFIP and allow Stanwood residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards.
12. If Stanwood participates in the NFIP, residents can purchase flood insurance to cover the contents of their home or business.
13. The city desires to amend Stanwood Municipal Code Chapter 17.120, Frequently Flooded Areas, to adopt state and federal regulations relating to special flood hazards.
14. Ordinance 1486 includes both major and minor amendments to Chapter 17.120, Critical Areas – Flood Hazard Areas to be consistent with the FEMA / Department of Ecology model ordinance. Changes include:

- a) Updated definitions related to floodplains;
 - b) Expanded Purpose section regarding minimizing damage and notifying potential purchasers;
 - c) Added a new section regarding Methods of Reducing Flood Loss;
 - d) Adopting the 2020 FIRM map;
 - e) Identifies penalties for non-compliance
 - f) Adopts new regulations for: storage of materials and equipment in floodplains; construction of detached garages, storage structures and other development regulations such as anchoring of buildings, use of flood resistant materials, constructing above the base flood elevation; and
 - g) Minor textual amendments to be consistent with the FEMA / DOE model ordinance.
14. A section by section summary of the changes to Stanwood Municipal Code Chapter 17.120, Critical Areas – Frequently Flooded Areas was prepared and included in the public record presented to the Planning Commission and City Council.
15. The City of Stanwood SEPA Responsible Official has reviewed the amendments proposed to SMC Chapter 17.120, Frequently Flooded Areas, and issued a Determination of Non-Significance on [DATE].
16. The Stanwood Planning Commission reviewed the draft ordinance at their February 10 and May 11, 2020 meetings and has recommended that the City Council adopt the ordinance as presented.
17. The City Council Community Development Committee reviewed the proposed language and amendments set forth in this Ordinance at their February 27 and April 23, 2020, meeting.
18. The City Council held their first, second and final reading of the draft code amendment on _____, 2020 and accepted public comment.
19. Pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to Title 17.120 Frequently Flooded Areas.

E. CONCLUSIONS OF LAW

1. The City Council of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. Adopting updated floodplain regulations is consistent with the comprehensive plan and city policy to be a participating community in the National Flood Insurance Program.

3. The City Council has determined that it is in the best interest of the City to adopt floodplain regulations consistent with Federal and State law in order to maintain eligibility in the national Flood Insurance Program.
4. After considering staff comments and public testimony the Stanwood City Council determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

Now therefore the City Council of the City of Stanwood hereby **ADOPTS** the Findings of Fact and Conclusions of Law contained herein.

Dated this _____ date of _____ 2020.

Leonard Kelley, Mayor
City of Stanwood

City of Stanwood, Washington

Amendments to Frequently Flooded Areas Regulations

SECTION 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives

FEMA / DOE Model Ordinance	Stanwood Response
1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:	Included in Findings of Fact and Conclusions and Preamble of Ordinance 1486
1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.	Included in Findings of Fact and Conclusions and Preamble of Ordinance 1486
1.3 Statement of Purpose It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to: 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;	SMC 17.120.010 - Purpose Updated purpose section to include expanded list

FEMA / DOE Model Ordinance	Stanwood Response
6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief.	
1.4 Methods of Reducing Flood Losses In order to accomplish its purposes, this ordinance includes methods and provisions for: 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.	SMC 17.120.015 – Methods of Reducing Flood Losses New section added to the Chapter 120; language per model ordinance.

Section 2.0 – Definitions (44 CFR 59.1, not mandatory to adopt all definitions as shown. However, definitions needed for implementation of NFIP standards in a specific community can be required in the community's Flood Damage Prevention Ordinance.)

Stanwood Response: Several definitions are included in the FEMA / DOE model ordinance. To be in compliance with the model ordinance, Stanwood's Municipal Code, Chapter 17.20, Definitions was updated using three methods: adding new definitions, modifying existing definitions, or noting that existing definitions already included the federal / state model language.

Amendments to Chapter 17.20, Definitions

New Definitions Added to SMC	Definitions Modified	Existing Definitions Exist in SMC
Alteration of Watercourse	Area of Shallow Flooding	Base Flood
Appeal (Specific to Flood Reg's)	Area of Special Flood Hazard	Basement
ASCE 24	Base Flood Elevation	Building

Building Code	Elevated Building	Critical Facility
Breakaway Wall	Flood or Flooding	Development
Elevation Certificate	Flood Elevation Study	Flood Insurance Rate Map (FIRM)
Essential Facility	Floodplain or Flood-Prone Area	Highest Adjacent Grade
Existing Manufactured Home Park	Floodway	Lowest Floor
Expansion to an Existing Manufactured Home Park or Subdivision	Manufactured Home Park or Subdivision	Manufactured Home
Farmhouse	Start of Construction	Recreation Vehicle
Floodplain Management Regulations	Substantial Improvement	Structure
Flood Proofing		Substantial Damage
Habitat Assessment (Specific to Flood Reg's)		
Historic Structure		
Mean Sea Level		
New Construction		
One-Hundred Year Flood		
New Manufactured Home Park or Subdivision		
Reasonably Safe from Flooding		
Variance (Specific to Flood Reg's)		
Violation		
Water Surface Elevation		
Water Dependent (Specific to Flood Reg's)		

Definitions not added or altered as they do not apply in Stanwood: Coastal High Hazard Areas and Functionally Dependent Use.

