



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
City Council Regular and Special Meeting Agenda
6:00 p.m., February 24, 2020
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. 6:00 p.m. EXECUTIVE SESSION

Discussion of Potential Litigation per RCW 42.30.110(1)(i) and Property Acquisition per RCW 42.30.110(1)(b)

II. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

III. 7:00 p.m. - CALL REGULAR MEETING TO ORDER

IV. ROLL CALL

V. FLAG SALUTE

VI. AGENDA APPROVAL

VII. PRESENTATIONS

- A. NEMCO Update - Bryan Hampson, Development Services Director
[Presentation](#)

VIII. PROCLAMATION

- A. Black History Month - February, 2020
[Proclamation](#)
- B. Women's History Month, March, 2020
[Proclamation](#)

IX. CITIZEN COMMENTS

- A. This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

X. CONSENT AGENDA

- A. Total Check #s 44300 through 44392 in the amount of \$561,801.12.
Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account
Electronic Deposits Dated: 1/31/2020 in the Amount of 4159,959.42.
Payroll Check #10154 dated 1/31/2020 in the Amount of \$125.82.

[Checks](#)

- B. Approve Council Meeting Minutes of January 13 and January 21, 2020
[1-13-20 Council Minutes](#)
[1-21-20 Council Minutes](#)
- C. Adopt Ordinances 20-0505 and 20-0506 Amending the City's Shoreline Master Program
[Agenda Item](#)
- D. Authorize the City Manager to Execute Contract 20-C2138 with Puget Sound Energy for Juanita Drive NE Street Lighting Upgrades
[Agenda Item](#)
- E. Authorize the City Manager to Execute Contract 20-C2140 with Sound Transit to Accept Grant Funds for Juanita Pedestrian and Bike Safety Improvement Project
[Agenda Item](#)
- F. Approve Resolution 20-334 to Adopt the Final PROS Plan
[Agenda Item](#)

XI. BUSINESS AGENDA

- A. Resolution No. 20-335 Authorizing the Duly Authorized Administrative Agency for a Regional Coalition for Housing (ARCH) to Execute All Documents Necessary to Fund Housing Projects Recommended by the ARCH Executive Board - Nancy Ousley, Assistant City Manager
[Agenda Item](#)
[Presentation](#)
- B. Discussion and Direction on Accessory Dwelling Units - Debbie Bent, Community Development Director
[Agenda Item](#)
- C. Ordinance No. 20-0507 Relating to a Non-Exclusive Cable Television Franchise Agreement Approved by Ordinance No. 08-0282, Approving Transfer of Control From Franchisee Frontier Communications Northwest, Inc. to Northwest Fiber LLC, and Authorizing the City Manager to Execute a Transfer Control Agreement and Cable Franchise Settlement and Extension Agreement - Nancy Ousley, Assistant City Manager

[Agenda Item](#)
[Attachment 4 and 5](#)

XII. STAFF REPORT

XIII. COUNCILMEMBER REPORTS & COMMENTS

XIV. ADJOURNMENT

Upcoming Meetings:

- A. Monday, March 9, 2020 - Regular Council Meeting
- Monday, March 16, 2020 - Regular Council Meeting
- Monday, March 23, 2020 - Regular Council Meeting

2019 NEMCo UPDATE

Carl Lunak



Background

- NEMCo began 2016
- Official Interlocal Agreement 2017
- Lake Forest Park – Lead Agency
- Kenmore & LFP 30.75% of costs
 - Northshore Fire 23.50%
 - Northshore Utility District 15%



NEMCo Goals and Accomplishments

- **Staff Training**
 - Trained all staff on Stop the Bleed
 - Emergency Exercise in November
 - Individual emergency role training
- **Plan Development and Updates**
 - Completed Hazard Mitigation Plans
 - Emergency Notification



Community Outreach/Education

- Volunteers in emergencies
 - 350 +
 - 65 + credentialed
- Kenmore tree lighting
- Pack the park
- Pet parade
- 2 5K fun runs
- Kenmore Air exercise
- Lost teen search and rescue



2019 Pet Parade

Community Outreach/Education

- Amateur Radio
 - Regular monthly testing of equipment
 - Monthly training meeting
 - 2 State wide communication drills
 - Facilitate a New License Class



Community Outreach/Education

- Community Emergency Response Team (CERT)
 - 2 every year
 - Teen CERT



Community Outreach/Education

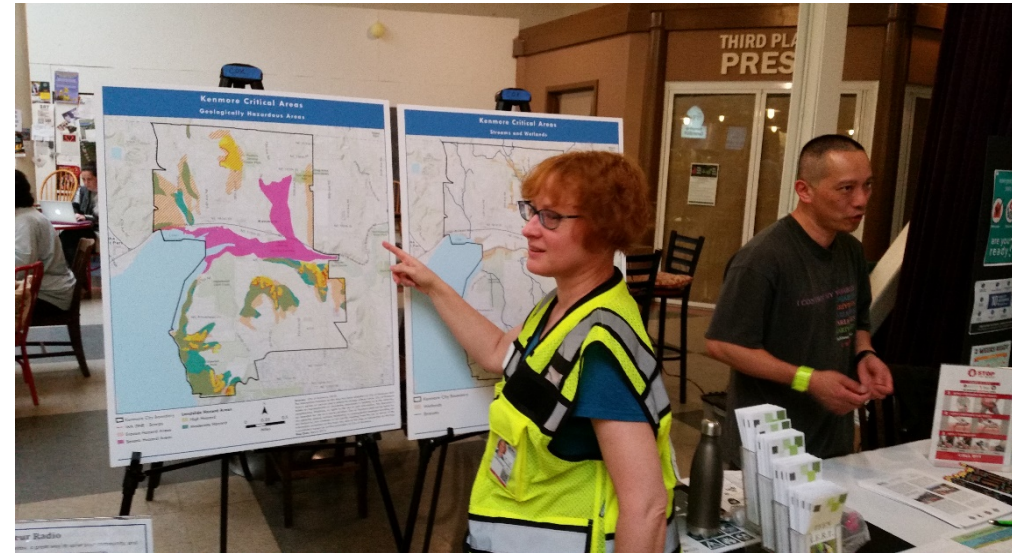
- Community Emergency Response Team (CERT)
 - 2 every year
 - Teen CERT
 - Northshore Schools



2019 TEEN CERT

Community Outreach/Education

- Workshops
- Northshore Preparedness Fair



Northshore Preparedness Fair – Third Place Commons

Community Outreach/Education



Search and Rescue Exercise – Horizon View Park



Seaplane Exercise – Kenmore Air Harbor

Additional Program Elements

- Monthly Staff Safety Training
- Joint Emergency Operation Center
 - Opened snow event Jan. 2019
- Coordination with service providers
 - Puget Sound Energy, Seattle City Light
 - Churches
 - Business Community
- County, State and FEMA



Emergency Water Distribution Exercise

Questions?



NS Fire Open House

City of Kenmore, Washington Proclamation

WHEREAS, Black History Month is meant to recognize and pay tribute to the many contributions of Black and African Americans to this history, society and culture of the United States of America; and

WHEREAS, through bravery, perseverance, faith and resolve – often in the face of prejudice and hardship – Black and African Americans have enhanced and advanced every aspect of American life; and

WHEREAS, for over two and a half centuries, Black and African Americans have struggled against the cruelties of slavery, discrimination in housing, the workplace, academic institutions, colleges and universities, have faced disproportionately economic hardships and social inequalities; and

WHEREAS, despite extraordinary human trials, Black and African Americans have fiercely, lovingly and courageously shaped American society and values through service, leadership, intellectual power and the development of moral character in every walk of life, enterprise; and

WHEREAS, this nation is strengthened and enriched by citizens of every race, religion, color and creed. This month, we celebrate the culture heritage, diverse contributions and unbreakable spirit of Black and African Americans; and

WHEREAS, Black History Month challenges us to learn from the deeds of people of national and local renown, as well as Black and African Americans in every walk of life who have contributed to their country and communities in ways that make them American heroes; and

WHEREAS, Black History Month summons every member of our Kenmore community to strive and build on togetherness, cultural awareness, celebrating our diversity, celebrating our intersectionality, for a future that does not compromise any American's right to equality and access to the quest for knowledge, economic achievement, spiritual development and cultural richness;

NOW THEREFORE, I, David Baker, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim February 2020 “*Black History Month*” in the City of Kenmore. The City makes this proclamation to celebrate the Black and African American community and as an affirmation of the City’s commitment to protect and serve everyone who resides in, works in, or visits Kenmore without discrimination and of its belief in the dignity, equality, and civil rights of all people.

IN WITNESS WHEREOF, signed this 24th day of February, 2020.

Signed: _____
David Baker, Mayor

Attested: _____
Kelly M. Chelin, City Clerk

City of Kenmore, Washington Proclamation

WHEREAS, American women of every basis of race, color, national origin, disability, religion, age and sexual orientation, have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women have served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, the peace movement and other causes which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history: and

NOW THEREFORE, I, David Baker, Mayor of the City of Kenmore, on behalf of the City Council, urge citizens to join together in honoring March 2020 as Women's History Month.

IN WITNESS WHEREOF, signed this 24th day of February, 2020.

Signed: _____
David Baker, Mayor

Attested: _____
Kelly M. Chelin, City Clerk



Voucher Certification and Approval

City of Kenmore
DATE RANGE:
01/25/2020-02/07/2020

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total Check #s 44300 through 44392: \$561,801.12

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Acct Electronic Deposits Dated: 1/31/2020: \$159,959.42

Payroll Check #10154 dated 01/31/2020: \$ 125.82


City Manager / Date


Finance Director / Date

Vendor Name	Check #	Date	Description	Amount
DEPARTMENT OF LABOR AND INDUSTRIES	44300	01/31/2020	City of Kenmore	1,639.48
EMPLOYMENT SECURITY DEPT	44301	01/31/2020	Paid Family & Medical Leave	618.39
ICMA RETIREMENT C/O ALLFIRST BANK / 109964	44302	01/31/2020	City of Kenmore 401a Loan	17,290.11
ICMA RETIREMENT TRUST 457 / 304745	44303	01/31/2020	ICMA 457 Deferred Comp	5,737.70
STATE OF FLORIDA DISBURSEMENT UNIT	44304	01/31/2020	Employee Deduction	275.00
UNITED WAY OF KING COUNTY	44305	01/31/2020	Employee Charitable Contribution	53.00
58 STARS TRAVEL	44306	02/07/2020	Conference Travel - Tobin Bennett-Gold	157.00
AAA PRINTING	44307	02/07/2020	Printing of Recreation Brochure	922.14
ALCALDE & FAY	44308	02/07/2020	January Government Affairs Consulting	5,018.67
ALLIANCEONE RECEIVABLES MGMT INC	44309	02/07/2020	L&I Boiler Inspections at Hangar Bldg.	233.90
ALLIANCEONE RECEIVABLES MGMT INC	44310	02/07/2020	L&I Boiler Inspections at Hangar Bldg.	117.03
ALPHAGRAPHS	44311	02/07/2020	W. Sammamish Bridge Project Business Cards	122.78
AM TEST, INC	44312	02/07/2020	January Swamp Creek Water Sampling	225.00
ARROWHEAD PARK VISTA CONDOMINIUM	44313	02/07/2020	Temporary Construction Easement Parcel #0281000000	2,150.00
BENNETT GOLD, TOBIN	44314	02/07/2020	Conference Expense Reimbursement	1,795.47
BOTHELL KENMORE CHAMBER OF COMMERCE	44315	02/07/2020	January KBA Support	300.00
BRIEN, GAYLYNN	44316	02/07/2020	Nov. 2019 Sales Tax Data Conversion Svcs	50.00
BUILDERS EXCHANGE OF WASHINGTON INC	44317	02/07/2020	W. Sammamish Bridge & Rhod. Park Boathouse	174.30
CALPORTLAND COMPANY	44318	02/07/2020	Sand for Snow Event	259.40
CASCADE PEST CONTROL	44319	02/07/2020	Rhododendron Park Monthly Pest Control	143.00
CHANCERY CIVIC LLC	44320	02/07/2020	19-C2097 Jan. Financial Sustainability Consulting	5,784.00
CITY OF BELLEVUE	44321	02/07/2020	4th Qtr MyBuildingPermit Surcharge	3,636.71

X. A. Total Check #s 44300 through 44392 in the amount of \$561,801.12. T...

CITY OF KENT	44322	02/07/2020	Kenmore Share of Human Svcs Share1App	500.00
CODE PUBLISHING COMPANY	44323	02/07/2020	Municipal Code Web Update	442.30
COLUMBIA RIDGE LANDFILL	44324	02/07/2020	01/07/20 Street Sweeper Debris Disposal	1,318.09
COMCAST BUSINESS	44325	02/07/2020	1/19-2/18 Hangar Bldg. Cable	147.19
CONTRACT LAND STAFF LLC	44326	02/07/2020	19-C2077 10/27-11/30/19 PW Prop. Acquisition	14,861.50
CROSSROAD SIGN	44327	02/07/2020	Big Chair Vinyl Decal	495.00
DEOL, GUR RAJ	44328	02/07/2020	25% Interest in Portion of Private Drive	275.00
DILLON, MARGARET	44329	02/07/2020	50% Interest in Portion of Private Drive	550.00
DZHENKOV, PETAR	44330	02/07/2020	25% Interest in Portion of Private Drive	275.00
EARTHWORKS	44331	02/07/2020	17-C1780 Monthly SR522 & 153rd-155th Landscaping	4,722.55
EE-NA ENTERPRISES, LLC	44332	02/07/2020	Deposit Refund PRJ2005-011/ENG2013-0166	1,147.75
FRONTIER	44333	02/07/2020	1/19-2/18 PW Office Internet	111.98
FRONTIER	44334	02/07/2020	1/28-2/27 City Hall Phone Svcs	651.51
FRONTIER	44335	02/07/2020	1/28-2/27 City Hall Phone Svcs	468.28
GORDON THOMAS HONEYWELL	44336	02/07/2020	January Governmental Affairs Services	4,008.67
GRAINGER	44337	02/07/2020	Dumptruck Sander Part & Spill Kit Refills	918.74
HONEY BUCKET	44338	02/07/2020	1/25-2/21 Squire's Landing Rental	233.75
HOUSING AUTHORITY OF KING COUNTY WA	44339	02/07/2020	Temp. Construction Easement Tax Parcel 5634500871	3,525.00
INSLEE, BEST, DOEZIE & RYDER, P.S.	44340	02/07/2020	Dec. Legal Services	11,374.11
KAMINS CONSTRUCTION INC.	44341	02/07/2020	19-C1990 153rd (Juanita-70th) Sidewalk Project	7,047.24
KENMORE ELEMENTARY PTA	44342	02/07/2020	3rd Qtr 2019 Human Svcs Funding	1,250.00
KING COUNTY ANIMAL SVCS	44343	02/07/2020	New Pet Licenses & Renewals	315.00
KING COUNTY FINANCE	44344	02/07/2020	Permit for Log Boom Park Water Access Project	500.00
KING COUNTY FINANCE	44345	02/07/2020	Dec. Adult/Juvenile Detention Community Work Prog.	3,577.70
KING COUNTY FINANCE	44346	02/07/2020	December Public Defense Indigency Screening	251.00
KING COUNTY FINANCE	44347	02/07/2020	2019 King County Aerials Project	2,400.00
KNOWBE4, INC.	44348	02/07/2020	3 Year Network Security Software	4,781.28
MANAGEMENT PARTNERS	44349	02/07/2020	Activity 5 - Financial Sustainability Consulting	3,130.00
MILLER STEPHENS, MARY	44350	02/07/2020	January Public Defense Svcs @ SCORE	1,250.00
MINUTEMAN PRESS	44351	02/07/2020	Simonds Overlay Mailings	645.10
MOJO STRATEGIES	44352	02/07/2020	12/4-12/31/19 Newsletter Professional Svcs	10,125.00
MR. T'S TROPHIES	44353	02/07/2020	Nameplates & Nametags	252.18
NORTH COAST ELECTRIC COMPANY	44354	02/07/2020	Lightbulbs for City Hall	554.40
NORTHEND TRUCK EQUIPMENT CO., LLC	44355	02/07/2020	Void	-
NORTHSHORE SCHOOL DISTRICT	44356	02/07/2020	January School Impact Fee Remittance	74,011.00
NORTHSHORE SENIOR CENTER	44357	02/07/2020	3rd Qtr 2019 Adult Day Health Center Funding	500.00
O'CONNOR CONSULTING GROUP, LLC	44358	02/07/2020	19-C2091 January LakePointe Feasibility Study	9,000.00
OFFICE DEPOT	44359	02/07/2020	Supplies	8.35
OFFICE DEPOT	44360	02/07/2020	Misc. Office Supplies	117.69

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OFFICE DEPOT	44361	02/07/2020	Toner	38.16
OFFICE DEPOT	44362	02/07/2020	Misc. Office Supplies	239.12
OFFICE DEPOT	44363	02/07/2020	Misc. Office Supplies	22.74
OFFICE DEPOT	44364	02/07/2020	Misc. Office Supplies	286.31
OFFICE DEPOT	44365	02/07/2020	Supplies for Engineering	33.30
O'REILLY/FIRST CALL	44366	02/07/2020	Vehicle Part/Maintenance	58.27
PACE ENGINEERS, INC.	44367	02/07/2020	Dec. S&WM & Engineering On-Call Services	6,689.50
PACIFIC TOPSOILS	44368	02/07/2020	12/26/19-1/24/20 Materials & Dump Fees	440.05
PENDLETON CONSULTING LLC	44369	02/07/2020	Council Retreat Consulting Svcs	4,200.70
PUGET SOUND ENERGY	44370	02/07/2020	12/13/19-1/14/20 Electricity Charges	1,469.78
PUGET SOUND FINANCE OFFICERS ASSOC	44371	02/07/2020	2020 Membership Dues	50.00
RAINBOW TOWING	44372	02/07/2020	Towing of Vehicle 320 from Accident Scene	302.50
RED BARN ENGINEERING, INC.	44373	02/07/2020	19-C1976 1/06-1/31 On-Call Engineering Svcs	9,920.50
REPUBLIC SERVICES	44374	02/07/2020	Jan. Rhododendron Park Solid Waste	452.31
REPUBLIC SERVICES	44375	02/07/2020	Jan. City Hall Solid Waste	561.00
SCORE	44376	02/07/2020	December Inmate Housing	35,334.77
SEATTLE TIMES	44377	02/07/2020	RFQ's for Transportation & Engineering Svcs	650.58
SSI & MHA CORPORATION	44378	02/07/2020	Tax Parcel 3649100510 Temp. Const. Easement	9,755.00
STAPLES ADVANTAGE	44379	02/07/2020	Parks/City Hall/Hangar Bldg. Maintenance Supplies	412.69
STARDOM SERVICES, INC.	44380	02/07/2020	January Incubator Bldg. Janitorial Svcs	555.00
STEWART TITLE COMPANY	44381	02/07/2020	Fee Acquisition 1,866 SF - Robinson Property	112,312.90
STEWART TITLE COMPANY	44382	02/07/2020	Fee Acquisition 451 SF - Margaret Dillon Property	33,643.40
STEWART TITLE COMPANY	44383	02/07/2020	Fee Acquisition & Temp Const. Gary Rice Property	69,505.10
STEWART TITLE COMPANY	44384	02/07/2020	Fee Acquisition 316 SF - Dzhnikov Property	42,864.90
T MOBILE USA, INC.	44385	02/07/2020	12/21/19-1/20/20 Staff Cell Phones & Data Plans	770.28
TOTAL LANDSCAPE CORP	44386	02/07/2020	Dec. Parks Landscape Maintenance	5,025.45
UNITED STATES POSTMASTER	44387	02/07/2020	Newsletter Postage	1,817.64
VERIZON WIRELESS	44388	02/07/2020	1/27-2/26 Cell Phones	263.15
WA ASSOC OF BUILDING OFFICIALS	44389	02/07/2020	B. Hampson Seminar Registration	20.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	44390	02/07/2020	WAPRO Membership Dues	25.00
WALTER E. NELSON CO.	44391	02/07/2020	City Hall i-Mop Repair	408.87
WILLIAMS, KASTNER & GIBBS PLLC	44392	02/07/2020	17-C1736 Kenmore v. El-Sharawy Dec. Prof. Svcs	11,226.71
DRS 457	DFT0000595-596	01/31/2020	DRS 457 Deferred Comp	1,908.91
AVIDIA HEALTH	DFT0000597	01/31/2020	Employee Health Savings Contribution	100.00
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000598-603	01/31/2020	Public Employees Retirement	31,513.70
NAVIA	DFT0000604	01/31/2020	Employee Flexible Spending Account	416.15
BANK OF AMERICA 941	DFT0000605	01/31/2020	Federal Taxes	18,138.31
SANCHEZ, JESUS EUGENIO	10154	01/31/2020	Payroll	125.82
PAYROLL	Electronic Dep.	1/31/2020	Direct Deposit	107,882.35
TOTAL				\$ 721,886.36

X. A. Total Check #s 44300 through 44392 in the amount of \$561,801.12. T...



City of Kenmore

Vendor Purchasing Report

For Date Range 01/01/2020 - 02/07/2020

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0054	BULGER SAFE & LOCK, INC.	54.50
0064	CASCADE PEST CONTROL	143.00
0076	CITY OF BELLEVUE	13,236.25
0083	CITY OF LAKE FOREST PARK	48,111.00
0092	CODE PUBLISHING COMPANY	442.30
0111	DEPARTMENT OF ECOLOGY	18,077.85
0121	REPUBLIC SERVICES	1,013.31
0130	EMPLOYMENT SECURITY DEPARTMENT	1,849.87
0151	CALPORTLAND COMPANY	590.79
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	11,374.11
0197	JET CITY PRINTING	173.25
0205	KENMORE HERITAGE SOCIETY	25.00
0213	KING COUNTY ANIMAL SVCS	875.00
0216	KING COUNTY FINANCE	500.00
0219	KING COUNTY FINANCE	9,396.40
0251	LIGHTHOUSE CONSULTING INC	9,678.08
0261	PENDLETON CONSULTING LLC	4,200.70
0285	NORTHSHORE FIRE DEPT	200.00
0286	NORTHSHORE SCHOOL DISTRICT	95,157.00
0287	NORTHSHORE SENIOR CENTER	8,400.00
0288	NORTHSHORE UTILITY DIST	1,756.57
0290	NORTHSHORE YOUTH & FAMILY SERVICES	4,000.00
0292	HONEY BUCKET	383.90
0300	OFFICE DEPOT	1,351.56
0310	PACIFIC TOPSOILS	440.05
0314	PETTY CASH CUSTODIAN	400.31
0327	PUGET SOUND CLEAN AIR AGENCY	18,889.00
0328	PUGET SOUND ENERGY	15,926.93
0329	PUGET SOUND FINANCE OFFICERS ASSOC	50.00
0345	SEATTLE TIMES	293.78
0355	STAPLES ADVANTAGE	636.49
0357	STEWART MACNICHOLS HARMELL, INC.	5,000.00
0359	SOUND CITIES ASSOC	15,539.29
0365	TOTAL LANDSCAPE CORP	5,025.45
0375	US POSTAL SERVICE (HASLER)	4,422.83
0385	WA ASSOC OF BUILDING OFFICIALS	70.00
0387	WA CITIES INSURANCE AUTHORITY	329,569.00
0401	WA STATE DEPT OF TRANSPORTATION	143.26
0405	WASHINGTON STATE OFFICE CASH MGMT	483.00
0412	COLUMBIA RIDGE LANDFILL	2,596.50
0424	ICMA RETIREMENT TRUST 457 / 304745	17,372.03
0425	DRS 457	5,721.45
0426	AFLAC	360.00
0428	BANK OF AMERICA 941	53,375.35
0429	AWC EMPLOYEE BENEFITS	60,541.72
0431	DEPARTMENT OF RETIREMENT SYSTEMS	93,209.29
0432	DEPARTMENT OF LABOR AND INDUSTRIES	4,487.30
0434	UNITED WAY OF KING COUNTY	159.00
0436	NATIONAL LIFE OF VERMONT	123.17
0450	AURORA RENTS	1,540.00
0685	PACE ENGINEERS, INC.	6,689.50
0690	BUILDERS EXCHANGE OF WASHINGTON INC	174.30

