
AGENDA
OMAK CITY COUNCIL MEETING
June 3, 2019 – 7:00 PM

- A. **CALL TO ORDER**
- B. **FLAG SALUTE**
- C. **CITIZEN COMMENTS**
- D. **CORRESPONDENCE AND MAYOR'S REPORT**
- E. **CONSENT AGENDA:**
 - 1. Approval of minutes from May 20, 2019
 - 2. Approval of Claims & Payroll
- F. **PUBLIC HEARING:**
 - 1. CDBG Application–Asotin St. & Railroad Ave. Storm System Improvement Project
- G. **NEW BUSINESS:**
 - 1. Pertect Inc. – US97 Omak Area Transportation Study Briefing
 - 2. Res. 42-2019 – Authorize Submission of the Community Development Block Grant Application
 - 3. Res. 43-2019 - Approve Purchase of a Walk Behind Saw
 - 4. Res. 44-2019 – Updating the Omak Comprehensive Plan
 - 5. Ord. 1876 – Updating OMC Chapter 18, Critical Areas
- H. **OTHER BUSINESS:**
 - 1. Council Committee Reports
 - 2. Staff Reports

 **Action by City Council**

The Omak City Hall is accessible to persons with disabilities. Hearing or visually impaired persons requiring special accommodations should contact the City Clerk one week in advance of the meeting by calling 509-826-1170 or e-mail clerk@omakcity.com in order to be provided assistance.

MEMORANDUM

To: Omak City Council

From: Jennifer Saugen, PE
Christina Wollman, AICP

Date: June 3, 2019

RE: US 97 Omak Area Transportation Study

INTRODUCTION

The Washington State Department of Transportation (WSDOT) commissioned this traffic study to identify improvements along the United States Route (US) 97 corridor near Omak, Washington. The study will identify strategies to improve traffic safety and operations within the study corridor and recommend preferred alternatives within a final report. The study area focuses on US 97 from the 12 Tribes Casino entrance to Sand Flat Road, including the following intersections:

- US 97 and Sand Flat Road
- US 97 and Shumway Road
- US 97 and Engh Road
- State Route (SR) 215 (Riverside Road) and Quince Street
- US 97 and Dayton Street
- US 97 and 12 Tribes Casino entrance

Non-motorized study areas are focused in the vicinity of SR 155 and East Omak Elementary School, and the corridor between the Omak's East Side Park (Rodeo Grounds) and the 12 Tribes Casino. The study intersections and non-motorized focus areas are illustrated in Figure 1.

The traffic study began in December 2018 and will be completed by the end of June 2019. The final project report will be available on the project website near the end of June:

<https://www.wsdot.wa.gov/planning/studies/us-97/omak/home>

PROJECT OBJECTIVES

The project is a planning-level study, consistent with WSDOT Practical Solutions and Integrated Scoping guidance. The project has four objectives:

- Reach consensus on the most pressing transportation needs in the project area;
- Identify the most cost-effective projects or other actions to address those needs;
- Prioritize a multi-year investment plan that can be readily implemented as funding becomes available; and,
- Realize strong community buy-in.

MEMORANDUM



Figure 1. Study Area and Study Intersections.

PUBLIC ENGAGEMENT

The consultant team developed potential strategies to address identified needs within the study area and presented them to the Stakeholder Team during a Practical Solutions Workshop on March 4, 2019. Stakeholders made comments and suggestions for refining the potential strategies, and for developing new strategies.

The consultant team used Stakeholder input to develop the strategies for each focus area that were then shared with the public during a meeting held at City Hall on April 25, 2019. During the public meeting, the consultant team encouraged attendees to provide input on each strategy. Participants provided input by writing on sticky notes and placing the notes on the project displays, by placing stickers on their top two evaluation criteria and project ideas for each focus area, by completing comment cards, and by talking with project staff. The same information was presented through the Online Open House, and a questionnaire to gather the same input was active from April 16, 2019 to May 17, 2019. The Online Open House is still active and includes displays and information for each strategy. The Online Open House can be accessed through the project website address provided in the introduction.

In total, 1,004 users visited the Online Open House and 15 people attended the public meeting. Table 1 provides strategy and criteria preferences and a summary of comments for each focus area.

STRATEGY SELECTION PROCESS

To determine the recommended strategies, the consultant team compared each strategy to how well it addresses the needs of each focus area and determined the cost-effectiveness of each strategy. In many cases, strategies with the highest benefit were recommended for implementation. However, in some cases a strategy with a slightly lower benefit and a much lower cost was found to be the most cost-effective solution and recommended for implementation.

RECOMMENDED STRATEGIES

After careful consideration of all potential strategies, we determined that the strategies described in Table 2 provide the best balance between benefit and cost to meet the needs of each focus area and are recommended for implementation.

NEXT STEPS

The final report will address comments received from the Stakeholder Team and City Council and will be completed and posted onto the project website by the end of June. The recommendations within this report can be developed into grant applications and included into the City's maintenance plans and the 6-Year TIP.

MEMORANDUM

Table 1. Public Engagement Summary.

Focus Area	Comments Summary
1–US 97 and Sand Flat Road	<ul style="list-style-type: none"> ● Priority criteria include congestion, safety, and neighborhood connectivity. ● Speed limit reduction is the preferred strategy.
2- US 97 and Shumway Road	<ul style="list-style-type: none"> ● Priority criteria include neighborhood connectivity and safety. ● Adding a fourth leg with two-way stop control is the preferred strategy.
3 –US 97 and Engh Road	<ul style="list-style-type: none"> ● Priority criteria include congestion and safety. ● Increasing the length of the westbound right turn lane is the preferred strategy.
4 – SR 215 (Riverside Drive) and Quince Street	<ul style="list-style-type: none"> ● Priority criteria include congestion and safety. ● Constructing sidewalks along the south side of Riverside Drive is the preferred strategy.
5 - US 97 and Dayton Street	<ul style="list-style-type: none"> ● Priority criteria include safety and pedestrian and bicycle mobility. ● Constructing sidewalks to the community center and installing a flashing yellow turn arrow are the preferred strategies.
6 –US 97 and 12 Tribes Casino Entrance	<ul style="list-style-type: none"> ● Priority criteria include safety and congestion. ● Closing and relocating Fairgrounds Access Road to the Tribal Trails area is the preferred strategy.
7 - Non-Motorized Travel Between Omak Avenue and Walmart	<ul style="list-style-type: none"> ● The preferred travel pathway is on the west side of US 97 and would pass through the park.
8 - Non-Motorized Travel Between Omak Avenue and the 12 Tribes Casino	<ul style="list-style-type: none"> ● The preferred travel pathway is along US 97 crossing over Rodeo Trail Road on a pedestrian bridge.
9 – SR 155 at East Omak Elementary School	<ul style="list-style-type: none"> ● Three strategies were preferred, including adding sidewalks on the south side of East Omak Elementary School, adding RRFBs at existing crossing locations, and adding radar feedback school zone speed signs.
General Comments	<ul style="list-style-type: none"> ● Construct an overpass and interchange at Engh Road. ● Reduce speed limits throughout study corridor. ● Roundabouts are un-desirable. ● Safety for vehicles and pedestrians is a major concern. ● Install Opticom (traffic signal prioritization) at signals, especially Engh Road, to allow emergency vehicles to change signal operation.

MEMORANDUM

Table 2. Recommended Strategies.

Focus Area	Recommended Strategies
1 – US 97 and Sand Flat Road	<ul style="list-style-type: none"> • Reduce speed limit. • Moving the 50-mph speed zone to the north of the intersection is consistent with continued urban growth in Omak alongside the highway and will make the speed limit consistent through the city limits corridor on US 97.
2- US 97 and Shumway Road	<ul style="list-style-type: none"> • Add fourth leg and: <ul style="list-style-type: none"> ○ 2-way stop control for short term benefit and low traffic volumes uses ○ Roundabout for long term benefit when traffic volumes increase • When development occurs to the east of US 97, adding a fourth leg will provide additional access and can provide an additional route to the Engh Road shopping area. Depending on the type of development, a two-way stop-controlled intersection may be sufficient at first, but when more development occurs and traffic volumes increase, a roundabout will provide the greatest long term benefit.
3 – US 97 and Engh Road	<ul style="list-style-type: none"> • Roundabout • A roundabout provides the greatest benefit through reduction in congestion and increased safety.
4 – SR 215 (Riverside Drive) and Quince Street	<ul style="list-style-type: none"> • Roundabout • A roundabout is the most cost-effective strategy for this intersection. A roundabout provides the greatest benefit through reduction in congestion and increased safety.
5 - US 97 and Dayton Street	<ul style="list-style-type: none"> • All strategies are recommended for implementation, including adding a flashing yellow arrow, optimizing signal timing, and constructing sidewalks from the intersection to the community center.
6 – US 97 and 12 Tribes Casino Entrance	<ul style="list-style-type: none"> • Roundabout with closure and relocation of Fairgrounds Access Road. • A roundabout provides the greatest benefit to safety and congestion. • The closure and relocation of Fairgrounds Access Road to the Tribal Trails area provides the greatest benefit to freight mobility.
7 - Non-Motorized Travel Between Omak Avenue and Walmart	<ul style="list-style-type: none"> • Trail 1B. • The location of this trail provides the greatest benefit to the community. It will pass through an existing park and connect to the rodeo grounds.
8 - Non-Motorized Travel Between Omak Avenue and the 12 Tribes Casino	<ul style="list-style-type: none"> • Trail 2A • This trail follows US 97 from Dayton Street to the casino, crossing over Rodeo Trail Road with a pedestrian bridge.
9 – SR 155 at East Omak Elementary School	<ul style="list-style-type: none"> • All strategies are recommended for implementation, including adding sidewalks on the south side of East Omak Elementary School, adding RRFBs at existing crossing locations, and adding radar feedback school zone speed signs. • These strategies will increase the visibility of the school and crossings and improve pedestrian safety.

MEMORANDUM

To: Omak City Council
Cindy Gagné, Mayor

From: Ken Mears, Public Works Director

Date: June 3rd, 2019

Subject: **Resolution No. 42-2019** Resolution to Authorize Submission of the CDBG Application.

The attached **Resolution 42-2019**, A RESOLUTION OF THE OMAK CITY COUNCIL AUTHORIZING SUBMISSION OF THE CDBG APPLICATION TO THE STATE DEPARTMENT OF COMMERCE INCLUDING CERTIFICATION OF COMPLIANCE, is forwarded for your consideration.

Community Development Block Grant (CDBG) has a funding opportunity that can assist us in the financing of this project. In this application, the City would put up the available funds from our Block Grant Funds, about \$107,000, and the grant would fund the balance at a 100%.

CDBG has set eligibility conditions for agencies applying for this competitive grant. The resolution acknowledges the council's commitment to move forward with the CDBG grant process, recognizes the eligibility requirements and designates the Mayor as the Authorized Representative.

Gray and Osborne have helped the City with the application process.

I support this Resolution and request Council approval.

RESOLUTION NO. 42-2019

**A RESOLUTION OF THE OMAK CITY COUNCIL AUTHORIZING SUBMISSION OF
THE CDBG APPLICATION TO THE STATE DEPARTMENT OF COMMERCE
INCLUDING CERTIFICATION OF COMPLIANCE**

WHEREAS, the City of Omak is authorized to apply to the state Department of Commerce for a Community Development Block Grant (CDBG); and

WHEREAS, the City of Omak has identified a community development and housing priority need for which to seek CDBG funding; and

WHEREAS, it is necessary certain conditions be met to receive CDBG funds;

NOW, THEREFORE, BE IT RESOLVED BY THE OMAK CITY COUNCIL, authorizes submission of this CDBG application to the state Department of Commerce to request \$458,173 to complete the Asotin Street and Railroad Avenue Stormwater System Improvements, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided and will provide opportunities for citizen participation that satisfy the CDBG requirements of 24 CFR 570.486;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Has established or will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Has adopted or will adopt a policy(s) to reduce greenhouse gas emissions in accordance with RCW 70.235.070 and certifies this project will adhere to this policy(s);

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act; and will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act or 1974, as amended; and

The City of Omak designates Cindy Gagné, Mayor, as the authorized representative to act in all official matters in connection with this application and the City of Omak's participation in the State of Washington CDBG Program.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2019.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas

APPROVED AS TO FORM:

Michael D. Howe, City Attorney

Community Development Block Grant

Strengthening rural communities through projects that benefit low- and moderate-income persons

GENERAL PURPOSE GRANTS

\$10,000,000

For planning or construction of public infrastructure, community facilities, affordable housing, and economic development projects.

Competitive. Maximum grant up to \$750,000 based on project type. Application materials available in March and due in June.

ECONOMIC OPPORTUNITY GRANTS

\$300,000

For state and local priority projects resulting in economic resilience and development in rural communities through grant or grant-to-loan assistance.

Competitive. Applications accepted throughout the year on a fund available basis.

HOUSING ENHANCEMENT GRANTS

\$200,000

For off-site infrastructure or the community facility component of a state Housing Trust Fund project.

Competitive. Maximum grant is generally \$200,000. Initial CDBG Housing Enhancement Grant application forms are submitted with a HTF Stage 2 application.

PUBLIC SERVICES GRANTS

\$1,500,000

For 17 counties and community action agencies to fund new or expanded services for lower income persons.

Allocated by formula based on population and poverty. Application materials available February and due in April.

HUD NATIONAL OBJECTIVES

CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income (LMI) persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

Funding is contingent on approval of the state's 2019 Action Plan and CDBG allocation by the US Department of Housing & Urban Development.

OUR CORE PURPOSE

Grow and improve jobs in Washington State by championing thriving communities, a prosperous economy, and suitable infrastructure.

PROGRAM CONTACT

Kaaren Roe
Section Manager
Local Government Division
360.725.3018
kaaren.roe@commerce.wa.gov

ELIGIBILITY GUIDELINES:

Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.

Special purpose districts, public housing authorities, community action agencies, economic development councils, other non-profit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.

1011 Plum Street SE, Olympia, WA 98504
<http://www.commerce.wa.gov/cdbg>

11/02/18

Federal Citizen Participation Requirements For Local Government Applicants to the State CDBG Program

Federal Regulations 24 CFR 570.486 (a)

- (a) *Citizen participation requirements of a unit of general local government.* Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.
- (1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
 - (2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds;
 - (3) Furnish citizens information, including but not limited to:
 - (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
 - (ii) The range of activities that may be undertaken with the CDBG funds;
 - (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
 - (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Sec. 570.488.
 - (4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
 - (5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
 - (6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. *Substantially changed* means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
 - (7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.



ASOTIN STREET AND RAILROAD AVENUE STORMWATER SYSTEM IMPROVEMENTS

SCOPE OF WORK

The City of Omak's Asotin Street and Railroad Avenue Stormwater System Improvements project consists of the replacement of approximately 1,650 lineal feet of 12" and 15" storm drain pipe with new CPEP and PVC storm drain pipe. The project also includes the replacement of seven catch basins, five storm drain manholes, stormwater lift station improvements including electrical, controls, and pump replacement, and restoration of surfaces disturbed during construction. Construction will be completed under one construction contract at a time when groundwater levels are low to minimize construction dewatering efforts.

The proposed project is located as shown on the attached figure. The total estimated project cost is \$565,000. The City is seeking funding assistance of approximately \$458,000 from the Department of Commerce's Community Development Block Grant General Purpose Grant program.

PROJECT NEED

In May 2018 the City's stormwater pipeline on Asotin Street failed, disrupting stormwater conveyance to the City's Eastside Lift Station and, together with high groundwater levels, contributing to the formation of a sinkhole in Asotin Street. Excavation of the collapsed stormwater pipeline for subsequent repair work and video inspection revealed severe pipeline deterioration. Repair and inspection work cost the City approximately \$20,000 in labor and materials.

Subsequent inspection of the Eastside Lift Station by public works personnel revealed the need to replace the lift station pumps and upgrade the electrical and control equipment.

Construction of the proposed project improvements will reduce the risk of additional pipeline failures within the Eastside stormwater collection system and provide the City with upgraded stormwater facilities.

PENDING/COMMITTED FUNDING

No outside funding is pending or committed to the project at this time. If successful in this CDBG application, the City will commit its current CDBG program income of approximately \$106,000 towards the project.