Section 3.0 – General Provisions

FEMA / DOE Model Ordinance	Stanwood Response
3.1 Lands to Which This Ordinance Applies (44 CFR 59.22(a)) This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name} .	SMC 17.120.020(1); verbatim with additional descriptive language.
3.2 Basis for Establishing the Areas of Special Flood Hazard The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and	SMC 17.120.020(2): Replaces Federal Emergency management Agency with

FEMA / DOE Model Ordinance	Stanwood Response
engineering report entitled “The Flood Insurance Study (FIS) for {exact title of study}” dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}. The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.	Federal Insurance Administration; adopts new FIRM date.
3.3 Compliance All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.	SMC 17.120.020: Added to the General Provisions section of the code.
3.4 Penalties For Noncompliance No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than __ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from taking such other lawful action as is necessary to prevent or remedy any violation.	SMC 17.120.020(3): Verbatim – added sentence regarding penalties to existing code language
3.5 Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.	SMC 17.120.020(4): Verbatim – existing code; no changes
3.6 Interpretation (Not mandatory) In the interpretation and application of this ordinance, all provisions shall be: 1) Considered as minimum requirements;	SMC 17.12.020(5): Verbatim – Existing code; no changes

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2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes.	
3.7 Warning And Disclaimer of Liability <i>(Not mandatory)</i> The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.	SMC 17.120.020(6): Existing code; changed Federal Emergency Management Agency to Federal Insurance Administration
3.8 Severability This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.	Provided for in adopting ordinance 1486, not municipal code

Section 4.0 – Administration

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4.1-1 Development Permit Required <i>(44 CFR 60.3(b)(1))</i> A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”	SMC 17.120.030(6): Verbatim – Existing code
4.1-2 Application for Development Permit Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing	SMC 17.20.030(7): Edits to existing code included: changed the requirement for permits to be submitted to the “city

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the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required: 1) 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. 2) Elevation in relation to mean sea level to which any structure has been floodproofed; 3) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and 7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application. Note: The format of section 4.1-2 is not mandatory but the elevation information in subsection 1 and the information in subsections 2 through 7 is mandatory. Elevation Certificates are not mandatory outside of Community Rating System communities but highly recommended.	engineer” to “Floodplain Administrator”; included edits to submittal requirements to be consistent with model code with the except of deleting subsection 5 as there are no V zones in Stanwood.
4.2 Designation of the Floodplain Administrator (44 CFR 59.22(b)(1)) The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.	SMC 17.120.030(1): The Planning Director is noted as the Floodplain Administrator
4.3 Duties & Responsibilities of the Floodplain Administrator Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to: 4.3-1 Permit Review Review all development permits to determine that: 1) The permit requirements of this ordinance have been satisfied;	SMC 17.120.030(1)(a): Added subsections 3 and 5; subsection 4 was not added as there are no floodways in Stanwood; Subsections 1 and 2 were in the existing code.

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2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met; 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.	
4.3-2 Use of Other Base Flood Data (In A and V Zones) (44 CFR 60.3(b)(4)) When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.	SMC 17.120.030(2): Added reference to administration and specific standards sections.
4.3-3 Information to be Obtained and Maintained <i>(The following language is required and should be adopted verbatim per 44 CFR)</i> 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (44 CFR 60.3(b)(5)(i)) 2) Obtain and maintain documentation of the bottom of the lowest horizontal structural member in V or VE zones. (44 CFR 60.3(e)(2)(i) and (ii)) 3) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: a) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed. (44 CFR 60.3(b)(5)(ii)) b) Maintain the floodproofing certifications required in Section 4.1-2(3). (44 CFR 60.3(b)(5)(iii)) 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. (44 CFR 60.3(b)(5)(iii))	SMC 17.120.030(3): Added subsections 5 and 6 to existing language to be consistent with model ordinance; subsection 2 is not included as there are no V zones in Stanwood.