X. A. Total Check #s 44300 through 44392 in the amount of \$561,801.12. T...

Vendor Purchasing Report

For Date Range 01/01/2020 - 02/07/2020

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0692	HDR ENGINEERING, INC	60,046.14
0696	AMERICAN GENERAL LIFE GPO/400S	279.92
0699	BANNER BANK DB	333.99
0743	BANNER BANK NO	2,775.95
0764	OUSLEY, NANCY	86.08
0781	QUALITY BUSINESS SYSTEMS INC.	1,418.26
0791	NORTHSHORE ROTARY CLUB	231.00
0817	GRAINGER	1,627.16
0851	EVER MARK, LLC	310.20
0858	A+ CONFERENCING	50.59
0892	JACOBS ENGINEERING GROUP	17,252.24
0912	ALCALDE & FAY	5,018.67
0981	COMCAST BUSINESS	369.34
0994	GORDON THOMAS HONEYWELL	4,008.67
1047	SARAH ROBERTS	11,562.97
1116	FRONTIER	1,231.77
1123	AM TEST, INC	225.00
1140	PAWS	384.00
1197	MILLER STEPHENS, MARY	2,500.00
1215	STATE OF FLORIDA DISBURSEMENT UNIT	825.00
1269	KAMINS CONSTRUCTION INC.	7,047.24
1299	VERIZON WIRELESS	526.66
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	2,100.00
1331	KBA INC.	2,045.44
1339	STATE OF WA DEPARTMENT OF LICENSING	0.44
1357	KENMORE COMMERCIAL LLC	6,734.08
1358	ALPHAGRAPHS	265.36
1372	AAA PRINTING	922.14
1385	CITYWORKS/ AZTECA SYSTEMS INC.	4,100.00
1403	OSBORN CONSULTING INC.	46,720.42
1431	BRIEN, GAYLYNN	50.00
1452	CITY OF KENT	500.00
1459	FLEMINGS HOLIDAY LIGHTING LLC	5,174.70
1485	WA ASSOC OF PUBLIC RECORDS OFFICERS	25.00
1504	SCORE	35,334.77
1555	LINCOLN NATIONAL LIFE INSURANCE	1,357.81
1581	STARDOM SERVICES, INC.	555.00
1657	STEWART TITLE COMPANY	258,326.30
1673	KPFF CONSULTING ENGINEERS	46,334.35
1689	MOTT MACDONALD GROUP, INC.	103,181.53
1704	BANNER BANK RK	633.96
1738	MUNIMANAGE, LLC	1,320.00
1816	NAVIA	7,748.45
1828	QUALITY BUSINESS SYSTEMS / WELLS FARGO	675.53
1838	AVIDIA HEALTH	300.00
1889	WILLIAMS, KASTNER & GIBBS PLLC	11,226.71
1901	NORTH COAST ELECTRIC COMPANY	867.96
1908	VAUGHAN, KENT	400.00
1930	T MOBILE USA, INC.	770.28
1960	WALTER E. NELSON CO.	408.87
1964	EARTHWORKS	4,722.55
1980	HRA VEBA TRUST	18,182.55
1985	CONTRACT LAND STAFF LLC	4,467.91
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50.00
2004	RED BARN ENGINEERING, INC.	12,062.50
2009	O'CONNOR CONSULTING GROUP, LLC	14,000.00
2081	SHANNON & WILSON, INC.	5,885.00
2113	WA ASSOC. OF SHERIFFS & POLICE CHIEFS	180.00

X. A. Total Check #s 44300 through 44392 in the amount of \$561,801.12. T...

Vendor Purchasing Report

For Date Range 01/01/2020 - 02/07/2020

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2142	ICMA RETIREMENT C/O ALLFIRST BANK / 109964	51,947.61
2143	ERIK D PLUMBER LLC	165.00
2156	ASSOCIATED PETROLEUM PRODUCTS INC. .	1,536.49
2161	BENNETT GOLD, TOBIN	4,035.47
2167	APWA/WA CHAPTER	1,500.00
2175	ELECTRONIC BUSINESS MACHINES	459.37
2176	CANON FINANCIAL SERVICES, INC.	265.84
2211	PRECISION FUEL SOLUTIONS	1,237.50
2214	CAROLYN LAW	5,512.50
2221	O'REILLY/FIRST CALL	58.27
2222	GRADE, INC.	1,030.24
2236	COMCAST	2,572.63
2242	MARY'S PLACE	7,334.00
2249	KING COUNTY BAR ASSOCIATION	250.00
2253	CHANCERY CIVIC LLC	11,136.00
2254	U.S. BANK PURCHASE CARDS	8,227.56
2259	MINUTEMAN PRESS	645.10
2285	QUALITY WATER FINANCIAL	131.90
2311	BEST BEST & KRIEGER LLP ATTORNEYS AT LAW	461.50
2313	MANAGEMENT PARTNERS	6,530.00
2334	NORTSHORE YOUTH SOCCER ASSOC.	44.00
2335	DEBO, ALEXANDER	150.00
2336	CHRISTEN ESTATES, LLC	15,000.00
2337	HUANG, ANGELINA	7,500.00
2339	EE-NA ENTERPRISES, LLC	1,147.75
2340	MOJO STRATEGIES	10,125.00
2341	ALLIANCEONE RECEIVABLES MGMT INC	350.93
2342	RAINBOW TOWING	302.50
2344	DZHENKOV, PETAR	275.00
2345	DEOL, GUR RAJ	275.00
2346	DILLON, MARGARET	550.00
2347	HOUSING AUTHORITY OF KING COUNTY WA	3,525.00
2348	ARROWHEAD PARK VISTA CONDOMINIUM ASSOCIATIC	2,150.00
2349	SSI & MHA CORPORATION	9,755.00
Vendor Set Vendor Set 01 Total:		1,746,157.06

X. A. Total Check #s 44300 through 44392 in the amount of \$561,801.12. T...

**City of Kenmore
City Council Regular Meeting
Minutes
January 13, 2020**

CALL TO ORDER - David Baker called the meeting to order at 7:00 p.m.

ROLL CALL

Councilmember David Baker
Councilmember Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Melanie O’Cain

SWEARING IN OF COUNCILMEMBERS

King County Councilmember Dembowski conducted the swearing in of Councilmembers David Baker, Milton Curtis, Corina Pfeil and Melanie O’Cain.

ELECTION OF MAYOR

MOTION: Councilmember Curtis nominated David Baker to the position of Mayor.

There were no further nominations.

MOTION VOTE: The motion passed unanimously.

ELECTION OF DEPUTY MAYOR

MOTION: Councilmember Pfeil nominated Nigel Herbig to the position of Deputy Mayor.

There were no further nominations.

MOTION VOTE: The motion passed unanimously.

FLAG SALUTE

AGENDA APPROVAL

City of Kenmore - City Council Meeting Minutes
January 13, 2020

CITIZEN COMMENTS

Erin Cole
17111 94th Place NE
Bothell, Washington 98011

Ms. Cole stated she was a teacher for Camp Roots. She is not in favor of developing the St. Edward ballfields.

Tracy Banaszynski
5863 NE 197th Street
Kenmore, Washington 98028

Ms. Banaszynski also spoke against the development of the ballfields and spoke about climate concerns.

Elizabeth Mooney
5934 NE 201st Street
Kenmore, Washington 98028

Ms. Mooney spoke about the climate change summit. She supports the first two people who spoke.

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley urged the Council to remove the St. Edward ballfield from the PROS Plan document.

Peter Lance
6501 NE 151st Street
Kenmore, Washington 98028

Mr. Lance stated that the Council should shelve the ballfield project until after the Lodge is built.

Vicki Grayland
20308 73rd Avenue NE
Kenmore, Washington 98028

Ms. Grayland stated it was irresponsible to go forward with the ballfield project.

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Nadia R. Silver
18230 70th Lane NE
Kenmore, Washington 98028

Ms. Silver spoke in favor of the vaping age being 21. She thanked the Council for all that they do.

John Hendrickson
5919 NE 202nd Lane
Kenmore, Washington 98028

Mr. Hendrickson stated that he doesn't believe David Baker should be the Mayor. He also spoke about a few other City projects.

Karen Prince
15122 65th Avenue NE
Kenmore, Washington 98028

Ms. Prince spoke against the ballfields and the need to protect the environment.

JOINT MEETING WITH THE PLANNING COMMISSION

Present the Recommended Parks, Recreation and Open Space (PROS) Plan - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

The Planning Commission presented recommendations on the updated Parks, Recreation and Open Space (PROS) plan to the Council.

The Planning Commission has been reviewing the PROS Plan since last spring. The PROS Plan is a requirement for grant funding from the Washington Recreation and Conservation Office (RCO) and must be updated every six years. The City's last PROS Plan was adopted in 2013. The new Plan must be adopted and forwarded to the State by March 1, 2020 to maintain grant eligibility for the coming years.

The draft Plan is included as Attachment 1 in the Council packets. Later this year, components of the Plan will be considered for adoption into the City's Comprehensive Plan and Capital Facilities Element.

Significant changes from the 2013 Plan include:

- Updated time horizon for the Plan to 2040.
- Significant new community outreach efforts, including a statistically valid community survey, an informal follow-up survey and a community open house.

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- An updated inventory, reflecting new construction, including the Hangar and Town Square.
- A simplification of the park classification system, eliminating previously-overlapping categories.
- Information on park programming. Although it is anticipated that programming will continue to be a private effort supported by the City, new details are added.
- A walkshed analysis. This is a new feature used to identify potential gaps in park access.
- Minor changes to the vision and goals.
- A completely new demand and needs analysis. This analysis, using a variety a demand and need parameters, was not part of the 2013 PROS Plan.
- Additional detail on needs related to athletic sports and rowing and water sports.
- A variety of new potential projects, including a Moorlands trail connection, Phase 2 of Squire's Landing, partnership in a regional aquatics/community center, and continuation of, or replacement for, the Bastyr ballfields. Additional projects are identified with no funding assigned (Safe Routes to Parks, ADA/universal access, repair and maintenance, public arts and culture, etc.). These needs have not been assessed or ranked so funding levels are not known at this time. Too, some of these projects may be included in already-funded parks projects.
- A new Capital Facilities Plan (CFP) identifying 20 years of short, mid- and long-term parks projects.
- A level of service analysis.

Council and staff engaged in a discussion. This item will come back to Council for action at a future meeting.

Present Recommended Accessory Dwelling Unit (ADU) Code Amendments - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

The Planning Commission presented recommendations on Accessory Dwelling Unit (ADU) regulations to the Council.

The Planning Commission has been studying the City's ADU regulations since last summer and has now developed recommendations on changes to the existing rules that would encourage additional ADU development. The recommended amendments are included in Attachment 1 in the underline/strike-through format. If Council requests additional information, directs substantive changes or has questions that cannot be addressed at the January 13th meeting, then staff will provide a response at the January 27th Council meeting. Staff anticipates bringing an ordinance for Council consideration at the February 10th Council meeting if there are no substantive changes. Substantive changes could result in the need for a Public Hearing which would extend the date for consideration of ordinance adoption.

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Significant changes to the existing rules include:

- A homeowner could have up to 2 ADUs on their lot—one attached and one detached.
- A detached ADU could be permitted on a lot of 4,500 sq.ft. in size or larger but must be separated from the primary residence by a minimum of 5’.
- Maximum ADU sizes range from 600-1,000 sq.ft. for a detached ADU. An attached ADU generally cannot exceed 1,000 sq.ft.
- The maximum height for a detached ADU would continue to be 35’. However, the detached ADU may not exceed one story over a detached garage or two stories if built at ground level.
- One parking space continues to be required for each ADU.
- The city manager would be allowed to consider an exception to the owner occupancy rules for up to one year in cases of hardship or when a close relative of the owner will occupy the residence and act in his/her stead.
- In the R-4 and R-6 zoning districts that require a 20’ rear yard, the ADU may be placed in the rear yard, but no closer than 10’ to the rear lot line.

The Planning Commission also recommends that the Council consider additional supportive steps for ADUs:

- Preapproved plans and expedited permit processing:

Several jurisdictions (including Kirkland) as well as MyBuildingPermit.com (a branch of the eCitygov.alliance) are considering the creation of preapproved building plans to streamline the ADU permit application process. The Commission raised some concerns about municipal liability with pre-approved plans and targeting work to only certain builders, but agreed that the idea had merit. The Planning Commission also encourages expedited permit review processing for ADUs, generally.

- Educational Efforts:

Successful ADU regulations have been accompanied by simultaneous educational promotion. The Planning Commission supports educational efforts, including a guide to ADU development and updated information on the website.

- Amnesty Program:

It is unclear how many illegal ADUs exist within the city boundaries. An amnesty program could be drafted to legalize those ADUs which comply with baseline regulatory requirements. Exemptions for regulatory non-compliance can be explored in cases that don’t constitute safety risks. While the Planning Commission wanted to forward this idea to the Council, they agreed that it was a complex idea and might require significant staff time. If amnesty were to be considered, the Commission thought a time horizon should be established to encourage action.

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- Lending & Financial Assistance Options:

The most ambitious and potentially problematic policy action in reference to ADUs is to directly intervene in the lending market through discussion with lenders. Only a small number of ADU owners are able to finance their ADU by borrowing against expected future value of the ADU. The Planning Commission supports the idea of asking ARCH to begin a conversation with financial institutions about specific ADU lending vehicles.

Kenmore already waives ADU impact fees to provide financial assistance for ADU development. In alignment with this strategy, Kenmore could further consider reduced permit review fees and utility fees, although utility fee reductions would require coordination with the Northshore Utility District.

ADUs are smaller dwelling units placed on the same lot as a preexisting single-family residence. The City's current regulations, which have been in place since incorporation in 1998, allow both attached and detached ADUs in the City, although detached ADUs are not permitted on lots smaller than 10,000 sq. Ft. in size. Attached ADUs are those that are located inside the primary residence—for example, in a converted basement. Detached ADUs (sometimes called DADUs) are separate structures from the main house—sometimes built over a garage, in other cases as standalone structures.

ADUs provide a number of benefits: they can provide income to the homeowner, house family members, sometimes at no cost, or provide a more affordable type of housing in between an apartment and a detached single-family home. For these reasons, the City Council included a review of the City's ADU regulations as part of the 2016 Housing Strategy Plan to address housing affordability.

As an initial step in their review, the Planning Commission received a PowerPoint presentation on ADUs—describing what they are, why they are important and obstacles to their development (see Attachment 2 in the Council packets).

To further guide their decision-making, Commissioners reached consensus that code amendments to allow more ADU production:

- Are not necessary for achieving the city's general housing targets.
- Should seek to increase the variety of housing types in Kenmore.
- Should support ADUs as an affordable housing choice for families and individuals who need affordable housing.
- Should benefit homeowners, such as those who need or provide care to other family members, those who need supplemental financial assistance, and seniors who want to age in place.
- Should support single-family neighborhood character.
- Should avoid creating loopholes for developers to create excessive density, permit unattractive structures, or displace vulnerable residents through redevelopment.

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The Commission reviewed standards from an ARCH working group and from several jurisdictions. At the public hearing on the project, two individuals spoke in support of the changes.

Council and staff engaged in a discussion. This item will come back to Council for action at a future meeting.

CONSENT AGENDA

MOTION: Councilmember O’Cain made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Authorize the City Manager to Execute Contract 20-C2128 with Red Barn Engineering to Continue to Perform Development Engineering Inspection Services

Authorize the City Manager to Execute Contract 20-C2129 with PACE Engineering, Inc. to Perform Development Review Services

Authorize the City Manager to Enter into a Service Agreement with King County Department of Adult and Juvenile Detention Community Work Program

Authorize the City Manager to Sell the Recently Installed Lighting System Installed Along NE 181st Street (Between 65th Avenue NE and 67th Avenue NE) to Puget Sound Energy (PSE) and Execute a Bill of Sale and Transfer Agreement and Maintenance Order with Puget Sound Energy

Total Check #s 43919 through #44019 in the amount of \$1,037,906.84.

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 12/6/19 in the amount of \$154,133.96.

Investment Purchases Dated 10/29/19 and 11/1/19 in the amounts of \$1,002,595.00 & \$1,000,000.00.

W&W Bond Payment dated 12/2/19 in the amount of \$1,086,575.00.

Total Check #s 44020 through #44090 in the amount of \$257,474.52.

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 12/20/19.

Electronic Funds Transfer - 12/23/19 in the amount of \$4,749.83.

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Receive and File October 2019 Financial Report for the City of Kenmore, Washington

BUSINESS AGENDA

West Sammamish River Bridge Project Budget Approval - John Vicente, City Engineer

City Engineer Vicente explained that the West Sammamish River Bridge Replacement Project (Project) includes replacement of the existing southbound bridge, widened pedestrian and bicycle facilities between NE 170th Street and NE 175th Street, street illumination, retaining walls, drainage improvements, landscaping, utility undergrounding, and signal improvements.

The project was advertised on October 14th and 6 bids were received on December 10th. The project bid was broken into two parts, Base Bid and Alternative Bid 1. The lowest bid received for the Base Bid was \$30,036,588.52. The lowest bid received for the Base Bid plus the alternative bid was \$31,318,343. Below were the elements of each bid part:

Base Bid:

- Bridge replacement
- Sidewalk and bike path on west side of 68th from 170th – 175th
- Sidewalk on 68th in front of Rhododendron Park
- New storm drainage and storm treatment facilities
- Underground of aerial utilities
- New street lighting
- Architectural features (accent lighting, decorative hand railing, bridge lookout area, concrete form lines, sidewalk scoring, landscape trellis)
- Edge and median landscaping
- New signals at NE 170th and NE 175th

Alternative Bid 1:

- New sidewalk and landscaping along the east side of 68th Ave NE from the NB bridge to NE 175th St
- Extend the NB right turn lane from NE 175th St to the bridge

The 3 year construction period and the permit restrictions are some of the reasons behind the higher than expected bids.

Council has two options for consideration: 1) funding the base bid and 2) funding the base bid plus the alternative bid. The following are reasons to support funding the base bid:

1. If the bids are rejected and the project is redesigned to reduce scope, it will require approximately 2 years before a new package can be completed (redesign and reinitiating permit review) and the project re-advertised.

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2. Given the time frame and the general nature of rebidding, it is not expected that a redesigned package will produce bids lower than those received.
3. The Bridge needs to be replaced, postponing replacement could lead to further weight restrictions on the bridge to possible permanent closure to vehicular traffic.

Awarding the alternative bid provides the following benefits:

1. Including the alternative bid completes the corridor and provides for a “finished” look.
2. Extending the NB right turn lane helps with traffic flow on 68th.

The total projected cost to award the base bid of the project is estimated at \$43M and total project cost to award the base bid plus the alternative bid is \$44.42 million. The cost breakdown is as follows:

Base Bid Only (\$43M)	Base Bid + Alternative Bid (\$44.42M)
• Design: \$3.28M • Right of Way acquisition: \$1.28M • Construction (contract): \$30.04M • Construction (other¹): \$5.04M • Contingency: \$3.36M	• Design: \$3.28M • Right of Way acquisition: \$1.28M • Construction (contract): \$31.32M • Construction (other¹): \$5.04M • Contingency: \$3.5M

¹ Staff time, construction management consultant, engineering assistance, 10 year mitigation monitoring

The current available funding is between \$36,791,482 (Base+Alternative) and \$37,962,242 (Base). The difference in available funding is how the respective utilities contribute to the overall cost of the construction. Below is a breakdown on overall budget and additional funding needed:

Bid Option	Low Bid Amount	Other Construction Costs ²	Total Construction Budget ³	Councilmanic Debt Needed
Base Bid	\$30,036,588.52	\$8,400,900	\$33.4M	\$5.03M
Base Bid + Alternative Bid	\$31,318,343.00	\$8,540,901	\$32.2M	\$7.66M

² Staff time, construction management consultant, engineering consultant, construction contingency, 10-yr mitigation monitoring

³ Utility contribution for Base bid (\$3.03M) and for Base + Alternative Bid (\$1.86M)

A minimum of \$5.03M is needed to close the gap between the total project cost and the available funding. Staff recommends increasing the budget and proposes the following strategy to close the gap and fund the project:

- Issue debt in the amount of \$5.03M (\$7.66M if Base + Alternative bid is preferred) in 2021

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January 13, 2020

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- Utilize future REET and Transportation Impact Fee funds allocated to the Overlay Program to pay the debt. This would begin in 2022.

Staff will also request the State legislature to transfer \$5M (\$6M if Base + Alternative bid are preferred) of Connecting Washington Funds from the SR522 West B project to the W Sammamish River Bridge Project. Decision on this will not be known until April 2020. To award the project, however, the City must show a full funding strategy which is being accomplished through the debt service. If the State approves the transfer, the debt service will be reduced by the amount transferred by the State.

MOTION: Councilmember Curtis made a motion to approve the West Sammamish River Bridge Project Budget, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

Review and Appoint Council Committees

Council and staff discussed Council committee assignment for 2020.

STAFF REPORT

Open Government Training for Councilmembers – Dawn Reitan, City Attorney

ADJOURNMENT

The meeting was adjourned at approximately 10:10 p.m.

David Baker, Mayor

ATTEST:

Kelly M. Chelin, City Clerk

**City of Kenmore
City Council Regular Meeting
Minutes
January 21, 2020**

CALL TO ORDER - Mayor David Baker called the meeting to order at 7:00 p.m.

ROLL CALL

Mayor David Baker
Deputy Mayor Nigel Herbig (running late)
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Melanie O’Cain

FLAG SALUTE

AGENDA APPROVAL

CITIZEN COMMENTS

Maile Hodge
6626 NE 182nd Street
Kenmore, Washington 98028

Ms. Hodge spoke about the health of the stream and rain gardens.

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley spoke about spending concerns. She does not want the Council to develop the St. Edward ballfields.

John Hendrickson
5919 NE 202nd Street
Kenmore, Washington 98028

Mr. Hendrickson spoke against the ballfield projects.

Note: Deputy Mayor Herbig arrived at 7:08 p.m.