← TO OUTLET

ASOTIN ST

LIFT STATION

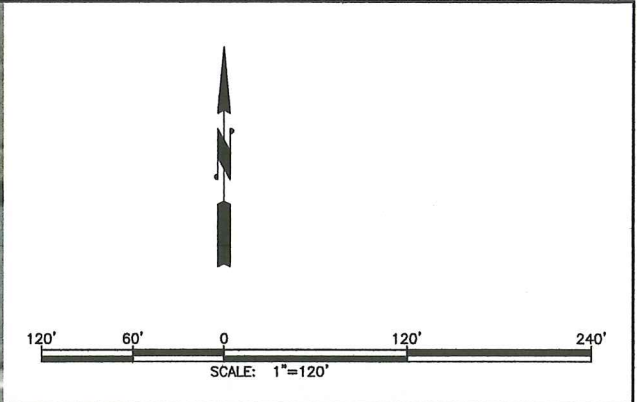
2ND AVENUE

PIPELINE REPLACEMENT

BENTON ST

3RD AVENUE

RAILROAD AVENUE



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City of Omak
WASHINGTON STATE
heart of the okanogan

2019 CDBG APPLICATION

VICINITY MAP

ASOTIN STREET AND RAILROAD AVENUE STORMWATER IMPROVEMENTS

Application Checklist



Are You Sure:

1.	Applicant is an eligible local government	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2.	All activities and costs are eligible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3.	Amount requested is within maximum grant level	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4.	Amount requested is within the CDBG investment per household or job limits	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5.	Each activity principally benefits persons with low- to moderate-incomes	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6.	The local government is submitting only one General Purpose Grant application, unless one is for an unrelated local assistance program or planning-only activity	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Have You Included:

1.	Signed and completed Project Summary	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.	Low- and Moderate-Income Benefit Documentation form with required documentation of LMI benefit	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.	Community Demographics	<input type="checkbox"/> YES <input type="checkbox"/> NO
4.	Signed Title VI Certification	<input type="checkbox"/> YES <input type="checkbox"/> NO
5.	Signed Resolution with Certification of Compliance	<input type="checkbox"/> YES <input type="checkbox"/> NO
6.	Completed Citizen Participation Documentation form with copies of public hearing notice(s), hearing minutes, and grievance procedure	<input type="checkbox"/> YES <input type="checkbox"/> NO
7.	Floodplain Review (construction and/or acquisition projects only)	<input type="checkbox"/> YES <input type="checkbox"/> NO
8.	Affordability Review Form with copies of Rate Schedule, 2018 Statement C-4 (or similar), and 2018 Schedule 09 (Liabilities).	<input type="checkbox"/> YES <input type="checkbox"/> NO
9.	Work Plan	<input type="checkbox"/> YES <input type="checkbox"/> NO
10.	Budget Forms (Budget Assumptions, Project Budget and Operations Budget for community facilities & fire protection facilities)	<input type="checkbox"/> YES <input type="checkbox"/> NO
11.	Contact List	<input type="checkbox"/> YES <input type="checkbox"/> NO
12.	Narrative Statement (Project Description, Financial Review, Need, Capacity, Readiness, Results)	<input type="checkbox"/> YES <input type="checkbox"/> NO
13.	Additional Considerations:	
	• Commerce will receive the application on time	<input type="checkbox"/> YES <input type="checkbox"/> NO
	• Submitted 3 copies and 1 scanned (pdf) version sent electronically or on flash drive	<input type="checkbox"/> YES <input type="checkbox"/> NO
	• If persons to be served include CDBG entitlement area residents, the application documents how the project meets the CDBG entitlement/non-entitlement policy requirements	<input type="checkbox"/> YES <input type="checkbox"/> NO
	• A readable map of the local government, project service area, and project site	<input type="checkbox"/> YES <input type="checkbox"/> NO
14.	Application Process Feedback Form (optional)	<input type="checkbox"/> YES <input type="checkbox"/> NO

If Sewer and/or Water Planning Project, Did You Also Include:

15.	• Notes from the pre-planning meeting with DOH or ECY	<input type="checkbox"/> YES <input type="checkbox"/> NO
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Data Consistency Matrix

Use this matrix to verify the data provided throughout your application is consistent. Data inconsistencies or discrepancies could affect your threshold review or application score. The columns provide the location of each data element within the listed application documents.

Data Elements	Project Summary	Income Survey Worksheet (if survey conducted)	LMI Benefit Documentation - Written Description (if required)	Community Demographics	Certification of Compliance	Affordability Review (rate-based systems only)	Project Budget (also cost source doc)	Narrative Statements	
# persons	Box 12	Line numbers for these data points vary, depending on which worksheet is used	X	Line 1				Need & Results	
# LMI persons	Box 12		Clientele					Need & Results	
# households	Box 12		Housing	X					Need & Results
# LMI households	Box 12			X					Need & Results
LMI %	Box 12			X					Need & Results
# jobs			X					Results, if econ dev	
# LMI jobs			X					Results, if econ dev	
# connections						Line 14		Need, if sewer/water	
Total project cost	Box 11					Line 8	Totals	Financial Review, Capacity, Readiness & Results	
CDBG request	Box 11				"Now, Therefore.." Clause	Line 3	Source 1 Total	Financial Review, Capacity, Readiness & Results	

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Section 1

Forms and Certifications

This section contains forms you **must** complete.

- Project Summary
- Low- and Moderate-Income Benefit Documentation
- Community Demographics
- Title VI Certification
- Resolution with Certifications of Compliance
- Citizen Participation Documentation
- Floodplain Review (construction and/or acquisition projects)
- Affordability Review (rate-based systems)
- Work Plans
- Budget Forms
- Contact List

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CDBG Project Summary

1. Grant Type:	<input checked="" type="checkbox"/> General Purpose		
2. Jurisdiction: Mail Address: Street Address: City, Zip Code + 4: Telephone: County:	City of Omak	Fed Tax ID #:	91-6001262
	PO Box 72	SWV #:	0007412-00
	2 North Ash	DUNS #:	097254569
	Omak, 98841-0000	UBI #:	243-000-002
	509-826-1170	SAM.gov expires:	February 22, 2020
	Okanogan		
3. Contact Person: Mail Address: Street Address: City, Zip Code + 4:	Todd McDaniel	Title:	City Administrator
	PO Box 72	Telephone:	509-826-1170
	2 North Ash		
	Omak, 98841-0072	Email: admin@omakcity.com	
4. Subrecipient: Contact Person: Mail Address: Street Address: City, Zip Code + 4: Email:	N/A	Title:	
		Telephone:	
		UBI #:	
		DUNS #:	
5. Consultant: Firm Name: Address: City, Zip Code:	David Ellis, P.E.	Telephone:	509-453-4833
	Gray & Osborne, Inc.		
	180 Iron Horse Court		
	Yakima, 98901	Email: dellis@g-o.com	
6. Fiscal Year:	From: January 1 To: December 31		
7. State Legislative District:	7	Congressional District:	4
8. Brief Project Description: Replace approximately 1,650 lineal feet of storm drain pipe, catch basins, and storm drain manholes. The project includes surface restoration on Asotin Street and Railroad Avenue.			
9. If you are submitting more than one type of General Purpose Grant application this year, prioritize the applications and list their project names and grant types.		Grant types include: <ul style="list-style-type: none"> • construction/acquisition • housing rehabilitation • microenterprise • planning-only 	
Project Name		Grant Type	
1. Asotin Street and Railroad Avenue Stormwater System Improvements		Construction	
2.			
3.			
4.			

10. National Objective:	<input checked="" type="checkbox"/> Principally benefits low- and moderate-income persons or households. <input type="checkbox"/> Prevents or eliminates slums or blight. <input type="checkbox"/> Meets urgent community development needs that pose a serious and immediate threat to public health or safety.		
11. Project Budget Summary:	CDBG	\$ 508,000	Match the Project Budget form
	CDBG Program Income	\$ 0	
	Other Federal	\$ 0	
	Other State	\$ 0	
	Local Public	\$ 0	
	Private	\$ 0	
	TOTAL	\$ 508,000	
12. Project Beneficiaries:	# of Persons	4,935	LMI Percentage: 60.19%
	# of LMI Persons	2,970	
	# of Households	2,037	CDBG Investment per Household or Job: \$248
	# of LMI Households	1,226	
	# of Businesses	900	
13. How were the numbers of beneficiaries determined?	Area Benefit	<input checked="" type="checkbox"/> NEW HUD 2019 LMI ≥ 51% List	
		<input type="checkbox"/> NEW HUD 2019 LMI Block Group Data	
	<input type="checkbox"/> Income Survey / Date:		
	Direct Benefit	<input type="checkbox"/> Limited Clientele, Housing or Jobs	
14. Street address, city and postal code of project: Asotin Street and Railroad Avenue, from 2 nd Ave E to Benton Street, Omak, 98841			
15. Census Tract Number(s): 940200 Census Block Number(s): 3			
16. Certification of Chief Administrative Official or authorized representative: <i>The information provided in this application is true and correct to the best of the local government's belief and knowledge and it is understood the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent grant agreement.</i>			
Signature		Date	
Cindy Gagné		Mayor	
Print Name		Title	

Low- and Moderate-Income Benefit Documentation

CDBG applications must document how each CDBG funded activity will principally benefit low- and moderate-income (LMI) persons. A project may have more than one CDBG activity and type of benefit, but most only have one. Follow the instructions on the next few pages, check the applicable box(es) on this form, and submit this form with the applicable documentation required for your project's benefit type(s).

<p>My project includes Area Benefit activities</p>	<p>Check all that apply</p>
<p>My project will benefit a service area Outside the applicant jurisdiction's boundaries.</p> <ul style="list-style-type: none"> If yes, please provide explanation along with map showing boundaries of both areas. 	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
<p>The activity's LMI benefit is based on the list of local governments with 51% or greater LMI from NEW 2019 HUD LMI Data (Appendix A-3) and the following is attached:</p> <ul style="list-style-type: none"> A map of the jurisdiction and service area boundaries <p>On the Project Summary, check item 13 as "NEW 2019 HUD LMI ≥ 51% List"</p>	<p><input checked="" type="checkbox"/></p>
<p>The activity's LMI benefit is based on NEW 2019 HUD LMI Block Group Data and Census maps, and attached are:</p> <ul style="list-style-type: none"> A list of the Census tract/block groups for the service area and the corresponding LMI percentages from HUD's data; A map of the service area demonstrating the matching correlation between the service area boundaries and the Census boundaries; and When the tract/block group used is larger than the service area, provide an explanation of what lies outside the service area and how that (outside) area's population would have limited impact on the LMI percentage of the entire area. <p>On the Project Summary, check item 13 as "NEW 2019 HUD LMI Block Group Data"</p>	<p><input type="checkbox"/></p>
<p>The activity's LMI benefit is based on an income survey and attached are:</p> <ul style="list-style-type: none"> A map of the service area; Income Survey Worksheet from the CDBG or the IACC Income Survey Guides; A sample of the survey tool, tallying the number of responses by household size; The income survey forms (copies are acceptable) if the income survey resulted in a LMI percentage between 51% – 60%; A written description of the survey process, describing how the survey universe was defined and efforts to ensure randomness; and If using survey previously verified by CDBG, survey was completed no earlier than January 1, 2016, and verification documentation is provided. <p>On the Project Summary, check item 13 as "Income Survey" and provide the survey date</p>	<p><input type="checkbox"/></p>

<p>My project includes Direct Benefit / Limited Clientele activities</p>	<p>Check all that apply</p>
<p>The activity's LMI benefit is based on Limited Clientele qualification and attached are:</p> <ul style="list-style-type: none"> • A written description of: <ul style="list-style-type: none"> ○ How the project exclusively benefits a HUD "presumed benefit" special group allowing you to presume a 51% LMI benefit, or ○ Your process and income standards for qualifying by family income and size to ensure the LMI limited clientele criteria are met; and • The Community Demographics Form showing a best-guess breakdown by income levels of the total number of persons expected to benefit during the first 12 months of operation or by the end of the CDBG contract period. <p>On the Project Summary, check item 13 as <i>Direct Benefit</i>.</p>	<p><input type="checkbox"/></p>
<p>My project includes Direct Benefit / Housing (including private side connection activities)</p>	<p>Check all that apply</p>
<p>Housing (including private side connections) - the activity's LMI benefit is based on household qualification and attached are:</p> <ul style="list-style-type: none"> • A written description of your process and income standards for qualifying households and ensuring occupancy; and • The Community Demographics Form showing a best-guess breakdown by income levels of the total number of households expected to benefit during the project period. <p>On the Project Summary, check item 13 as <i>Direct Benefit</i>.</p>	<p><input type="checkbox"/></p>
<p>My project includes Direct Benefit / Economic Development activities</p>	<p>Check all that apply</p>
<p>Microenterprise Assistance - the activity's LMI benefit is based on Limited Clientele qualification and Job Creation/Retention, and attached are:</p> <ul style="list-style-type: none"> • A written description of the employee recruitment and hiring process and/or the process for income qualifying a microenterprise owner; • The estimated number of unduplicated persons to receive CDBG-funded <i>training and technical</i> assistance, and also estimated number of persons to receive CDBG-funded <i>financial</i> assistance during the project period; and • The Community Demographics Form showing a best-guess breakdown by income levels of the total number of persons expected to benefit during the first 12 months of operation or by the end of the CDBG contract period. <p>On the Project Summary, check item 13 as <i>Direct Benefit</i>.</p>	<p><input type="checkbox"/></p>
<p>Economic Development – the activity's LMI benefit is based on Job Creation/Retention activities and attached are:</p> <ul style="list-style-type: none"> • An Employment Plan outlining your recruitment and hiring process; • An LMI Employment Agreement with DUNS number from the employer; and • The Community Demographics Form showing a best-guess breakdown of the total FTE number of persons expected to benefit by income levels during the project period. <p>On the Project Summary, check item 13 as <i>Direct Benefit</i>.</p>	<p><input type="checkbox"/></p>

Community Demographics

- Part One** Race/Ethnicity data (required for all projects)
Part Two Income level data (required for direct benefit projects)

This information is required for CDBG federal database reporting, used by review teams to analyze and compare similar projects, and is the basis for the Title VI certification. Detailed instructions for finding the demographic data follow this two-part form. **Complete the Low- and Moderate-Income Benefit Documentation *before* filling out this form.**



Use the same beneficiary and population numbers throughout your application.

Part One – Race/Ethnicity (Required for all projects)

City/town or county population column:

Provide the demographics on the entire population of the applicant city/town or county.

Review your Low- and Moderate-Income Benefit Documentation and the following to determine if the remaining columns must be completed.

Area Benefit column:

- If the project service area is the same as the applicant jurisdiction’s boundaries, leave this column blank. If the project service area is smaller than, or extends beyond the boundaries of the applicant jurisdiction, complete this middle column.

Direct Benefit column: *If no direct benefit activities, line out the column as N/A.*

- For limited clientele activities (i.e. senior center, food bank), estimate the unduplicated number of persons to receive a direct benefit in the first 12 months of operation or by the end of the CDBG contract period.
- For housing, job creation or public services activities, estimate the unduplicated number of persons to receive housing, services, financial assistance or employment by the end of the CDBG contract period.

Hispanic/Latino and Racial Populations – Hispanic or Latino persons can be of any race (such as Hispanic and White).

Demographics	City/town or county population	Area Benefit service area population, if different	Direct Benefit
1. Number of persons	4,935		
2. Number of Hispanic or Latino persons	611		
Race Populations			
a. White	3,447		
b. Black or African American	27		
c. Asian	27		
d. American Indian/Alaskan Native	841		
e. Native Hawaiian/Pacific Islander	2		
f. Other	591		
Race Total	4,935		
<ul style="list-style-type: none"> • Do not include the number of Hispanic (row 2) in this total • The Race Total must match number of persons (row 1) 			

Community Demographics - Continued

Part Two – Income Level (Required only for direct benefit projects)

Part Two demographic data is required only if you claim in your Low- and Moderate-Income Documentation that the activity(s) will benefit LMI through one of these direct benefit methods:

- Direct Benefit/Limited Clientele (LMC)
- Direct Benefit/Housing (LMH)
- Direct Benefit/Economic Development (LMC or LMJ)

Direct Benefit/LMC or LMJ: Provide your best guess of the unduplicated number of *persons* to receive a benefit from CDBG funding in the first 12 months of operation or by the end of the CDBG contract period within the four income level ranges.

Direct Benefit/LMH: Provide your best guess of the number of *households* to benefit from CDBG funding by the end of the CDBG contract period within the four listed income level ranges.

Income Level Ranges	Direct Benefit (LMC, LMH & LMJ)
<i>Extremely Low Income (30% and below)</i>	
<i>Very Low to Low Income (31% to 50%)</i>	
<i>Low to Moderate Income (51% to 80%)</i>	
<i>Non LMI (81% and Above)</i>	
Totals (Should match Project Summary Form)	
<i>Comments: Not applicable.</i>	

Title VI Certification

The City of Omak assures and certifies compliance with the following laws and regulations:

Title VI of the Civil Rights Act of 1964, which states:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Section 1.4(b)(2)(I) of the regulations of the Department of Housing and Urban Development issued pursuant to Title VI, which require:

“A recipient, in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect to persons of a particular race, color, or national origin.”

I certify the racial composition of residents served by the proposed project has been assessed and reported on the Community Demographics Form, and hereby certify the following to be true:

1. For the project proposed in this application for CDBG funds, the minority populations are:

- Scattered throughout the community.
- Scattered throughout the community, with concentrations in the following areas or neighborhoods:
- Concentrated in the following areas or neighborhoods:

2. The following opportunities were provided to protected groups to participate in and comment on the design of activities to be undertaken as part of this project (check all that apply):

- Public hearing to review community development and housing needs
- Community meeting(s)
- Community survey
- Apply to be on a wait list for direct assistance
- Other:

3. Will all residents of the service area benefit from this CDBG project?

- Yes, all residents of the service area will benefit from the CDBG project. Go to 6.
- The following protected group(s) or minority populations residing in the area will not benefit from the CDBG project:

4. The above populations that will not benefit from this CDBG project:

- Will receive similar services provided through existing programs. *Go to 6.*
- Do not receive similar services provided through existing programs. *Please provide a brief explanation:*

5. For those protected groups that will not benefit from this CDBG, nor will receive similar services, the following plan identifies a timetable for providing such services in the future.

No such services are planned for the following reasons: *(Brief explanation)*

Plan and timetable:

6. The following steps will be taken to ensure benefits from the CDBG project are offered to all residents and protected groups within the community: (check all that apply)

Protected groups will be informed of the opportunity to apply for the direct assistance program funded by CDBG.

Protected groups will be informed of the availability of programs to be located in a CDBG funded facility.

A community meeting will be held to inform all residents of benefits resulting from the CDBG project.

Required: A final public hearing to receive comment on the CDBG project is required and will be conducted with outreach and accommodation for non-English speaking residents, if applicable.

Other

Signature of Certifying Official

Date

Name of Certifying Official

This form must be signed by the Chief Administrative Official (mayor, county commission chair, county administrator, city manager, or authorized representative in the CDBG Resolution of Certifications of Compliance). Please clearly state the official's name and title.