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4.3-4 Alteration of Watercourse Whenever a watercourse is to be altered or relocated: 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, (44CFR 60.3(b)(6) and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. (44 CFR 60.3(b)(7)	SMC 17.120.030(4): Existing language is consistent with model ordinance; changed Federal Emergency Management Agency to Federal Insurance Administrator.
4.3-5 Interpretation of FIRM Boundaries <i>(This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted.)</i> Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).	SMC 17.120.030(5): Existing language consistent with model ordinance; added last sentence verbatim.
4.3-6 Review of Building Permits <i>(44 CFR 60.3(a)(3))</i> Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i>. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)	SMC 17.120.040(5): Existing code verbatim; no changes. Note: this provision is out of order with the model ordinance, but is contained in SMC 17.120.040 section.
4.3-7 Changes to Special Flood Hazard Area 1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall	SMC 17.120.030(8): New section added verbatim.

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be constructed in a manner consistent with the approved CLOMR. 2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.	
4.3-8 Habitat Assessment – When Required This section only applies to communities that are implementing the Puget Sound Biological Opinion for the NFIP via a Door 3 response. This section is optional for said Door 3 communities. A development permit application shall include a habitat assessment unless the project is, in its entirety, one of the following activities: 1) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, provided such work is not a substantial improvement or a repair of substantial damage. To comply, such work must be less than 50% of the value of the structure(s). 2) Expansion or reconstruction of an existing structure that is no greater than 10% beyond its existing footprint. If the structure is in the floodway, there shall be no change in the structure's dimensions perpendicular to flow. All other federal and state requirements and restrictions relating to floodway development still apply. 3) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces. 4) Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, fill, impervious surfaces, or removal of more than 5% of the native vegetation on that portion of the property in the floodplain. 5) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices (BMPs) to prevent stormwater runoff and soil erosion are used. 6) Projects that have already received concurrence under another permit or other consultation with the Services, either through Section 7, Section 4d, or Section 10 of the Endangered Species Act (ESA) that addresses the entirety of the project in the floodplain	City of Stanwood is a "Door 2" city

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(such as an Army Corps 404 permit or non-conversion Forest Practice activities including any interrelated and interdependent activities.). 7) Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the Ordinary High Water Mark (OHWM) is still outside of the face of the bulkhead (i.e. if the work qualifies for a Corps exemption from Section 404 coverage).	

Section 5.0 – Provisions for Flood Hazard Reduction

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5.1 General Standards (<i>Section 5.0 is required</i>) In all areas of special flood hazards, the following standards are required:	SMC 17.120.040 contains the Section 5 provisions for Flood Hazard Reduction.
5.1-1 Anchoring (<i>44 CFR 60.3(a) and (b)</i>) 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. (44 CFR 60.3(a)(3)(i)) 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (44 CFR 60.3(b)(8)). For more detailed information, refer to guidebook, FEMA-85, “Manufactured Home Installation in Flood Hazard Areas.”	SMC 17.120.040(1): Added “resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy” to subsection (a) to be consistent with model ordinance. No changes to the remaining code sections.
5.1 Construction Materials and Methods (<i>44 CFR 60.3(a)(3)(ii-iv)</i>) 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.	SMC 17.120.040(2): Subsections 1-3 are verbatim; two additional sections are included in existing code language regarding: building outside the floodplain

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3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.	if possible and filling and grading shall not block or inhibit channel migration.
5.1-3 Storage of Materials and Equipment 1) 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 (recommended). 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.	SMC 17.120.040(6): New subsection add verbatim.
5.1-4 Utilities (44 CFR 60.3(a)(5) and (6)) 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems; 2) Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171); 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.	SMC 17.120.040(3): Existing code consistent with model ordinance; subsection 2 of the model code is deleted as all properties in the city is required to connect to city water.
5.1-5 Subdivision Proposals and Development (44 CFR 60.3(a)(4) and (b)(3)) All subdivisions, as well as new development shall: 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.	SMC 17.120.040(4): Existing code is consistent with model ordinance; no changes.

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5.2 Specific Standards (44 CFR 60.3(c)(1)) In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:	SMC 17.120.050 contains specific standards as addressed in the model ordinance.
5.2-1 Residential Construction (44 CFR 60.3(c)(2)(5)) 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria: a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters. Alternatively, a registered engineer or architect may design and certify engineered openings.	SMC 17.120.050(1): Minor edits to be consistent with model code: Subsection a of city code: the sentence “Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE” was added. Subsections 2-4 of the model ordinance are not included in the Stanwood code as they do not apply. Subsection 5(d), garages, of the model code was added as Stanwood code section 17.120.050(1)(b)(iv).