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BUSINESS AGENDA

Award the West Sammamish River Bridge Project Construction Bid and Authorize the City Manager to Execute a Contract with Ceccanti, Inc. - John Vicente, City Engineer

City Engineer Vicente explained that the West Sammamish River Bridge Replacement Project (Project) includes replacement of the existing southbound bridge, widened pedestrian and bicycle facilities between NE 170th Street and NE 175th Street, street illumination, retaining walls, drainage improvements, landscaping, utility undergrounding, and signal improvements.

Project Status:

The project was advertised on October 14, 2019 and 6 bids were received on December 10th. The project was split into a base bid and an alternate bid. The base bid included the bridge replacement, all improvements along the west side of the corridor and along the Rhododendron frontage, utility undergrounding, and Northshore Utility District watermain relocation. The additive alternative bid included all sidewalk improvements along the east side of the road between the bridge and NE 175th Street and extension of the queue jump lane.

Staff is recommending Council award the base bid without the alternative bid. The low bidder received was Kraemer, NW, however, due to errors in their bid, WSDOT has determined Kraemer's bid to be non-responsive and the City must reject their bid. As such, Ceccanti, Inc., the second low bidder was determined to be the lowest responsible bidder at an amount of \$30,301,418 for the base bid. The low bid received exceeded the available budget by \$6.5M. On January 13, 2020, Council approved a funding strategy to award the project to the low bidder. WSDOT has reviewed the bid and has approved the award to Ceccanti, Inc. The Engineer's estimate for the base bid was \$25,279,115 and the Engineer's estimate for the additive alternative bid was \$1,402,441. Below is a summary of the bids received.

<u>Bidder</u>	<u>Bid Amount Received (Base Bid)</u>	<u>Bid Amount Received (Alternative Bid 1)</u>	<u>Total Base + Alternative</u>
<u>Kraemer NW (<i>rejected</i>)</u>	<u>\$30,036,588.52</u>	<u>\$2,077,432.30</u>	<u>\$32,114,020.82</u>
<u>Ceccanti</u>	<u>\$30,301,418.00</u>	<u>\$1,016,925.00</u>	<u>\$31,318,343.00</u>
<u>Shimmick</u>	<u>\$31,866,737.00</u>	<u>\$1,984,036.50</u>	<u>\$33,850,773.50</u>
<u>IMCO</u>	<u>\$30,417,834.00</u>	<u>\$1,176,986.36</u>	<u>\$31,594,820.36</u>
<u>Atkinson Construction</u>	<u>\$34,977,542.25</u>	<u>\$1,421,133.50</u>	<u>\$36,398,675.75</u>
<u>Granite Construction</u>	<u>\$32,736,801.50</u>	<u>\$1,749,279.50</u>	<u>\$34,486,081.00</u>

City staff has verified that Ceccanti, Inc. meets the responsibility criteria defined by law and the City contract documents. If approved, construction is expected to start in March. Construction completion is expected during the fall of 2022. The project has a large amount

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of habitat mitigation that must be put into place. The project permits require a 10-year plant establishment/monitoring period once the project is completed.

During Construction:

The project is expected to have a significant impact on both roadway and river traffic. It is anticipated that during construction hours, travel lanes will be reduced to one lane in each direction. During non-working hours, every attempt will be made to restore traffic to two lanes in each direction but that will weigh heavily on the current activities occurring at that time. River traffic will be impacted periodically. Boat traffic will be managed similarly to roadway traffic with flaggers and buoys utilized to manage the flow. Occasional disruption of passage under the bridges will occur from time to time for safety reason.

The project permits only allow construction activity within the river (Fish Window) from July 1st – August 31st in 2020 and 2021 and July 15th – August 31st in 2022. Given the narrow window for construction in the river, it is anticipated that night work will occur during these periods. Night work will be restricted to the following situations:

- Work required during established Fish Window
- for construction of major bridge elements
- for phase transitioning
- paving and striping
- any work requiring use of the Kenmore boat Launch property

The bridge will be constructed in 3 phases.

Phase 1: Demolition of pedestrian walkway, construction of access roads and temporary work trestles, construction of western bridge piers, construction of the western half of the bridge

Phase 2: Transfer southbound traffic to newly constructed western half of bridge, demolition of remainder of old bridge, construction of eastern bridge piers, construction of the remainder of the bridge, remove and replace northbound traffic barrier and street lighting

Phase 3: Transfer southbound traffic to new travel lanes, construct final lift for sidewalk/bike path, install railing and architectural treatments on east and west bridges.

Staff have selected KBA, Inc. to provide construction management services during construction. Approval of their contract will be brought to Council on January 27th if Council approves award of the construction contract.

Public Outreach:

To provide as much information about the project and set expectations for the public, a variety of public outreach has been conducted to date and a public outreach plan has been developed for construction and will be implemented throughout the construction period.

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Outreach provided to date:

- On January 26, 2017, the entire city populace was invited to an open house which introduced the public to the project and discussed the reasons for replacing the bridge, the bridge concepts, and a project timeline.
- On July 20, 2017, an invitation went out to all properties that abutted the Sammamish River in Kenmore and Bothell, Department of Fish and Wildlife, and the US Coast Guard to discuss the impacts to users on the river during construction and to answer questions about any changes to the river usage after the new bridge is constructed.
- Individual meetings were held with KWAC and Lakeside School to discuss impacts to their activities during construction
- Individual meeting with each property owner adjacent to the construction area were held to discuss the proposed improvement, impacts during construction, and property needs.
- Several City Council meetings were held to discuss the progress of the project and to provide and update on key elements of the work.
- Articles have been included in various newsletters to provide a project update.
- A project webpage has been in place for the project which identified the project goals and the proposed plan.

During construction, a public engagement firm, Enviroissues, will provide assistance in communication and public outreach.

Prior to construction start, notifications and outreach will involve the following:

- Newsletter: In March, the city newsletter will be issued and will feature an article about the start of construction for the bridge. The article will note the project scope, construction period, and alert readers to traffic impacts
- Open House: On January 29th, an open house will be held at City Hall and will provide information about the project, what to expect during construction, and how to get information during construction. The open house will introduce the public to the construction team. Invites will go out to the entire city population.
- Drop in hours: On February 12th, staff will set up a table and boards at the Hangar from 8am-4pm to provide information regarding construction of the project and to answer any questions that may arise
- Construction notice signs: A construction notice sign will be posted at the project site. The sign will alert people to the upcoming construction and open house, followed by another sign with project contact information. Additional signs will be posted along NE 175th St east of the 68th alerting drivers that the excess right of way along 175th currently used for parking will be repurposed for construction staging and that parking will be removed.

During construction, notifications and outreach will involve the following:

- A specific project website will be created that will feature what the project is, why we are replacing the bridge, and current status of construction. The webpage will also list contact information and provide links to other sources of information. The website address will be www.kenmoreconstruction.com

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January 21, 2020

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- A telephone hotline will be established that will allow the public to submit concerns 24-hours a day. The hotline number will be (425) 201-4147
 - An email address will also be created to provide those that are interested in regular email alerts about the project or wish to send in requests via email. Alerts will focus on upcoming issues that may be of concern to the public (night work, lane closures, signal shutdowns, etc.). The project email address is info@kenmoreconstruction.com

FISCAL CONSIDERATION:

Below is a breakdown on the projected expenditures and the approved budget:

EXPENDITURES

Design:	
Staff and other Direct Expenses	\$441,030
Consultant Design Contract	\$2,815,460
Total Design	\$3,256,490
Right of Way Acquisition:	
Staff and other Direct Expenses	\$22,300
Property Acquisition Cost	\$1,155,300
Consultant Right of Way Contract	\$118,000
Total Right of Way Acquisition	\$1,295,600
Construction:	
Staff and other Direct Expenses	\$518,500
Engineering Consultant Services	\$320,000
Construction Management Services	\$4,269,000
Construction Contract (Ceccanti, Inc.)	\$30,301,418
Future years plant establishment (yrs 6-10)	\$50,000
Total Construction	\$35,458,918
Contingency	\$3,300,000
Total Project Cost	\$43,311,008

REVENUE

Federal Highway Bridge Program (BRAC)	\$12,000,000
Connecting Washington (CWA)	\$12,000,000
Transportation Improvement Board (TIB)	\$6,900,000
Surface Transportation Program (STP)	\$1,063,994
Northshore Utility District	\$1,240,715

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Other Utility/Agencies	\$617,773
Surface Water Fund	\$1,200,000
Transportation Fund	\$1,769,000
Debt Service	\$6,520,000
Total Revenue	\$43,311,482

MOTION: Councilmember O’Cain made a motion to Award the West Sammamish River Bridge Project Construction Bid and Authorize the City Manager to Execute a Contract with Ceccanti, Inc., Mayor Baker seconded the motion. The motion passed unanimously.

Review of the Proposed Rhododendron Park Boathouse Lease Framework - Rob Sayre-McCord, Parks Project Manager

Project Manager Sayre-McCord gave an update on the Rhododendron Park Boathouse lease between the city and the Northshore School District (NSD). The lease provides the terms at which the city will lease use of the building to the NSD. Concurrently with execution of the lease, NSD will enter into a Management Agreement with the George Pocock Rowing Foundation (GPRF) for the management and operation of the boathouse facility. The operating agreement outlines the management plan in place for the GPRF to run day-to-day boathouse operations for the NSD, the Kenmore Rowing Club (KRC), and the general public. The lease and operating agreement have been developed with feedback from the Boathouse Advisory Committee over the past year. The Advisory Committee is comprised of members of the KRC, GPRF, NSD, City staff and consultants, and members of the greater Kenmore community.

Staff is bringing the lease before council for an initial review. Staff recommends that Council pass a motion authorizing the City Manager to execute the boathouse lease and operating agreement, subject to any recommended changes following review by the City Attorney. The intent is to have an executed agreement prior to bid opening. The boathouse project is currently out to bid, with bids due at 1pm Thursday, January 30, 2020. At the 10/7/19 Council meeting, staff presented cost estimates and construction schedule options. Council direction was to pursue a bid alternate package that would allow the City to determine whether to construct the foundation and building shell only or construct the foundation and complete building (including second floor) once bids have been received.

Background: The City has been in discussions with NSD since March 2019 regarding a lease and operating agreement. On January 10, 2020 NSD staff provided the City a draft lease. The lease is currently being reviewed by the City Attorney. The lease agreement will be reviewed and approved by the NSD school board with a target approval date of February 10. The proposed lease agreement is for 5 years with the option to renew twice for additional 5-year periods. The main points of the lease include the following:

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-
- Day-to-day operations to be managed by the GPRF
 - NSD will pay the GPRF \$150/student/semester towards operating costs but no less than \$30,000 and no more than \$50,000/calendar year
 - NSD's contribution of \$250,000 towards the City's construction costs for tenant improvements.
 - NSD will provide programs, activities, and resources to develop and support the local rowing community
 - NSD will purchase and house 4 rowing shells for shared usage with community partners
 - NSD will provide the city with an annual program and activities report
 - NSD crew teams will have exclusive boathouse access from 3:30-5:30pm M-F, and 5:00-11:59am Saturday mornings, during the scholastic rowing seasons
 - NSD will operate in accordance with USA Rowing Safety Standards
 - GPRF will charge community rowing groups prices that are comparable and competitive, or lower than, similar programs in the Puget Sound area. Additionally, GPRF will provide scholarship opportunities for kids who receive free/reduced lunch through the school district. These scholarships will be advertised through all brochures and marketing materials.
 - Maintenance - the City will be responsible for the building exterior and surrounding park, capital repairs, trash removal, and the public restrooms. GPRF and NSD will be responsible for the building interior
 - The City is responsible for all utilities
 - Mutual indemnity clause
 - NSD will maintain a minimum \$5,000,000 liability insurance policy. The City will require similar liability coverage from the Boathouse Manager
 - City communications will be used to promote community rowing programs and available scholarships.

FISCAL CONSIDERATION:

Ordinance No. 19-0947 adopted 9/9/19 amended the 2019-2024 Capital Improvement Program (CIP). \$1,185,019 is allocated to the Rhododendron Boathouse Project, giving a total project cost of \$1,245,018 (\$56,800 spent prior to 2019). Funding sources in the 2019-2020 CIP include the following:

State Capital Budget S1889 – \$242,500

Northshore School District (confirmed upon signing of this lease) – \$250,000 towards tenant improvements

King County Youth Sports Grant (awaiting confirmation) – \$611,000. (Council direction 1/14/19 to request King County reallocation from the St. Edward ballfield project)

Recreation and Conservation Office ALEA Grant 12-1963 – \$22,625

City Park Impact Fees – \$23,469

City Real Estate Excise Tax – \$12,800

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At the 10/7/19 Council meeting, staff presented cost estimates and construction schedule options. The budget shortfall was estimated between \$65,568 to \$78,567. Council direction was to not allocate any additional city funds but to fund the shortfall from non-city funds such as non-profit fund raising or other private funding source. Staff is aware that a non-profit has formed a fundraising committee and a campaign to raise \$100,000 has been initiated.

ADJOURNMENT

The meeting was adjourned at approximately 8:15 p.m.

David Baker, Mayor

ATTEST:

Kelly M. Chelin, City Clerk



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Consideration of Ordinances 20-0505 and 20-0506 amending the City's Shoreline Master Program at the request of the Department of Ecology Proposed Council Action/Motion: Adopt Ordinances 20-0505 and 20-0506, incorporating amendments requested by the Department of Ecology.	For Council Meeting Agenda of: 2/24/20 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner</u> Initial & Date Approved by Department Head: <u>DB 2/6/20</u> Approved by City Attorney: <u>DR, Email, 2/5/20</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>Kido for RK 13 Feb 20 20</u> Exhibits/Attachments: 1. Ordinance 20-0505 2. Ordinance 20-0506 3. Letter of conditional approval from the State Department of Ecology
<u>INFORMATION/BACKGROUND:</u> The State of Washington requires a periodic update of the City's Shoreline Master Program (SMP) which addresses standards for development generally within 200' of Lake Washington, Swamp Creek and the Sammamish River. The latest SMP update was due to the Department of Ecology (Ecology) on June 30, 2019. Once an update is adopted by the City, Ecology must give final approval to the changes before they can go into effect. On June 17, 2019, the City Council adopted the revised SMP to be submitted to Ecology (Ordinances 19-0489 and 19-0490), thereby meeting the State submittal deadline. The amendments included both Comprehensive Plan and development regulation changes. After City adoption, Ecology conducted their own review process, which included another public comment period. At the conclusion of their review, Ecology requested several required and recommended changes to the City's SMP. Staff has revised the SMP to incorporate those changes and Ecology has given their conditional approval (see Attachment 3). By adopting Ordinances 20-0505 and 20-0506, and repealing the previous two ordinances, the City will formally accept Ecology's changes. Ecology will then issue a final notice of approval/effective date letter and the amendments will go into effect 14 days later. Adoption of the revised ordinances is the last step in a multi-year review process that began in 2018. The ordinances, themselves, detail all of the steps taken to date, including Planning Commission consideration, Council deliberation and two public hearings. At this point, any additional changes to the SMP would necessitate another round of Ecology review and continued delay in implementing the revised policies and regulations. <u>FISCAL CONSIDERATION:</u> \$150,000 in 2018 and \$50,000 in 2019/2020 have been budgeted to support consultant help with this project. A \$20,000 grant from the Department of Ecology also has been received and was used for the project. <u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> 2019 Council Goal 10: Protect and enhance the climate, water, air and forest environment.	

I:/City Clerk/Agenda Items/Templates

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 20-0505**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON; AMENDING THE SHORELINE SUB-
ELEMENT OF THE COMPREHENSIVE PLAN; REVISING
FIGURE LU-12, THE SHORELINE ENVIRONMENT
DESIGNATIONS MAP; REPEALING ORDINANCE 19-
0489; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, in 1972, the public adopted the Shoreline Management Act, codified at Chapter 90.58 RCW (SMA), by way of referendum to "prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines"; and

WHEREAS, the SMA's legislative findings identify that: 1) the shorelines of the state are among the most valuable and fragile of its natural resources; 2) there is great concern throughout the state relating to their utilization, protection, restoration, and preservation; and 3) that unrestricted construction on private or publicly owned shorelines is not in the best interest of the public; and

WHEREAS, RCW 90.58.080 requires local governments to develop or amend master programs for the regulation and uses of the shorelines of the state consistent with the guidelines adopted by the Washington State Department of Ecology (Ecology); and

WHEREAS, RCW 90.58.020 directs local governments developing shoreline master programs to give preference to uses in the shorelines in the following order of preference which: 1) recognize and protect the State-wide interest over local interest; 2) preserve the natural character of the shoreline; 3) result in long-term over short-term benefit; 4) protect the resources and ecology of the shorelines; 5) increase public access to publicly-owned areas of the shorelines; 6) increase recreational opportunities for the public in the shoreline; and 7) provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary; and

WHEREAS, three bodies of water within the City are regulated under the City's Shoreline Master Program (SMP), including Lake Washington, the Sammamish River and Swamp Creek. Lake Washington is the only shoreline designated as a "shoreline of statewide significance" under the SMA as it is a lake with a surface acreage over 1,000 acres; and

WHEREAS, in the summer of 2018, the City began its update of the Shoreline Sub-Element of the Comprehensive Plan and shoreline regulations (SMP Update) with the assistance of grant funding from Ecology; and

WHEREAS, the City prepared a gap analysis to identify portions of the Shoreline Master Program needing amendment; and

WHEREAS, the results of this analysis are contained in the document entitled, City of Kenmore Critical Areas Regulations and Shoreline Master Program Gap Analysis and Recommendations, August 30, 2018 (Gap Analysis); and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(d), the City conducted a supplemental analysis of potential cumulative impacts of the updated Shoreline Master Program. The supplemental cumulative impact analysis is contained in the document entitled, City of Kenmore, Cumulative Impacts Analysis Addendum, May 2019; and

WHEREAS, to satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1) and WAC 173-26-201(2)(a), the City has utilized best available science to draft the proposed SMP Update; and

WHEREAS, in 2018 and 2019, the City's Planning Commission reviewed and revised a number of documents, including: the Shoreline Sub-Element of the Comprehensive Plan; proposed revisions to shoreline regulations; and proposed revisions to critical area regulations; and

WHEREAS, the purpose of the Shoreline Sub-Element of the Comprehensive Plan is to (1) promote the public health, safety and general welfare of the community; (2) provide long range, comprehensive policies for development and use of the shorelines within the City; (3) manage shorelines in a positive, effective and equitable manner; and (4) carry out the responsibilities established by the SMA for the City, and to adopt and foster the policies contained in RCW 90.58.020 of the SMA; and

WHEREAS, throughout the SMP Update process, the City has made a concerted effort to generate public involvement, including holding a public open house and two public forums; creating a comprehensive and regularly-updated web page devoted to the SMP Update; and maintaining a large mailing list in order to keep interested parties informed; and

WHEREAS, Ecology completed its initial review of the proposed SMP Update and submitted comments to the City, and the City has reviewed and acted upon said comments; and

WHEREAS, the Planning Commission held a public hearing on the SMP Update on March 26, 2019, and two interested parties testified, and three additional written comments were received; and

WHEREAS, on May 13, 2019, the Planning Commission presented their preliminary recommendations for the proposed SMP Update to the City Council, and the Council considered those recommendations on May 13, 2019, May 20, 2019, and June 10, 2019; and

WHEREAS, on May 23, 2019, the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the proposed SMP Update; and

WHEREAS, on March 14, 2019, the City provided notice to the Washington State Department of Commerce regarding the proposed amendments to the shoreline regulations and SMP Update pursuant to RCW 36.70A.106; and

WHEREAS, on June 10, 2019, the City Council held a public hearing on the proposed SMP Update; and

WHEREAS, the City Council has considered public testimony and comments, staff and consultant input, Ecology's comments, and certain documents and information, including: 1) The Gap Analysis; 2) the Cumulative Impacts Analysis Addendum; 3) the Shoreline Sub-Element of the City of Kenmore Comprehensive Plan; 4) the City of Kenmore Shoreline Master Program draft shoreline regulations; 5) Ecology's Shoreline Master Program Periodic Review Checklist; 6) SEPA Determination of Nonsignificance; and 7) Docket Criteria Analysis; and

WHEREAS, consistent with WAC 173-26-186(d), the SMP Update evaluates and considers cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the SMA; and

WHEREAS, to ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, the SMP Update contains policies, programs and regulations that address adverse cumulative impacts and fairly allocates the burden of addressing cumulative impacts among development opportunities; and

WHEREAS, the City Council finds that the SMP Update includes the necessary master program elements required by WAC 173-26-191(b), the master program basic requirements set forth in WAC 173-26-191(2) and the general master program provisions set forth in WAC 173-26-221; and

WHEREAS, RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the City's comprehensive plan adopted under the Growth Management Act, codified at Chapter 36.70A RCW. All other portions of the City's shoreline master program, including use regulations, are considered a part of the City's development regulations; and

WHEREAS, RCW 36.70A.130(2)(a)(iii) allows amendments to a city's comprehensive plan more frequently than once per year if the amendment includes the adoption of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

WHEREAS, on June 17, 2019, the City Council adopted Ordinance No. 19-0489 (shoreline policies) and Ordinance No. 19-0490 (shoreline regulations), which adopted the SMP Update and authorized City Staff to forward the proposed SMP Update to Ecology for approval; and

WHEREAS, pursuant to RCW 90.58.090, Ecology reviewed the City's SMP Update and issued Findings and Conclusions for Proposed Amendments to the City of Kenmore Shoreline Master Program, dated January 13, 2020 ("Findings & Conclusions") which provided findings of fact, conclusions of law and Ecology's decision and effective date, incorporated herein by reference.

The Findings and Conclusions conditioned approval of the City's SMP Update upon the adoption of certain "required" revisions, and which also included "recommended" changes to the City's SMP Update; and

WHEREAS, the City Council considered Ecology's Findings & Conclusions and the required and suggested changes, along with the proposed amendments tentatively approved by the Department of Ecology for review and inclusion within the City's SMP Update, at its February 24, 2020 regular meeting; and

WHEREAS, consistent with RCW 90.58.090(2)(e)(i), the City Council hereby agrees to Ecology's required and recommended revisions, as set forth in the Findings and Conclusions by adopting this ordinance and repealing Ordinance No. 19-0489 (shoreline policies) to avoid duplication and confusion; and

WHEREAS, the City Council finds that the SMP Update includes the necessary master program elements required by WAC 173-26-191(b), the master program basic requirements set forth in WAC 173-26-191(2) and the general master program provisions set forth in WAC 173-26-221; and

WHEREAS, the City Council desires to amend the Shoreline Sub-Element of the City of Kenmore Comprehensive Plan; now therefore,

THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings for this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Repealer. The City Council repeals Ordinance No. 19-0489, as adopted on June 17, 2019.