Resolution with Certification of Compliance

WHEREAS, the City of Omak is authorized to apply to the state Department of Commerce for a Community Development Block Grant (CDBG); and

WHEREAS, the City of Omak has identified a community development and housing priority need for which to seek CDBG funding; and

WHEREAS, it is necessary certain conditions be met to receive CDBG funds;

NOW, THEREFORE, be it resolved that the City of Omak authorizes submission of this CDBG application to the state Department of Commerce to request \$508,000 to complete the Asotin Street and Railroad Avenue Stormwater System Improvements, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided and will provide opportunities for citizen participation that satisfy the CDBG requirements of 24 CFR 570.486;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Has established or will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Has adopted or will adopt a policy(s) to reduce greenhouse gas emissions in accordance with RCW 70.235.070 and certifies this project will adhere to this policy(s);

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act; and will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act or 1974, as amended; and

The City of Omak designates Cindy Gagné, Mayor, as the authorized representative to act in all official matters in connection with this application and the City of Omak's participation in the State of Washington CDBG Program.

Signature _____

Date _____

Name Cindy Gagné

Title Mayor

Attested _____

Date _____

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Citizen Participation Documentation

At least one public hearing must be conducted by the city/town or county applicant prior to submitting the CDBG application. The public hearing is to obtain citizens' views on community development and housing needs and to receive input on proposed projects under consideration for CDBG funding.

Multiple projects/applications can be covered under a single public hearing, as long as all projects are included in the hearing announcements and minutes.

Complete this form by following the steps below to meet the CDBG citizen participation requirements and submit with your CDBG application.

- Check all **Yes** or **No** statements. Check **No** if not applicable.
- Other than the assessment steps, there must be a **Yes** answer for each step to meet the CDBG citizen participation requirements.
- Further instructions, such as paths to Census data on language spoken, are in Appendix B.
- **Attach** the required documentation to this form with your CDBG application.

Public Hearing Steps		
Assessment	Yes	No
<p>There are a significant number of non-English speaking residents in the community to require additional outreach steps for the public hearing.</p> <p>1. Using current Census data for the local government, locate the percentage of population that speaks English less than "very well." If it is more than 10%, it is reasonable to expect non-English speaking residents could be interested in the public hearing, so check Yes. Otherwise, go to 2.</p> <p>2. If the beneficiaries of the proposed project will be largely non-English speaking residents (such as a child care facility for farmworker families), then it is reasonable to expect non-English speaking residents could be interested in the public hearing, so check Yes. Otherwise check No.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>If you check No based on other reasons, state them here:</p> 		
Notice Development	Yes	No
<p>Develop the CDBG public hearing notice by one of the following steps:</p> <p>1. I used the CDBG notice sample in Appendix B.</p> <p>2. I received CDBG approval to use a notice with other wording than the CDBG sample.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<p>The public hearing notice states the hearing room is handicap accessible and accommodations for persons with special needs will be made upon request.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Because I answered Yes under the Assessment step above, the notice states an interpreter will be available (<i>even without advance request</i>).</p>	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Advertisement	Yes	No
List public hearing notice date(s): <u>May 15th, 2019</u>	<input type="checkbox"/>	<input type="checkbox"/>
The notice was advertised at least once, two weeks before the hearing date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The notice meets local public hearing notification requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Because I answered Yes under the Assessment step above, the notice was advertised in the alternate language using at least one of the following methods:		N/A
1. Published in a newspaper or official on-line source.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Announced on radio or television station.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Posted at location(s) frequented by non-English speaking residents. List location(s):	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Residents, especially LMI residents of the areas in which CDBG funds are proposed to be used, were encouraged to participate and provide input.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conducting the Public Hearing	YES	NO
List public hearing date: <u>June 3, 2019</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hearing was held within 18 months of the date the CDBG application was submitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The public hearing was conducted by the applicant local government.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minutes of the public hearing were taken.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Both of the following required CDBG handouts were distributed at the public hearing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1. CDBG Program Fact Sheet 2. CDBG Citizen Participation Regulations		
Because I answered Yes under the Assessment step above, alternate-language versions of the required handout were provided.	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<i>Find the Spanish versions of the handouts on the CDBG website under Guidance Materials.</i>		
Documenting the Public Hearing	Yes	No
A copy of the public hearing notice's affidavit of publication or a copy of the actual published notice from the newspaper is attached.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Because I answered Yes under the Assessment step above, documentation of the outreach steps taken for non-English speaking residents (such as a copy of the notice in the alternate language from the newspaper or public hearing posters) is attached.	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
The public hearing minutes are attached.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>If the official minutes are not available by the application due date, instead include a statement from the clerk indicating when the minutes will become available and send the minutes as soon as possible.</i>		
Grievance Procedure	Yes	No
A copy of the local government's adopted Grievance Procedure is attached.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>A Grievance Procedure sample and instructions are in Appendix B-3. Do not assume the CDBG program has a copy of your jurisdiction's procedure from a prior CDBG application.</i>		

Floodplain Review

For all construction and/or acquisition projects

Flood maps are available online at <http://msc.fema.gov>, or contact your county or regional planner to answer these questions.

a. Will the proposed project be located in a floodway?

Yes No

If the answer to (a.) is Yes - Stop. CDBG funds cannot be used for projects located in a floodway. Contact the CDBG program staff for further information.

b. Will the proposed project be located in a floodplain or affect a floodplain?

Yes No

If yes, will it be in a 100 year floodplain? 500 year floodplain?

Note: If funded, the 8-step process for making determination on floodplain/wetland management must be followed during the NEPA environmental review (available on the CDBG website, in the [CDBG Management Handbook](#), Section 6 Environmental Review Requirements).

If the answer to (b.) is Yes, the local government is strongly encouraged to enroll in the National Floodplain Insurance Program for:

- **Any facility located in or affecting a 100 year floodplain**
- **Any facility located in a 500 year floodplain that would result in a Critical Action**

Critical Action: Defined as any activity for which even a slight change of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. The critical action standard applies to the proposed use of HUD assistance to structures or facilities located within the 500-year floodplain, when the structures or facilities are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events. Examples include senior housing/facilities, shelters, health facilities, schools, and emergency facilities. FEMA regulations at 44 CFR 60.22 (Planning Considerations) advise communities which are adopting and implementing the floodplain management criteria of the National Flood Insurance Program.

Grant-writing suggestion: Attach documentation of enrollment to demonstrate the local government's increased capacity to operate and maintain a CDBG-funded facility. [The Municipal Services Research Center](#) provides information on enrollment, including a Washington Model Flood Damage Prevention Ordinance.

Note: Other state and federal funding partners in your project may **require** enrollment in the National Floodplain Insurance Program.

See attached proof of enrollment in the National Flood Program.

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Affordability Review

Complete this form for Rate-Based systems (sewer, water, or stormwater). Please use a separate form for each system type. This form is also available as an EXCEL document on the [CDBG website](#) General Purpose Grants page.

Section 1 - General Information				
1	Name of system owner	City of Omak		
2	Utility system type (sewer, water, or stormwater)	Stormwater		
Section 2 - Project Budget Information				
3	CDBG request amount	\$508,000		
4	Local government and/or subrecipient contribution	\$0		
5	Other secured grant funding. List source(s):	\$0		
6	Secured loan funding. List funding source:	Int. rate(%):	Term(yrs):	\$0
7	Secured loan funding. List funding source:	Int. rate(%):	Term(yrs):	\$0
8	Total estimated Project Cost (summation of lines 3, 4, 5, 6 & 7)	\$508,000		
Section 3 - System Budget Information				
9	Annual expenses for operations, maintenance, and equipment replacement with the proposed project	\$110,600		
10	Annual debt service for existing system without project	\$0		
11	Annual NEW debt service from proposed project (annual payment for loan funding listed in lines 6 and 7 above)	\$0		
12	Total annual system costs after project (summation of lines 9, 10, & 11)	\$110,600		
Section 4 - Demographic and Rate Information				
13	Average monthly utility rate for a single family household	2016 \$137	2017 \$142	2018 \$145
14	Number of active system connections (see instructions)	1876		
15	Number of system ERUs (see instructions)	2,709		
Section 5 - Affordability Index Estimate		With CDBG	Without CDBG*	
16	Estimated annual utility bill for each ERU after project (total annual costs [line 12] divided by system ERUs [line 15])			
17	Annual Median Household Income (MHI) (See Instructions) Source of MHI (ACS, OFM, or Income Survey)	\$47,565 ACS		
18	Affordability Index (line 16 divided by line 17 multiplied by 100 percent)	%	%	
19	Estimated average monthly rate for each ERU after project (line 16 divided by 12 months)			

Attachments: Include copies of 1) Rate resolution or ordinance; 2) 2018 Statement C-4 or similar; 3) 2018 Schedule 09 (Liabilities)

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Work Plan For Construction and Acquisition Projects

When do you expect tasks to be completed? Please list month and year.

Use the "Other" lines or insert lines for additional tasks. If your project will involve more than one bid/construction process, insert additional lines for each construction phase.

Tasks	Responsible Party	Start Date	End Date
Establish administrative systems	City	10/2019	
Negotiate and execute CDBG contract with Commerce	City	11/2019	11/2019
Establish Subrecipient Agreement, if applicable	N/A		
Procure professional services	City	11/2019	12/2019
Obtain site control	N/A	Complete	
Complete cultural/historical resources review	Engineer	12/2019	2/2020
Complete NEPA/SEPA environmental review (including requesting FONSI for release of funds)	Engineer	12/2019	4/2020
Complete architectural/engineering design	Engineer	11/2019	4/2020
Obtain regulatory agency approval (if applicable)	Engineer	3/2020	4/2020
Obtain permits	Engineer	3/2020	5/2020
Prepare bid documents/solicit bids	Engineer	4/2020	5/2020
Award construction contract	City	5/2020	5/2020
Start construction	Contractor	6/2020	12/2020
Submit 21-Day Labor Standards Package	City	6/2020	6/2020
Monitor subrecipient (if applicable)	N/A		
Complete construction	Contractor	12/2020	12/2020
Complete civil rights requirements	City	7/2020	7/2020
Conduct final public hearing	City	12/2020	12/2020
Project in use – occupancy	City	12/2020	12/2020
Schedule audit	City	1/2021	1/2021
Close out CDBG contract	City	2/2021	2/2021
Other:			
Other:			

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Budget Assumptions

The construction cost identified in this application was developed by a professional engineer who specializes in municipal utilities and has completed numerous utility projects in Okanogan County. The construction cost is based on the length of the project, the depth of bury of the stormwater pipes and the suitability of native soil for trench backfill, the number of structures to be replaced, and the amount of surface restoration required. It is assumed that the project will be constructed during a period of lower groundwater to reduce the need for dewatering. The total construction cost includes contingency and sales tax.

Environmental review and engineering fees are determined based on the cost to complete similarly sized projects. This includes preparation and processing of a SEPA checklist, compliance with Executive Order 05-05, and completion of NEPA review.

Project administration costs are determined based on the estimated cost to publish the advertisement for bids and to provide legal review of the contract documents.

It is anticipated that this project will not impact the operation and maintenance budget.

An excerpt of the engineer's preliminary cost estimate is referenced below.

City of Omak					
Asotin Steet and Railroad Avenue Stormwater System Improvements					
(April 2019 ENR Seattle Construction Cost Index #12015)					
G&O #20190.69					
No.	Item	Quantity	Unit	Unit Price	Amount
1	Mobilization and Demobilization	1	LS	\$30,000	\$30,000
2	Trench Excavation Safety Systems	1	LS	\$6,000	\$6,000
3	Temporary Erosion Control	1	LS	\$5,000	\$5,000
4	Traffic Control	1	LS	\$5,000	\$5,000
5	Controlled Density Fill	10	CY	\$200	\$2,000
6	Foundation Material	15	CY	\$25	\$375
7	Bank Run Gravel for Trench Backfill	250	CY	\$25	\$6,250
8	CPEP Storm Sewer Pipe 15-Inch Diameter, Including Bedding Material	1,300	LF	\$80	\$104,000
9	Solid Wall PVC Storm Sewer Pipe 12-Inch Diameter, Including Bedding Material	350	LF	\$50	\$17,500
10	Catch Basin Type 1	7	EA	\$2,000	\$14,000
11	Catch Basin Type 2, 48-Inch Diameter	5	EA	\$4,500	\$22,500
12	Crushed Surfacing Top Course	100	TN	\$30	\$3,000
13	HMA for Pavement Repair Cl. 1/2" PG 64-28	1,300	SY	\$50	\$65,000
14	Site Restoration and Rehabilitation	1	LS	\$10,000	\$10,000
				Construction Subtotal	\$290,625.00
				Contingency (25% rounded)	\$73,000.00
				Design/CA	\$81,000.00
				Environmental Review	\$10,000.00
				Project Administration	\$2,000.00
				TERO Fee (5% rounded)	\$19,000.00
				Sales Tax (8.2% rounded)	\$32,000.00
				Total	\$507,625.00
				Estimated Construction Cost (rounded)	\$508,000

Note:

See map for project limits.

Assumed storm sewer depth of 10 feet (City).

Assumed construction during times of low groundwater levels.

Estimate does not include Tribal construction observation.

Project Budget

(Construction, Acquisition and Local Assistance Programs)

Funding Status	Source 1	Source 2	Source 3	Source 4	Totals
Are the sources committed? If not, give a date when commitment expected.	CDBG	<input type="checkbox"/> Yes <input type="checkbox"/> No City of Omak	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Activity Costs					
General Administration					
Project Administration	\$2,000				\$2,000
Environmental Review	\$10,000				\$10,000
Architectural Fees					
Engineering Fees	\$81,000				\$81,000
Sewer Improvements					
Stormwater Improvements	\$396,000				\$396,000
Private Water/Sewer Side Connections					
Street and Sidewalk Improvements					
Community Facility					
Fire Protection Facility					
Housing Rehabilitation					
Architectural Barrier Removal					
Commercial/Industrial Facility					
Acquisition					
Relocation					
Microenterprise Revolving Loan Fund					
Microenterprise Technical Assistance					
Other: TERO fee	\$19,000				\$19,000
Other:					
Totals*	\$508,000				\$508,000

***Use a second copy of this form if you have more than four funding sources
 *Make sure these totals match item # 11 on the Project Summary.***

Contact List

Individuals and organizations involved in the project

Program/Organization	Contact Person	Phone and E-mail
City of Omak	Mr. Todd McDaniel, City Administrator	509-826-1170 admin@omakcity.com
City of Omak	Ms. Connie Thomas, City Clerk	509-826-1170 clerk@omakcity.com
City of Omak	Mr. Ken Mears, Public Works Director	509-826-1170 publicworks@omakcity.com
Gray & Osborne, Inc.	Mr. David Ellis, P.E. Consulting Engineer	509-453-4833 dellis@g-o.com
Provide this information to document participation of all appropriate partners in project development and to supply contact information for potential consultation by the CDBG program.		

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Section 2

Narratives

This section contains specific questions to be addressed in your narrative statements. More points will be assigned to applications with quantifiable statements backed up by supporting documentation.

- Project Description
- Financial Review
- Need Statement
- Capacity Statement
- Readiness/Feasibility Statement
- Results Statement

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Section 3

Appendices

This section contains reference and sample materials to help you understand the CDBG Program and complete the application.

A. Eligibility

- A1 - Map of Local Governments Served by the State CDBG Program
- A2 - List of Local Governments Served by the State CDBG Program
- A3 - Local Governments with 51 Percent or Greater LMI Population
- A4 - Income Limits
- A5 - Eligible Activities

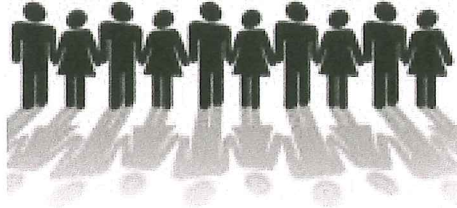
B. Citizen Participation

- B1 - Citizen Participation Requirement Information
- B2 - Sample Public Hearing Notice
- B3 - Sample Grievance Procedure
- B4 - Public Hearing Handout – CDBG Fact Sheet (English)
- B5 - Public Hearing Handout – Citizen Participation Requirements (English)

C. Application Process Feedback Form

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Citizen Participation



Public participation is a CDBG requirement. This guide includes detailed information on how to meet the federal requirements. Sample notices and handouts are included.

Review ALL the materials with the staff person responsible for public hearings and establish a timeline for completion. You cannot start on this aspect of your application too soon.

To apply for CDBG funds, a jurisdiction must show it has involved its citizens in the CDBG application process and complied with the specific federal citizen participation requirements outlined in 24 CFR 570.486. The purpose of these activities is to inform residents and decision-makers of the availability of CDBG funds and to provide an opportunity for community members to present potential projects and offer input on proposed projects.

√ **Helpful Hint:** Plan for the required initial public hearing NOW! Decide the hearing date and then work backward to determine when and how the public announcement must be published to allow sufficient notice time and outreach.

If a jurisdiction intends to apply for more than one type of CDBG grant during the same year, it is advisable to contact CDBG staff to discuss how to coordinate these citizen participation and public hearing requirements.

The Minimum Citizen Participation Steps

1. **Assess Demographics.** Review local demographic data to determine if it is reasonable to expect a significant number of non-English speaking residents to participate in the public hearing. Advertise and conduct the public hearing in accordance with this assessment.
2. **Develop and Publish Notice.** Publish an official announcement of the hearing, providing reasonable advance notice. A sample public hearing notice with required language is provided in this guide.
3. **Conduct Hearing.** Conduct at least one public hearing prior to submission of the CDBG application. This hearing must be held at a convenient time and location to encourage citizen participation. At the hearing, distribute the CDBG handouts on the availability and eligible uses of CDBG funds and the CDBG citizen participation regulations. CDBG public hearing handouts in English are in provided in this guide. The Spanish version is on the [CDBG website](#) under Guidance Materials.
4. **Adopt Grievance Procedure.** Adopt a grievance procedure for the use of CDBG funds. The grievance procedure must provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable. A sample grievance procedure is provided in this guide.
5. **Document Citizen Participation.** Complete and submit the Citizen Participation Documentation form as part of your CDBG application. Along with the Citizen Participation Documentation form, submit a copy of the hearing announcement, an affidavit of publication, documentation of outreach to non-English speaking residence (if applicable) and a copy of the public hearing minutes. If the official minutes are not available by the application due date, instead include a statement from the clerk indicating when the minutes will become available and send the minutes as soon as possible.