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5.2-2 Nonresidential Construction (44 CFR 60.3(c)(3) and (4)) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below. 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater. b) If located in an AO zone, the structure shall meet the requirements in Appendix A. c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. d) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B. e) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. ii) The bottom of all openings shall be no higher than one foot above grade. iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters. Alternatively, a registered engineer or architect may design and certify engineered openings.	SMC 17.120.050(2): Minor edits adding reference to ASCE 24 to be consistent with model code. Alternative section provided in Stanwood.

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2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: a) Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2); d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5); Note: Applicants who are floodproofing nonresidential buildings shall 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 the base flood level will be rated as one foot below). Floodproofing the building an additional foot will reduce insurance premiums significantly.	
5.2-3 Manufactured Homes (44 CFR 60.3(c)(6)(12)) 1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (If the above phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.) This applies to manufactured homes: a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or	SMC 17.120.050(3): Existing code verbatim with model ordinance; no changes.

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d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred "substantial damage" as the result of a flood; and 2) 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 be elevated so that either: a) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.	
5.2-4 Recreational Vehicles (44 CFR 60.3(c)(14)) 1) Recreational vehicles placed on sites are required to either: 2) Be on the site for fewer than 180 consecutive days, or 3) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or Meet the requirements of 5.2-3 above.	SMC 17.120.050(4): Existing code verbatim; no changes.
5.2-5 Appurtenant Structures (Detached Garages & Small Storage Structures) For A Zones (A, AE, A1-30, AH, AO): 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements: 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 BFE 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;	SMC 17.120.050(6): New section added verbatim with model code.

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e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1; f) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and i) The structure shall not be used for human habitation. 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1. 3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.	
5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways <i>(44 CFR 60.3(c)(10))</i> In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.	N/A - Not included in Stanwood code; does not apply as there are no floodways in Stanwood.
5.4 Floodways <i>(Note the more restrictive language for floodway development per RCW 86.16)</i> Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:	N/A - Not included in Stanwood code; does not apply as there are no floodways in Stanwood.
5.4-1 No Rise Standard Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating	N/A

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through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. (44 CFR 60.3(d)(3))	
5.4-2 Residential Construction in Floodways Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent. Replacement of Farmhouses in Floodway: Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following: The new farmhouse is a replacement for an existing farmhouse on the same farm site; There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE; New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;	N/A

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New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. Substantially Damaged Residences in Floodway a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC <u>173-158-070(1)</u>. b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met: i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway. ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size. iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.	

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iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE. v) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system. vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.	
5.4-3 All Other Building Standards Apply in the Floodway If Section 5.4-1 is satisfied or construction is allowed pursuant to section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provisions For Flood Hazard Reduction.	N/A
5.5 General Requirements for Other Development <i>(Optional Provision)</i> All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall: 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; and 5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.	SMC 17.120.050(6): New section added verbatim with model ordinance.
5.6 Critical Facility <i>(Optional Provision)</i> Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within	SMC 17.120.070: Contained in Prohibited Uses section of Stanwood code.

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

Section 6.0 - Variances

FEMA / DOE Model Ordinance	Stanwood Response
The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.	SMC 17.120.080 – Variance Procedure and Appeal Process
It is the duty of the {governing body} to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.	
6.1 Requirements for Variances 1) Variances shall only be issued: a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense,	SMC 17.120.090: Subsection 3 of model ordinance added to Stanwood code as section 17.120.090(5)(d).

FEMA / DOE Model Ordinance	Stanwood Response
create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; d) Upon a showing of good and sufficient cause; e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant; f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the community} of this ordinance in the definition of "Functionally Dependent Use." 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result. 3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.	
6.2 Variance Criteria In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and: 1) The danger that materials may be swept onto other lands to the injury of others; 2) The danger to life and property due to flooding or erosion damage; 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; 4) The importance of the services provided by the proposed facility to the community;	SMC 17.120.080: Existing code; no changes.

FEMA / DOE Model Ordinance	Stanwood Response
5) The necessity to the facility of a waterfront location, where applicable; 6) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage; 7) The compatibility of the proposed use with existing and anticipated development; 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; 9) The safety of access to the property in time of flood for ordinary and emergency vehicles; 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and, 11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.	
6.1 Additional Requirements for the Issuance of a Variance 1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that: a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and b) Such construction below the BFE increases risks to life and property. 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance. 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met. 4) Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.	SMC 17.120.090: Sections 1-3 added as new subsections to Stanwood code as subsections 8 and 9. Section 4 is existing code section SMC 12.120.090(6)

Appendixes

FEMA / DOE Model Ordinance	Stanwood Response
APPENDIX A: Standards For Shallow Flooding Areas (AO ZONES) (44 CFR 60.3(c)7, 8 and 11)	N/A: None in the City of Stanwood
APPENDIX B: Standards For Coastal High Hazard Areas (V ZONES) 44 CFR 60.3(e)(2 – 8)	N/A: None in the City of Stanwood



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9c
DATE: May 28, 2020
SUBJECT: CARES Act Funding – Coronavirus Relief Funds (CRF)
CONTACT PERSON: Jennifer Ferguson, City Administrator
ATTACHMENTS: A – CRF Program Guidelines

ISSUE:

The issue before the Council is to authorize the Mayor to execute a contract with the Washington State Department of Commerce (DOC) for distribution of the Coronavirus Relief Funds (CRF) awarded to the City of Stanwood in the amount of \$210,600.