Section 3. Adoption of Amendments to the Shoreline Sub-Element of the City of Kenmore Comprehensive Plan. The City Council adopts the amendments to the City of Kenmore Shoreline Sub-Element of the City of Kenmore Comprehensive Plan, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 4. Map Adopted. The City Council adopts revised Figure LU-12, the Shoreline Master Program Environment Designations Map, attached hereto as Exhibit 2, and incorporated by reference.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and pursuant to RCW 90.58.090(7) shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology's written notice of final action approving the shoreline master program amendments.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
__TH DAY OF ____, 2020.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

EXHIBIT 1

City of Kenmore
Comprehensive Plan

SHORELINE SUB-ELEMENT

SHORELINE PURPOSE, INTENT AND PRINCIPLES

INTRODUCTION

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values.

The primary responsibility for administering the SMA is assigned to local governments through local shoreline master programs (SMPs), adopted under guidelines established by Ecology. The guidelines (WAC 173-26) establish goals and policies that provide a framework for development standards and use regulations in the shoreline. The State legislature established new guidelines in 2003 requiring all cities and counties to update shoreline policies and regulations. The new shoreline guidelines set a higher level of environmental protection for shorelines in the state and a goal of "no net loss" of shoreline function. Local SMPs are to be based on these State guidelines and tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be managed over time.

Kenmore adopted King County's original 1978 SMP when the City incorporated in 1998. ~~This~~ The 2012 Shoreline Master Program update was drafted to meet State guidelines and develop a program that is more tailored to the City's current shoreline conditions and land use plans. In 2019, the City's SMP was updated as required by State law.

EXISTING CONDITIONS

The existing conditions of Kenmore's shorelines were evaluated in the Shoreline Inventory and Analysis (2008). That evaluation included a description of ecosystem and watershed processes, the physical environment and water quality of each water body, biological resources, cultural resources, land use and public access.

SHORELINE MANAGEMENT PURPOSE AND INTENT

These policies briefly define the overall purpose and intent of Kenmore's Shoreline Master Program and reference the City's regulatory authority to manage shorelines of the state. The language in this new section is entirely based on WAC 173-26 and RCW 90.58.020.

Authority

Authority for enactment and administration of this Program is the Shoreline Management Act of 1971, Chapter 90.58, Revised Code of Washington (RCW), also referred to herein as "the Act."

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Purpose and Intent

The purpose of this Program is: (A) to promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of City of Kenmore shorelines; (B) to manage shorelines in a positive, effective, and equitable manner; and (3C) to further assume and carry out the responsibilities established by the Act for the City of Kenmore, and to adopt and foster the following policy contained in RCW 90.58.020 for shorelines of the State:

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including, but not limited to, parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Governing Principles

The following principles along with the policy statements of RCW 90.58.020 establish basic concepts that underpin the goals, policies and regulations of this Shoreline Master Program.

- A. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.

EXHIBIT 1

City of Kenmore
Comprehensive Plan

- B. The policies of this Program may be achieved by diverse means, one of which is regulation. Other means, authorized by the Act, include but are not limited to: acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or non-structural programs.
- C. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. Permitted and/or exempt development; actions taken prior to the Act's adoption; and/or unregulated activities can impair shoreline ecological processes and functions. This Program protects shoreline ecology from such impairments in the following ways:
 - 1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 - 2. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in KMC 18.55.210. This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the date of adoption of this Program.
 - 3. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
 - 4. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such opportunities have been identified, consistent with the City of Kenmore Shoreline Restoration Plan.
- D. Regulation of private property – to implement Program goals such as public access and protection of ecological functions and processes – must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, civil rights guaranteed by the U.S. and State constitutions, recent federal and state case law, and state statutes.
- E. Regulatory or administrative actions contained herein must be implemented consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- F. The regulatory provisions of this Program are limited to shorelines of the state, whereas the Shoreline Restoration Plan may extend beyond the designated shoreline boundaries.
- G. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the City of Kenmore Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).

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- H. Consistent with the policy and use preferences of RCW 90.58.020, the City of Kenmore should balance the various policy goals of this Program giving consideration to other relevant local, state, and federal regulatory and non-regulatory programs.

SHORELINE JURISDICTION

This section provides an overview of Kenmore's shoreline jurisdiction, the area where the Shoreline Management Act applies. "Shorelines" means lakes greater than 20 acres and rivers and streams with a minimum of twenty cubic feet per second mean annual flow, including the entire water body waterward from the ordinary high-water mark (OHWM) from its centerline or point, all water below the surface, and associated shorelands (RCW 90.58.030(2)(d)). Under the SMA, the shoreline jurisdiction includes areas that are 200 feet landward of the ordinary high-water mark (OHWM) of shorelines and their adjacent shorelands, defined in Kenmore as the upland area within 200 feet of the OHWM, as well as any associated wetlands and floodplains. Three waterbodies in Kenmore (Lake Washington, the Sammamish River, and Swamp Creek) are regulated under the SMA and the City's Shoreline Master Program (SMP). Lake Washington is the only shoreline designated as a "shoreline of statewide significance" under the SMA [RCW 90.58.030(2)e].

The Kenmore shoreline jurisdiction is shown on the Shoreline Environment Designations Map, **Figure LU-12**.

SHORELINES OF STATEWIDE SIGNIFICANCE

This section includes principles and policies for managing shorelines of statewide significance. In the City of Kenmore, shorelines of statewide significance include only the Lake Washington shoreline, as it is a lake with a surface acreage over 1,000 acres. The Shoreline Management Act sets specific use priorities for these shorelines and calls for a higher level of effort in implementing policy goals. The state legislature declared that the public interest shall be paramount in the management of shorelines of statewide significance.

- Policy LU-16.1.1 The public interest in the use and enjoyment of shorelines of statewide significance in the City of Kenmore shall be paramount.

Management goals for shorelines of statewide significance were ranked in order of preference by the State (i.e., the first goal must be given priority over all subsequent goals), as listed in the following policy.

- Policy LU-16.1.2 In developing and implementing its Shoreline Master Program for Lake Washington, the City of Kenmore shall give preference, in the following order, to uses that:
1. Recognize and protect the statewide interest over local interest;
 2. Preserve the natural character of the shoreline;
 3. Result in long-term over short-term benefit;
 4. Protect the resources and ecology of the shoreline;

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5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100.

SHORELINE ENVIRONMENT DESIGNATIONS

The Kenmore shoreline environment designations are shown on the Shoreline Environment Designations Map, **Figure LU-12**.

GOAL 17. IMPLEMENT THE OBJECTIVES, PURPOSE, DESIGNATION CRITERIA AND POLICIES FOR EACH SHORELINE ENVIRONMENT.

17.1 Downtown Waterfront Environment

Purpose: The purpose of the Downtown Waterfront Environment is to provide for mixed urban water-enjoyment-oriented uses, public access and recreation while protecting existing ecological functions.

Designation Criteria: The shoreline along the contiguous downtown waterfront that is zoned regional business and waterfront commercial in KMC Title 18 and does not meet the requirement for other designations is to be assigned the Downtown Waterfront Environment designation.

Management Policies

- | | |
|------------------|---|
| Policy LU-17.1.1 | Emphasis should be given to developing visual and physical public access to the shoreline in the Downtown Waterfront Environment. |
| Policy LU-17.1.2 | Multiple uses of the shoreline should be encouraged. |
| Policy LU-17.1.3 | Redevelopment and renewal should be encouraged in order to accommodate future users and capitalize on the shoreline resource. |
| Policy LU-17.1.4 | Aesthetic improvement should be actively promoted by means of sign control regulations, architectural design standards, appropriate development siting, landscaping requirements (such as encouraging shoreline revegetation), and other development standards. |
| Policy LU-17.1.5 | Development should not cause adverse impacts to existing ecological functions. Any adverse impacts shall be mitigated. Where applicable, new development shall include environmental cleanup of the shoreline in accordance with relevant state and federal laws. |
| Policy LU-17.1.6 | Water-dependent, water-related and water-enjoyment uses should be a priority over other uses in this Environment. Non-water-oriented uses should not be allowed except as part of mixed-use developments that include water-dependent and water-related uses. A non-water-oriented development can be |

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Comprehensive Plan

considered water-oriented if public access for a significant number of persons is provided.

- Policy LU-17.1.7 Encourage redevelopment of industrial sites into mixed urban uses, including public access, recreation, residential uses, and commercial uses.
- Policy LU-17.1.8 Identify strategic shoreline public access points and pursue linkages between public spaces along the waterfront, including trails, boardwalks, and waterfront transportation. The Downtown Circulation Map Sub-Element, Transportation Element and the Kenmore Trails Map Parks, Recreation and Open Space Plan shall provide guidance for strategic shoreline public access points and linkages and should be used in regulating the location of public access improvements.

17.2 Swamp Creek Commercial Environment

Purpose: The purpose of the Swamp Creek Commercial Environment is to recognize existing and planned high-intensity commercial and high-density residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Designation criteria: A Swamp Creek Commercial Environment designation should be assigned to shoreline areas adjacent to Swamp Creek if any of the following characteristics apply:

- (A) The shoreline currently supports high-intensity commercial or high-density residential uses, and is designated in the Comprehensive Plan and zoned to remain high-intensity, and
- (B) The shoreline does not meet the requirement for Urban Conservancy Environment or Shoreline Residential Environment designations.

Management Policies

- Policy LU-17.2.1 In regulating uses in the "Swamp Creek Commercial" environment, water-oriented uses are a priority over non-water-oriented uses.
- Policy LU-17.2.2 Non-water-oriented uses should be allowed in the following circumstances:
- A. As part of mixed use developments with water-dependent, water-related, or water-enjoyment uses;
 - B. When they provide substantial improvements to the degraded buffer along Swamp Creek;
 - C. When they do not conflict with or limit opportunities for water-oriented uses; or
 - D. Where there is no direct access to the shoreline.
- Policy LU-17.2.3 Development proposals should be designed or mitigated to assure no net loss of shoreline ecological functions.

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- Policy LU-17.2.4** Full utilization of the Swamp Creek Commercial designated land should be achieved before further expansion of intensive development is allowed.
- Policy LU-17.2.5** Where applicable, new development should include environmental cleanup of the shoreline, with restoration of the shoreline, in accordance with relevant state and federal laws governing sites that are contaminated by hazardous substances.
- Policy LU-17.2.6** Where feasible, visual and physical public access should be required consistent with the policies in Section 19, Public Access, Recreation and Views and Aesthetics, and SMP regulations.
- Policy LU-17.2.7** Development in the Swamp Creek Commercial designation should conform to sign control regulations, site plan requirements, landscaping standards, and commercial and multifamily design standards.
- Policy LU-17.2.8** Development should meet shoreline buffer standards and maintain natural vegetation.

17.23 Shoreline Residential Environment

Purpose: The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures that are consistent with ~~this chapter~~ the Shoreline Sub-Element. An additional purpose is to provide appropriate public access and recreational uses within new multifamily developments or on public property.

Designation Criteria: The Shoreline Residential Environment designation should be assigned to shoreline areas if they are predominantly developed with single-family or multifamily residential development or are planned and platted for residential development, and the shoreline areas do not meet the criteria for other designations.

Management Policies

- Policy LU-17.23.1** Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set considering the environmental limitations and sensitivity of the shoreline area and the level of infrastructure and services available.
- Policy LU-17.23.2** Multifamily and multi-lot residential and recreational developments should provide public access and community recreational facilities.
- Policy LU-17.23.3** Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.

17.34 Urban Conservancy Environment

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Purpose: The purpose of the Urban Conservancy Environment is to protect and restore ecological functions of open space, streams, wetlands, and floodplains and other sensitive lands where they exist in urban and developed settings, including areas below the ordinary high-water mark in Swamp Creek, while allowing a variety of compatible uses.

Designation Criteria: An Urban Conservancy Environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area and that are not generally suitable for water-dependent uses if any of the following characteristics apply. This designation should be applied when:

- (A) The shoreline includes wetlands or exceptional riparian corridor that should not be more intensively developed; is suitable for water-related or water-enjoyment uses and public access and recreation-related water-dependent uses;
- (B) The shoreline is in public ownership and has been altered or in public ownership that is small in size and not adjacent to other publicly owned properties; includes open space, floodplain or other sensitive areas that should not be more intensively developed;
- (C) The shoreline has been altered but retains important ecological functions;
- (D) The shoreline has potential for ecological restoration or is a restoration priority; or
- (E) The shoreline has potential for development that is compatible with ecological restoration.

Management Policies

- Policy LU-17.34.1 Uses that preserve the natural character of the area or promote preservation of open space, floodplain or critical areas either directly or over the long term should be the primary allowed uses in the Urban Conservancy Environment. Uses that result in the restoration of ecological functions are allowed if the use is otherwise compatible with the purpose of the eEnvironment.
- Policy LU-17.34.2 New development should be restricted to those which are compatible with the natural and biophysical limitations of the land and water.
- Policy LU-17.34.3 Commercial and industrial uses are generally discouraged, but commercial uses consistent with underlying zoning may be allowed if accompanied by ecological restoration and public access enhancement.
- Policy LU-17.34.4 Diverse public access and recreational activities which are compatible with the Urban Conservancy Environment should be encouraged when adverse ecological impacts can be mitigated.
- Policy LU-17.34.5 Development which would be a hazard to public health and safety or would materially interfere with existing ecological processes and functions should not be allowed.

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- Policy LU-17.34.6 Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas in the Urban Conservancy Environment adjacent to Lake Washington and the Sammamish River, water-dependent uses should be given highest priority.
- Policy LU-17.34.7 Standards for residential density and development shall be set considering the environmental limitations and sensitivity of the shoreline area and the level of infrastructure and services available
- Policy LU-17.34.8 New structural flood control devices should be strongly discouraged in the Urban Conservancy Environment.
- Policy LU-17.34.9 Developments should not be allowed unless connected to a sewer line.
- Policy LU-17.34.10 Developments should be regulated so as to minimize the following: erosion or sedimentation, the adverse impact on aquatic habitats and substantial degradation of the existing character of the Urban Conservancy Environment.
- Policy LU-17.34.11 Standards should be established for shoreline stabilization measures, vegetation conservation, water quality and shoreline modifications within the Urban Conservancy Environment.
- Policy LU-17.34.12 The protection and restoration of stream 0056 where it flows into Lake Washington should be prioritized.
- ~~Policy LU-17.3.13 — Because the parcels located to the north of Saint Edward State Park and designated Urban Conservancy are largely ecologically intact, if one or more of those parcels are acquired by a public agency for open space purposes, the City should consider redesignating those parcels as Natural if they meet applicable criteria.~~

17.45 Natural Environment

Purpose: The purpose of the Natural Environment is to protect public shoreline areas that include ecologically intact or minimally altered shorelines. Only low intensity uses are to be allowed in this eEnvironment to maintain existing ecological processes and functions.

Designation Criteria: A Natural Environment designation is assigned to shoreline areas if any of the following characteristics apply:

- (A) A relatively large, contiguous area of the shoreline is in public ownership and ecologically intact or minimally altered;
- (B) The shoreline represents ecological processes or functions that provide educational or scientific opportunities; or
- (C) The shoreline is unable to support active uses or development without adverse impacts to ecological functions.

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Management Policies

- Policy LU-17.45.1 The Natural Environment should remain free from development or uses that would degrade the ecological functions or adversely affect their natural character.
- Policy LU-17.45.2 The intensity and type of uses permitted should be restricted in the Natural Environment to maintain the natural systems and resources in their natural condition. The following new uses should not be allowed in the Natural Environment: commercial uses, industrial uses, non-water-oriented recreation, and roads, utility corridors, and parking areas that can be located outside of the Natural Environment.
- Policy LU-17.45.3 Limited access should be allowed to areas in the Natural Environment.
- Policy LU-17.45.4 Uses that are consumptive of the physical and biological resources or that may degrade the actual or potential value of the Natural Environment should be prohibited.
- Policy LU-17.45.5 Uses and activities in locations adjacent to the Natural Environment should be strictly regulated to ensure that the integrity of the shoreline ecology is not compromised.
- Policy LU-17.45.6 Scientific, historical, cultural and educational research uses and low-intensity water-oriented recreational access uses may be allowed provided that no adverse impact on the area will result.
- Policy LU-17.45.7 New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. The subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely affects ecological functions should not be allowed.

17.56 Aquatic Environment

Purpose: The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of navigable areas waterward of the ordinary high-water mark on the Sammamish River and Lake Washington.

Designation Criteria: Lake Washington and the Sammamish River below (waterward of) the ordinary high-water mark are to be designated as Aquatic Environment. In Lake Washington, the Aquatic Environment extends to the centerline of the lake.

Management Policies

- Policy LU-17.56.1 New over-water structures should be limited, with priority given to water-dependent uses, public access and ecological restoration.

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- Policy LU-17.56.2 The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- Policy LU-17.56.3 To reduce the adverse impacts of shoreline development and increase effective use of water resources, multi-purpose use of over-water facilities should be encouraged.
- Policy LU-17.56.4 All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider any adverse impacts to public views, and to allow for the safe unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- Policy LU-17.56.5 Uses that adversely affect the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020 and impacts shall be mitigated.
- Policy LU-17.56.6 Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

GENERAL SHORELINE MANAGEMENT POLICIES

General shoreline management policies apply regardless of environment designation unless specifically stated within the policy, and are intended to provide general guidance in the management of shorelines. These general policies are organized by shoreline element.

18. Economic Development

GOAL 18.1. SHORELINE DEPENDENT DEVELOPMENT SHOULD PROVIDE LONG RANGE ECONOMIC BENEFITS WHILE ENSURING COMPATIBILITY WITH ENVIRONMENTAL AND LAND USE GOALS.

- Policy LU-18.1.1 Kenmore should plan for the location and design of ~~industries, industrial projects of statewide significance,~~ transportation facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.
- Policy LU-18.1.2 New economic development in the shoreline should be encouraged to ~~cluster/locate in areas of the Downtown Waterfront e~~Environment ~~that can be upgraded and redeveloped.~~
- Policy LU-18.1.3 Economic development should be designed to minimize actual shoreline space occupied.
- Policy LU-18.1.4 Economic development in the shoreline involving high intensity commercial land use should be confined to the Downtown Waterfront.
- Policy LU-18.1.5 Cooperative use of docks, parking and storage facilities should be encouraged among commercial uses along the shoreline.

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GOAL 18.2. SHORELINE ECONOMIC DEVELOPMENT SHOULD PROVIDE PUBLIC PHYSICAL AND VISUAL AVAILABILITY TO THE WATER, CONSISTENT WITH PUBLIC HEALTH AND SAFETY.

- Policy LU-18.2.1 Overlook points, historic areas and points of public access to the shoreline should be considered in commercial site planning.
- Policy LU-18.2.2 Economic development in the shoreline that utilizes public land should be designed to include public viewpoints, waterfront restaurants, and similar public facilities.
- Policy LU-18.2.3 Structures placed in the water for economic purposes should be designed to prevent adverse impacts to shoreline ecological processes and functions.
- Policy LU-18.2.4 Economic development in the shoreline should be prohibited in identified environmentally critical areas.

GOAL 18.3. WHENEVER FEASIBLE, WATERFRONT ECONOMIC DEVELOPMENT SITES SHOULD BE LOCATED IN AREAS THAT ARE ALREADY DEVELOPED WITH SIMILAR USES AND PLANNED SO AS TO PROVIDE MULTIPLE USES OF THE SHORELINES OF THE STATE.

- Policy LU-18.3.1 Consistent with public safety, waterfront ~~industrial~~ developments should be encouraged to provide ~~fishing piers, boat ramps and other facilities~~ public access and water-oriented recreation.
- Policy LU-18.3.2 In siting economic development in the shoreline, water-dependent uses should be given priority over water-oriented uses.
- Policy LU-18.3.4 To support the long-range economic base in Kenmore, shoreline economic development should include mixed urban uses, and shoreline public access and recreation should be encouraged.

GOAL 18.4. PRIORITY SHOULD BE GIVEN TO THOSE SHORELINE ECONOMIC DEVELOPMENTS WHICH MAINTAIN OPTIONS FOR FUTURE USERS OF THE WATER.

- Policy LU-18.4.1 Development of commercial and recreational fisheries should be encouraged through measures to protect and restore fish habitat and provision for boating facilities.
- Policy LU-18.4.2 Mining, dredging, channelizing or filling of shoreline should be discouraged.
- Policy LU-18.4.3 Priority should be given shoreline economic development of renewable over non-renewable resources.

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Policy LU-18.4.4 In order to ensure that treaty rights are respected, public notice of application should be provided to affected tribes on all projects requiring general public notice.

19. Public Access, Recreation and Views and Aesthetics

Public Access

GOAL 19.1. INCREASE THE ABILITY OF THE GENERAL PUBLIC TO REACH, TOUCH AND ENJOY THE WATER'S EDGE, TO TRAVEL ON THE WATERS OF THE STATE, AND TO VIEW THE WATER AND THE SHORELINE FROM ADJACENT LOCATIONS, PROVIDED THAT PRIVATE PROPERTY RIGHTS, PUBLIC SAFETY AND SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS ARE PROTECTED CONSISTENT WITH THE U.S. AND STATE CONSTITUTIONS, STATE CASE LAW, AND STATE STATUTES.

Policy LU-19.1.1 Development for the purpose of public access should respect and protect the enjoyment of private property rights along shorelines.

Policy LU-19.1.2 Shoreline public access areas should be planned to provide for ancillary facilities such as parking and sanitation when appropriate.

Policy LU-19.1.3 Shoreline public access and ancillary facilities should be designed and developed to provide adequate protection for adjacent private properties.

Policy LU-19.1.4 Appropriate signs should be used to designate publicly-owned shorelines and designated public access on public shorelines.

Policy LU-19.1.5 Public access to and along the water's edge should be available in publicly owned shorelines that are tolerant of human activity.

GOAL 19.2. PUBLIC ACCESS AND RECREATION SITES AND FACILITIES SHOULD BE WELL-MAINTAINED AND OPERATED.

Policy LU-19.2.1 Public access should be policed and improved consistent with the planned intensity of recreational use.

Policy LU-19.2.2 Shoreline public access should be limited to low-intensity, passive recreation in the Natural and Urban Conservancy eEnvironments.

GOAL 19.3. PRIORITY FOR ACCESS ACQUISITION SHOULD CONSIDER RESOURCE DESIRABILITY, AVAILABILITY AND PROXIMITY OF POPULATION.

Policy LU-19.3.1 Where appropriate, improve, pursue or develop shoreline access, including, but not limited to, open space, boat launches, fishing facilities, trails, and

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streetscaping on publicly owned shorelands consistent with the Parks, ~~and Recreation and Open Space~~ Master Plan, ~~Downtown Sub-Element and Transportation Element~~.

GOAL 19.4. PHYSICAL OR VISUAL ACCESS TO SHORELINES SHOULD BE REQUIRED AS A CONDITION OF APPROVAL FOR SHORELINE DEVELOPMENT ACTIVITIES COMMENSURATE WITH THE ADVERSE IMPACTS OF NEW MULTI-FAMILY AND COMMERCIAL SHORELINE DEVELOPMENT AND THE CORRESPONDING BENEFIT TO THE PUBLIC OF SUCH DEVELOPMENT, CONSISTENT WITH CONSTITUTIONAL LIMITATIONS.