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Citizen Participation Requirements Information

A. What is a Public Hearing?

A public hearing is a meeting of a governmental body during which the public is invited to the council or board of county commissioners, who will primarily listen and receive public input. The comments received go into the public record. A public hearing may be held as part of a regularly scheduled public meeting, but do not assume a regular council or board meeting automatically meets the public hearing requirement.

B. Meeting the Needs of Non-English Speaking Residents

The federal citizen participation regulations state that "public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate." The applicant jurisdiction must review local demographic data and consider the potential impacts of the proposed project to determine the appropriate outreach steps and accommodations to meet the needs of non-English speaking residents.

Data on the number and percent of non-English speaking residents in a jurisdiction can be found on the US Census website at <http://factfinder.census.gov> by following these directions:

1. On the main page under "Community Facts, enter the jurisdiction's name, and click on "GO" to bring up a list of tables.
2. This will bring up a box with some basic data on the selected jurisdiction. On the left, click "Origins and Language".
3. A new data box will appear with a new list of tables. Click on the American Community Survey table titled "Selected Social Characteristics (Household and Family Type . . . Language. . .)".
4. Scroll all the way down to find the section under "Language Spoken at Home." Find the first line labeled "Speak English Less Than Very Well" under each of the languages. The data in the "Percent" column is what you need to use to assess the need for additional outreach.



5. If the result is over 10% for any single language, then additional outreach and additional accommodations are necessary to encourage participation from non-English speaking residents.

Contact the CDBG office for assistance in accessing and interpreting this data.

Subject	Rock Island city, Washington			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Non-Hispanic America	13	+/-14	0.2%	+/-0.9
LANGUAGE SPOKEN AT HOME				
Population 5 years and over	646	+/-192	646	(X)
English only	340	+/-109	52.6%	+/-15.0
Language other than English	306	+/-158	47.4%	+/-15.0
Speak English less than "very well"	138	+/-76	21.4%	+/-8.8
Spanish	306	+/-158	47.4%	+/-15.0
Speak English less than "very well"	138	+/-76	21.4%	+/-8.8
Other Indo-European languages	0	+/-12	0.0%	+/-4.9
Speak English less than "very well"	0	+/-12	0.0%	+/-4.9
Asian and Pacific Islander languages	0	+/-12	0.0%	+/-4.9
Speak English less than "very well"	0	+/-12	0.0%	+/-4.9
Other languages	0	+/-12	0.0%	+/-4.9
Speak English less than "very well"	0	+/-12	0.0%	+/-4.9
ANCESTRY				
Total population	689	+/-212	689	(X)

C. Public Hearing Notice

When must the advance notice be made? A legal notice is generally published at least two weeks before the hearing date. The notice must meet the local public hearing notice requirements.

Where must the notice be made? – The hearing must be well advertised, generally in the official local paper. If it meets the local notice requirements, the hearing notice can be on an official on-line source. In addition, public notice can be made using community bulletin boards, local newsletters, billing statements, newspaper articles or door-or-door distribution. Residents within those areas in which CDBG funds are proposed to be used, especially the low- and moderate-income persons, should be encouraged to attend or provide comment.

What must the notice say? – A sample notice is provided in this guide.

D. Public Hearing Logistics

What must the CDBG hearing cover? – The purpose of the hearing is to obtain citizens' views and respond to proposals and questions. The hearing must cover community development and housing needs as well as the availability of CDBG funds. This purpose is met by distributing the required CDBG handouts. Distributing additional materials describing the proposed project(s) is advisable. The CDBG handouts in Spanish are available on the [CDBG website](#) under Guidance Materials.

Who must conduct the hearing? – The applicant city, town or county must conduct the hearing. Although some applications are developed by potential subrecipients such as community organizations or special districts, these organizations cannot conduct the hearing and have it meet CDBG requirements.

When must the hearing be held? – Prior to submission of the CDBG application and within 18 months of the application submittal date.

Where must the hearing be held? – The hearing location must be accessible to persons of disability. The location must also be convenient for persons likely impacted by the proposed project. This is particularly relevant for a county proposing a project in a community that is far from the county seat.

√ **NOTE:** If funded, an additional public hearing will be required towards the end of the project to review and receive comments on the project's performance. This final public hearing should be included in your proposal's Work Plan. Also if funded, a public hearing would be required if activities are proposed to be added, deleted or substantially changed from the original proposal.

Sample Public Hearing Notice

The following five required clauses meet CDBG citizen participation requirements. Additional information can be added to these required clauses to meet specific local announcement needs and to encourage participation.

If a local government intends to apply for more than one type of CDBG grant during the same year (for example they apply for a Housing Enhancement Grant and a General Purpose Grant), it is possible to coordinate these citizen participation and public hearing requirements so that one hearing covers multiple applications.

If the local government's assessment of demographic data shows there is a significant population of non-English speaking residents (see your Citizen Participation Documentation form), then select the "Option B" accommodation clause below and publicize this notice also in the alternate language.

1) Logistics Clause (Where/When):	NOTICE IS HEREBY GIVEN that a public hearing will be held by the (<i>city council/county board of commissioners</i>) in the (<i>council chambers/hearing room</i>), (<i>location</i>), on (<i>date and time</i>).
2) Purpose Clause:	The purpose of the public hearing is to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from lower income persons [OPT. and persons residing in the (<i>name of area</i>) area (<i>if proposed project is for a smaller service area/neighborhood</i>)].
3) Funding Clause (describing the availability of CDBG funds and eligible uses):	Up to \$750,000 (<i>or insert amount of request(s)</i>) may be available to the (<i>city/county</i>) on a statewide competitive basis to fund public facility, community facility, economic development, planning and affordable housing projects that principally benefit low- and moderate-income persons.
4) Comment Clause:	An outline of the proposed (<i>project name</i>) project will be available for review at the (<i>local government office and/or library</i>), (<i>time and date – to be prior to when application is submitted</i>). Comments may also be submitted in writing to (<i>city/county</i>), (<i>time period</i>).
5) Accommodation Clause (select the applicable option based on the assessment in your Citizen Participation Documentation form):	<p><u>Option A – for standard use</u> The (<i>council chambers/hearing room</i>) is handicap accessible. Arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 24-hour advance notice. Contact (<i>name</i>) at (<i>number, location</i>).</p> <p><u>Option B – use when significant number of non-English speaking residents</u> A (<i>insert alternate language</i>) interpreter will be available. The (<i>council chambers/hearing room</i>) is handicap accessible. Additional arrangements to reasonably accommodate special needs will be made upon receiving 24-hour advance notice. Contact (<i>name</i>) at (<i>number, location</i>).</p>

Sample Grievance Procedure

This sample grievance procedure is intended to serve as a guide and should be revised to reflect local circumstances and to incorporate any applicable state or local laws.

The Grievance Procedure can be the local government's complaint process if it meets the standards of the CDBG citizen participation regulations.

If a local grievance procedure has been accepted by the CDBG program staff for a prior CDBG project it can be submitted for a new project, unless that procedure's scope is clearly limited to the prior CDBG project and is not general for a new CDBG project.

An ADA grievance procedure or employee grievance procedure does not meet this requirement.

1. Submit complaints in writing to the designated official (such as the city manager, city/county clerk, or county executive) for resolution. A record of the complaints and action taken will be maintained. A decision by the designated official will be rendered within 15 working days.
 2. If the complaint cannot be resolved to your satisfaction by the designated official,
 - It will be forwarded to a committee appointed by the governing body. This committee's membership, its ground rules or procedures for hearing complaints, and how the committee can be contacted will be available to the public. The committee will be directed to hear such complaints in an objective, public manner, and after adequate public notice. A written decision will be made within 30 working days. Proceedings of the committee will be recorded and maintained.
- OR
- The complaint will be heard and discussed by the governing, elected body at an open, public meeting. A written decision will be made within 30 working days. The decision of the governing body is final.
3. A record of action taken on each complaint will be maintained as a part of the records or minutes at each level of the grievance process.

Adopted this _____ day of _____, 2019.

(Signature of Chief Administrative Officer)

(Title)

Attest: _____

Community Development Block Grant

Strengthening rural communities through projects that benefit low- and moderate-income persons

GENERAL PURPOSE GRANTS

\$10,000,000

For planning or construction of public infrastructure, community facilities, affordable housing, and economic development projects.

Competitive. Maximum grant up to \$750,000 based on project type. Application materials available in March and due in June.

ECONOMIC OPPORTUNITY GRANTS

\$300,000

For state and local priority projects resulting in economic resilience and development in rural communities through grant or grant-to-loan assistance.

Competitive. Applications accepted throughout the year on a fund available basis.

HOUSING ENHANCEMENT GRANTS

\$200,000

For off-site infrastructure or the community facility component of a state Housing Trust Fund project.

Competitive. Maximum grant is generally \$200,000. Initial CDBG Housing Enhancement Grant application forms are submitted with a HTF Stage 2 application.

PUBLIC SERVICES GRANTS

\$1,500,000

For 17 counties and community action agencies to fund new or expanded services for lower income persons.

Allocated by formula based on population and poverty. Application materials available February and due in April.

HUD NATIONAL OBJECTIVES

CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income (LMI) persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

Funding is contingent on approval of the state's 2019 Action Plan and CDBG allocation by the US Department of Housing & Urban Development.

OUR CORE PURPOSE

Grow and improve jobs in Washington State by championing thriving communities, a prosperous economy, and suitable infrastructure.

PROGRAM CONTACT

Kaaren Roe
Section Manager
Local Government Division
360.725.3018
kaaren.roe@commerce.wa.gov

ELIGIBILITY GUIDELINES:

Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.

Special purpose districts, public housing authorities, community action agencies, economic development councils, other non-profit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.

1011 Plum Street SE, Olympia, WA 98504
<http://www.commerce.wa.gov/cdbg>

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Federal Citizen Participation Requirements For Local Government Applicants to the State CDBG Program

Federal Regulations 24 CFR 570.486 (a)

- (a) *Citizen participation requirements of a unit of general local government.* Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.
- (1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
 - (2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds;
 - (3) Furnish citizens information, including but not limited to:
 - (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
 - (ii) The range of activities that may be undertaken with the CDBG funds;
 - (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
 - (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Sec. 570.488.
 - (4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
 - (5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
 - (6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. *Substantially changed* means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
 - (7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

MEMORANDUM

To: Omak City Council
Cindy Gagné, Mayor

From: Ken Mears, Public Works Director

Date: June 3rd, 2019

Subject: **Resolution No.43-2019**.Purchase approval of a walk behind Saw.

The attached **Resolution 43-2019, A RESOLUTION OF THE OMAK CITY COUNCIL APPROVING THE PURCHASE OF A WALK BEHIND SAW**, is forwarded for your consideration.

The Public Works Departments walk behind asphalt and concrete saw is coming apart and is no longer dependable, therefore the need for this request to purchase.

The department requested quotes from vendors which are attached to the Resolution. This equipment is steadily used when dealing with infrastructure repairs. It has been entered into the 2019 budget for a replacement along with an asphalt plate tamper which is noted on two of the quotes and funded under small tools and equipment and spread in water 25%, sewer 25%, and streets at 50%. Quotes attached.

I support this Resolution and request Council approval.

RESOLUTION NO. 43-2019

**A RESOLUTION OF THE OMAK CITY COUNCIL APPROVING THE PURCHASE OF
A WALK BEHIND SAW**

WHEREAS, there is a need to replace the walk behind saw from the Public Works Department; and

WHEREAS, three quotes have been received for this purchase need; and

WHEREAS, the quotes received met the desired and recommended replacements specifications from the department; and

WHEREAS, Cessco, Inc. was the lowest quote to replace the existing equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE OMAK CITY COUNCIL, that the quote from Cessco, Inc. a copy of which is attached as **Exhibit "A"**, of \$5,701.06 is hereby approved, and that the Mayor is authorized to execute all documents necessary to affect this action.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2019.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas

APPROVED AS TO FORM:

Michael D. Howe, City Attorney



CESSCO, INC.

926 5TH AVE S
KENT, WA 98032
425-291-9292 Phone
253-520-2813 Fax
www.cessco.com

PLEASE REMIT TO:
21417 NE 72nd Ave
Battle Ground, WA
ZIP: 98604-5229

Quote

Quote #: 7583
Account #: 509-829-9216
Page: 1 of 1
Date: 4/16/2019
Time: 3:33:40 PM
Cashier: 131
Register #: 103

Thank You For Your Business!

Bill To: JEREMY JUDD
CITY OF OMAK
220 COLUMBIA ST.
OMAK, WA 98841

Ship To: JEREMY JUDD
CITY OF OMAK
220 COLUMBIA ST.
OMAK, WA 98841

509-829-9216

Reference:
Comment: QUOTE FOR JEREMY JUDD 509-829-9216

Rep	Item Lookup Code	Description	On Order	Qty Sold	MSRP	Price	Extended
131	MUL-MVC88VTHW	PLATE COMPACTOR w/water tank FREE FREIGHT ON THIS UNIT S/N: D5597	1	0	\$2,935.00	\$2,089.95	\$2,089.95
131	MUL-SP2S20H	Discount code: GOV DISCOUNT 20" MQ FLAT SAW - HONDA GX630 FREE FREIGHT ON THIS UNIT S/N: Discount code: GOV DISCOUNT	1	0	\$7,170.00	\$5,269.00	\$5,269.00

No returns on special order or electrical parts. No returns after 30 days.
There is a minimum 25% restocking fee on all returns within 30 days.
I agree to pay invoice total according to my account or card issuer agreement.

Signature: _____ Print Name: _____

TERMS ARE NET 30 ON APPROVED CREDIT ACCOUNTS
It is agreed as part of the consideration for this sale that the price shown hereon for the goods shall be paid within 30 days after the date of purchase. Any portion of the sale price not paid within said time period shall thereafter bear interest at the HIGHEST PREVAILING RATE.
Buyer shall pay all costs incurred in the collection of any past due account, including all collection agency fees, court costs, and attorney fees.
All warranty claims and returned goods credit MUST be accompanied by this invoice.

Sub Total \$7,358.95
Sales Tax \$603.43
Total \$7,962.38

5,269.00
432.06
5,701.06

Change Due \$0.00



Price Quotation
CONFIDENTIAL

CITY OF OMAK
PO BOX 72
OMAK, WA 98841-0072
ATTN: JEREMI JUDD

Phone:
Fax:

Account #: WNWA1225
Quote #: 38699
Job #:

Due Date: 05/1/2019
Expiration Date: 05/1/2019
PO #: Quote

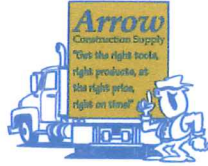
Part #	Customer Part #	Description	Quantity	Price/EA	Extended Price
10566-04627		MVC88VTHW PLATE COMP	1	\$2,373.5000	\$2,373.50
	MVC88VTHW PLATE COMPACTOR				
10566-04628		SP2S20H 20" BLADE GU	1	\$5,678.0000	\$5,678.00
	SP2S20H 20" BLADE GUARD SELF PROPELLED SAW				
				USD Total:	\$8,051.50 \$ 5,678.00

Thank you,

FASTENAL
478 SE 2nd St
EAST WENATCHEE, WA 98802
Phone: (509)665-0105
Fax: (509)665-0969
E-mail: WAWEN@stores.fastenal.com



*Shipping & Handling charges are subject to change.



Arrow Construction Supply, Inc.

9905 E. Trent Avenue
 Spokane, WA 99206
 Ph: (509) 922-7847
 Fax: (509) 922-9879
 Cell: (509) 301-1217

Contact: Chad Rand

crand@asphaltsupply.net

Quote

CUSTOMER:	<i>City Of Omak</i>
LOCATION:	
DATE:	<i>5-14-2019</i>
ATTN:	<i>Ken</i>

	<i>Description</i>	<i>Unit Price</i>
1	Multiquip SP2S20H https://www.multiquip.com/multiquip/SP2S20H20A.htm	\$5736.00
	Freight to Spokane	\$273.00
	Prices do not include tax	

**Price valid for
30 Days**

**Terms: Net 30 Days, 1.5% Service Charge per month on Past Due Accounts
 **Materials F.O.B. SPOKANE, WA. UNLESS OTHERWISE NOTED
 **15% RESTOCK ON ALL RETURNS **SALES TAX NOT INCLUDED IN THE ABOVE BID

MEMORANDUM

To: Cindy Gagné, Mayor
Omak City Council

From: Todd McDaniel

Date: June 3, 2019

Subject: Resolution 44-2019 - Updating the Comprehensive plan

The Attached Resolution 44-2019, of The City Council of Omak Washington, Adopting an Updated Resource Lands and Critical Areas Section 5 to the Land Use Element of the City of Omak Comprehensive Plan, is forwarded for your consideration.

This Resolution updates section 5 of the Comprehensive plan. This was triggered by the Growth Management Act that requires periodic review of our Critical Areas and Land Use elements. There were no significant changes to this section.