RECOMMENDATION:

Staff recommends the authorization to accept and distribute the CRF grant proceeds that will assist in recovery of our local economy.

SUMMARY:

The City of Stanwood has been awarded funds through the state's Coronavirus Relief Funds (CRF). Our grant is funded entirely through the federal stimulus funding under the CARES Act provided by the U.S. Department of Treasury. Governor Inslee announced the award of \$300 million to local governments in CRF from the state's allocation of the CARES Act funding. The City of Stanwood has an opportunity to invest in the recovery of our local economy and support to the community by using the funds for:

- Stanwood Business Recovery Grant Program
- City Technology and Equipment Investments
- Direct allocation(s) to local non-profits to assist residents in need

BACKGROUND:

The Coronavirus Relief Funds may only be used for costs incurred by the City in response to the COVID-19 public health emergency until October 31, 2020. These expenditures must be necessary, not in the current budget and not used to replace lost revenues. The use of these funds is very broad to allow for flexibility based on individual community needs. Attachment A includes details regarding eligible cost categories.

DISCUSSION:

The Coronavirus pandemic has created challenges that have been significant and difficult to navigate, along with creating a complex layer of issues for determining what our business, city government and community life will be like when we are able to re-open. While the CRF grant award of \$210,600 seems like a lot of money, it will not go far and the needs are great. Key to re-opening is investment in our local economy and that is done so through our businesses, non-profits and city organization.

The following is a recommendation for use of the CRF grant funds by October 31, 2020:

Stanwood Business Recovery Grant Program - \$170,600

This program will provide grants to eligible Stanwood businesses needing assistance with commercial rents, operating expenses (especially marketing) and inventory or capital costs. The program will include a technical assistance component where the business owner will be required to attend business and financial workshops, which will also be paid for through CRF grant proceeds.

City Technology Investments - \$10,000

While the City contracts with Snohomish County for IT Services, we have additional costs associated with computer hardware needs to include updated laptops, docking stations, monitors, headsets and other equipment that will be useful for continuing with telecommuting for eligible employees. Funds may also be needed to enhance our ability to host meeting virtually and a better experience for the public to be involved.

Park Sanitization Equipment - \$10,000

To provide efficiencies to our city maintenance teams who maintain park restrooms, playground equipment and other park facilities, staff is recommending an investment in equipment and equipment components that will sanitize and clean areas where the public gathers.

Direct distribution to the Stanwood – Camano Resource Center - \$10,000

Funds will be provided to the Resource Center to use for households in need of assistance with utilities and housing costs.

Direct distribution to the Stanwood Community Senior Center - \$10,000

Funds will be provided to the Senior Center to use for seniors in need of assistance with meals and transportation.

FISCAL IMPACT:

The CRF grant proceeds are provided on a reimbursement basis, meaning, the city must provide proof of the expenditures that meet the required uses and the grant proceeds will match the exact amounts. There is no fiscal impact to the City of Stanwood for the proposed distribution of CRF funds.

CITY COUNCIL OPTIONS:

1. The City Council may authorize the Mayor to execute the grant contract with the DOC and approve the proposed uses of the grant proceeds as described by city staff
2. The City Council may authorize the Mayor to execute the grant contract with the DOC and modify the proposed uses of the grant proceeds.
3. The City Council may not authorize the Mayor to execute the grant contract with the DOC and provide direction to city staff on other methods for investing in our local economy.

RECOMMENDED MOTION:

Recommend a motion to authorize Option 1.

MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE GRANT CONTRACT WITH THE DEPARTMENT OF COMMERCE TO RECEIVE AND DISBURSE THE CORONAVIRUS RELIEF FUNDS THAT WILL INVEST IN THE STANWOOD LOCAL ECONOMY BY IMPLEMENTING A STANWOOD BUSINESS RECOVERY PROGRAM; INVEST IN TECHNOLOGY AND EQUIPMENT AND PROVIDE A DIRECT ALLOCATION TO LOCAL NON-PROFITS



Coronavirus Relief Funds for Local Governments Program Guidelines

CARES Act Funds for Local Governments
In Washington State

Administered by the Department of Commerce
Local Government Division

*P.O. Box 42525
Olympia, WA 98504-2525*

Contact Information

Mailing / Street Address:

Washington State Department of Commerce
Local Government Division
PO Box 42525
1011 Plum Street SE
Olympia, WA 98504-2525

Program Leadership:

Tony Hanson
Deputy Assistant Director
Community Capital Facilities Unit
360-725-3005
Tony.Hanson@commerce.wa.gov

Tina Hochwender
Managing Director
Community Assistance and Research Unit
360-725-3087
Tina.Hochwender@commerce.wa.gov

Commerce Leadership:

Lisa Brown, Ph.D.
Director

Mark Barkley
Assistant Director
Local Government Division

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Coronavirus Relief Funds (CRF) for Local Governments Program Guidelines

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General Information

1. Source of Funds

You have been awarded funds through the state's Coronavirus Relief Funds (CRF). The funds are available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

Your grant is funded entirely through the federal stimulus funding under the CARES Act provided by the U.S. Department of Treasury (US Treasury) to the Governor via the Office of Financial Management (OFM).

On April 27, 2020 Governor Inslee announced the award of nearly \$300 million to local governments in CRF from the state's allocation of the CARES Act funding.

2. Allocation Formula

OFM developed the allocation methodology and determined the jurisdiction amounts. The allocations were based on 2019 population estimates for each jurisdiction.

Funds will be provided to cities and counties with populations under 500,000 that were ineligible to receive direct funding under the CARES Act. Each county will receive a minimum distribution of \$250,000 and each city will receive a minimum distribution of \$25,000.

Cities and counties with populations over 500,000 did not receive a direct allocation from the state. Instead these jurisdictions received a direct allocation from the US Treasury (i.e. city of Seattle, King Co., Pierce Co., Snohomish Co., etc.).

For a complete list of cities and counties and their allocations, click [here](#).

3. Period of Performance

The Coronavirus Relief Funds may only be used for costs incurred by local governments in response to the COVID-19 public health emergency during the period of March 1, 2020 thru October 31, 2020.

The [US Treasury's Guidance](#) provides an end date of December 30, 2020. This is the end date in which the state must have reimbursed all "recipients of the funds" (grantees) their costs incurred in response to the COVID-19 emergency. In order to allow time for Commerce to process final payments and conduct contract closeouts; and for OFM to fully utilize any unspent funds before they expire, expenditures are only being accepted on costs incurred through October 31, 2020.

All final requests for reimbursement must be submitted no later than November 15, 2020.

4. Intended Use

Under the CARES Act, the Coronavirus Relief Funds (CRF) may be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); **AND**
2. Are **NOT** accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government. The "most recently

approved” budget refers to the enacted budget for the relevant fiscal period for the particular government. A cost meets this requirement if:

- a) The cost cannot lawfully be funded using a line item, allotment, or allocation within that budget; *OR*
 - b) The cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.
3. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Funds may **NOT** be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The use of these funds are very broad and flexible, and can be used for both operating and **capital expenditures**.

If funds are being used for capital expenditures such as acquisition of real property or construction / renovation costs, please contact us immediately. We will provide you with further information and guidance. Utilizing CRF for these purposes will require additional Federal and state provisions being applied to the project such as:

- All projects must be reviewed under a Federal Section 106 review for archaeological and cultural resources if the project: acquires property, disturbs ground, and/or involves structures more than 50 years old. Grantees must submit documentation to the project manager when the review is complete. Section 106 supersedes the [Governor's Executive Order 05-05](#) review.
- Construction / renovation projects may be required to meet high-performance building standards and document they have entered the state's LEED certification process.
- Construction / renovation projects will be required to follow Federal Davis Bacon and state prevailing wage laws, rules, and regulations.

Additionally, grantees must ensure all capital expenditures are only for costs incurred through the limited timeframe of March 1, 2020 thru October 31, 2020.

5. Eligible costs

There are six (6) primary eligible cost categories. These cost categories and their eligible cost sub-categories are as follows:

1. **Medical expenses** such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.

- Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. **Public health expenses** such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
 3. **Payroll expenses** for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
 4. **Expenses of actions to facilitate compliance with COVID-19-related public health measures**, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
 5. **Expenses associated with the provision of economic support** in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a state, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

6. **Any other COVID-19-related expenses** reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

6. *Ineligible costs*

Non-allowable expenditures include, but are not limited to:

1. Expenses for the state share of Medicaid.
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by states to state unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

7. *Eligible cost test*

Grantees are charged with determining whether or not an expense is eligible based on the [US Treasury's Guidance](#) and as provided in the grantee's contract scope of work with Commerce.

To assist grantees with this determination, Commerce has developed an [eligibility cost test](#). This test gives each grantee full authority to make the appropriate call for each circumstance.