- Policy LU-19.4.1 The City should provide incentives to encourage multi-family and commercial private property owners to provide public shoreline access.
- Policy LU-19.4.2 Public pedestrian easements should be required in future shoreline land use actions whenever shoreline features are appropriate for public use.
- Policy LU-19.4.3 Shorelines of the state that include but are not limited to any of the following conditions should be considered for pedestrian easements:
- a. Where a proposed trail in the ~~Kenmore Trail System~~ Parks, Recreation and Open Space Plan, ~~or Downtown Plan Circulation improvement Sub-Element or Transportation Element~~ is planned along the shoreline.
 - b. Areas presently being legally used or historically having been legally used by the public along the shoreline for access.
- Policy LU-19.4.4 Public access opportunities identified in the Shoreline Inventory and Characterization should be pursued as feasible over time to increase and improve public access to the shoreline.

GOAL 19.5. PUBLIC ACCESS TO SHORELINES OF THE STATE SHOULD BE DEVELOPED IN A WIDE RANGE OF LOCATIONS AND SHOULD BE OPEN TO ALL PEOPLE.

- Policy LU-19.5.1 Viewpoints, lookouts, and vistas of shorelines of the state and wetlands should be publicly accessible.
- Policy LU-19.5.2 Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use.
- Policy LU-19.5.3 Publicly-owned street ends that abut the shoreline should be retained or reclaimed for public access.
- Policy LU-19.5.4 Shoreline recreational facilities and other public access points should be connected by trails, bicycle pathways and other access links where appropriate,

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as consistent with the Parks, ~~and Recreation Master and Open Space Plan (2003), and Downtown Plan~~ Sub-Element and Transportation Element.

- Policy LU-19.5.5 Public access points should be of a nature and scale that would be compatible with adjacent land uses, water-dependent uses, navigation and protection of natural features, including aquatic habitat.
- Policy LU-19.5.6 Public access should respect and protect ecological processes and functions and aesthetic values in the shorelines of the state.
- Policy LU-19.5.7 Environmentally critical areas in shoreline areas should be retained as open space. ~~Public Access and use should be restricted or prohibited such that there allowed where there~~ is no net loss of shoreline ecological processes and functions.

GOAL 19.6. PROVIDE FOR THE PRESERVATION AND EXPANSION OF SHORELINE-DEPENDENT AND WATER-ORIENTED RECREATION OPPORTUNITIES THAT FACILITATE THE PUBLIC'S ABILITY TO ENJOY THE PHYSICAL AND AESTHETIC QUALITIES OF THE SHORELINE THROUGH PARKS, PUBLIC ACCESS TO BEACHES, BICYCLE AND PEDESTRIAN TRAILS, VIEWPOINTS, AND OTHER RECREATIONAL AMENITIES.

GOAL 19.7. AREAS CONTAINING SPECIAL SHORELINE RECREATION QUALITIES NOT EASILY DUPLICATED SHOULD BE AVAILABLE FOR PUBLIC USE AND ENJOYMENT.

- Policy LU-19.7.1 Opportunities should be provided for the public to understand natural shoreline processes and experience natural resource features in diverse forms of water-oriented recreation.

Recreation

GOAL 19.8. SHORELINE RECREATIONAL MANAGEMENT AND DEVELOPMENT SHOULD PROTECT SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS.

- Policy LU-19.8.1 Low-intensity recreational uses should be allowed along intact shorelines; service facilities such as ~~footpaths, periphery car parks~~ parking lots and adequate sanitary facilities should only be allowed where appropriate.
- Policy LU-19.8.2 Already popular beaches and other predominantly undeveloped shorelines should be available and designated as medium-intensity recreational use areas to be free from expansive development; intensity of use should be consistent with the protection of shoreline ecological processes and functions.

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- Policy LU-19.8.3 Small or linear portions of the shoreline in public ownership that are suitable for recreational purposes should be made available for variable intensities of use, which may include vista points, pedestrian walkways, water entry points, street-ends, and shoreline areas adjacent to waterfront roads.
- Policy LU-19.8.4 Overall design and development in shoreline recreational areas should be responsive to the site characteristics of those areas and be consistent with the level of use in the area concerned.
- Policy LU-19.8.5 Non-water-oriented recreational facility development should be located inland away from the water's edge except where appropriate in the Downtown Waterfront eEnvironment. ~~In the Downtown Waterfront environment, non-water dependent recreation facilities such as a children's play area or picnic tables may be appropriate near the water on the inner harbor area and may be allowed as part of an overall development providing substantial public access and other shoreline improvements.~~

GOAL 19.9. THE PROVISION OF ADEQUATE PUBLIC SHORELINE RECREATION LANDS SHOULD BE BASED ON AN ACQUISITION PLAN WITH CLEAR PUBLIC INTENT.

GOAL 19.10. A BALANCED VARIETY OF RECREATIONAL OPPORTUNITIES SHOULD BE PROVIDED REGIONALLY FOR PEOPLE OF DIFFERENT AGES, HEALTH, FAMILY STATUS, AND FINANCIAL ABILITY.

- Policy LU-19.10.1 Appropriate specialized recreation facilities should be provided for ~~the handicapped~~ ~~those with disabilities~~ or others who might need them.
- Policy LU-19.10.2 Shoreline recreation areas should provide opportunities for different use intensities ranging from low (solitude) to high (many people).
- Policy LU-19.10.3 Opportunities for shoreline recreational experiences should include a wide range of accessibility and duration of use.
- Policy LU-19.10.3.5 Shoreline recreational experiences should include a wide range of different areas from remote-outdoor undeveloped areas to highly developed indoor-outdoor areas.
- Policy LU-19.10.4 Recreational development should meet the demands of population growth consistent with the protection of shoreline ecological processes and functions.
- Policy LU-19.10.5 Encourage private and public investment in recreation facilities.
- Policy LU-19.10.6 Locate, design, and operate recreational development in a manner that minimizes adverse effects on adjacent properties as well as other social, recreational, or economic activities.

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Views and Aesthetics

GOAL 19.11. SCENIC, AESTHETIC AND ECOLOGICAL QUALITIES OF NATURAL AND DEVELOPED SHORELINES SHOULD BE PRESERVED AS VALUABLE RESOURCES.

- Policy LU-19.11.1 In shoreline areas, the natural topography should not be substantially altered.
- Policy LU-19.11.2 Setbacks should be established for new development and redevelopment in the shoreline jurisdiction to minimize adverse impacts to views of the water by the public and adjacent uses and to protect the visual quality of views of the shoreline.
- Policy LU-19.11.3 Shoreline structures should be sited and designed to minimize view obstruction and should be visually compatible with the shoreline character.
- Policy LU-19.11.4 Public viewing and interpretation should be encouraged at or near industrial, commercial, and governmental shoreline development when consistent with security and public safety.

20. Circulation

GOAL 20.1. CIRCULATION SYSTEMS IN SHORELINE AREAS SHOULD BE LIMITED TO THOSE THAT ARE SHORELINE DEPENDENT, THOSE THAT WOULD SERVE SHORELINE DEPENDENT USES, AND THOSE THAT WOULD PROTECT SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS.

GOAL 20.2 NEW SURFACE TRANSPORTATION DEVELOPMENT SHOULD BE DESIGNED TO PROVIDE THE BEST POSSIBLE SERVICE WITH THE LEAST POSSIBLE INFRINGEMENT UPON THE SHORELINE ENVIRONMENT. ANY ADVERSE IMPACTS TO SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS SHOULD BE MINIMIZED AND MITIGATED.

- Policy LU- 20.2.1 New transportation facilities and improvements to existing facilities that substantially increase levels of air, noise, odor, visual or water pollution should be discouraged.
- Policy LU- 20.2.2 Transportation corridors should be designed to harmonize with the topography and other natural characteristics of the shoreline through which they traverse.
- Policy LU- 20.2.3 Surface transportation facilities in shoreline areas should be set back from the ordinary high water mark far enough to make unnecessary such protective measures as bank stabilization, landfill, bulkheads, groins, jetties or substantial site regrade.

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- Policy LU- 20.2.4 New transportation developments in shoreline areas should provide turnout areas for scenic stops and off-road rest areas where the topography, view and natural features warrant.
- Policy LU- 20.2.5 Shoreline roadway corridors with historic significance or great aesthetic quality should be retained and maintained for those characteristics.
- Policy LU- 20.2.6 The City should encourage new transportation facilities crossing lakes, streams, rivers or wetlands to locate in existing corridors except where any adverse impact can be minimized by selecting an alternate corridor.

GOAL 20.3. SHORELINE CIRCULATION SYSTEMS SHOULD ENCOURAGE ALTERNATIVE ROUTES AND MODES OF TRAVEL.

- Policy LU- 20.3.1 Future development and maintenance of ferry services on Lake Washington should be encouraged in the Downtown Waterfront ~~e~~Environment, and integrated with the overall transportation system.
- Policy LU- 20.3.2 Circulation routes should provide for non-motorized means of travel.
- Policy LU- 20.3.3 The City should develop a public trail system along the north shore of the Sammamish River and through the Downtown Waterfront ~~shoreline~~ ~~e~~Environment on Lake Washington, as consistent with the Downtown Plan ~~Sub-Element, the Transportation Element (2003) and the Parks, Recreation and Open Space Plan.~~

GOAL 20.4. CIRCULATION SYSTEMS SHOULD BE LOCATED AND ATTRACTIVELY DESIGNED SO AS NOT TO UNNECESSARILY OR UNREASONABLY REDUCE THE BENEFITS DERIVED FROM PRIVATE PROPERTY.

- Policy LU- 20.4.1 Motorized vehicular traffic on beaches and other natural shoreline areas should be prohibited.
- Policy LU- 20.4.2 Transportation facilities providing access to shoreline development should be planned and designated in scale and character with the use proposed and should consider the future economic and social needs of the community consistent with the policies of the Kenmore SMP.

GOAL 20.5. CIRCULATION SYSTEMS DISRUPTIVE TO PUBLIC SHORELINE ACCESS AND OTHER SHORELINE USES SHOULD BE RELOCATED WHERE FEASIBLE.

- Policy LU- 20.5.1 Transportation elements disruptive to the shoreline character that cannot feasibly be relocated should be conditioned or landscaped to minimize visual and noise pollution.

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Policy LU- 20.5.2 Kenmore should promote and encourage modes of transportation that consume the least amount of energy and produce the least pollution while providing the best efficiency.

21. Conservation and Protection

GOAL 21.1. PRESERVE OR DEVELOP SHORELINES, ADJACENT UPLANDS, AND ADJACENT WATER AREAS IN A MANNER THAT ENSURES NO NET LOSS OF SHORELINE ECOLOGICAL PROCESSES AND FUNCTIONS.

Policy LU-21.1.1 Kenmore should support efforts to improve stream conditions and fish habitat, including re-establishing access to spawning and rearing areas.

Policy LU-21.1.2 Buffers or setbacks should be established for new development and redevelopment in the shoreline jurisdiction to protect existing shoreline ecological processes and functions and to provide space for shoreline vegetation preservation and enhancement.

Policy LU-21.1.3 Where appropriate, land and water uses should be located so that they do not interfere with the restoration or enhancement of shoreline ecological processes and functions.

Policy LU-21.1.4 Environmentally critical areas in the shoreline, including critical freshwater habitats, should be protected from uses or activities that will have adverse effects.

Policy LU-21.1.5 Kenmore should seek and use any available monitoring data on shoreline conditions in regulating development and making decisions that affect shoreline use, including, but not limited to, water quality monitoring by King County and the Department of Ecology, and monitoring data from hazardous material cleanup sites. The most recent data regarding a cleanup site should be obtained prior to issuing any permits for development on such sites.

GOAL 21.2. ENSURE PRESERVATION OF UNIQUE AND NON-RENEWABLE NATURAL RESOURCES AND ENSURE CONSERVATION OF RENEWABLE NATURAL RESOURCES FOR THE BENEFIT OF EXISTING AND FUTURE GENERATIONS AND THE PUBLIC INTEREST.

Policy LU-21.2.1 Shorelines and shorelands that are of unique or valuable natural character should be acquired and preserved wherever feasible.

Policy LU-21.2.2 Kenmore should encourage the conservation of fish, wildlife, and other renewable resources.

Policy LU-21.2.3 All future shoreline development should be designed and sited to prevent adverse impacts on the natural shoreline environment. Adverse impacts shall be mitigated to ensure no net loss of shoreline ecological functions.

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Policy LU-21.2.4 Shoreline activities, and developments should be planned, constructed and operated to maintain or enhance the quality of air, soil, and water on the shorelines.

~~Policy LU-21.2.5 Consumptive and extractive industries should allow the natural shoreline systems to function with a minimum of disruption during their operations and should return the shoreline to as near natural a state as possible upon their completion.~~

Policy LU-21.2.65 Any structure or activity in or near the water should be constructed in such a way that it will prevent adverse physical or chemical effects on water quality, vegetation, fish, or wildlife.

Policy LU-21.2.76 Uses or activities that degrade the natural resources of the shoreline should not be allowed.

Policy LU-21.2.87 Some uses or activities may be allowed only when compensatory habitat enhancement is provided as mitigation. When considering compensatory habitat enhancement as mitigation for impacts from new structures, such as when a reduced buffer or a non-water-dependent use is requested, the enhancement should be proportional to the degree of impact of the new structure, and take into account the degree to which the existing buffer has already been compromised. Enhancement should focus on restoring shoreline ecological functions that are most critical and that have been most diminished in the Kenmore shoreline. ~~In approving any compensatory habitat enhancement plan, the Director shall consider the changes in surface water runoff rates and water quality (such as through increased impervious area), habitat structure (such as loss or alteration of vegetation), and habitat quality (such as from lighting, noise, or activities) that the project would cause. Enhancements should generally focus on reducing or offsetting project impacts but may focus on restoring other critical ecological functions in the shoreline that have been lost or diminished (such as placement of large woody debris in water or restoring shallow water habitat). The Director may determine whether an enhancement that provides a broader benefit may be substituted for one that would offset the impacts of an individual project. The Director may deny a request to allow intrusion into a buffer or for development of a non-water-dependent use if the enhancement proposed does not fully mitigate the impacts of the project and provide a sufficient broader benefit.~~

Critical Areas

GOAL 21.3. THE KENMORE SHORELINE MASTER PROGRAM AND IMPLEMENTING REGULATIONS SHALL PROVIDE A LEVEL OF PROTECTION FOR CRITICAL AREAS AT LEAST EQUAL TO THAT PROVIDED BY KENMORE'S CRITICAL AREA POLICIES AND IMPLEMENTING REGULATIONS.

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- Policy LU-21.3.1 Kenmore shall protect shorelines and, where possible, should restore degraded habitat and critical area functions and values as consistent with the Comprehensive Plan Natural Environment Sub-Element.
- Policy LU-21.3.2 Kenmore shall apply the following sequence of steps listed in order of priority in evaluating and mitigating the adverse impacts of development and redevelopment on critical areas within the shoreline jurisdiction, as consistent with WAC 173-26-201(2)(e):
1. Avoid the impacts altogether;
 2. Minimize impacts;
 3. Rectify impacts by repairing, rehabilitating or restoring the affected environment;
 4. Reduce or eliminate the impacts over time;
 5. Compensate for impacts by replacing, enhancing or providing substitute resources; and
 6. Monitor the impact and take appropriate corrective measures.

Wetlands***GOAL 21.4. KENMORE SHOULD ALLOW ALTERATIONS TO WETLANDS ONLY IF THERE IS NO NET LOSS OF WETLAND FUNCTIONS AND VALUES.***

- Policy LU-21.4.1 Kenmore regulations for wetlands in shorelines shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions:
1. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
 2. Dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater;
 3. Draining, flooding, or disturbing of the open water level, duration of inundation, or groundwater table;
 4. Driving of pilings;
 5. Placing of obstructions;
 6. Construction, reconstruction, demolition, or expansion of any structure;
 7. Significant vegetation removal;

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8. Other uses or development that results in an adverse ecological impact to the physical, chemical or biological characteristics of wetlands; and
9. Activities reducing the functions of buffers.

- Policy LU-21.4.2 Kenmore shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, any potential conflicts with adjacent land use, and other relevant factors.
- Policy LU-21.4.3 Kenmore may allow compensatory mitigation only after a mitigation sequence is applied consistent with Policy LU-21.3.2. Lower priority mitigation measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Critical Freshwater Habitat

GOAL 21.5 KENMORE SHALL ENSURE PROTECTION OF CRITICAL FRESHWATER HABITAT CONSISTENT WITH KENMORE CRITICAL AREA REGULATIONS FOR FISH AND WILDLIFE HABITAT OF IMPORTANCE (KMC 18.55.520 AND 18.55.530).

- Policy LU-21.5.1 Kenmore should establish priorities for protection and restoration, where appropriate, along river corridors and lake shorelines.
- Policy LU-21.5.2 Uses and development within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction should be regulated to ensure that no net loss of ecological processes and functions results from new development near freshwaters of the state, including associated hyporheic zones.
- Policy LU-21.5.3 Kenmore shall protect ecological functions associated with critical freshwater habitat as necessary to ensure no net loss from shoreline activities and associated changes.
- Policy LU-21.5.4 Kenmore should facilitate appropriate restoration projects.

Flood Hazard Areas

GOAL 21.6. THE KENMORE SHORELINE MASTER PROGRAM SHALL UTILIZE THE POLICIES AND PROGRAMS ESTABLISHED IN THE KENMORE ~~FLOOD HAZARD MANAGEMENT PLAN AND~~ FLOOD HAZARD AREA REGULATIONS TO MEET THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT AND THE DEPARTMENT OF ECOLOGY'S GUIDELINES FOR FLOOD HAZARD REDUCTION.

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Water Quality, Stormwater and Nonpoint Pollution

GOAL 21.7. PREVENT ADVERSE IMPACTS TO WATER QUALITY AND STORM WATER QUANTITY THAT WOULD RESULT IN A NET LOSS OF SHORELINE ECOLOGICAL FUNCTIONS OR ADVERSE IMPACTS TO AESTHETIC QUALITIES OR RECREATIONAL OPPORTUNITIES.

- Policy LU- 21.7.1 Ensure consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity. The regulations that are most protective of ecological functions and public safety shall apply.

Geologically Hazardous Areas

GOAL 21.8. PREVENT ADVERSE IMPACTS TO THE SHORELINE AND PUBLIC SAFETY AS A RESULT OF INAPPROPRIATE DEVELOPMENT IN GEOLOGICALLY HAZARDOUS AREAS, INCLUDING AREAS SUSCEPTIBLE TO EROSION, LANDSLIDING, EARTHQUAKE, OR OTHER GEOLOGICAL EVENTS.

- Policy LU- 21.8.1 Ensure consistency between shoreline management provisions and other regulations that address geologically hazardous areas by incorporating Kenmore critical areas regulations into the SMP.
- Policy LU- 21.8.2 Prohibit development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements due to geologic conditions, or would require structural stabilization of the shoreline to protect the development, over the life of the development.
- Policy LU- 21.8.3 If shoreline stabilization is required to protect existing development from geologic hazards, it shall be developed consistent with Section 24.2 of these policies.

22. Archaeological, Historic and Cultural Resources

GOAL 22.1. HISTORIC PROPERTIES IN THE SHORELINE JURISDICTION SHOULD BE PROTECTED TO PREVENT THE DESTRUCTION OF, OR DAMAGE TO, ANY SITE HAVING ARCHAEOLOGICAL, HISTORIC, CULTURAL, OR SCIENTIFIC VALUE THROUGH COORDINATION AND CONSULTATION WITH THE APPROPRIATE LOCAL, STATE AND FEDERAL AUTHORITIES, INCLUDING AFFECTED TRIBES.

1. Sites should be protected in collaboration with appropriate tribal, state, federal, and other local governments. Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.

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2. Where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.
3. Opportunities for education related to archaeological, historical and cultural features should be provided where appropriate and incorporated into public and private programs and development.

- Policy LU-22.1.1 Kenmore should work with tribal, state, federal and local governments as appropriate to maintain an inventory of all known historic properties within the City in observance of applicable state and federal laws protecting such information from public disclosure. As appropriate, such sites should be preserved and/or restored for study, education and/or public enjoyment.
- Policy LU-22.1.2 Provisions for historic property preservation, restoration and education should be incorporated with open space or recreation areas in site development plans whenever compatible and feasible.
- Policy LU-22.1.3 Cooperation among involved private and public parties should be encouraged to achieve these historic, cultural, scientific and educational objectives.
- Policy LU-22.1.4 Private and public owners of historic properties should be encouraged to provide public access and educational opportunities at levels consistent with long-term protection of both historic values and shoreline ecological processes and functions. Site-specific conditions may require public site access to be restricted at times, but educational means should be provided whenever possible.
- Policy LU- 22.1.5 Historic property development should be planned and carried out so as to prevent adverse impacts to the resource. Adverse impacts to neighboring properties and other shoreline uses should be limited to temporary or reasonable levels.
- Policy LU- 22.1.6 Owners of historic properties are encouraged to make substantial development plans known well in advance of application so that appropriate agencies, such as the Washington State Department of Archaeology and Historic Preservation, Tribes and others may have ample time to assess the site and make arrangements to preserve historic, cultural, scientific and educational values as applicable.
- Policy LU- 22.1.7 If development is proposed adjacent to an historic property, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.

SHORELINE USE AND MODIFICATION POLICIES

23. Shoreline Use

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General Use Policies

GOAL 23.1. DEVELOPMENT WITHIN THE SHORELINE JURISDICTION SHALL PROTECT THE PUBLIC'S HEALTH AND SAFETY, AND PRIVATE PROPERTY RIGHTS, WHILE IMPLEMENTING THE POLICIES OF THE SHORELINE MANAGEMENT ACT.

GOAL 23.2 PRESERVE OR DEVELOP SHORELINES, ADJACENT UPLANDS AND ADJACENT WATER AREAS IN A MANNER THAT ENSURES AN ORDERLY BALANCE OF SHORELINE USES.

- Policy LU-23.2.1 Where there is a conflict between the uses permitted by zoning and the Shoreline Master Program, preference shall be given first to water-dependent uses, then to water-related uses, and finally to water-enjoyment uses.
- Policy LU-23.2.2 Kenmore shall adopt use policies and development regulations to achieve consistency between shorelands and adjacent lands as directed in RCW 90.58.340.
- Policy LU-23.2.3 Shoreline land and water areas particularly suited for specific and appropriate uses should be designated and reserved for such uses.
- Policy LU-23.2.4 Like or compatible shoreline uses should be clustered or distributed in a rational manner rather than be allowed to develop haphazardly.
- Policy LU-23.2.5 Multiple uses of the shoreline should be encouraged where location and integration of compatible uses are feasible.
- Policy LU-23.2.6 The City shall consider the goals and policies within the Shoreline Master Program in all land use management actions regarding the use or development of adjacent uplands or the water areas, adjacent uplands and associated wetlands or streams with less than 20 cubic feet per second mean annual flow within its jurisdiction where such use or development will have an adverse effect on designated shorelines.
- Policy LU-23.2.7 Adverse impacts associated with new development in the shoreline should be minimized and mitigated such that there is no net adverse impact to shoreline ecological processes and functions.
- Policy LU-23.2.8 Incentives should be provided to substantially reduce the impacts of existing nonconforming uses on ecological functions. Nonconforming uses should be allowed to expand or be reconfigured if it is demonstrated that the expanded or reconfigured use would reduce the impacts of the existing use on ecological functions.