I support this resolution

RESOLUTION NO. 44-2019

**A RESOLUTION OF THE CITY COUNCIL OF OMAK,
WASHINGTON, ADOPTING AN UPDATED RESOURCE LANDS AND CRITICAL
AREAS SECTION 5 TO THE LAND USE ELEMENT OF THE CITY OF OMAK
COMPREHENSIVE PLAN**

WHEREAS, the City of Omak has an adopted Comprehensive Plan and zoning regulations pursuant to RCW 35A.63; and

WHEREAS, all amendments to the comprehensive plan are to be adopted, certified, and recorded or filed in accordance with RCW 35.63; and

WHEREAS, the City is required by the Growth Management Act to periodically review and revise the comprehensive plan and implementing regulations pertaining to resource lands and critical areas; and

WHEREAS, the Planning Commission held a duly advertised public hearing on October 3rd, 2018 to which interested persons were invited to comment and following which the Planning Commission voted to recommend to the City Council approval of the amendments to Section 5 Resource Lands and Critical Areas section and Maps of the Land Use Element of the Comprehensive Plan; and

WHEREAS, the City Council held a public hearing on the proposed amendments on November 19, 2018 at the end of which the Council accepted the Planning Commission's recommendation and initiated the required 60-day review with the Washington State Department of Commerce; and

WHEREAS, there were no comments received during the 60-day review and no testimony provided at the Public Hearing; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OMAK HEREBY
RESOLVE AS FOLLOWS:**

Section 1. A revised Resource Lands and Critical Areas Section is added to Chapter 5 of Part 2: Land Use Element of the current City of Omak Comprehensive Plan as set forth in Exhibit A attached hereto.

Section 2. This Resolution shall be effective immediately upon passage by the City Council.

DATED this _____ day of _____ 2019, at an open public meeting.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas, City Clerk

APPROVED AS TO FORM:

Michael D. Howe, City Attorney

5. RESOURCE LANDS, CRITICAL AREAS AND SHORELINES

There is a growing body of state and federal laws, which mandate that local governments identify and protect certain types of land uses and environmentally sensitive areas. Although the Tribes are generally exempt for sovereignty reasons, they have adopted measures of their own. The State of Washington's Growth Management Act (GMA) requires the City to classify and designate resource lands and to classify, designate, and regulate development in critical areas. The Shoreline Management Act of 1971 (SMA) as it now exists or hereinafter amended) mandates that the City prepare and enforce a shoreline master program, comprised of a comprehensive plan and zoning ordinance for shoreline areas. The City is also required to adopt and enforce flood damage prevention ordinances in order to maintain coverage under the National Flood Insurance Program. While the federal government has not established regulations directly affecting local land use planning, there is a substantial body of law that regulates development of wetlands, construction in flood hazard areas and impact development through clean air and water regulations. This section of the land use element is intended to ensure that Omak is meeting the requirements of the Growth Management Act and the Shoreline Management Act.

Area residents are concerned about their "quality of life" and the environmental attributes that contribute to the rural lifestyle. Resource Lands, Critical Areas, and Shorelines all play a significant role in the "quality of life" enjoyed by people living, working or playing in the Greater Omak Area. Therefore, this section of the plan plays a crucial role in maintaining community desires into the future.

The City has historically had a cooperative working relationship with Okanogan County when working to comply with GMA requirements and other environmental protection mandates. During 1993 and 1994, Omak and other Okanogan County communities participated in a coordinated planning effort with Okanogan County that included broad citizen participation in order to comply with Resource Land and Critical Areas provisions of the Growth Management Act. In an attempt to maintain reasonable consistency between the county and municipal jurisdictions, information that was collected in that joint planning activity was used to create the City's original process for the classification and designation of resource lands and the classification, designation and regulation of critical areas.

Subsequently, during 2001 through 2006, the City completed the review and revisions to this plan and existing land use regulations to incorporate the use of Best Available Science in the identification and protection of critical areas. The City also conducted a review and revised its Critical Areas regulations and comprehensive plan provisions in 2013/14. In addition, the City, in cooperation with Okanogan County and the other cities and towns in the County has ~~been working on an~~ completed an update of its Shoreline Master Program which includes consistent measures to protect critical areas within shoreline jurisdiction.

Furthermore, Okanogan County is nearing the end of a process to update its 1964 Comprehensive Plan which means that as of the time of this update of the City's Resource Lands and Critical Areas provisions, there appears to be some relatively significant changes to the County's approach to classify and designate resource lands of long term commercial

significance. The scope of the changes to the County's critical areas provisions will not be fully known until the comprehensive plan update is complete.

Growth Management Act

In 1990, the Washington State Legislature passed the Growth Management Act (GMA) in response to rapid growth that was occurring in certain areas of the state. Counties that are either required or have opted to plan under GMA have a wide array of planning issues to address. Jurisdictions in counties such as Okanogan County that aren't required to **fully** plan under the Act and/or have not chosen to plan are still required to address certain issues. Omak falls within the latter category; the Tribes are exempted, although, fee lands within the boundaries of the Reservation are subject to the Act.

Classifying and designating "natural resource lands of long-term commercial significance" as well as "critical areas" is a required task for all cities, towns and counties in the state. Natural resource lands include agricultural lands, forest lands, and mineral resource lands. Critical areas include wetlands, aquifer recharge areas, frequently flooded areas, fish and wildlife conservation areas, and geologically hazardous areas which include erosion hazard areas, landslide hazard areas, mine hazard areas, seismic hazard areas and volcanic hazard areas identified using the "Best Available Science".

In 2000, the State Legislature amended the Growth Management Act to include new rules for including Best Available Science in critical area policies and regulations. Specifically, the new regulations state:

Counties and cities must include the best available science when developing policies and development regulations to protect the functions and values of critical areas and much give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

The City of Omak was among the first communities to work to incorporate "Best Available Science" into the Comprehensive Plan and critical area regulations. Meetings were conducted throughout 2001 to review and update the City's critical areas information; this included tours of critical areas within the planning area. The City worked closely with Department of Ecology and Department of Fish and Wildlife in developing the classification, designation, and policies for critical areas within the greater Omak planning area. The Colville Confederated Tribes **also** played an active role in the process, both in providing information on local fisheries projects and in helping shape the critical areas element. The Okanogan Conservation District provided valuable information on irrigation practices, water quality, and potential for nutrient loading. Efforts were made to coordinate critical areas planning with Okanogan County. The resulting classifications, designations, and policy guidance, **which have been refined through subsequent updates**, incorporate best available science **and have stood the test of time**, while allowing reasonable uses of land within the City and Urban Growth Area.

Shoreline Management Act

Enactment of the Shoreline Management Act in 1971 (RCW 90.58) reflected a growing concern among the residents of Washington State with the adverse effects of unplanned and uncoordinated development on the states shorelines. The Shoreline Management Act establishes a cooperative program of shoreline management between local government and the state. Local government has the primary responsibility for initiating and administering the regulatory program for shoreline development. The state Department of Ecology acts primarily in a supportive and review capacity with primary emphasis on ensuring consistency between local policy and provisions of the Act.

In Omak, the Okanogan River is designated a "shoreline of statewide significance", and thus, the City is required to give priority to statewide objectives and goals enumerated in RCW 90.58.020. Omak regulates its shorelines through a Shoreline Master Program (SMP) adopted in 1991 and ~~submitted an update in 2011-2017 which is presently undergoing review by the Department of Ecology. In 2003, the State Legislature enacted new shoreline rules that require all such Programs to be updated by 2014. The City will adopt a new SMP in 2013 that will be compliant with the legislative requirements.~~

The main purpose in including a reference to the shorelines in this section of the land use element is to provide a link between the comprehensive land use plan and shoreline master programs.

General Policies for Resource Lands, Critical Areas and Shorelines

The following policies are intended to guide decision-making regarding resource lands, critical areas and shorelines in the Greater Omak Area.

Policy 1. agree to develop plans, programs and intergovernmental cooperation aimed at ensuring resource lands, critical and shoreline areas are not subject to unnecessary impacts.

Policy 2. cooperatively develop strategies for meeting the requirements of the Growth Management Act for the Planning Area.

Policy 3. coordinate and cooperate on the review and revision of critical areas ordinances to reflect changes in local, tribal, state and federal regulations.

Policy 4. cooperate on identification of resource lands and critical areas. This would simplify the administration of existing ordinances consequently promoting compliance.

Policy 5. agree that development in critical areas outside of shoreline and floodplain areas should be subject to review under the State Environmental Policy Act and/or Tribal environmental review procedures to ensure disclosure of potential environmental impacts.

Policy 6. agree to inform the public of resource protection and permitting requirements for resource lands, critical areas and shorelines using news media and educational materials available from local, tribal, state and federal agencies.

Policy 7. agree to provide for reasonable use of developable lands and to use enhancement measures to mitigate effects of development.

A. RESOURCE LANDS

As identified under GMA, natural resource lands include three distinct categories to be classified and designated: agricultural lands, forest lands, and mineral resource lands. The Comprehensive Planning Goals for resource lands of long-term commercial significance are:

Goal 1: Respect and support existing agricultural operations, both within and surrounding the City and its projected growth area, while protecting the health, safety and welfare of those persons living, working or recreating within areas targeted for future growth.

Goal 2: Encourage mineral development in areas where it can be accommodated with historic, present, and projected land use patterns for the area, while recognizing that mineral development can only occur where economically viable deposits exist.

The following policies intended to implement the general land use and specific resource lands goals are:

Policy 1. Zoning within the City shall treat commercial agricultural land as a non-conforming use that can continue but cannot expand or be substantially changed.

Policy 2. Encourage the establishment of sufficient buffers for proposed non-agricultural activities that adjoin existing commercial agricultural uses in order to protect the public health and safety and welfare.

Policy 3. Existing or proposed urban uses within the incorporated boundaries of the City shall be given acknowledgment and priority consideration over commercial agricultural uses while appropriate and effective buffers should be encouraged between such uses to protect the health, safety and welfare of citizens choosing to live, work and play within the City.

Policy 4. Encourage and strictly enforce the control of noxious weeds **throughout its jurisdiction.**

Policy 5. Encourage the use of "best management practices" (defined by the particular agricultural industry) on all agricultural lands as a means to reduce potential conflicts with adjoining landowners, particularly in those areas where agricultural and non-agricultural uses presently co-exist.

Policy 6. Recognize and support the multiple uses and beneficial role agricultural resource lands play in the provision of open spaces, enhancement of wildlife habitat and the rural qualities prized by the community.

Policy 7. Support the development of a value-added agricultural products industry.

Policy 8. Encourage growth where urban services are available and where such growth has the least potential for impact on any lands identified as agricultural lands of long-term commercial significance.

Policy 9. Provide opportunities for affected citizens to be involved in the preparation of plans and regulatory programs intended to protect natural resources, including agriculture.

Policy 10. Residential and commercial development shall take priority over any proposed mineral exploration of development.

Policy 11. In the event that substantial mining development occurs, the City shall incorporate the preceding goal and these policy statements into regulations specific to mining exploration, development and reclamation.

Policy 12. Some mineral lands provide strategic minerals which are inseparably linked to national security, economic security and other vital uses, therefore the city supports prospecting, as well as development of economically viable mineral resource lands.

Policy 13. Coordinate with relevant county, state, federal and tribal entities in at least the three following areas:

- Access to mineralized lands.
- Opportunities for development of mineralized lands.
- Reclamation of the land according to an approved site reclamation plan.

Policy 14. Lands that are already developed for urban uses shall be protected from the hazards of mine development.

Policy 15. Lands being considered for annexation that have known mineral development sites shall include zoning designations that would allow the use or potential use to take place while providing protection for urban uses (including gravel or soil extraction).

Agricultural Lands of Long-Term Commercial Significance

i. Classification

Omak uses six criteria to classify ~~the long-term value of~~ agricultural lands of long-term significance within outside of the City and UGA.

In order to be classified as Agricultural Lands of Long-Term Commercial Significance, land must meet at least four of the following six criteria:

- Land is currently in agricultural use.
- Land has one or more of the following improvements in place:
 - Irrigation facilities (public or private)
 - Drainage facilities (public or private)
 - Fencing, stock watering, or other physical improvements that enhance the land's suitability for commercial agricultural production

- Land is enrolled in Agricultural Open Space taxation program.
- Land is surrounded by lands primarily in agricultural use with few non-farm commercial, industrial or residential uses and is not located in areas with clear potential for more intense uses of land
- Land is not located within areas identified for urban or suburban growth (or similar designation) in official city, town, or county comprehensive plans
- Land is not located within an area served by domestic sewer or domestic water service districts.

2. Designation

In applying the classification system to the Urban Growth for Omak it has been determined that no parcels of land meet ~~4~~ four of the ~~above-mentioned-six~~ 6 criteria, thus there are no agricultural resource lands of long-term commercial significance within the City or the Urban Growth Area.

Forest Resource Lands of Long-Term Commercial Significance

1. Classification

For the purposes of classification of Forest Lands for timber production and harvest, the City of Omak designates Land grades 1 through 5 pursuant to WAC 458-40-53~~05~~ (as it now exists or hereinafter amended), as forest lands of long-term commercial significance.

2. Designation

The Washington State Department of Natural Resources Private Forest Land Grading Productivity maps are used to designate Forest Resource Lands in Okanogan County. No forest resource lands of long-term commercial significance have been identified within the City of Omak and its Urban Growth ~~(City Expansion)~~ Area.

Mineral Lands of Long-Term Commercial Significance

1. Classification

A four-tiered classification scheme presented in a report by Alan Robert Grant to the U.S. Forest Service (May 3, 1982) is the basis for the five-tiered system developed by the Okanogan County GMA Mineral Resource Lands subcommittee to classify these resource lands within the county and City. Omak's classification system is based on the "likelihood of activity" which includes the following categories:

- Area I has Very Good Potential for development of minerals of long-term commercial significance. These areas will see continued exploration activities and includes areas that have historic mineral resources, which include some

identified and demonstrated reserves, with a very good potential for undiscovered reserves.

- Area II has Good Potential and includes areas geologically favorable with some identified reserves and good potential for undiscovered reserves.
- Area III has moderate potential and includes areas geologically favorable with some identified reserves and moderate potential for undiscovered reserves. Also included are areas where rock units of poor potential obscure underlying areas of good and very good potential.
- Area IV has Fair Potential and includes areas geologically unfavorable overall but includes certain areas that require additional geologic investigation. Also included are areas where rock units of poor potential obscure underlying areas of moderate, good and very good potential.
- Area V has Poor Potential and includes areas that are geologically unfavorable with poor potential for undiscovered reserves.

2. Designation

In Okanogan County, mineral resource lands are mapped based on information from the following sources: US Forest Service, US Bureau of Mines, Landsat, Colville Confederated Tribes Geology Department, Washington State Department of Natural Resources, personal knowledge of the members of the Okanogan County GMA Mineral Resources Subcommittee and others.

Mineral resource lands of long-term significance in the City of Omak and its urban growth area have been designated according to the above classification criteria. West of the Okanogan River, the designation for the Greater Omak Area is IV, Fair Potential. East of the river, on the Reservation, the designation is Area III, Moderate Potential. The Mineral Resource Lands Designation Map for Okanogan County is located at Okanogan County Department of Planning and Building.

At present there ~~is a single~~ are no commercial rock producers in Omak. There is a former site located at the base of Coleman Butte in the northern part of the City.

B. CRITICAL AREAS

Classifying, designating and regulating "critical areas" are required tasks for all cities, towns and counties in the State. Critical areas include wetlands, aquifer recharge areas, frequently flooded areas, fish and wildlife conservation areas, and geologically hazardous areas that include erosion hazard, landslide hazard, mine hazard, seismic hazard and volcanic hazard areas.

The City of Omak has used the Shoreline Master Program (18.21 OMC) and a Critical Areas Ordinance (18.20 OMC) to regulate critical areas. The goals, policies, classifications and designations contained in this Comprehensive Plan are intended to support the use of best available science in regulating critical areas. Maps of critical areas

within Omak were prepared using the best data available from a variety of sources including, but not limited to, the Okanogan County Office of Planning and Development, USDA, WDFW, DNR, USFWS, NRCS and FEMA. The maps accompany the classifications and designations described herein. While the maps identify known critical areas, the classification and designation and/or addition of new sites is implicit in the goals and policies herein.

Goals for Critical Areas

- C.A. Goal 1 Achieve and maintain compliance with the Washington State Growth Management Act, as currently exists and as may be amended in the future.
- C.A. Goal 2 Avoid costly litigation that may occur as a result of non-compliance with state and federal laws.
- C.A. Goal 3 Plan for a healthy and safe community through the wise management of critical resources.
- C.A. Goal 4 Use Best Available Science in classifying, designating and regulating Critical Areas within the City of Omak.
- C.A. Goal 5 Provide flexibility in critical areas regulations, recognizing that the Growth Management Act encourages development within cities in order to limit the geographic extent of human impacts.
- C. A. Goal 6 Protect the aquifer recharging functions of land located within and adjacent to the City.
- C. A. Goal 7 Maintain a high standard of quality for both groundwater and surface water resources.
- C. A. Goal 8 Increase and maintain awareness in the community of the roles and functions of various natural systems in maintaining water quality and quantity.
- C.A. Goal 9 Identify, designate, classify and protect fish and wildlife habitat within that area that the city intends to grow.
- C. A. Goal 10 Recognize fish and wildlife habitat as an attractive amenity of the City of Omak and, protect its valuable role in the local and regional economy.
- C. A. Goal 11 Ensure that the Omak area experiences no net loss of the functions and values provided by its remaining wetlands.
- C. A. Goal 12 Manage land use in such a way that flood damage potential is minimized and development that increases flood potential is avoided.
- C. A. Goal 13 Avoid the loss of life and property due to development in areas determined to be geologically hazardous.

Policies for Critical Areas

C.A. Policy 1. Review and incorporate best available science into all critical areas regulations.