TEST – If all responses for the particular incurred cost are “true” for all five statements below, then a jurisdiction can feel confident the cost is eligible:

1. The expense is connected to the COVID-19 emergency.
2. The expense is “necessary”.
3. The expense is not filling a short fall in government revenues.
4. The expense is not funded thru another budget line item, allotment or allocation, as of March 27, 2020.
5. The expense wouldn't exist without COVID-19 OR would be for a “substantially different” purpose.

It is the responsibility of each grantee to define “**necessary**” or “**substantially different**”, giving the grantee the authority and flexibility to make their own determination.

Additional consideration – The intent of these funds is to help jurisdictions cover the immediate impacts of the COVID-19 emergency. Both direct costs to the jurisdiction and costs to their communities. There are many possible eligible costs.

Many costs are clearly eligible and others are in more of a grey area. One could probably justify some of the “grey area” costs based on the test, but are they directly addressing the immediate impacts? Possibly not. In these situations it may be safer and more appropriate to utilize the funds in one of the many other eligible cost categories that more clearly meet the intent of the funds. Again, each grantee has the full authority to make the final call based on their circumstances and justification.

8. Cost reimbursement

Funds are available on a reimbursement basis only, and cannot be advanced under *any* circumstances. If funds are being used for the acquisition of real property or construction / renovation costs, please contact us immediately. Reimbursable costs are those that a Grantee has already incurred. We may only reimburse grantees for eligible costs incurred in response to the COVID-19 public health emergency during the period of March 1, 2020 thru October 31, 2020.

Final Date of Reimbursements

In order to ensure all awardees and their costs incurred in response to the COVID-19 emergency are paid out by December 30, 2020 per the [US Treasury's Guidance](#), expenditures are only being accepted on costs incurred through **October 31, 2020**.

All final requests for reimbursement must be submitted no later than November 15, 2020.

Grantees will not be required to submit a proposed budget prior to contract execution. Grantees will have the discretion and flexibility to determine where these funds may best serve their communities.

Each grantee will determine eligible costs to submit for reimbursement. For reporting purposes, expenditures must be tracked at the sub-category level for the six (6) primary eligible cost categories, as follows:

1. Medical Expenses
 - A. Public hospitals, clinics, and similar facilities
 - B. Temporary public medical facilities & increased capacity
 - C. COVID-19 testing, including serological testing
 - D. Emergency medical response expenses
 - E. Telemedicine capabilities
 - F. Other
2. Public Health Expenses
 - A. Communication and enforcement of public health measures
 - B. Medical and protective supplies, including sanitation and PPE
 - C. Disinfecting public areas and other facilities
 - D. Technical assistance on COVID-19 threat mitigation
 - E. Public safety measures undertaken
 - F. Quarantining individuals
 - G. Other
3. Payroll expenses for public employees dedicated to COVID-19
 - A. Public Safety
 - B. Public Health
 - C. Health Care
 - D. Human Services
 - E. Economic Development
 - F. Other
4. Expenses to facilitate compliance with COVID-19 measures
 - A. Food access and delivery to residents
 - B. Distance learning tied to school closings
 - C. Telework capabilities of public employees

- D. Paid sick and paid family and medical leave to public employees
- E. COVID-19-related expenses in county jails
- F. Care and mitigation services for homeless populations
- G. Other

5. Economic Supports

- A. Small Business Grants for business interruptions
- B. Payroll Support Programs
- C. Other

6. Other COVID-19 Expenses

No receipts or proof of payment for costs incurred will be required to be submitted to Commerce. Grantees are still required to maintain sufficient accounting records in accordance with state and federal laws. Monitoring visits may be scheduled.

Process and Procedure to Obtain Funds

1. Award Letter

Commerce strives to administer funds expediently and with a minimum of red tape. We do so within the policies and procedures established by the US Treasury and state's Legislature, OFM, Commerce, and the Office of the Attorney General. Prior to receiving funds, a contract will need to be executed with Commerce.

Award letters with instructions to initiate the contracting process will be emailed to each city and county receiving an allocation by no later than May 22nd. Emails to cities will be sent to mayors and any other contacts obtained with the assistance of the Association of Washington Cities. Emails to counties will be sent to the county commissioners and any other contacts obtained with the assistance of the Washington State Association of Counties.