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23.3 Aquaculture

- Policy LU-23.3.1 Aquaculture activities should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological processes and functions. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species; adversely impact other habitat conservation areas; or interfere with navigation or other water-dependent uses.
- Policy LU-23.3.2 Aquaculture facilities should be designed, operated and located so as not to cause harm to humans, spread disease to native aquatic life, or establish new non-native species. Aquaculture facilities shall not cause adverse impacts to shoreline ecological processes and functions, aesthetic qualities or public access.
- Policy LU-23.3.3 Preference should be given to those forms of aquaculture that involve the least adverse environmental, visual and native plant and animal species impacts. In general, submerged aquaculture structures are preferred over those that involve substantial floating structures. Projects involving little or no substrate modification are preferred over those that involve substantial modification, recognizing that in some circumstances that importing sand or **pea** gravel on rocky or cobble substrates may result in more diverse habitat. Projects involving little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.
- Policy LU-23.3.4 Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of non-native species, or other adverse effects on native species or threatened or endangered species and their habitats should not be permitted.
- Policy LU-23.3.5 Consideration should be given to both the potential beneficial impacts and potential adverse impacts that aquaculture development might have on the physical environment; on other existing and approved land and water uses, including navigation; or on the aesthetic qualities of a project area.
- Policy LU-23.3.6 Legally established aquaculture uses, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. Uses or developments that have a high probability of damaging or destroying a legally established existing aquaculture use may be denied.
- Policy LU-23.3.7 Community restoration projects associated with aquaculture should be reviewed and permitted in a timely manner.
- Policy LU-23.3.8 Experimental aquaculture projects in water bodies should be limited in scale and should be approved for a limited period of time. Experimental aquaculture

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means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington.

- Policy LU-23.3.9 Kenmore should actively seek substantive comment on any shoreline permit application for aquaculture from all appropriate Federal, State and local agencies; the Muckleshoot Tribe, the Tulalip Tribes and other tribes with treaty fishing rights; and the general public regarding potential adverse impacts. Comments of nearby residents or property owners directly affected by an aquaculture proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.
- Policy LU-23.3.10 The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed during the permit review process. Direct and early coordination between the applicant or proponent and the affected tribe should be encouraged.
- Policy LU-23.3.11 Kenmore support should be given to State Washington Departments of Fisheries and Game Wildlife to improve stream conditions, open new spawning areas, and establish new fish runs.

23.4 Boating facilities

- Policy LU-23.4.1 Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:
1. Meet health, safety and welfare requirements;
 2. Mitigate adverse aesthetic impacts;
 3. Provide public access in new marinas, unless there is a safety or security concern;
 4. Limit adverse impacts to shoreline resources from boaters living in their vessels;
 5. Ensure no net loss of shoreline ecological processes and functions or other adverse impacts; and
 6. Protect the rights of navigation.
- Policy LU-23.4.2 The need for additional marinas should be balanced against other shoreline-dependent uses.
- Policy LU-23.4.3 Local governments should coordinate in the planning and development of regional marina facilities for multi-jurisdictional use.
- Policy LU-23.4.4 Marinas should be located only within the Downtown Waterfront and adjacent Aquatic shoreline Environment designations.

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Policy LU-23.4.5	Marina development and ancillary facilities should be designed to use minimal shoreline.
Policy LU-23.4.6	Parking areas that serve marinas shall conform to the parking regulations of the Kenmore Comprehensive Plan Transportation Element and Shoreline Master Program transportation and parking policies.
Policy LU-23.4.7	Marinas should be planned to minimize traffic congestion and pedestrian/vehicle conflicts.
Policy LU-23.4.8	Dry storage of boats should be encouraged in order to retain shoreline for other shoreline dependent uses or so that the greatest number of boats per foot of shoreline frontage can be accommodated.
Policy LU-23.4.9	Viewpoints, walkways, picnic facilities, benches, telephones, restrooms, drinking fountains and other public use facilities should be encouraged at marinas.
Policy LU-23.4.10	Covered moorage should be discouraged except for vessel repair or construction activity.
Policy LU-23.4.11	Setbacks should be established for upland boating facilities to protect shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent residents, and protect the visual quality of views of the shoreline.
Policy LU-23.4.12	Marinas should be allowed to have live-aboard tenants provided they are limited to 10 percent of the boat slips in the marina, are occupied by single-family tenants, and the marina has adequate on-land and pump-out facilities. Where underlying zoning restrictions would otherwise prohibit live aboards, such as through a P suffix condition, those conditions should be removed if it has been demonstrated that compliance with the Shoreline Code will adequately address adverse impacts from live aboards.

23.5 Commercial

Preference should be given to water-dependent commercial uses over non-water-dependent commercial uses, then water-related and water-enjoyment commercial uses over non-water-oriented commercial uses. Some commercial uses within the shoreline jurisdiction may be required to incorporate appropriate design and operational elements to qualify as water-related or water-enjoyment.

Policy LU-23.5.1	Kenmore shall require all commercial development on public land to provide public access, unless the use is incompatible or there are public safety concerns.
Policy LU-23.5.2	Kenmore shall prohibit non-water-oriented commercial uses in the shoreline jurisdiction unless they meet the following criteria:

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1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or
2. Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration.

- Policy LU-23.5.3 Kenmore may allow non-water-oriented commercial development in the shoreline jurisdiction if the site is physically separated from the shoreline by another property or public right-of-way, provided that a property should not be allowed to be subdivided in a manner that would thwart the purposes of this policy.
- Policy LU-23.5.4 Kenmore shall allow over-water non-water-dependent commercial uses only in existing structures or if the use is auxiliary to and necessary to support a water-dependent use. The area of any over-water structure shall be the minimum possible.
- Policy LU-23.5.5 Kenmore shall prohibit commercial development that will have adverse impacts on other shoreline uses, resources and values such as navigation, recreation and public access, and views. Kenmore shall require mitigation for all commercial development to ensure that it does not cause a net loss of ecological processes and functions.
- Policy LU-23.5.6 Setbacks should be established for commercial development in the shoreline jurisdiction to protect shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, protect the visual quality of views of the shoreline, and allow for public access.
- Policy LU-23.5.7 Boat moorage, launching facilities and other services should be located where existing vehicular access and parking are available or can be made available.
- Policy LU-23.5.8 The use of porous materials should be encouraged for paved areas to allow water to infiltrate into the soil. Use of holding systems should be encouraged to control the runoff rate from parking lots and roof tops where the runoff would flow to Swamp Creek or any stream that is prone to flooding.

23.6 ~~Industrial~~ Heavy manufacturing

Kenmore has not identified any shoreline areas where heavy manufacturing or industrial uses would be appropriate.

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- Policy LU-23.6.1 Kenmore ~~will give preference to all other uses~~ shall prohibit new heavy manufacturing or industrial uses in the shoreline jurisdiction ~~before industrial uses. Kenmore shall give preference to industrial uses in the following order: first, water dependent industrial uses; second, water related industrial uses; and third, nonwater oriented industrial uses.~~
- Policy LU-23.6.2 Kenmore should encourage public access on existing industrial sites in the shoreline jurisdiction, unless Kenmore determines that public access is infeasible or inappropriate.
- Policy LU-23.6.3 Kenmore should encourage redevelopment, environmental clean up and shoreline restoration on existing industrial sites.
- ~~Policy LU 23.6.4 Kenmore should prohibit new nonwater oriented industrial development in the shoreline jurisdiction, except when the use is part of a mixed use project that includes water dependent uses or the use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and/or ecological restoration.~~
- ~~Policy LU 23.6.5 Kenmore may allow nonwater oriented industrial uses in the shoreline jurisdiction if the site is physically separated from the shoreline by another property or public right of way.~~
- ~~Policy LU 23.6.6 Setbacks should be established for industrial development in the shoreline jurisdiction to protect shoreline ecological processes and functions, provide space for shoreline cleanup if necessary, provide space for vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and improve the visual quality of views of the shoreline.~~
- ~~Policy LU 23.6.7 Industrial docks and piers should be designed to minimize adverse impact of such facilities upon other water dependent uses and resources.~~
- ~~Policy LU 23.6.8 Industrial and commercial activities should be encouraged to share overwater structures and shoreline facilities.~~
- ~~Policy LU 23.6.9 Water reclamation plants, power plants, and sewage treatment facilities should be located where they are compatible with adjacent uses and do not interfere with recreational, residential, or other public uses of the shoreline.~~

23.7. In-Water Structures

In-water structure means a structure placed by humans within a stream, river, or lake waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish collection, or other purposes.

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- Policy LU-23.7.1 In-water structures shall provide for the protection and preservation of shoreline ecological processes and functions, and cultural resources including, but not limited to, fish and fish passage, wildlife and water resources, critical areas, hydro-geological processes, and natural scenic vistas.
- Policy LU-23.7.2 Planning for in-water structures shall give due consideration to the full range of public interests and ecological processes and functions, with special emphasis on protecting and restoring habitat for threatened or endangered species.

23.8. Mining

Kenmore has not identified any shoreline areas where mining ~~may~~would be appropriate.

- Policy LU-23.8.1 Mining shall be prohibited in the shoreline jurisdiction.

23.9. Recreation

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Recreational development should be given priority and is to be primarily related to access to and enjoyment and use of the water and shorelines of the state.

- Policy LU-23.9.1 Recreational development is allowed in the shoreline jurisdiction and must be consistent with the purposes of the shoreline environment designation in which the property is located.
- Policy LU-23.9.2 Kenmore shall plan to provide public recreational uses on city-owned shoreline, consistent with the goals of this chapter.
- Policy LU-23.9.3 Recreational improvements and new facilities should be constructed so that they preserve the natural character of the shoreline.
- Policy LU-23.9.4 All recreational developments should be sited to enhance and protect ~~existing~~ shoreline ecological processes and functions.
- ~~Policy LU-23.9.5 New recreational buildings should be made sympathetic to the scale, form, and proportion of older development, to promote harmony in the visual relationships and transitions between new and older buildings.~~
- Policy LU-23.9.~~65~~ The use of conventional fertilizers and pesticides in public recreation areas should be minimized or replaced with ecologically friendly landscape management methods.
- Policy LU-23.9.~~76~~ Public recreational shoreline areas should serve as emergency refuge areas for boaters.
- Policy LU-23.9.~~87~~ Visual access to the water should be pursued on steep slopes, at view points from bluffs and stream valleys, and in general where it is consistent with public safety and where extensive flood or erosion protection would not be necessary.

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- Policy LU-23.9.98 The acquisition of public easements to the shoreline should be encouraged.
- Policy LU-23.9.109 Setbacks should be established for recreational development in the shoreline jurisdiction to protect existing shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and protect the visual quality of views of the shoreline.
- Policy LU-23.9.11 ~~Existing public recreation shorelines should be restored and, where possible during park master plan development or redevelopment, Kenmore should restore shoreline ecological function, including by revegetating the shoreline, re-siting roads and parking areas further away from the shoreline, and removing stream channelization and shoreline protection devices.~~
- Policy LU-23.9.120 Prime fishing areas should be given priority and protected for recreational use.
- Policy LU-23.9.131 Boating activities that increase shore erosion should be discouraged.
- Policy LU-23.9.142 Effective interpretation should be provided to raise the quality of visitor experiences and to provide an understanding of the resource.

23.10. Residential

The term “residential development” includes single-family detached dwellings, attached and multifamily dwelling units, and subdivision of shoreline land into new residential lots. The Shoreline Management Act recognizes single-family residential development as a priority use within shorelines of the state.

- Policy LU-23.10.1 Single-family residential development is a priority use in the shoreline jurisdiction in Kenmore.
- Policy LU-23.10.2 Setbacks should be established for residential development in the shoreline jurisdiction to protect existing shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent residents, and protect the visual quality of views of the shoreline.
- Policy LU-23.10.3 New shoreline residential development, including accessory structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that shoreline stabilization is not required to protect these structures and uses.
- Policy LU-23.10.4 New over-water residences, including floating homes, are prohibited in the shoreline jurisdiction.
- Policy LU-23.10.5 Kenmore should require multi-family residential development and subdivisions within the shoreline jurisdiction to provide community or public access.
- Policy LU-23.10.6 Kenmore shall require subdivisions to:

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1. Be designed, configured and developed in a manner that ensures no net loss of ecological processes and functions at full build-out of all lots;
2. Be designed, configured and developed in a manner that prevents the need for new shoreline stabilization or flood risk reduction measures; and
3. Be consistent with the provisions and policies for shoreline environment designations and the general policy goals of this Plan.

~~Policy LU-23.10.7 Residential development in flood hazard areas and channel migration areas shall be consistent with KMC 18.55.700-750.~~

~~Policy LU-23.10.8 Residential development in geologically hazardous areas shall be consistent with KMC 18.55.600-650.~~

Policy LU-23.10.97 In residential developments, the water's edge should be kept free of fences.

Policy LU-23.10.108 Every reasonable effort should be made to ensure the retention of native shoreline vegetation and other natural features of the landscape during site development and construction.

~~Policy LU-23.10.11 The City should explore creation of a planned unit development (PUD) process to be employed within redeveloping areas of the shoreline area so that all facets of the development can be examined.~~

Policy LU-23.10.129 Residential developments should be designed to enhance the appearance of the shoreline and not substantially interfere with the public's view and access to the water.

Policy LU-23.10.130 Residential developments should be permitted only where there are adequate provisions for utilities, circulation, access, site layout and building design.

Policy LU-23.10.141 Residential development plans submitted for approval should contain provisions for protection of groundwater, erosion control, water quality, aesthetic characteristics and landscaping.

Policy LU-23.10.152 Subdivisions should provide public pedestrian access to the shorelines within the development in accordance with this Master Program.

Policy LU-23.10.163 Streets, roadways and roadway easements, whether publicly or privately owned, within the boundaries of any waterfront parcel, should not be used to compute lot area, lot dimensions, yards, open space or other required conditions of land subdivision or development.

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23.11. Transportation and Parking

Transportation and parking facilities may be necessary to support shoreline uses, to support the regional economy, and for access to privately owned property in the shoreline. Transportation planning in shorelines should not be focused only on automobiles, but should consider a wide range of options, including buses, light rail, commuter rail, bicycle, passenger-only ferries, and pedestrian facilities. Transportation planning can be a tool for finding opportunities to provide public access to the shorelines.

- Policy LU-23.11.1 Kenmore shall require transportation and parking plans and projects to be consistent with the public access policies in this Plan, the Comprehensive Plan Transportation Element, and shoreline and critical area protection provisions.
- Policy LU-23.11.2 Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the Kenmore Shoreline Master Program. Where appropriate, circulation system planning should include systems for pedestrian, bicycle and public transportation and combining transportation uses to minimize the footprint of transportation facilities.
- Policy LU-23.11.3 Transportation and parking facilities shall be planned, located and designed to have the least possible adverse impact on environmentally critical areas in the shoreline, not result in a net loss of shoreline ecological processes and functions or adversely affect existing or planned water-dependent uses. Where other options are available and feasible, new transportation facilities or transportation facility expansions should not be constructed within the shoreline jurisdiction.
- Policy LU-23.11.4 Parking facilities shall be prohibited in the Aquatic shoreline eEnvironment unless necessary to support a water dependent use, and then should be only allowed if no alternative exists, and should be the minimum needed to support the use.
- ~~Policy LU 23.11.5 Existing public recreation shorelines should be restored and, where possible, Kenmore should revegetate the shoreline, re-site roads and parking areas further away from the shoreline, and remove stream channelization and shoreline protection devices.~~
- Policy LU-23.11.65 Setbacks should be established for new transportation and parking facilities in the shoreline jurisdiction to protect shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, and protect the visual quality of views of the shoreline. New parking facilities shall not impede the provision of new shoreline public access facilities and opportunities.
- Policy LU-23.11.76 Shoreline transportation facilities should be designed, located and maintained to fit the topography, minimize cuts and fills, and minimize erosion.

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- Policy LU-23.11.87 Transportation and utility facilities should be encouraged to coordinate joint use of rights-of-way and to consolidate crossings of water bodies when adverse impacts to the shoreline can be minimized by doing so.
- Policy LU-23.11.98 Shoreline roadways should have a high priority for arterial beautification funds.
- Policy LU-23.11.109 Transportation facilities crossing 100-year floodplains should be constructed on low profile designs so as not to function as dikes or levees to flood waters.
- Policy LU-23.11.140 Passenger only ferry facilities should be encouraged.
- Policy LU-23.11.121 Abandoned road or railroad rights-of-way that contain unique shoreline amenities should be acquired for public benefit.
- Policy LU-23.11.132 Kenmore should extend its pedestrian and bicycle trail system along the Sammamish River shoreline.

23.12 Utilities

Utilities include services and facilities that produce, convey, store, or process power, gas, water, sewage, stormwater, communications, oil, or waste. Utilities that are classified as on-site utilities serving only one primary use are considered “accessory utilities” and are considered part of the primary use.

- Policy LU-23.12.1 Utility facilities shall be designed and located to ensure no net loss of shoreline ecological processes and functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, while meeting the needs of the projected future population in Kenmore.
- Policy LU-23.12.2 Kenmore shall allow modification of existing utility facilities and the location of new water-oriented portions of utility facilities in the shoreline jurisdiction provided that a mitigation sequence is applied per KMC 18.55.210 and there is no net loss of ecological processes and functions. As feasible, those parts of utility production and processing facilities that are not water-oriented, such as power plants and sewage treatment plants, shall be located outside of the shoreline jurisdiction.
- Policy LU-23.12.3 Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline jurisdiction where feasible. Transmission facilities located within the shoreline jurisdiction shall ensure no net loss of shoreline ecological processes and functions.
- Policy LU-23.12.4 Utilities should be located in existing developed rights-of-way and corridors whenever possible.
- Policy LU-23.12.5 Unless no other feasible alternative location exists, Kenmore should discourage the development of facilities that may require periodic maintenance that adversely affects shoreline ecological processes and functions.

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- Policy LU-23.12.6 Setbacks should be established for new utility facilities in the shoreline jurisdiction to protect shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and protect the visual quality of views of the shoreline.
- Policy LU-24.12.2 Utilities located in wetlands and floodplains inappropriate for development should not make service available to those areas.
- Policy LU-23.12.7 Public access consistent with public safety and security should be encouraged where rights-of-way for utility facilities are located in shorelines of the state.
- Policy LU-23.12.8 New utility routes should be designed to minimize adverse impacts on views from the water and adjacent uplands.

Policy LU-23.6-912.9 Water reclamation plants, power plants, and sewage treatment facilities should be located where they are compatible with adjacent uses and do not interfere with recreational, residential, or other public uses of the shoreline.

23.13 Outdoor Advertising Signs and Billboards

- Policy LU-23.13.1 Vistas and viewpoints should be free from unnecessary signs.
- Policy LU-23.13.2 Signs, when permitted, should be placed so as not to impair views of the water or impair views upland from the water except where hazardous shoreline conditions require warning signs.
- Policy LU-23.13.3 Warning signs should be installed by Kenmore or by other appropriate entities where hazardous shoreline conditions may exist.
- Policy LU-23.13.4 Advertising signs, when permitted, should be limited to shoreline areas of high intensity use.
- Policy LU-23.13.5 Signs in shoreline areas should be maintained in a state of security, safety and repair.
- Policy LU-23.13.6 Any new sign codes for Kenmore should recognize the unique aesthetic character and ecological qualities of shoreline areas.

23.14 Conditional Uses

For the purposes of the Kenmore Shoreline Master Program, a shoreline conditional use may be appropriate in order to:

1. Effectively address unanticipated uses that are not classified in the Shoreline Master Program;
2. Address cumulative impacts; or

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3. Provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific designation within the Shoreline Master Program or with the Shoreline Management Act policies.

- Policy LU-23.14.1 The following types of uses and development should require a shoreline conditional use permit:
1. Uses and development that may significantly impair or alter the public's use of the water areas of the state; and
 2. Uses and development which, by their intrinsic nature, may have an adverse impact on shoreline ecological processes and functions depending on location, design, and site conditions.

24. Shoreline Modification

General Modification Policies

- Policy LU-24.1.1 Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- Policy LU-24.1.2 Reduce the effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Policy LU-24.1.3 Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- Policy LU-24.1.4 Ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological processes or functions.
- Policy LU-24.1.5 Shoreline modifications that have the least adverse impact on ecological processes and functions should be prioritized and mitigation should be required for any impacts resulting from shoreline modifications.
- Policy LU-24.1.6 Incentives should be provided to substantially reduce the impacts of existing nonconforming structures on ecological functions. Nonconforming docks should be allowed to expand or be reconfigured only when the structure would reduce the impacts on critical fish habitat. Nonconforming bulkheads should be allowed to be reconstructed if they provide a pocket cove or beach and substantially reduce impacts on ecological functions.

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24.2. Shoreline Stabilization

Shoreline stabilization includes actions taken to address adverse erosion impacts to property and dwellings, businesses or structures caused by natural processes, such as current, flood, wind or wave action. Shoreline stabilization includes structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of structures to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization. When structural stabilization is needed, “soft” methods can be used instead of “hard” methods (such as bulkheads, rip rap and groins) in some cases. Soft methods of shoreline stabilization include, but are not limited to, vegetation enhancement; upland drainage control; biotechnical measures; beach enhancement; and anchor trees.

- Policy LU-24.2.1 Kenmore shall require shoreline stabilization to be consistent with WAC 173-26-221(5) for vegetation retention and WAC 173-26-221(2) for protection of critical areas.
- Policy LU-24.2.2 Kenmore shall adopt standards to first avoid then mitigate adverse impacts to shoreline ecological processes and functions when alteration of the shoreline is allowed for the construction of single detached dwelling units and accessory structures. These standards shall address the design and type of protective measures and devices that are allowed.
- Policy LU-24.2.3 Kenmore shall require new development on steep slopes to be set back sufficiently to ensure that the need for shoreline stabilization is unlikely during the life of the structure, as demonstrated by a geotechnical analysis.
- Policy LU-24.2.4 Shoreline stabilization decisions should consider available scientific information and current shoreline conditions.
- Policy LU-24.2.5 Avoid and reduce adverse impacts from shoreline stabilization according to the mitigation sequence in General Shoreline Management Policies for Conservation – Critical Areas (Policy LU-21.3.2) and WAC 173-26-201(2)(e). Shoreline planning should consider off-site erosion, accretion or flood damage that might occur as a result of shoreline stabilization structures or activities.
- Policy LU-24.2.6 Shoreline stabilization on Lake Washington, the Sammamish River or Swamp Creek shorelines should not be used as the reason for creating new or newly usable land.
- Policy LU-24.2.7 Shoreline stabilization structures should allow passage of ground and surface waters into shorelines of the state.
- Policy LU-24.2.8 Shoreline stabilization should not reduce the volume and storage capacity of the Sammamish River, Swamp Creek, and adjacent wetlands or floodplains.
- Policy LU-24.2.9 Sammamish River and Swamp Creek shoreline stabilization should be planned, designed, and constructed to allow for channel relocation or stream meander whenever possible.