C.A. Policy 2. Use the following criteria to determine the best available science for developing and implementing critical areas regulations:

- a. Meets the definition under WAC 365-195 (as amended). Such sources may include natural resource science, documented and verifiable research using valid scientific methods, and scientific reports that offer decision making processes and/or tools.
- b. Regionally relevant and defensible. This includes scientific studies conducted within the region, specific to habitat and/or species known to exist in the region, science generally accepted through past use. See Priority Fish & Wildlife Habitat Species Map A.68 in the Map Appendix.
- c. Locally (sub-regionally) relevant. This includes science which is specific to the local area.
- d. Isolated/Unique. Such sources would include studies of isolated or unique features, not adequately covered in larger scale scientific sources.
- e. Anecdotal. Where recognized science does not adequately address a specific situation or location, anecdotal information which can be verified and documented by historical records, photos, or other means.

C.A. Policy 3. Any use and/or development proposals to the City will be reviewed for best management practices for aquifer protection. Best Management Practices should be defined in the Critical Areas Ordinance Chapter 18.20 OMC and should consider the Eastern Washington Stormwater Manual as the primary source for such practices.

C.A. Policy 4. The City will venture to eliminate and/or assume ownership of wells within its water service area in order to better manage aquifer protection and utilization. However, it is acknowledged that water rights are associated with property ownership and the rights of private property owners will be respected.

C.A. Policy 5. Indiscriminate release of hazardous wastes or materials, regardless of their risk potential, should be discouraged through both examples set by the City and any educational means available as set forth in the City's most recent Wellhead Protection Program.

C.A. Policy 6. Develop and maintain a bibliography of best available science consistent with the criteria in Policy 2.

C.A. Policy 7. Update critical areas maps as new scientific information becomes available.

C.A. Policy 8. Shorelines, zoning, and all other pertinent regulations shall appropriately limit impervious lot coverage and provide for adequate stormwater drainage.

C.A. Policy 9. When the City is requested to comment on any land use applications or rezones outside the City boundaries, the critical areas classification criteria shall be applied in developing comments for the particular development proposal.

C.A. Policy 10. Critical Areas classification criteria shall be applied when annexations are considered, and areas identified in any of the aquifer recharge classifications should be appropriately zoned and protected.

C.A. Policy 11. Upon discovery, those areas that have critical potential for recharge shall be subject to limits on the construction of impervious surfaces and protection against ground and surface water contamination.

C.A. Policy 12. Lands that are classified as having high or moderate potential recharge shall be identified on an Aquifer Recharge Map and ~~a lower allowable impervious surface coverage should be applied~~ be required to comply with "best management practices" identified in the Storm Water Management Manual for Eastern Washington (as amended).

C.A. Policy 13. Ensure that all City staff (especially Public Works Personnel) ~~is~~ are given the opportunity to learn how the City can protect and enhance fish and wildlife habitat while using these areas as an opportunity to make Omak a unique and attractive community.

C.A. Policy 14. Look for opportunities to restore riparian habitat along the Okanogan River, particularly in those areas under ownership of the City or other public entity.

C.A. Policy 15. Using management recommendations Washington Dept. of Fish and Wildlife develop regulations that protect riparian habitat from further development respecting the limitations of existing lots.

C.A. Policy 16. New lots in subdivisions should allow for adequate open space for riparian habitat including setback areas as determined by the best available science.

C.A. Policy 17. Existing and ongoing commercial and agricultural activities in Fish and Wildlife Conservation areas that are legally conducted activities should be allowed to continue under any wetland protection methods; however, expansion and/or redevelopment should not occur without plan review that includes restoration and/or mitigation measures.

C.A. Policy 18. Use the Priority Habitat and Species program, or other best available scientific information, to meet fish and wildlife habitat needs while providing options for property owners to effectively coexist with critical habitat.

C.A. Policy 19. Avoid the creation of unnecessary layers of bureaucracy through implementation of an efficient review system.

C.A. Policy 20. Incentives for the protection of wetlands should be incorporated into all land use ordinances and open space programs.

C.A. Policy 21. Existing and ongoing commercial and agricultural activities in wetland areas that are legally conducted activities shall be allowed to continue, so long as further degradation does not occur however, expansion and/or redevelopment should not occur without plan review that includes restoration or mitigation measures.

C.A. Policy 22. Buffer zones shall be established for wetlands that are based on the particular wetland functions and values but shall be flexible enough for adjustment for specific situations.

C.A. Policy 23. Wetland alteration proposals shall be approved only if no alternative is available. When no alternative exists, wetlands replacement or enhancement shall be used to mitigate impacts and should be based on the functions and values of the particular wetland being impacted.

C.A. Policy 24. Programs that promote education and awareness of wetland functions and values should be considered as funding opportunities arise.

C.A. Policy 25. The City shall utilize the *Washington State Wetland Rating System for Eastern Washington* (as amended) to categorize wetlands, determine buffer widths and the appropriate management of wetland areas.

C.A. Policy 26. Wetland areas in City ownership should be managed to the highest standards while utilized as an interpretive element of the park system.

C.A. Policy 27. The flood damage protection ordinance should be amended to include any areas of local concern as they may be discovered and designated by the City.

C.A. Policy 28. Provisions for development of frequently flooded areas of local concern shall allow similar options for development as allowed under existing and/or model regulations for floodways and 100-year flood plains.

C.A. Policy 29. The City shall require that areas identified as steep slopes must be subject to more extensive review and more stringent development standards than other areas.

C.A. Policy 30. Areas identified as Erosion Hazard Areas shall not be developed unless it is demonstrated that the project is structurally safe from the potential hazard, and that the development will not increase the hazard risk.

C.A. Policy 31. Reasonable setback or design considerations for development on or next to an Erosion Hazard Area shall be established on a case-by-case basis.

C.A. Policy 32. Existing uses legally established in Erosion Hazard Areas shall be allowed to continue while expansion of any existing use shall meet structural standards that ensure the safety of the project.

C.A. Policy 33. A run-off management plan or an erosion control plan shall be required of anyone proposing to develop in an area identified as an Erosion Hazard Area, to reduce sedimentation problems.

C.A. Policy 34. Disturbance of an Erosion Hazard Area shall require reseeding with native vegetation, to assist in stabilization of the area and to discourage the infiltration of invasive weeds.

C.A. Policy 35. Areas identified as Landslide Hazard Areas shall not be developed unless it is demonstrated that the project is structurally safe from the potential hazard, and that the development will not increase the hazard risk.

C.A. Policy 36. A reasonable setback for development near a Landslide Hazard Area shall be established on a case-by-case basis, based on the type of development proposed and the type and extent of Landslide Hazard present.

C.A. Policy 37. Should a mine hazard area be identified in Omak, the site shall be noted on site plans for any development activity, a geotechnical report shall be required to determine safety distances.

C.A. Policy 38. Development of a site that contaminated by previous mining activities shall require the applicant to prepare and implement a reclamation plan, if the hazard is determined to be one constituting a significant hazard to health or the environment.

C.A. Policy 39. All development activities shall be required to conform to the applicable provisions of the International Building Code that contains structural safeguards to reduce the risks from seismic activity.

C.A. Policy 40. No development shall occur on any known active fault line that has the potential to cause severe damage to structures. A reasonable setback for development shall be required on a case-by-case basis (based on the type and recent activity of the particular fault and the proposed development).

Aquifer Recharge Areas

In general, aquifer recharge areas are those areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation. Among these areas, some have a critical recharging effect on aquifers used for potable water. Aquifer recharge areas serve the vital function of replenishing groundwater resources that provide potable water, an essential life-sustaining element. Aquifers not only provide water for domestic use but influence water availability for fish, wildlife, recreation and agriculture in wetlands, lakes, rivers and streams. Groundwater contributes to these water bodies while they return the favor when groundwater supplies become depressed. This, in turn, lowers surface water levels, thus, risking the viability of those dependent on these water sources.

Aquifer recharge areas are defined as follows:

Aquifer Recharge Areas - Areas which, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

Critical Aquifer Recharge Areas - A Critical Aquifer Recharge Area (CARA) is defined by the GMA as areas with a critical recharging effect on aquifers used for potable water¹.

~~The Washington Administrative Code (WAC) Chapter 365-190 uses the following definition¹:~~

¹ - WSDOE Critical Aquifer Recharge Areas Guidance Document January 2005
Publication Number 05-10-028 p. 2

“Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.”

In addition to the amount of water available for recharge, water quality is a crucial factor. Once ground water is contaminated it is difficult, costly and sometimes impossible to clean up. Preventing contamination is necessary to avoid potential physical harm to people, hardships and exorbitant rehabilitation and clean-up costs. Preserving aquifer recharge areas is also critical in the replenishing of the City's ground water supply.

In urban areas, another benefit of maintaining aquifer-recharging capability is related to storm water management. Soil and vegetation tend to reduce runoff by slowing the velocity of water; thereby reducing erosion and potential flooding. As water velocity is slowed by vegetation and soil, it is more easily absorbed by permeable soil, providing a filtering function for various contaminants, e.g., heavy metals. This process serves to protect the water quality of surface waters. As the physical development of the City increases, the need to treat storm water before it is discharged to surface water bodies also increases. This amounts to a costly endeavor. Consequently, reducing storm water runoff by collecting it onsite and using any natural means available, is desirable.

i. Classification

To date, very little study has been dedicated to aquifer recharge in the Omak area. In ~~June~~ May of 2018², the City adopted an updated Comprehensive Water Plan as required by the Washington State Department of Health to comply with the federal Safe Drinking Water Act. The purpose of such a plan is to provide an organized approach to effectively protect drinking water supplies from contamination.

An Aquifer Susceptibility Assessment is a key component of a WHP. Susceptibility is a qualitative measure of how quickly and how far groundwater must travel to reach a water source (well or spring). Such information is useful in determining the existence of Aquifer Recharge Areas, and the extent of regulation necessary to protect local aquifers. A map of the Wellhead Protection Area for the ~~four~~ five existing City wells is included as Map A-6 in the Map Appendix.

In addition to the Wellhead Protection Areas, it is generally acknowledged that the following areas have the potential to allow contaminants to enter the aquifer: rivers and creeks especially at their headwaters, wetlands, lakes and ponds, alluvial fans, and areas within the 100-year flood plain. These areas are usually lower in elevation than their surrounding landscape. Therefore, coupled with certain porous soil types as identified by the Natural Resources Conservation Service (NRCS) 2009 Soil Survey², these areas are considered to have the potential for allowing contaminants to enter the aquifer and should be afforded a higher degree of protection than other areas. The following three-level

2 - the City of Omak and its UGA lie within two separate soil survey areas with the dividing line the Okanogan River.

classification scheme should be used to determine the level of protection necessary for land areas:

Critical Potential - Rivers, creeks, wetlands, lakes and ponds; and lands that have been specifically identified as critical recharge areas based on reliable scientific data. This classification also includes the following soils:

- 391-Riverwash
- 558 and 531 - Water

High Potential - Lands adjacent to rivers, creeks, wetlands, lakes and ponds, including areas of the 100-year floodplain ([See Map A10 in the Map Appendix](#)) and soils that are shown to be excessively well drained and/or somewhat excessively well drained with Ksat values above 10³ according to the 2009 Soil Survey. This classification includes the following soils:

- 36 - Beverly gravelly loamy sand, 2 to 25 percent slopes
- 252 - Logy very stony sandy loam
- 274 - Ewall loamy fine sand, 0 to 15 percent slopes
- 275 - Ewall loamy fine sand, 15 to 25 percent slopes
- 276 - Ewall loamy fine sand, 25 to 45 percent slopes
- 354 - Pogue fine sandy loam, 0 to 5 percent slopes
- 356 - Pogue fine sandy loam, 10 to 25 percent slopes
- 357 - Pogue gravelly fine sandy loam, 0 to 10 percent slopes
- 358 - Pogue stony fine sandy loam, 0 to 25 percent slopes
- 359 - Pogue stony fine sandy loam, 25 to 65 percent slopes
- 362 - Quincy fine sand, 25 to 60 percent slopes
- 363 - Quincy loamy sand, fan, 2 to 10 percent slopes
- 364 - Quincy loamy fine sand, 0 to 10 percent slopes
- 365 - Quincy loamy fine sand, 0 to 10 percent slopes, eroded
- 366 - Quincy loamy fine sand, 10 to 25 percent slopes
- 367 - Quincy-Aeneas complex, 3 to 15 percent slopes
- 422 - Skaha loamy sand, 0 to 10 percent slopes
- 423 - Skaha gravelly loamy sand, 0 to 10 percent slopes
- 424 - Skaha extremely gravelly loamy sand, 30 to 65 percent slopes
- 425 - Skaha very stony sandy loam, 5 to 30 percent slopes
- 426 - Skaha very stony sandy loam, 30 to 65 percent slopes
- 455 - Pogue fine sandy loam, 0 to 3 percent slopes
- 456 - Pogue fine sandy loam, 3 to 8 percent slopes
- 457 - Pogue fine sandy loam, 8 to 15 percent slopes
- 459 - Pogue gravelly fine sandy loam, 0 to 25 percent slopes, extremely stony
- 460 - Pogue gravelly fine sandy loam, 25 to 65 percent slopes, extremely stony
- 461 - Pogue gravelly fine sandy loam, 0 to 8 percent slopes
- 496 - Skaha gravelly loamy sand, 0 to 8 percent slopes

3 - Saturated hydraulic conductivity (Ksat) refers to the ease with which pores in a saturated soil transmit water. The estimates are expressed in terms of micrometers per second. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Saturated hydraulic conductivity is considered in the design of soil drainage systems and septic tank absorption fields.

- 497 - Skaha gravelly loamy sand, 8 to 25 percent slopes
- 498 - Skaha gravelly loamy sand, 25 to 65 percent slopes
- 521 - Winchester loamy coarse sand, 0 to 10 percent slopes
- 524 - Winchester-Rock outcrop complex, 0 to 25 percent slopes
- 528 - Xeric Torriorthents, fill, 0 to 15 percent slopes
- 529 - Xeric Torriorthents, escarpments, 30 to 65 percent slopes.

Moderate Potential - Lands with soils that are moderately well drained or well drained⁴with have a Ksat value above 10⁵in the 2009 soil survey. This classification includes the following soils:

- 3 - Aeneas fine sandy loam, 0 to 5 percent slopes
- 22 - Aquic Xerofluvents, warm, 0 to 3 percent slopes
- 67 - Cashmere fine sandy loam, 0 to 5 percent slopes
- 71 - Cashmont gravelly sandy loam, fan, 3 to 15 percent slopes
- 200 - Haploxerolls, 30 to 70 percent slopes
- 224 - Cashmere fine sandy loam, 0 to 3 percent slopes
- 225 - Cashmere fine sandy loam, 3 to 8 percent slopes
- 226 - Cashmere fine sandy loam, 8 to 15 percent slopes
- 229 - Cashmont sandy loam, 3 to 8 percent slopes
- 230 - Cashmont sandy loam, 8 to 15 percent slopes
- 231 - Cashmont sandy loam, 15 to 25 percent slopes
- 232 - Cashmont gravelly sandy loam, 0 to 8 percent slopes
- 234 - Cashmont sandy loam, 25 to 45 percent slopes, extremely stony
- 326 - Okanogan loam, 0 to 5 percent slopes
- 338 - Lithic Haploxerepts-Cashmont complex, 15 to 45 percent slopes

2. Designation

No aquifer recharge areas are known to have been mapped within the City or surrounding planning area. Therefore, aquifer recharge areas in Omak shall be designated as “potential” in accordance with the classification provisions. Because the classification focuses on areas where soil types provide the potential for recharge or for contaminants to enter the aquifer, protections shall be broad enough to preserve essential aquifer recharge functions and values.

Map A.7 in the Map Appendix designates potential aquifer recharge areas. It is important to note that the map is only general in nature and is based on the soil characteristics from the 2009 Soil Survey. The map is intended to show those areas where contaminants may enter the aquifer and/or surface waters more readily than other areas. Specific projects will require more detailed site analysis prior to development.

4 - based on drainage class per soil type 2009 Soil survey

5 - Saturated hydraulic conductivity (Ksat) refers to the ease with which pores in a saturated soil transmit water. The estimates are expressed in terms of micrometers per second. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Saturated hydraulic conductivity is considered in the design of soil drainage systems and septic tank absorption fields.

Fish and Wildlife Habitat Conservation Areas

Generally, the concept of fish and wildlife habitat is not thought of as a component to urban development, especially in small towns and cities located in rural areas. Fish and wildlife habitat is currently abundant in Okanogan County so why should the residents of such a small portion of the County be concerned? Cumulatively and incrementally, development of land for human purposes impacts various elements of a wide diversity of fish and wildlife habitat. Over the long term, many areas that may have played a significant role in the life-cycle of fish and wildlife may be irretrievably lost.

In order to reduce the cumulative impacts of future development on fish and wildlife, growth areas (including cities and towns) can be planned and developed in such a way that critical habitat components may be retained. While general habitat remains in agricultural and a variety of public lands, critical habitat areas that happen to fall within the path of growth need special consideration.

Fish and wildlife are public resources. Protection of fish and wildlife is generally accomplished through a range of land management practices and regulations, mainly focused on the habitat required to support various animal populations. In Washington, protection of fish and wildlife habitat is vested with the Washington Department of Fish and Wildlife (WDFW) and is achieved through the State Environmental Policy Act (SEPA), Growth Management Act (GMA), Forest Practices Act (FPA), Shoreline Management Act (SMA), other state and federal statutes, and the actions of landowners and government agencies.

Fish and wildlife habitat conservation areas are typically home to species designated by federal or state government as endangered, threatened or sensitive. Federally designated species are those identified by NOAA Fisheries or US Fish and Wildlife Service as being in danger of extinction or likely to become endangered. Current listing of these species is available from NOAA or USFWS. Species designated at the state level include those animals native to the state which WDFW has identified as being in danger of extinction, vulnerable, or declining and likely to become endangered or threatened in a significant portion of their range without cooperative management or removal of threats. WDFW should be consulted for the most current listing of species and habitats.