Included with the award letter will be:

- CRF Program Guidelines
- A draft contract template for review and to initiate the public process for authorization to execute once the final contract is available for execution
- Working Papers

2. Working papers

Your grant award packet includes *Working Papers*. The *Working Papers* ask for basic information needed to create a contract:

- Contact information for the person who will administer the grant once the contract is signed. Grant documents and correspondence will be sent to this person.
- Your Statewide Vendor Number (SWV#)
- Your Federal Indirect Rate
- Your fiscal year end date
- Name and title for the person authorized by the jurisdiction to sign the contract

Please complete and return the *Working Papers* to the Commerce project manager identified in the award letter as soon as possible, even if you do not plan to begin drawing your funds for a while. Your project manager will manage your contract until project completion. Feel free to give us a call if you have any questions as you fill out the form (see contact information on previous page).

3. Contract

Once the completed *Working Papers* have been received by the Commerce project manager identified in the award letter, a contract will be prepared and sent to you for signature. Have the authorized representative sign the contract and then return a scanned pdf copy to your project manager. Then the project manager will route the contract for Commerce's signature. It generally takes two to four weeks to fully execute a contract. Once executed by Commerce a fully executed copy will be scanned and a pdf copy emailed to the jurisdiction and you will have access to your funds.

Commerce is working to make the contracting process as quick and easy as possible.

4. Reimbursements

This is a reimbursement-style grant, meaning no advance payments. Funds are available once a contract is executed. All grantees are required to set up a SWV number so funds may be sent electronically. Grantees have the flexibility to cash out their grant or draw down funds as frequently as once a month as long as you have incurred documented eligible costs in response to the COVID-19 public health emergency during the period of March 1, 2020 thru October 31, 2020. All final requests for reimbursement must be submitted no later than November 15, 2020.

Commerce has moved to electronic vouchering through their Contracts Management System (CMS) Online A-19 Portal. Requests for reimbursement must be submitted online through the CMS System by an individual authorized by the Grantee's organization. Online electronic vouchering provides for grantees to receive reimbursements as quickly as possible. Grantees with barriers to using the online A-19 portal, may request an A-19 form from their Commerce project manager.

Access to CMS is available through the Secure Access Washington (SAW) portal. You will need to create a SAW account if you do not already have one. Please find detailed instructions here: [Office of Financial Management](#). It may take up to three weeks after you submit this information for an electronic transfer account to be set up. We will automatically receive your SWV number from the office that sets them up.

Once logged into SAW, add the Department of Commerce to your 'services' and submit an [Online A-19 External User Request form](#). Then Commerce will add you as a new external user in CMS; and the CMS system will generate and email a registration code to you to complete the CMS registration.

For additional grantee support, refer to the [Commerce Online A-19 Webpage for External Users](#), which includes SAW resources and the CMS manual for external users.

The A-19 voucher must include a detailed breakdown of the costs incurred within each eligible budget category and the total reportable eligible expenses in response to the COVID-19 public health emergency. Accompanying with each voucher must be an executed A-19 certification and A-19 activity report. Incomplete or improperly prepared submissions may result in payment delays. After receipt and acceptance of a fully completed A-19 voucher submittal, grantees can expect electronic reimbursements within 7-10 days.

No receipts or proof of payment for costs incurred will be required to be submitted to Commerce. Grantees are still required to maintain sufficient accounting records in accordance with state and federal laws; and are responsible for maintaining clear and accurate program records, and making them accessible to Commerce and the State Auditor.

Monitoring visits may be scheduled.

5. A-19 Certification and Activity Report

In order to receive reimbursement for eligible expenses incurred, each A-19 Voucher must include:

1. A completed [A-19 Certification](#):
 - An individual authorized to execute on behalf of the local government must certify by signing this document under penalty of perjury that the items and costs listed herein and on the accompanying Commerce A-19 Voucher are eligible charges for necessary expenditures incurred due to the COVID-19 public health emergency that were not previously accounted for in the most recent approved budget as of March 27, 2020,

and that the funds were used in accordance with section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

2. A completed [A-19 Activity Report](#) (*instructions included in document*):

- Must be submitted as an Excel spreadsheet, not a PDF.
- Include a detailed breakdown of the individual eligible expenditures reported by each sub-category of the six (6) primary budget categories. Each primary budget category includes sub-categories and provides an option to add "other" sub-categories.
- Include the total amount of all previous reimbursement requests for each applicable sub-category.
- Include the total amount of funds being requested in the current reimbursement request for each applicable sub-category.
- Include a brief description of the use of the funds being requested for each applicable sub-category. Keep descriptions as concise as possible, but include adequate context to demonstrate how these funds addressed the COVID-19 emergency. If applicable, please consider:
 - o Providing a brief description of the specific activities performed.
 - o Identifying specific populations served.
 - o Identifying specific programs created or utilized.
 - o Including any known or intended outcomes, results, or community impacts.

A certification and activity report must be completed and returned with each reimbursement voucher.

After the contract is executed, you will receive additional instructions on how to submit electronic reimbursement requests with the A-19 certification and A-19 activity report.