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- Policy LU-24.2.10 Appropriate soft shore armoring methods, as determined by a qualified ~~specialist~~professional, should be used for shoreline stabilization when necessary to protect existing property or, when for new development, no options exist to locate in such a manner as to avoid shoreline stabilization.
- Policy LU-24.2.11 Kenmore shall allow new hard structural stabilization measures only as follows:
1. The proposal is the minimum necessary to protect existing legally established primary structures, new non-water-dependent development, and existing or proposed water-dependent development and structures, and:
 - a. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
 - b. Nonstructural measures, such as locating the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report submitted by a qualified specialist. The damage must be caused by natural processes; and
 - d. Mitigation is provided such that the erosion control structure will not result in a net loss of shoreline ecological processes and functions.
 2. The proposal would protect shoreline restoration projects or hazardous substance remediation projects, and:
 - a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient; and
 - b. The erosion control structure will not result in a net loss of shoreline ecological processes and functions.
- Policy LU-24.2.12 The burden of proof for the need for shoreline stabilization to protect existing or proposed developments rests on the applicant(s).
- Policy LU-24.2.13 Shoreline stabilization activities which may necessitate new or increased shoreline stabilization on the same or other affected properties where there has been no previous need for protection, should be discouraged.
- Policy LU-24.2.14 New development should be located and designed to avoid the need for future shoreline stabilization.
- Policy LU-24.2.15 Areas of significance in the spawning, nesting, rearing or residency of aquatic and terrestrial biota should be given special consideration when reviewing shoreline stabilization actions.

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- Policy LU-24.2.16 Multiple use of shoreline stabilization structures or non-structural solutions should be encouraged.
- Policy LU-24.2.17 An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves.
- Policy LU-24.2.18 Kenmore shall require replacement of shoreline stabilization structures to be designed, located, sized, and constructed to ensure no net loss of ecological processes and functions or, if infeasible to provide such protection, to use the approach with the least adverse impacts and provide mitigation for unavoidable impacts.
- ~~Policy LU-24.2.19 Replacement walls or bulkheads protecting a residence shall not encroach waterward of the ordinary high water mark, unless the residence was occupied prior to January 21, 1992, and there are overriding safety and environmental concerns. In cases where there are overriding safety and environmental concerns, the replacement wall or bulkhead structure shall abut the existing shoreline stabilization structure and may be located on the waterward side of the existing wall or bulkhead structure.~~
- Policy LU-24.2.20¹⁹ When shoreline stabilization is proposed, Kenmore shall require a geotechnical report to address the need to prevent potential damage to a primary structure. The report shall estimate time frames and rates of erosion and the urgency associated with the specific situation. Kenmore should not allow hard armoring solutions, unless a geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid adverse impacts to ecological processes and functions. If the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- Policy LU-24.2.21⁴⁰ If structural shoreline stabilization measures are demonstrated to be necessary, Kenmore shall limit the size of stabilization measures to the minimum necessary.
- Policy LU-24.2.22²¹ Kenmore shall ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological processes and functions. Where feasible, Kenmore shall require ecological restoration and public access improvements to be incorporated into the project.
- Policy LU-24.2.23³² Adverse impacts of erosion and mass wasting should be mitigated through protection of geologically hazardous areas.

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24.3 ~~Piers and Docks~~ Water Access Structures

- Policy LU-24.3.1 Kenmore shall allow new ~~piers and docks~~ water access structures only for water-dependent uses or public access. If it is designed and intended solely as a facility for access to watercraft, a dock ~~or pier~~ associated with a single-family residence is considered a water-dependent use.
- Policy LU-24.3.2 Kenmore shall require ~~pier and dock~~ water access structure construction to be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.
- Policy LU-24.3.3 Kenmore may allow water-related and water-enjoyment uses as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the structure is the minimum size required to serve the water-dependent use.
- Policy LU-24.3.4 Kenmore shall allow new ~~pier or dock construction~~ water access structures, ~~excluding docks accessory to single family residences,~~ only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. Applicants for new piers and docks accessory to single-family residences are not required to demonstrate need.
- Policy LU-24.3.5 Kenmore shall require new residential development of two or more dwelling units to provide community ~~pier or~~ dock facilities, when feasible, rather than individual ~~piers or~~ docks for each dwelling unit. Kenmore shall allow only one pier or dock associated with residential development on a parcel.
- Policy LU-24.3.6 Kenmore shall require ~~piers and docks~~ water access structures, including those accessory to single-family residences, to be designed and constructed to avoid and then minimize and mitigate the adverse impacts to ecological processes and functions. ~~Piers and docks~~ Water access structures should be constructed of non-toxic materials. Where toxic materials, such as treated wood, are proposed, the proponent must show that no non-toxic alternative exists.
- Policy LU-24.3.7 Open pile pier construction should be preferred on Lake Washington where scenic values will not be impaired and where there will be no net loss of ecological processes and functions.
- Policy LU-24.3.8 ~~Floating pier~~ Dock construction should be preferred in those areas where scenic values are high and on the Sammamish River.
- Policy LU-24.3.9 ~~Piers and docks~~ Water access structures should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by ~~pier~~ water access structure construction.
- Policy LU-24.3.10 Preference should be given to shared use of ~~piers~~ water access structures in all shoreline areas.

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- Policy LU-24.3.11 Temporary moorages should be permitted for vessels used in the construction of shoreline facilities. The design and construction of such moorages shall be such that upon termination of the project the aquatic life can be returned to their original condition within one year at no cost to the environment or the public.
- Policy LU-24.3.12 Shoreline structures that are abandoned or structurally unsafe should be abated.
- Policy LU-24.3.13 Substantial additions or alterations, including, but not limited to, substantial developments, should be in conformance with the policies and regulations set forth in the Shoreline Master Program.
- Policy LU-24.3.14 ~~Piers and docks~~ Water access structures should not interfere with navigation.

24.4 Fill

Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. ~~Fill is not permitted within the 100-year floodplain without providing compensatory flood storage to prevent a rise in the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood."~~ Fill can adversely affect ecological processes and functions, including channel relocation or stream meander.

- Policy LU-24.4.1 Kenmore shall require fill to be located, designed, and constructed to protect shoreline ecological processes and functions and ecosystem-wide processes, including channel migration, stream meander and side channels. Mitigation shall be required consistent with Policy LU 21.3.2.
- Policy LU-24.4.2 Kenmore shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:
1. Water-dependent use;
 2. Public access;
 3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
 4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
 5. Expansion or alteration of SR 522 in the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
 6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects and flood risk reduction projects.

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Policy LU-24.4.3	Kenmore shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use except ecological restoration and maintenance, repair and replacement of flood protection facilities.
Policy LU-24.4.4	Fill should be deposited so as to minimize disruption of normal surface and ground water passage.
Policy LU-24.4.5	Fill should allow surface water penetration into the ground water supply where such conditions existed prior to fill.
Policy LU-24.4.6	Fill within the 100-year floodplain should not reduce the river channel or floodplain water storage capacity, reduce the channel migration zone, or in any way increase flood hazard so as to endanger public safety.
Policy LU-24.4.7	Land should be filled only after some ultimate use of the property is approved by Kenmore in accordance with the Comprehensive Plan and this Shoreline Master Program.
Policy LU-24.4.8	Fill should be done at such time as to minimize damage to ecological processes and functions.
Policy LU-24.4.9	Beach nourishment areas may be established by Kenmore on Lake Washington.

24.5 Breakwaters, Groins and Weirs

Breakwaters, groins, and weirs are all structural elements that are constructed to absorb or deflect wave action or to control excess sediment. A breakwater is an off-shore structure, either floating or not, which may or may not be connected to the shore and is designed to absorb and reflect back into the water body the energy of the waves. A groin is a barrier-type structure extending from the backshore into the water across the beach, which is constructed to interrupt sediment movement along the shore. A weir is a small dam in a stream or river to control the flow of water. These structural elements should be allowed only under limited circumstances as they can have adverse effects on ecological processes and functions.

Policy LU-24.5.1	Kenmore shall allow breakwaters and weirs located waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes.
Policy LU-24.5.2	Groins are prohibited except as a component of a publicly-sponsored project to protect or restore shoreline ecological processes and functions.
Policy LU-24.5.3	Kenmore shall require a shoreline conditional use permit for the construction of breakwaters, groins, weirs, and similar structures, except for those structures installed to protect or restore ecological processes and functions, such as woody debris installed in streams.
Policy LU-24.5.4	Breakwaters, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in General

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Shoreline Management Policies for Conservation – Critical Areas (Policy LU-21.3.2) and WAC 173-26-201(2)(e).

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| Policy LU-24.5.5 | Reduction of the opportunity to use surface water area which may result from breakwater construction should be weighed against the benefits of reduced wave action. |
| Policy LU-24.5.6 | Applicants for breakwaters, groins or weirs should consider structural alternatives and the related effects on ecological processes and functions. |
| Policy LU-24.5.7 | Breakwater, groin and weir design should include provisions for compatible public access or recreational uses when consistent with navigation and when public safety can be ensured. |
| Policy LU-24.5.8 | Care should be exercised in location, design, construction and expansion of breakwaters, groins and weirs relative to the shoreline environments and other shoreline dependent uses. |
| Policy LU-24.5.9 | Beach nourishment should be considered where breakwaters or groins affect shorelines. |

24.6 Dredging

Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands. Long-term maintenance and support activities are also considered dredging. Dredging can cause significant ecological damage. Mitigation measures should be required to ensure no net loss of ecological processes and functions.

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|------------------|---|
| Policy LU-24.6.1 | Kenmore shall require that new development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. |
| Policy LU-24.6.2 | Kenmore shall allow dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins when necessary to ensure safe and efficient accommodation of existing navigational uses. Adverse ecological impacts shall be minimized and mitigation shall be provided such that there is no net loss of ecological processes and functions. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged or existing authorized location, depth, and width. |

~~Policy LU 24.6.3 Kenmore shall not allow dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material, except when the material is necessary for the restoration of ecological processes and functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high water mark. The project must be either associated with a habitat restoration project under the Model Toxics Control Act or the Comprehensive~~

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~~Environmental Response, Compensation, and Liability Act, or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.~~

- Policy LU-24.6.43 Kenmore shall not allow disposal of dredge material on shorelands, ~~in wetlands and/or~~ in side channels within a channel relocation or stream meander area. ~~Kenmore shall not allow disposal of dredge material in wetlands located within the shoreline jurisdiction. In the limited instances where it is allowed, such disposal shall require a shoreline conditional use permit.~~
- Policy LU-24.6.54 Dredging and excavation in environmentally critical areas within the shoreline should not be allowed.
- Policy LU-24.6.65 Dredging operations should be scheduled so as to not materially interfere with the migration of native fish.
- Policy LU-24.6.76 When dredged spoil has suitable organic and physical properties, dredging operators should be encouraged to recycle dredged material for reuse.
- Policy LU-24.6.87 Dredging should be allowed only in the Aquatic ~~shoreline~~ Environment and to support water dependent uses.
- Policy LU-24.6.98 Disposal of dredge and excavation spoils within shorelines should be prohibited except when the material is necessary for the restoration of ecological processes and functions.

24.7 Restoration and Enhancement

Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other plans and regulations, such as salmon conservation plans, the King County Flood Hazard Reduction Plan and Flood Control Zone District, and flood hazard management policies in the Kenmore Comprehensive Plan Natural Environment Sub-Element and Surface Water Element.

- Policy LU-24.7.1 Kenmore should allow for habitat and natural systems enhancement projects that include, but are not limited to:
1. Modification of vegetation;
 2. Removal of non-native or invasive plants;
 3. Shoreline stabilization using soft or non-structural techniques; and
 4. Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological processes and functions of the shoreline.

EXHIBIT 1

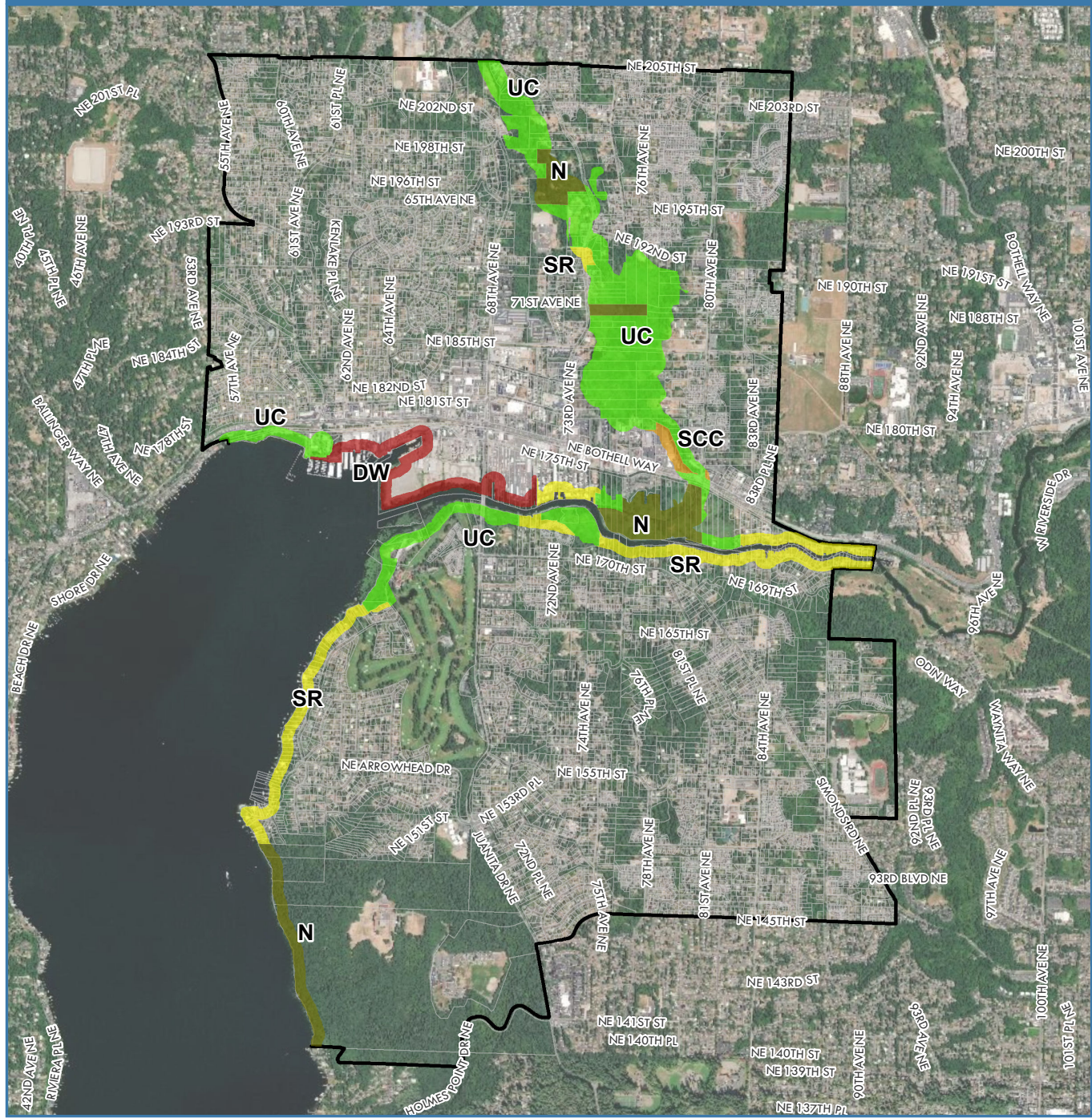
City of Kenmore
Comprehensive Plan

Policy LU-24.7.2 Habitat and natural systems enhancement projects should ensure that the projects address legitimate restoration needs and priorities and facilitate implementation of Kenmore's Shoreline Restoration Plan.

(Insert Revised Shoreline Map)

Figure LU-12

Shoreline Master Program Environment Designations

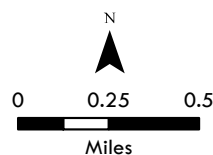


SMP Environment Designations

- Downtown Waterfront (DW)
- Swamp Creek Commercial (SCC)
- Natural (N)
- Shoreline Residential (SR)
- Urban Conservancy (UC)



*All areas waterward of the Ordinary High Water Mark on the Sammamish River and Lake Washington have an Aquatic environment designation.



Sources: City of Kenmore, 2018.

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Map Date: March 2019

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 20-0506**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON; REVISING DIVISION 1 OF TITLE 16 OF
THE KENMORE MUNICIPAL CODE ENTITLED
SHORELINE MANAGEMENT; REVISING THE
SHORELINE ENVIRONMENT DESIGNATIONS MAP;
REPEALING ORDINANCE 19-0490; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, in 1972, the public adopted the Shoreline Management Act, codified at Chapter 90.58 RCW (SMA), by way of referendum to "prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines"; and

WHEREAS, the SMA's legislative findings identify that: 1) the shorelines of the state are among the most valuable and fragile of its natural resources; 2) there is great concern throughout the state relating to their utilization, protection, restoration, and preservation; and 3) that unrestricted construction on private or publicly owned shorelines is not in the best interest of the public; and

WHEREAS, RCW 90.58.080 requires local governments to develop or amend master programs for the regulation and uses of the shorelines of the state consistent with the guidelines adopted by the Washington State Department of Ecology (Ecology); and

WHEREAS, RCW 90.58.020 directs local governments developing shoreline master programs to give preference to uses in the shorelines in the following order of preference which: 1) recognize and protect the State-wide interest over local interest; 2) preserve the natural character of the shoreline; 3) result in long-term over short-term benefit; 4) protect the resources and ecology of the shorelines; 5) increase public access to publicly-owned areas of the shorelines; 6) increase recreational opportunities for the public in the shoreline; and 7) provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary; and

WHEREAS, three bodies of water within the City are regulated under the City's Shoreline Master Program (SMP), including Lake Washington, the Sammamish River and Swamp Creek. Lake Washington is the only shoreline designated as a "shoreline of statewide significance" under the SMA as it is a lake with a surface acreage over 1,000 acres; and

WHEREAS, in the summer of 2018, the City began its update of the Shoreline Sub-Element of the Comprehensive Plan and shoreline regulations (SMP Update) with the assistance of grant funding from Ecology; and

WHEREAS, the City prepared a gap analysis to identify portions of the Shoreline Master Program needing amendment; and

WHEREAS, the results of this analysis are contained in the document entitled, City of Kenmore Critical Areas Regulations and Shoreline Master Program Gap Analysis and Recommendations, August 30, 2018 (Gap Analysis); and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(d), the City conducted a supplemental analysis of potential cumulative impacts of the updated Shoreline Master Program. The supplemental cumulative impact analysis is contained in the document entitled, City of Kenmore, Cumulative Impacts Analysis Addendum, May 2019; and

WHEREAS, to satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1) and WAC 173-26-201(2)(a), the City has utilized best available science to draft the proposed SMP Update; and

WHEREAS, in 2018 and 2019, the City's Planning Commission reviewed and revised a number of documents, including: the Shoreline Sub-Element of the Comprehensive Plan; proposed revisions to shoreline regulations; and proposed revisions to critical area regulations; and

WHEREAS, throughout the SMP Update process, the City made a concerted effort to generate public involvement, including holding a public open house and two public forums; creating a comprehensive and regularly-updated web page devoted to the SMP update; and maintaining a large mailing list in order to keep interested parties informed; and

WHEREAS, Ecology completed its initial review of the proposed SMP Update and submitted comments to the City, and the City has reviewed and acted upon said comments; and

WHEREAS, the Planning Commission held a public hearing on the SMP Update on March 26, 2019, and two interested parties testified, and three additional written comments were received; and

WHEREAS, on May 13, 2019, the Planning Commission presented their preliminary recommendations for the proposed SMP Update to the City Council, and the Council considered those recommendations on May 13, 2019, May 20, 2019, and June 10, 2019; and

WHEREAS, on May 23, 2019, the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the proposed SMP Update; and

WHEREAS, on March 14, 2019, the City provided notice to the Washington State Department of Commerce regarding the proposed amendments to the shoreline regulations and SMP Update pursuant to RCW 36.70A.106; and

WHEREAS, on June 10, 2019, the City Council held a public hearing on the proposed SMP Update; and

WHEREAS, the City Council considered public testimony and comments, staff and consultant input, Ecology's comments, and certain documents and information, including: 1) The

Gap Analysis; 2) the Cumulative Impacts Analysis Addendum; 3) the Shoreline Sub-Element of the City of Kenmore Comprehensive Plan; 4) the City of Kenmore Shoreline Master Program draft shoreline regulations; 5) Ecology's Shoreline Master Program Periodic Review Checklist; 6) SEPA Determination of Nonsignificance; and 7) Docket Criteria Analysis; and

WHEREAS, on June 17, 2019, the City Council adopted Ordinance No. 19-0489 (shoreline policies) and Ordinance No. 19-0490 (shoreline regulations), which adopted the SMP Update and authorized City Staff to forward the proposed SMP Update to Ecology for approval; and

WHEREAS, pursuant to RCW 90.58.090, Ecology reviewed the City's SMP Update and issued Findings and Conclusions for Proposed Amendments to the City of Kenmore Shoreline Master Program, dated January 13, 2020 ("Findings & Conclusions") which provided findings of fact, conclusions of law and Ecology's decision and effective date, incorporated herein by reference. The Findings and Conclusions conditioned approval of the City's SMP Update upon the adoption of certain "required" revisions, and which also included "recommended" changes to the City's SMP Update; and

WHEREAS, the City Council considered Ecology's Findings & Conclusions and the required and suggested changes, along with the proposed amendments tentatively approved by the Department of Ecology for review and inclusion within the City's SMP Update, at its February 24, 2020 regular meeting; and

WHEREAS, consistent with RCW 90.58.090((2)(e)(i)), the City Council hereby agrees to Ecology's required and recommended revisions, as set forth in the Findings and Conclusions by adopting this ordinance and repealing Ordinance No. 19-0490 (shoreline regulations) to avoid duplication and confusion; and

WHEREAS, the City Council finds that the SMP Update includes the necessary master program elements required by WAC 173-26-191(b), the master program basic requirements set forth in WAC 173-26-191(2) and the general master program provisions set forth in WAC 173-26-221; and

WHEREAS, the City Council desires to amend Division 1 of Title 16 of the KMC; now therefore

THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings for this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Repealer. The City Council repeals Ordinance No. 19-0490, as adopted on June 17, 2019.