Fish and wildlife habitat areas vary considerably throughout the state and within jurisdictions. While some habitats, such as wetlands, shorelines, or streams, tend to be easily recognized, other areas, such as prairie, shrub steppe or urban open space, may not be as obvious. The Washington State Department of Fish & Wildlife (WDFW) has extensive mapping of sensitive habitat around Okanogan County included as a part of their Priority Habitat Species Program. These maps are used to generally designate fish and wildlife conservation areas. Review of these maps and related information reveals that the extent of priority habitat within the Omak Urban Growth Area consists primarily of the Okanogan River and its riparian area. This area not only supports the life cycle of salmonids but the fact that riparian areas in our dry climate also support myriad other species is well-documented.

A riparian habitat area (RHA) is defined as the area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

The Washington Department of Fish and Wildlife (WDFW) has developed statewide riparian management recommendations based on the best available science. Nearly 1,500 pieces of literature on the importance of riparian areas to fish and wildlife were evaluated, and land use recommendations designed to accommodate riparian-associated fish and wildlife were developed. These recommendations consolidate existing scientific literature and provide information on the relationship of riparian habitat to fish and wildlife and to adjacent aquatic and upland ecosystems. These recommendations have been subject to numerous review processesⁱ.

Protection of riparian habitat, compared to other habitat types, may yield the greatest gains for fish and wildlife while involving the least amount of area. Riparian habitat deserves protection because it:

- covers a relatively small area yet it supports a higher diversity and abundance of fish and wildlife than any other habitat;
- provides important fish and wildlife breeding habitat, seasonal ranges, and movement corridors;
- is highly vulnerable to alteration;
- has important social values, including water purification, flood control, recreation, and aesthetics.

i. Classification

The city of Omak is generally considered an area where urban development is expected and planned to occur. The bulk of the urban growth area is in shrub-step uplands. While these natural areas include important habitat for animal and bird species, there are vast contiguous properties in the rural areas of Okanogan County. Therefore, it is not intended that the City limit development in this portion of its urban growth area. However, the Okanogan River and its riparian areas in the City and the adjacent Urban Growth Area warrant protection. Following are descriptions of the City's classifications for fish and wildlife conservation areas:

Riparian Habitat Conservation Areas.

With this classification, the City recognizes that riparian habitat within Omak and its urban growth area is likely to coincide with shoreline areas, flood hazard areas, wetlands and aquifer recharge areas. Riparian areas typically offer relatively contiguous habitat that is essential to a diverse array of fish and wildlife species. Best Available Science seems to indicate that these areas are especially sensitive to pressures from urban development, and that they provide important habitat functions and values for anadromous fish.

Riparian Habitat Conservation Areas are defined as public or privately-owned lands adjacent to the Okanogan River that presently (using ~~2006~~-2016 aerial photography) contain riparian vegetation.

Upland Habitat Conservation Areas.

With this classification, the City recognizes that those upland areas within the defined City limits and urban growth boundary, which are not otherwise designated as aquifer recharge areas, wetlands, or geologically hazardous areas, are frequently the most suited for human development. This classification is intended to take into account that upland habitats that support federal or state identified endangered, threatened or sensitive species, or any habitats which are identified as providing a high level of functions and values must be protected to the extent possible. However, in considering Best Available Science, this classification also is intended to ensure that development is not subject to burdensome regulation in those areas most suited to support it. Such areas shall include all portions of the City and urban growth area where a development pattern is already established such that connectivity of native habitat has already been broken and protection of identified habitat areas is unlikely to provide particular benefit to any of the priority species identified by WDFW.

2. Designation

Fish and wildlife conservation areas are designated ~~under using data from~~ the Washington Department of Fish and Wildlife *Priority Habitat and Species Program*. Priority habitats are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority Habitat and Species maps based on WDFW data depict habitat conservation areas (see Map A8 in the Map Appendix). However, it must be noted that populations and habitat systems are dynamic in nature. Therefore, site review should be used to verify the presence of a given habitat or species.

Wetlands

Wetlands are transitional areas between water and land, where the water table is at or near the surface of the soil. Wetlands are characterized by certain plant types, wet soils, and water (the presence of which may change with the seasons or even from day to day). Some wetlands are easy to identify - bogs, marshes, estuaries, and swamps are good examples of these. Others are less obvious and may actually be dry during the summer months.

Washington uses the same definition for wetlands as the federal government. Under that definition, wetlands are:

...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes bogs and similar areas. [RCW 36.70A.030(20)]

Some wetlands, such as swamps or marshes, are easy to identify, while others are less obvious and may actually be dry during the summer months.

In general, wetlands are areas where the soil is wet for a long enough period of time that:

- soils become depleted of oxygen, and
- wetland vegetation is more prevalent than upland vegetation.

All three of these characteristics must be present for an area to be considered a wetland (hydrology, soil type, and vegetation).

Why are Wetlands Important?

Wetlands act like sponges to absorb enormous quantities of water during heavy rainstorms and periods of flooding. The water retained by wetlands can significantly decrease peak river flows during storms, reducing the effects of flooding. Some of this water percolates from the wetland into the ground, where it replenishes groundwater. Where wetlands are located adjacent to streams, stored water is slowly released as surface water, which drains into streams and helps to keep stream flows continuous - an important factor in maintaining habitat for fish.

Because the vegetation within a wetland slows the movement of the water, silt, and other particles drop out of the water and settle to the bottom. Certain pollutants and excess nutrients are also filtered from water that passes through the wetland. By reducing sedimentation and lowering pollutant and nutrient levels in rivers and streams, wetlands further protect fish habitats and improve water quality in streams, rivers, and groundwater.

Wetlands are nature's rich nurseries for fish and wildlife. About 85 percent of Washington's wildlife species use wetlands and their buffers for breeding and feeding. Waterfowl and other resident and migratory birds, many of which are popular targets for hunters, rely on wetlands for feeding and nesting grounds. Numerous plants, invertebrates, reptiles, amphibians, fish and mammals also depend on the biologically rich environment of a wetland.

Why Are Buffers Around Wetlands Important?

Buffers are needed to protect wetlands so they can perform public health and safety functions such as filtering ground water and controlling floods. Without adequate buffers, wetlands can become so degraded that they no longer provide these functions. Buffers are also needed to protect wetlands because they are an essential part of a wetland system. Fish need buffers to protect water quality and many wetland dependent species rely on adjacent upland buffers for nesting, foraging, and cover. Effective non-wildlife functions often occur in areas from 50 to 300 feet from the wetland edge, while many fish and wildlife species rely on land as far out as 800 feet from the actual wetland.

What Are the Economic Benefits in Protecting Wetlands?

Open space provides a variety of amenities, which are often reflected in increased real property values and added marketability for nearby property. People like living by productive lakes, ponds and creeks, and they will pay more for these amenities. Additional benefits include: reduced costs for pollution control and hazards mitigation, "quality of life" amenities, and nature-based tourism. There is also the ability to put

wetlands into the Okanogan County Open Space/Open Space designation and receive a property tax reduction.

Wetlands and the City of Omak

More so than other land use issues, wetlands protection is controversial, making it necessary to ensure that a reasonable balance exists between the goal of wetlands protection and private property rights. Wetland areas in Omak and it's UGA are most likely to be associated with the Okanogan River, Jasmine Stormwater Management System, Omak Creek and small springs along the hillsides that form the western boundary of the City. ~~These Existing~~ wetlands, particularly those shown on the National Wetlands Inventory Maps coincide with floodplain and wildlife habitat areas along the Okanogan River and, therefore, ~~have received some~~ will receive protection ~~to date~~ through implementation of the updated Omak Shoreline Master Program.

i. Classification

Wetlands shall be identified and delineated by a qualified wetland professional in accordance with the *Washington State Wetlands Identification and Delineation Manual* (Ecology Publication #96-94, or as revised and approved by Ecology). Wetland delineations are valid for five years and performed using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987, as amended); and the US Army Corps of Engineers (2006) Regional Supplement to the 1987 Delineation Manual: Arid West Region. The City may use the following information sources as guidance in identifying the presence of wetlands and the subsequent need for a wetland delineation study;

- ◆ Hydric soils, soils with significant soil inclusions, and "wet spots" identified within the local soil survey;
- ◆ National Wetlands Inventory;
- ◆ Previous wetland rating evaluation; and,
- ◆ On-site inspection

Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Eastern Washington* (Ecology Publication #04-06-015, or as revised and approved by Ecology).

Wetlands in Omak shall be classified into the following categories according to the manual referenced above:

Category I Category I wetlands are:

- alkali wetlands;
- wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands;
- bogs;
- mature and old-growth forested wetlands over 1/4 acre with slow-growing trees;
- forests with stands of aspen; wetlands that perform many functions very well (scores of 70 points or more)

These wetlands are those that:

- represent a unique or rare wetland type; or
- are more sensitive to disturbance than most wetlands; or
- are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
- provide a high level of function.

We do not wish to risk any degradation to these wetlands. Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. Category I wetlands include alkali wetlands, bogs, Natural Heritage wetlands, mature and old-growth forested wetlands with slow growing trees, and wetlands that perform many functions well, as measured by the rating system.

Category II Category II wetlands are:

- a. Forested wetlands in the floodplains of rivers;
- b. Mature and old-growth forested wetlands over ¼ acre with fast growing trees;
- c. Vernal pools; or
- d. Wetlands that perform functions well (scores between 51-69 points).

These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.

Category III Category III wetlands are:

- a. Vernal pools that are isolated; or
- b. Wetlands with a moderate level of functions (scores between 30-50 points).

Wetlands scoring between 30 and 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape that Category II wetlands.

Category IV Category IV wetlands have the lowest levels of functions (scores fewer than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases improve. These wetlands may provide some important functions and also need to be protected.

2. Designation

To date there has been no wetlands mapping done specifically for the Omak area other than the U.S. Fish and Wildlife Services National Wetlands Inventory (NWI) maps. To remedy this, the City should pursue an accurate accounting of all wetlands in its planning area based on the *Washington State Wetlands Rating System for Eastern Washington*. However, until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps shall be used as a base designation. Map A9 in the Map Appendix, along with other supportive documentation,

shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the classification criteria shall be part of the standard process for identifying and designating wetlands.

Frequently Flooded Areas

Frequently flooded areas are those that experience a general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source. Such areas include the 100-year flood plain as defined and mapped by the Federal Emergency Management Administration (FEMA). Omak's frequently flooded areas are primarily associated with the Okanogan River. See Flood Hazard Map A10 in the Map Appendix. The 100-year floodplain throughout most of the City and UGA is defined by a levee along both banks of the river. However, much of the south, central, and eastern portions of the City fall within the 500-year floodplain. All areas designated as floodplain are regulated by the City's flood damage prevention code (Chapter 14.28 OMC).

1. Classification

The classification system for frequently flooded areas follows:

Class I The floodway of any river or stream as designated by FEMA; and draws, alluvials and flood channels that are not mapped by FEMA but are areas of local concern that have a historical reoccurrence of flood events characterized by significant damage from flood flows.

Class II All areas mapped by FEMA as 100-year flood plain; and, those areas of local concern that experience recurrences of flooding that are characterized by damage due primarily to inundation.

2. Designation

The City of Omak designates those areas of special flood hazard indicated in the *Flood Hazard Boundary Map/Flood Insurance Rate Map* and *Flood Boundary/Floodway Map*, together with the accompanying *Flood Insurance Study* for Community Number 530120 0001C, revised November 16, 2003. As information becomes available, the City should pursue mapping of areas of local concern that have a tendency to flood, despite being outside the levee.

Geologically Hazardous Areas

Geologically hazardous areas consist of the following types: Erosion Hazard Areas; Landslide Hazard Areas; Mine Hazard Areas; Seismic Hazard Areas; and Volcanic Hazard Areas. Each type has different criteria for determining and evaluating the extent of the hazard area, however all types, when necessary, will use the same classification system. Based upon the risk to development in geologically hazardous areas, the following categories will be used:

- a. Known or Suspected Risk
- b. No Risk

c. Risk Unknown (Data not available to determine presence of absence of a geological hazard).

i. Classification

Erosion Hazard Areas - Erosion hazard areas are those areas that contain **ALL-TWO** of **THREE** of the following characteristics:

a. A slope of ~~30~~25% or greater. The following soils, depicted on Map AII-A in the Map Appendix, have slopes of at least ~~30~~25% or greater (is important to note that soils are rated with a range of slopes, e.g. 0 to 30%, 20 to 40%, etc...):

- ~~467 - Swakane Rock outcrop complex, 30 to 70 percent slopes~~
- ~~103 - Couleedam Rock outcrop complex, 30 to 70 percent slopes~~
- 234 - Cashmont sandy loam, 25 to 45 percent slopes, extremely stony
- 276 - Ewall loamy fine sand, 25 to 45 percent slopes
- 338 - Lithic Haploxerepts-Cashmont complex, 15 to 45 percent slopes
- 359 - Pogue stony fine sandy loam, 25 to 65 percent slopes
- 362 - Quincy fine sand, 25 to 60 percent slopes
- 424 - Skaha extremely gravelly loamy sand, 30 to 65 percent slopes
- 460 - Pogue gravelly fine sandy loam, 25 to 65 percent slopes, extremely stony
- 498 - Skaha gravelly loamy sand, 25 to 65 percent slopes
- 529 - Xeric Torriorthents, escarpments, 30 to 65 percent slopes
- ~~425 - Skaha very stony sandy loam, 5 to 30 percent slopes~~
- ~~397 - Rock outcrop Soaplake complex, 5 to 30 percent slopes~~
- 263 - Malott stony very fine sandy loam, 25 to 65 percent slopes
- ~~329 - Owhi stony loam, 3 to 30 percent slopes~~
- ~~398 - Rock outcrop Swakane complex, 5 to 30 percent slopes~~

b. Soils Identified by the Natural Resources Conservation Service as very limited for home construction (both on slab or with basement). The following soils, depicted on Map AII-B in the Map Appendix, are categorized as very limited in the 2009 soil survey:

- ~~154 - Emdent silt loam, wet, 0 to 2 percent slopes~~
- 200 - Aeneas fine sandy loam, 0 to 3 percent slopes
- 231 - Cashmont sandy loam, 15 to 25 percent slopes
- 234 - Cashmont sandy loam, 25 to 45 percent slopes, extremely stony
- 245 - Colville silt loam, 0 to 3 percent slopes
- 263 - Disautel silt loam, 8 to 15 percent slopes
- 275 - Ewall loamy fine sand, 15 to 25 percent slopes
- 276 - Ewall loamy fine sand, 25 to 45 percent slopes
- 289 - Monse silt loam, 0 to 8 percent slopes
- 326 - Leavenworth silt loam, 0 to 3 percent slopes
- 338 - Lithic Haploxerepts-Cashmont complex, 15 to 45 percent slopes
- 356 - Pogue fine sandy loam, 10 to 25 percent slopes
- 359 - Pogue stony fine sandy loam, 25 to 65 percent slopes
- 424 - Skaha extremely gravelly loamy sand, 30 to 65 percent slopes
- 431 - Okanogan loam, 0 to 5 percent slopes
- 459 - Pogue gravelly fine sandy loam, 0 to 25 percent slopes, extremely stony

- 460 - Pogue gravelly fine sandy loam, 25 to 65 percent slopes, extremely stony
- 496 - Skaha gravelly loamy sand, 0 to 8 percent slopes
- 497 - Skaha gravelly loamy sand, 8 to 25 percent slopes
- 529 - Xeric Torriorthents, escarpments, 30 to 65 percent slopes

c. Soils identified by the Natural Resource Conservation Service (NRCS) as having potential erodibility based on wind and other factors. This data will be used to identify areas of erosion potential specifically based on numeric values assigned to individual soils in the soil survey. Soils with a K Factor⁶ greater than .30 are considered at a higher risk for erosion. The following soils, depicted on Map AII-C in the Map Appendix, have a K Factor for the whole soil of .30 or greater:

- 146 - Ellisforde silt loam, 0 to 5 percent slopes
- ~~154 - Emdent silt loam, wet, 0 to 2 percent slopes~~
- 259 - Malott very fine sandy loam, 0 to 5 percent slopes
- 260 - Malott very fine sandy loam, 5 to 10 percent slopes
- 289 - Monse silt loam, 0 to 8 percent slopes
- 326 - Leavenworth silt loam, 0 to 3 percent slopes
- 354 - Pogue fine sandy loam, 0 to 5 percent slopes
- 356 - Pogue fine sandy loam, 10 to 25 percent slopes
- 245 - Colville silt loam, 0 to 3 percent slopes
- 274 - Ewall loamy fine sand, 0 to 15 percent slopes
- 275 - Ewall loamy fine sand, 15 to 25 percent slopes
- 276 - Ewall loamy fine sand, 25 to 45 percent slopes

Landslide Hazard Areas - Landslide hazard areas may include:

1. All areas that have historically been prone to land sliding.
2. All areas containing soil types identified by the Natural Resource Conservation Service (NRCS) as unstable and prone to landslide hazard.
3. All areas that are potentially unstable as a result of rapid stream incision or stream bank erosion.

Mine Hazard Areas - Mine Hazard Areas include: Areas that are directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts with the potential for creating large underground voids susceptible to collapse, tailings piles, and waste rock. In addition, steep and unstable slopes created by open mines, tailings and waste rock piles have the potential for being mine hazard areas. Mine hazard areas are based upon the identification of active or historic mining

6 - Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

activity and site-specific information regarding topography and geology. The city of Omak and its UGA does not contain any mine hazard areas.

Seismic Hazard Areas - Areas subject to sever risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or soil liquefaction. The majority of the City is located within Seismic Zone 2B in accordance with the current International Building Code.

Volcanic Hazard Areas - Areas that are subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity. No Volcanic Hazard Areas are known to exist in or near Omak. There are, however, several active volcanoes that could have impacts on the community. The impacts include the fall-out of ash and accompanying disruption of transportation systems. There is no way to prevent the impacts of fallen ash, but there are ways to respond to the ash that could lessen its impacts.

2. Designation

~~Map A.11 in the Map Appendix represents a composite of the various Geologically Hazardous Areas.~~ Each type of geologically hazardous area is designated based on different factors. The designation process for each type follows:

Erosion Hazard Areas - Natural Resource Conservation Service (NRCS) soil slope, building suitability and erosion-hazard ratings are used to broadly designate geologically hazardous areas. Maps A11-A, B and C in the Map Appendix illustrate potential does not pinpoint erosion sites hazards, but rather areas that, because of slope, soil properties, availability of water, etc., are more susceptible to severe erosion than others. Using the Classification Criteria, those areas in Omak and its UGA that meet two of the three criteria are show on Map A.11.

~~The soil information needs to be combined with site-specific information (rills, inter-rills, and wind erosion) to determine if erosion hazard is present on the site.~~

~~In Omak's case, most of the land within the incorporated boundaries is already developed and soil stability has been proven.~~

Landslide Hazard Areas - Data available from Okanogan County indicates there are no identified landslide hazard areas within Omak or its UGA. Lands that meet the classification criteria are hereby designated as landslide hazard areas and should be mapped, as resources become available.

Mine Hazard Areas - There are no known mines or mine hazard areas within Omak and its UGA. Lands that meet the classification criteria are hereby designated as mine hazard areas and will be mapped, as resources become available.

Seismic Hazard Areas - There are no known active faults in Omak. The majority of the City is located within Seismic Zone 2B ~~in accordance with the~~ as identified in the current International Building Code.

Volcanic Hazard Areas - There are no volcanic hazard areas in Omak. There are, however, several active volcanoes that could have impacts on areas of Omak, particularly the fallout of ash. There is no way to prevent the impacts of fallen ash, but there are ways to respond to the ash that could lessen its impacts.

Maps A.6 through A.11-C in the Maps Appendix depict the various Critical Areas in Omak.

MEMORANDUM

To: Cindy Gagné, Mayor
Omak City Council

From: Todd McDaniel

Date: June 3, 2019

Subject: Ordinance 1876 updating Chapter 18 Critical Areas

The Attached Ordinance 1876, An Ordinance of The Omak City Council, Adopting Amendments to Chapter 18.20 of the City of Omak Municipal Code, is forwarded for your consideration.

The Growth Management Act requires the City to periodically review resource and Critical Areas within our Jurisdictions. These areas are identified in our comprehensive plans and regulated by Omak Municipal Code. Our Critical Areas and Land Use process was updated recently with the inclusion of Title 19.05 Land Use permitting to the Omak Code.

This Ordinance acknowledges our formal review and cleans up Chapter 18.20 by referencing the Administrative Procedures in OMC Title 19.

I support the passage of this Ordinance

Ordinance No. 1876

**AN ORDINANCE OF THE OMAK CITY COUNCIL, ADOPTING AMENDMENTS TO
CHAPTERS 18.20 OF THE CITY OF OMAK MUNICIPAL CODE**

WHEREAS, the City of Omak has an adopted Comprehensive Plan and zoning regulations pursuant to RCW 35A.63; and,

WHEREAS, all amendments to the comprehensive plan and zoning code are to be adopted, certified, and recorded or filed in accordance with RCW 35.63; and,

WHEREAS, the City is required by the Growth Management Act to periodically review and revise the comprehensive plan and implementing regulations pertaining to resource lands and critical areas; and,

WHEREAS, the City of Omak Planning Commission held public workshops on February 7th, March 7th, April 4th, June 6th July 12th, and September 5th in 2018 to review and discuss proposed amendments to Title 18 of the Omak Municipal Code; and,

WHEREAS, the Planning Commission also reviewed and discussed proposed amendments to Chapters 18.20 during their regular meetings throughout 2018; and,

WHEREAS, the Planning Commission held a duly advertised public hearing on October 3rd, 2018 to which interested persons were invited to comment and following which the Planning Commission voted to recommend to the City Council approval of the amendments to Chapter 18.20 of the Omak Municipal Code

WHEREAS, the City Council held a public hearing on the proposed amendments on November 19, 2018, at the end of which the Council accepted the Planning Commission's recommendation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OMAK DO ORDAIN AS FOLLOW:

Section 1. Amend Chapter 18.20.020 Applicability

Chapter 18.20.020 Applicability.

These critical area regulations shall apply as an overlay to zoning and other land use regulations established by the city. Critical areas lying within the jurisdiction of the city of Omak shoreline master program shall be regulated under the provisions of said SMP.

(a) All land uses and/or development permit applications on all lots or parcels within the city that lie within a critical areas as designated in the city of Omak comprehensive plan (see critical areas section and map appendix) shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any critical area except as consistent with the purposes, objectives and intent of this chapter.

(b) Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area. Where it is determined that a designated critical area is located within the jurisdiction of the city's shoreline master program, the regulations contained in the shoreline master program shall apply. However, any standards found in this chapter may also be applied to a proposal as optional and/or supplemental items to the provisions of the shoreline master program (as it now exists or hereinafter amended). For designated critical areas outside of the shoreline jurisdiction, the provisions of this chapter shall apply.

(c) These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination. (Ord. 1776 §§ 3—5, 2014; Ord. 1542 § 1 (part), 2005).

Amend 18.20.020 Applicability to read as follows:

These critical area regulations shall apply as an overlay to zoning and other land use regulations established by the city. Critical areas lying within the jurisdiction of the city of Omak shoreline master program shall be regulated under the provisions of said SMP.

(a) All land uses and/or development permit applications on all lots or parcels within the city that lie within a critical area designated in the city of Omak comprehensive plan (see critical areas section and map appendix) shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any critical area except as consistent with the purposes, objectives and intent of this chapter.

(b) Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area. Where it is determined that a designated critical area is located

within the jurisdiction of the city's shoreline master program, the regulations contained in the shoreline master program shall apply. However, any standards found in this chapter may also be applied to a proposal as optional and/or supplemental items to the provisions of the shoreline master program (as it now exists or hereinafter amended). For designated critical areas outside of the shoreline jurisdiction, the provisions of this chapter shall apply.

(c) These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter

shall be included in the SEPA review and threshold determination. (Ord. 1776 §§ 3—5, 2014; Ord. 1542 § 1 (part), 2005).

Section 2: Amend Chapter 18.20.060 Reference maps and Material

18.20.060 Reference maps and materials.

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Since boundaries are generalized, the application of this chapter and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's maps and the criteria and standards established in this chapter, or the site-specific conditions, the criteria, standards and/or site-specific conditions shall prevail. Reference maps and inventories shall include, but are not limited to, the following:

- (a) Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands Inventory;
- (b) Fish and wildlife habitat area maps and management recommendations, based upon Washington Department of Fish and Wildlife Priority Habitats and Species data;
- (c) Soils maps, based upon soils survey prepared by the Natural Resources Conservation Service (2009);
- (d) Flood Insurance Rate Map Community Panel No. 530120 0001C, November 16, 1982;
- (e) City of Omak comprehensive plan and map appendix, as it now exists and hereinafter amended;
- (f) City of Omak shoreline master program, as it now exists and hereinafter amended;
- (g) Washington State Wetlands Rating System for Eastern Washington, as revised;
- (h) Aerial photos;
- (i) Management Recommendations for Washington's Priority Habitats—Riparian, December 1997, as amended;
- (j) Priority Habitats and Species List, July 1999, as amended;

(k) U.S. Army Corps of Engineers (2006), Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), as amended;

(l) Wetlands in Washington State—Volume 1: A Synthesis of the Science, Washington State Department of Ecology, Publication No. 05-06-006;

(m) Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands, Washington State Department of Ecology, Publication No. 05-06-008; and

(n) Approved special reports previously completed for a subject property that meet the criteria of best available science. (Ord. 1776 § 9, 2014; Ord. 1542 § 1 (part), 2005).

Amend 18.20.060 Reference maps and materials to read as follows:

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Since boundaries are generalized, the application of this chapter and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's Comprehensive Plan maps and the criteria and standards established in this chapter, or the site-specific conditions, the criteria, standards and/or site-specific conditions shall prevail. Reference maps and inventories shall include, but are not limited to, the following:

(a) Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands Inventory;

(b) Fish and wildlife habitat area maps and management recommendations, based upon Washington Department of Fish and Wildlife Priority Habitats and Species data;

(c) Soils maps, based upon soils survey prepared by the Natural Resources Conservation Service (2009);

(d) Flood Insurance Rate Map Community Panel No. 530120 0001C, November 16, 1982;

(e) City of Omak comprehensive plan and map appendix, as it now exists and hereinafter amended;

(f) City of Omak shoreline master program, as it now exists and hereinafter amended;

(g) Washington State Wetlands Rating System for Eastern Washington, as revised;

(h) Aerial photos;

(i) Management Recommendations for Washington's Priority Habitats—Riparian, December 1997, as amended;

(j) Priority Habitats and Species List, July 1999, as amended;

- (k) U.S. Army Corps of Engineers (2006), Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), as amended;
- (l) Wetlands in Washington State—Volume 1: A Synthesis of the Science, Washington State Department of Ecology, Publication No. 05-06-006;
- (m) Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands, Washington State Department of Ecology, Publication No. 05-06-008; and
- (n) Approved special reports previously completed for a subject property that meet the criteria of best available science. (Ord. 1776 § 9, 2014; Ord. 1542 § 1 (part), 2005).

Section 3: Amend Chapter 18.20.070 Review Process

Chapter 18.20.070 Review Process

All land use and building permits shall be reviewed by the building official for a determination whether the project/development requires that the applicant disclose activities within one hundred feet of a known or suspected critical area except in shoreline areas and associated wetlands where the distance would be two hundred feet. Such a determination must be made in writing and provided to the applicant with the requirement that the applicant disclose any activities planned for these areas. The provisions of this chapter shall be applied to any such proposals. The review process shall proceed as follows:

- (a) Preapplication Meeting/Site Visit. Upon receiving a land use or development proposal, the administrator shall schedule a preapplication meeting and/or site visit with the proponent for purposes of a preliminary determination whether the proposal is likely to result in impacts to the functions and values of critical areas or pose health and safety hazards. At this meeting, the administrator shall discuss the requirements of this chapter and other applicable regulations; provide critical areas maps and other available reference materials; outline the review and permitting processes; and, work with the proponent to identify any potential concerns with regards to critical areas. A fee in an amount defined in the adopted fee schedule is required for a preapplication/site visit.
- (b) Application and SEPA Checklist. For all nonexempt proposals, the proponent shall submit all relevant land use/development applications, together with a SEPA Checklist. The administrator may waive the requirement for a SEPA Checklist if the proposal is exempt under SEPA regulations and is unlikely to yield information useful in the review process.
- (c) Determination of Need for Critical Areas Report. Based upon the preapplication meeting, application materials, and the SEPA Checklist (unless waived), the administrator shall determine if there is cause to require a critical areas report. In addition, the administrator may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence

regarding the existence of critical area(s) on or adjacent to the site of the proposed activity. If no critical areas are found to exist, the administrator shall document this fact on the face of any permit to be issued.

(d) Documentation and Notification. The administrator shall document the preapplication meeting and/or site visit, application and SEPA threshold determination, and any other steps or findings that inform the determination whether a critical areas report shall be required. The applicant shall receive notice of the determination and any findings that support it. (Ord. 1776 §§ 10—12, 2014; Ord. 1542 § 1 (part), 2005).

18.20.080 Critical areas report.

If the administrator determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the administrator.

(a) The requirement for critical areas reports may be waived by the administrator if there is substantial evidence that:

- (1) There will be no alteration of the critical area(s) and/or the required buffer(s);
- (2) The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the comprehensive plan; and
- (3) The minimum standards of this chapter will be met.

(b) No critical area report is required for proposals that are exempt from the provisions of this chapter as set forth in Section 18.20.030 of this chapter.

(c) Critical area reports shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the administrator. 1

(d) At a minimum, a required critical areas report shall contain the following information:

- (1) Applicant's name and contact information; permits being sought, and description of the proposal;
- (2) A copy of the site plan for the development proposal, drawn to scale and showing:
 - (A) Identified critical areas, buffers, and the development proposal with dimensions,
 - (B) Limits of any areas to be cleared, and
 - (C) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
- (3) The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

- (4) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
 - (5) An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;
 - (6) An analysis of site development alternatives;
 - (7) A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
 - (8) A mitigation plan, as needed, in accordance with the mitigation requirements of this chapter, including, but not limited to:
 - (A) The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area, and
 - (B) The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 - (9) A discussion of the performance standards applicable to the critical area and proposed activity;
 - (10) Financial guarantees to ensure compliance; and
 - (11) Any additional information required for specific critical areas as listed in subsequent sections of this chapter.
- (e) The administrator may request any other information reasonably deemed necessary to understand impacts to critical areas. (Ord. 1776 § 13, 2014; Ord. 1542 § 1

Amend section 18.20.070 Review Process

18.20.070 Review process.

All land use and building permits shall be reviewed by the building official for a determination whether the project/development requires that the applicant disclose activities within one hundred feet of a known or suspected critical area except in shoreline areas and associated wetlands where the distance would be two hundred feet. Such a determination must be made in writing and provided to the applicant with the requirement that the applicant disclose any activities planned for these areas. The provisions of this chapter shall be applied to any such proposals. The review process shall proceed in accordance with Chapter 19.05.030 OMC.

Section 4: Amend Chapter 18.20.090 Mitigation Requirements

18.20.090 Mitigation requirements.

The applicant shall, to the greatest extent possible avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with an approved critical areas report and SEPA documents. Mitigation shall be on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

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

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (3) Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
- (4) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- (5) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (6) Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (7) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

(b) **Mitigation Plan.** When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical area report. The mitigation plan shall include:

- (1) A written report identifying mitigation objectives, including:
 - (A) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities,

(B) A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in critical areas mitigation, and (C) An analysis of the likelihood of success of the compensation project;

(2) Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of this chapter have been met;

(3) Written specifications and descriptions of the mitigation proposed, including, but not limited to:

(A) The proposed construction sequence, timing, and duration,

(B) Grading and excavation details,

(C) Erosion and sediment control features,

(D) A planting plan specifying plant species, quantities, locations, size, spacing and density, and

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

(4) A program for monitoring construction of the compensation project, and for assessing the completed project and its effectiveness over time. The program shall include a schedule for site monitoring and methods to be used in evaluating whether performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met but not for a period less than five years;

(5) Identify potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. (Ord. 1542 § 1 (part), 2005).

Amend chapter 18.20.090 Mitigation requirements to read as follows:

The applicant shall, to the greatest extent possible, comply with the requirements of Chapter 19.05.037 OMC and avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with Chapter 19.05.037 OMC.

Section 5: Amend Chapter 18.20.140 Aquifer Recharge Areas (C)1-3

18.20.140 (c)1-3

(c) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

- (1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect recharging of the aquifer.
- (2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.
- (3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency, State Departments of Health, and the Okanogan County Health District.

Amend Chapter 18.20.140 (c)1-3 to read as follows:

(c) Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

- (1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect recharging of the aquifer.
- (2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.
- (3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency, State Departments of Health and Ecology, and the Okanogan County Health District.
- (9) All activities, uses and alterations proposed to be located in or adjacent to water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of associated habitats. (Ord. 1776 §§ 20—23, 2014; Ord. 1542 § 1 (part), 2005).

Section 6: Amend Chapter 18.20.160 wetlands (10)

18.20.160 (10)

- (10) Wetland alteration proposals shall be approved only if no alternative is available. If alteration is unavoidable, all adverse impacts shall be mitigated as set forth in an approved critical areas report and mitigation plan.

Amend Chapter 18.20.160 (10) to read as follows:

(10) Wetland alteration proposals shall be approved only if no alternative is available. If alteration is unavoidable, all adverse impacts shall be mitigated as set forth in an approved critical areas report and mitigation plan in compliance with Chapters 19.05.030 and 19.05.037 OMC.

Section 7: Effective date. This Ordinance 1876 shall take effect five days after it passage approval and publication.

DATED this _____ day of _____, 2019, at an open public meeting.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Thomas, City Clerk

Michael D. Howe, City A

Filed with City Clerk: _____

Passed by City Council:

1ST Reading _____

Date Published: _____

Date Effective: _____

On the _____ day of _____, 2019, the City Council of the City of Omak passed Ordinance No. 1876.

DATED this _____ day of _____, 2019.

Connie Thomas, City Clerk

Memorandum

To: Cindy Gagné
Omak City Council

From: Ken Mears
Public Works Department

Date: June 3rd, 2019

Subject Public Works Department Report

- Research of past HVAC repairs to compare with a maintenance proposal from a company.
- Interlocal invoice with Okanogan County request.
- Request from the Omak School District for possible disposal of a product to sewer verses landfill.
- Worked on editing the Six Year Transportation Improvement Projects for 2020-2025.
- Quotes for resolution on next City Council meeting along with drafting of a CDBG Grant application with Gray and Osborn.
- Contacted Insurance on Water Safety Instructor Certification questions.
- Emergency order of the broken Equipment Rental Computer from Vision.
- Attended a Conditional Use Permit hearing at the County for a proposed gravel pit off of Cherokee Rd. on the 23rd of May.
- Assisted the Auditors with Certified Payroll request.
- Attended an AWC Retro meeting with City Staff.
- Issued a Notice to Proceed for installation of City Hall Carpet.
- Observed some of the EVOC training at the Airport with the City Administrator.
- Met with T-O Engineering for a Q and A discussion.
- Multiple emails and a few minor complaints and responses.
- Covered for the APWD while he was attending training.