Section 3. Amendment of Title 16 KMC; Adoption of Shoreline Master Program Development Regulations. The City Council amends Title 16 of the Kenmore Municipal Code and adopts the City of Kenmore Shoreline Master Program Shoreline Regulations, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 4. Map Adopted. The City Council adopts Map 1, Shoreline Environment Designations Map, attached hereto as Exhibit 2, and incorporated by reference.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and pursuant to RCW 90.58.090(7) shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology's written notice of final action approving the shoreline master program amendments.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____TH DAY OF _____, 2020.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:

EXHIBIT 1

Title 16
ENVIRONMENT SHORELINE MANAGEMENT

Chapters:

Division I. Shoreline Management

16.05 Shoreline Management Code – Purpose and Scope

16.10 Definitions

16.15 Shoreline Environment Designations

16.20 Downtown Waterfront Environment

16.23 Swamp Creek Commercial Environment

16.25 Shoreline Residential Environment

16.30 Urban Conservancy Environment

16.35 Natural Environment

16.40 Aquatic Environment

16.45 General Shoreline Development Standards

16.50 Shoreline Uses

16.55 Shoreline Modifications

16.60 Vegetation Conservation

16.65 Shoreline Density and Dimensions

16.68 Signs

16.70 Subdivisions

16.75 Procedures

Division I. Shoreline Management

EXHIBIT 1

Chapter 16.05

SHORELINE MANAGEMENT CODE – PURPOSE AND SCOPE

Sections:

- 16.05.010 Purpose.**
- 16.05.020 Citation.**
- 16.05.030 Scope.**
- 16.05.050 Liberal construction.**
- 16.05.060 Relationship to other Kenmore programs.**
- 16.05.070 Severability.**

16.05.010 Purpose.

~~A. This title contains the regulations of the City of Kenmore Shoreline Master Program and the procedures to implement those regulations.~~ The purpose of this title is to implement the Shoreline Management Act of 1971 and to provide for the regulation of *development* which impacts those areas of the City of Kenmore under the jurisdiction of the Shoreline Management Act consistent with Chapter 173-26 WAC and the goals and policies of the City of Kenmore comprehensive plan shoreline subelement.

~~B. This title contains the regulations of the City of Kenmore Shoreline Master Program and the procedures to implement those regulations. These regulations and procedures are consistent with and implement the goals and policies of the City of Kenmore comprehensive plan shoreline subelement.~~

16.05.020 Citation.

This title shall be known as "the shoreline management code."

16.05.030 Scope.

A. No *development* shall be undertaken by any person on the *shorelines of the State* unless such *development* is consistent with the provisions of this title and the goals and policies of the City of Kenmore comprehensive plan shoreline subelement.

B. *Development* prohibited by this title but otherwise permitted by the City of Kenmore land use controls is prohibited only within the *shorelines of the State*.

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C. *Development* proposed on property in or adjacent to water bodies or *wetlands* under the jurisdiction of the Shoreline Management Act shall be evaluated in terms of the goals and policies of the City of Kenmore comprehensive plan shoreline subelement.

D. For purposes of this title, "shall" means a mandate; the action must be done. "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on the policies of Chapter 90.58 RCW and Chapter 173-26 WAC, against taking the action.

16.05.050 Liberal construction.

This title is exempted from the rule of strict construction and shall be liberally construed to give full effect to the purposes for which it was enacted.

16.05.060 Relationship to other Kenmore programs.

A. Kenmore shall issue no permit or approval ~~prior to approval pursuant to this title and shall take no action~~ contrary to the goals, policies, and regulations of the City of Kenmore *Shoreline Master Program* when property under the jurisdiction of the Shoreline Management Act is involved in a request for a decision in any of the following programs:

1. Building permit;
2. Right of way construction permit;
3. Short subdivision approval;
4. Grading permit;
5. Site plan approval;
6. Access permit;
7. Trail permit;
8. State flood control zone permit;
9. Zoning variance;
10. Conditional use permit;
11. Comprehensive plan amendment or addition;

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~~12. Zone reclassification;~~

~~13. Special use permit;~~

~~14. Subdivision approval;~~

~~15. Mobile home park permit;~~

~~16. Mobile home permit;~~

~~17. Recreational vehicle park permit; and~~

~~18. Site plan review permit.~~

B. The following sections of the Kenmore Municipal Code are adopted and incorporated by reference as part of the *Shoreline Master Program*¹:

1. Chapter 1.20 KMC – Code Enforcement.

2. Chapter 18.55 KMC – Critical Areas (Ordinance 19-0488, effective June 25, 2019), except for the following sections:

a. KMC 18.55.150 - Exemptions

b. KMC 18.55.160 – Exception – Public Agency and Utility

c. KMC 18.55.170 – Variances

d. KMC 18.55.180 – Exception – Reasonable Use

e. KMC 18.55.230 – Unauthorized critical area alterations and enforcement

f. KMC 18.55.300.D – Limited Exemptions in Wetlands

g. KMC Chapter 18.55, Article XIX, Flood Hazard Areas. While the Flood Hazard Areas regulations apply within shoreline jurisdiction, the regulations, themselves, are not incorporated as part of this *Shoreline Master Program*.

~~KMC 18.55.090 – Jurisdiction – Critical areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

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3. KMC ~~18.55.130~~ Mapping (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

4. KMC ~~18.55.140~~ Signs and fencing of critical areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

5. KMC ~~18.55.150~~ Exemptions (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

6. KMC ~~18.55.190~~ Critical areas reports Requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

7. KMC ~~18.55.200~~ Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

8. KMC ~~18.55.210~~ Mitigation sequencing (as adopted in Ordinance No. 12-0334).

9. KMC ~~18.55.220~~ Mitigation plan requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

10. KMC ~~18.55.230~~ Unauthorized alterations and enforcement (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

11. KMC ~~18.55.250~~ Notice on title (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

12. KMC ~~18.55.260~~ Critical area tracts (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

13. KMC ~~18.55.270~~ Building setbacks (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

14. KMC ~~18.55.280~~ Bonds to ensure mitigation, maintenance, and monitoring (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

15. KMC ~~18.55.290~~ Critical area inspections (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

16. KMC ~~18.55.300~~ Designation and rating of wetlands (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

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17. KMC ~~18.55.320~~ Wetland performance standards General requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334, and as further amended through Ordinance 12-0334).

18. KMC ~~18.55.330~~ Wetland performance standards Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334, and as further amended through Ordinance 12-0334).

19. KMC ~~18.55.400~~ Designation and rating of streams (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

20. KMC ~~18.55.420~~ Streams performance standards General requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

21. KMC ~~18.55.430~~ Streams performance standards Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

22. KMC ~~18.55.500~~ Designation of fish and wildlife habitats of importance (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

23. KMC ~~18.55.520~~ Fish and wildlife habitat performance standards General (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

24. KMC ~~18.55.530~~ Fish and wildlife habitat performance standards Mitigation requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334, and as further amended through Ordinance 12-0334).

25. KMC ~~18.55.600~~ Geologically hazardous areas Purpose (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

26. KMC ~~18.55.610~~ Designation of geologically hazardous areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

27. KMC ~~18.55.620~~ Designation of specific hazard areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

28. KMC ~~18.55.640~~ Geologically hazardous areas performance standards General requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).

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~~29. KMC 18.55.650 — Geologically hazardous areas performance standards — Specific areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

~~30. KMC 18.55.700 — Flood hazard areas (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

~~31. KMC 18.55.710 — Flood fringe — Development standards and permitted alterations (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

~~32. KMC 18.55.720 — Zero-rise floodway — Development standards and permitted alterations (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

~~33. KMC 18.55.730 — FEMA floodway — Development standards and permitted alterations (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

~~34. KMC 18.55.740 — Flood hazard areas — Certification by engineer or surveyor (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

~~35. KMC 18.55.750 — Channel relocation and stream meander areas requirements (as codified from Ordinance No. 06-0244 and set forth in Appendix 1 to Exhibit 1 of Ordinance 12-0334).~~

Other sections of the Kenmore Municipal Code cross-referenced in this chapter are provided for reference purposes. Unless specifically stated, the *Shoreline Master Program* does not eliminate or reduce the requirements of any other portion of the Kenmore Municipal Code.

16.05.070 Severability.

If any provision of this title or the master program regulations and procedures hereby adopted or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this title or the master program.

Certain *critical area* code sections from Chapter 18.55 KMC – as they existed at the time of *Shoreline Master Program* approval by the Washington Department of Ecology in 20122020 and are described in KMC

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~~16.05.060(B)~~ have been adopted into the shoreline regulations as part of the *Shoreline Master Program*.

Future amendments to these sections of Chapter [18.55](#) KMC will not be in effect in the shoreline jurisdiction unless and until the *Shoreline Master Program* also is amended.

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Chapter 16.10

DEFINITIONS

Sections:

- 16.10.010 Applicability of RCW and WAC definitions.
- 16.10.030 Access, public.
- 16.10.032 Accessory structure.
- 16.10.035 Accessory use.
- 16.10.02038 Applicant.
- 16.10.040 Aquaculture.
- 16.10.050 Associated wetlands.
- 16.10.060 Average grade level.
- ~~16.10.070 Backfill.~~
- 16.10.080 Berm.
- 16.10.083 Boat launch
- 16.10.085 Boating facility.
- 16.10.090 Breakwater.
- 16.10.100 Bulkhead.
- 16.10.105 Channel migration zone.
- 16.10.106 City manager.
- ~~16.10.107 Commercial development.~~
- 16.10.110 Critical areas.
- ~~16.10.115 Critical freshwater habitat.~~
- 16.10.120 Department.
- 16.10.130 Development.
- ~~16.10.140 Director.~~
- 16.10.150 Dock.
- 16.10.160 Dredging.
- 16.10.170 Ecological functions.
- 16.10.173 Ecosystem-wide processes.
- 16.10.175 EIL.
- 16.10.178 Feasible.
- 16.10.180 Fill.
- 16.10.185 Fish and wildlife habitats area of importance.
- 16.10.190 Float.

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- 16.10.200 Floating home.
- 16.10.210 Floodplain.
- 16.10.220 Floodway.
- ~~16.20.225 Geotechnical report or geotechnical analysis.~~
- 16.10.230 Grading.
- ~~16.10.235 Government services.~~
- 16.10.240 Groin.
- ~~16.10.250 Hatchery.~~
- 16.10.260 Height.
- 16.10.270 Jetty.
- 16.10.275 Live-aboard.
- 16.10.280 Marina.
- ~~16.10.285 Manufacturing uses.~~
- 16.10.310 ~~285~~ No net loss.
- 16.10.290 Nonconforming structure.
- 16.10.300 Nonconforming use.
- 16.10.320 Non-water-oriented uses.
- ~~16.10.330 Normal protective bulkhead common to single family residences.~~
- ~~16.10.340 Open space, required.~~
- 16.10.350 Ordinary high water mark.
- ~~16.10.355 Park/recreation recreational/cultural uses.~~
- 16.10.360 Pier.
- ~~16.10.370 Port.~~
- ~~16.10.375 Ramp~~
- 16.10.380 Recreational development.
- 16.10.390 Redesignation.
- ~~16.10.395 Residential development.~~
- 16.10.400 Restoration.
- ~~16.10.410 Riprap.~~
- 16.10.420 Sediment.
- ~~16.10.430 Shall.~~
- ~~16.10.440 Should.~~
- 16.10.450 ~~40~~ Shorelands.
- 16.10.445 Shoreline buffer.
- 16.10.460 Shoreline environment.
- 16.10.470 Shoreline Master Program.

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- 16.10.480 Shoreline modifications.
- 16.10.500 Shoreline stabilization.
- 16.10.510 Shorelines.
- 16.10.520 Shorelines of statewide significance.
- 16.10.530 Shorelines of the State.
- 16.10.540 Sign.
- ~~16.10.550 Significant vegetation removal.~~
- 16.10.560 Solid waste.
- 16.10.570 Substantial development.
- ~~16.10.580 Utilities and utility facilities.~~
- ~~16.10.575 Water access structure.~~
- 16.10.590 Water-dependent use.
- 16.10.6100 Water-enjoyment use.
- 16.10.6210 Water-oriented use.
- 16.10.6020 Water-related use.
- ~~16.10.630 Water transmission pipeline.~~
- 16.10.640 Wetlands.

16.10.010 Applicability of RCW and WAC definitions.

The definitions contained in this chapter, KMC Title [18](#) (zoning code), Chapter [90.58](#) RCW and Chapter [173-26](#) WAC shall apply within the shoreline jurisdiction. The definitions in Chapter [90.58](#) RCW and Chapter [173-26](#) WAC shall apply in *shorelines* if there is a conflict with the definitions contained in this title and KMC Title [18](#).

16.10.030 Access, public.

"Public access" means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on waters of the State, and to view the water and the shoreline from adjacent locations.

16.10.032 Accessory structure.

"Accessory structure" means a structure that is incidental to the principal structure.

16.10.035 Accessory use.

~~"Accessory use" means a use that is incidental to a principal use.~~ "Accessory use" means a use typically subordinate in size to the principal use; that would not contribute significantly to traffic generation, noise, or nuisance; and that supports the primary use operation without displacing it. An accessory use may

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appear as an otherwise permitted, conditional or prohibited use in the use allowances for a given designation. Accessory uses are typically located upon the same *lot* occupied by a principal use. Examples of accessory uses include: equipment rental (bikes or skis) at a retail bike and ski shop, a secure facility required at an airport, and boat parking at a *marina*.

16.10.02038 Applicant.

"Applicant" means a person who files an application for a *development* proposal, permit or approval under this title and who is either the owner of the land on which that proposed activity would be located or the primary proponent of the project. A primary proponent shall have the permission of the landowner before proceeding with an application a property owner or a public agency or public or private utility which owns a right of way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a *development* proposal, permit or approval.

16.10.040 Aquaculture.

"Aquaculture" means the culture or farming of fin fish, shellfish, algae or other plants or animals in fresh or marine waters. Excluded from the definition of aquaculture are related commercial or industrial uses such as wholesale or retail sales, or final processing, packing, or freezing.

16.10.050 Associated wetlands.

"Associated wetlands" means *wetlands* that are in proximity to ~~tidal waters~~, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline water body, ~~formation by tidally influenced geohydraulic processes~~, presence of a surface connection, including through a culvert ~~or tide gate~~, location in part or whole within the *floodplain* of a shoreline, periodic inundation, and/or hydraulic continuity.

16.10.060 Average grade level.

"Average grade level" is defined in WAC 173-27-030(3) and (11) as now or hereafter amended; as of insert effective date of ordinance, "average grade level" means "the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the *ordinary high-water mark*. The "natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or *grading*.

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including excavation or filling. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure."

16.10.070 Backfill.

"Backfill" means the placement of earth material behind a retaining wall or structure.

16.10.080 Berm.

"Berm" means one or several linear mounds of sand and gravel at or landward of the *ordinary high-water mark* which are normally stable because of material size or vegetation.

16.10.083 Boat launch.

"Boat launch" means an inclined slab, set of pads, rails, planks, or graded slope which extends waterward of the *ordinary high-water mark*, and is used for transferring watercraft between uplands and the water by means of a trailer, hand, or mechanical device.

16.10.085 Boating facility.

"Boating facility" means developments and uses that support access to shoreline waters for purposes of boating, including *marinas*; community *docks* or *piers* serving more than four single-family residences or multifamily units; public *piers* and *docks*; and community, commercial or public *boat launch* facilities.

16.10.090 Breakwater.

"Breakwater" means an offshore structure, either floating or not, which may or may not be connected to the shore, such structure being designated to absorb and/or reflect back into the water body the energy of the waves.

16.10.100 Bulkhead.

"Bulkhead" means a solid or open pile wall of rock, concrete, steel or timber or other materials or a combination of these materials erected generally parallel to and near the *ordinary high-water mark* for the purpose of protecting adjacent *wetlands* and uplands from waves or currents.

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16.10.105 Channel migration zone.

"Channel migration zone" means the area within which a river channel ~~is likely~~ can be reasonably ~~predicted~~ to move over a period of time ~~as a result of natural and normally-occurring hydrological and related processes when considered with the characteristics of the river and its surroundings., and The~~ channel migration zone is ~~therefore~~ subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels. ~~Channel relocation and stream meander areas as defined at KMC 18.55.750 are channel migration zones.~~

16.10.106 City manager.

"City manager" means the City of Kenmore city manager or his or her designee(s).

16.10.107 Commercial development.

"Commercial development" includes general services, business services, and retail, defined as follows:

A. General services includes general personal services, funeral home/crematory, cemetery/columbarium/mausoleum, day care facilities, veterinary clinic, automotive repair, automotive services, vessel construction and outfitting, miscellaneous repair, churches/synagogues/temples, social services, stable, kennel/cattery, theatrical production services, artist studios, interim recycling facility, office/outpatient clinic, nursing and personal care facilities, hospital, medical/dental lab, miscellaneous health, and school district support facility.

B. Business services includes construction and trade, individual transportation and taxi, trucking and courier service, self-service storage, dry boat storage, commercial moorage, transportation service, freight or cargo service, passenger transportation service, communication offices, telegraph and other communications facilities, general business service, professional office, outdoor advertising service, miscellaneous equipment rental, automotive rental and leasing, professional sport teams/promoters, research development and testing, and commercial/industrial accessory uses.

C. Retail includes building/hardware/garden materials, forest products sales, department and variety stores, food stores, agricultural product sales, motor vehicle and boat dealers, auto supply stores, gasoline service stations, apparel and accessory stores, furniture and home furnishings stores, eating and drinking places, drug stores, liquor stores, used goods shops, sporting goods and related stores, book/stationery/video/art supply stores, jewelry stores, monuments/tombstones/gravestones, hobby/toy/game shops, photographic and electronic shops, fabric shops, fuel dealers, florist shops, personal medical supply stores, pet shops, bulk retail, auction houses, livestock sales, and food vendors.

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16.10.110 Critical areas.

"Critical areas" means any of the following areas or ecosystems: aquifer recharge areas, *fish and wildlife habitats* ~~areas~~ of importance, frequently flooded areas, geologically hazardous areas, streams, and wetlands, as defined in Chapter 36.70A RCW and this chapter.

16.10.115 Critical freshwater habitat.

~~"Critical freshwater habitat" shall refer to shorelines meeting the definition of "fish and wildlife habitat of importance" in KMC 18.55.520.~~

16.10.120 Department.

"Department" means the ~~department of community development~~ city department or outside agency assigned by the *city manager* to administer a portion of the City code.

16.10.130 Development.

"Development" is defined in Chapter 90.58 RCW and WAC 173-27-030 as now or hereafter amended; ~~as of insert effective date of ordinance, "development" means " a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act at any state of water level. Development does not include dismantling or removing structures if there is no other associated development or redevelopment."~~

16.10.140 Director.

~~"Director" means the director of the department of community development or an authorized designee.~~

16.10.150 Dock.

"Dock" means ~~all platform structures or anchored devices in or on~~ an anchored walkway or other surface that abuts the shoreline and floats ~~floating upon the~~ water bodies to provide moorage for ~~pleasure craft~~ ~~watercraft~~ or landing for water-dependent recreation ~~including, but not limited to, floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps.~~ Dock is the term which collectively applies to a *ramp* and *float*, or it may be comprised of a *float* only that abuts the shoreline.

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16.10.160 Dredging.

"Dredging" means the removal, displacement, and/or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials from the bottom of water bodies, ditches, or *wetlands*; maintenance dredging and/or support activities are included in this definition.

16.10.170 Ecological functions.

"Ecological functions" or shoreline functions means the work performed or role played by the physical, chemical and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

16.10.173 Ecosystem-wide processes.

"Ecosystem-wide processes" is defined in WAC 173-26-020(14) as now or hereafter amended; as of insert effective date of ordinance, "ecosystem-wide processes" means "the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions."

16.10.175 Ell.

"Ell" means a terminal *pier* section oriented perpendicular to the *pier* walkway.

16.10.178 Feasible.

"Feasible" is defined in WAC 173-26-020(15) as now or hereafter amended; as of insert effective date of ordinance, "feasible" means, for the purpose of this title, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

B. The action provides a reasonable likelihood of achieving its intended purpose; and

C. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this title requires certain actions unless they are infeasible, the burden of proving infeasibility is on the *applicant*.

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In determining an action's infeasibility, the *department* may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames."

16.10.180 Fill.

"Fill" means the addition of soil, sand, rock, gravel, *sediment*, earth retaining structure or other material to an area waterward of the *ordinary high water mark*, in *wetlands*, or on *shorelands* in a manner that raises the elevation or creates dry land.

16.10.185 Fish and wildlife habitats area of importance.

"Fish and wildlife habitats area of importance" means those habitat areas defined in KMC 18.55.500 that meet any of the following criteria:

A. Documented presence of species listed by the federal government or the State of Washington as endangered or threatened; or

B. Heron rookeries or active nesting trees; or

C. Class 1 *wetlands* as defined in KMC 18.55.300; or

D. Type 1 streams as defined in KMC 18.55.400; or

E. Bald eagle habitat protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

Swamp Creek, the Sammamish River, and Lake Washington are all fish and wildlife habitats areas of importance.

16.10.190 Float.

"Float" means a structure or device which is not a breakwater floats on the surface of the water and which is moored, anchored, or otherwise secured in the waters of the City of Kenmore and which is not directly connected to or abutting the shoreline. A float which is directly connected to or abutting the shoreline is considered a dock.

16.10.200 Floating home.

"Floating home" means a houseboat, boat or building constructed on a float, used in whole or in part for human habitation as a dwelling unit, and which is moored, anchored, or otherwise secured in waters

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within the City of Kenmore single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

16.10.210 Floodplain.

"Floodplain" is defined in WAC 173-26-020(19) as now or hereafter amended; as of insert effective date of ordinance, "floodplain" is synonymous with "100-year floodplain" and means ~~the~~ that land area that may be inundated by the base flood of a river or stream susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps, or a reasonable method which meets the objectives of the Shoreline Management Act."

16.10.220 Floodway.

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which floodwaters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetation ground cover condition. The floodway shall not include lands that can reasonably be expected to be protected from floodwaters by flood control devices maintained by or maintained under license from the federal government, the State, or the county.

16.20.225 Geotechnical report or geotechnical analysis.

"Geotechnical report" or "geotechnical analysis" is defined in WAC 173-26-020(21) as now or hereafter amended; as of insert effective date of ordinance, "geotechnical report" or "geotechnical analysis" means "a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes."

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16.10.230 Grading.

"Grading" means the addition, excavation, movement, or redistribution of soil, sand, rock, gravel, *sediment* or other material on a site in a manner that alters the natural contour of the land.

16.10.235 Government services.

"Government services" means a public agency or utility office, public agency or utility yard, public agency archives, court, police facility, fire facility, caretaker residence/accessory, City government offices, elementary school, middle/junior high school, secondary/high school, specialized instruction school, K-12 educational institutions (public or private), and colleges/universities.

16.10.240 Groin.

"Groin" means a barrier-type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt *sediment* movement along the shore.

16.10.250 Hatchery.

"Hatchery" means a facility for the rearing and/or holding of fish, the design of which is compatible with the natural environment and contains minimal development necessary for fish propagation.

16.10.260 Height.

"Height" is defined in WAC 173-27-030(9) as now or hereafter amended; as of insert effective date of ordinance, "height" shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms" is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial numbers of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation."

16.10.270 Jetty.

"Jetty" means an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess *sediment*.

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16.10.275 Live-aboard.

"Live-aboard" means a licensed vessel that is used as a primary residence.

16.10.280 Marina.

"Marina" means a marine retail sales and service use, in which a system of *piers*, buoys, docks or floats is used to provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly basis.

16.10.285 Manufacturing uses.

"Manufacturing uses" means production of food and kindred products, winery/brewery, apparel and other textile products, wood products, furniture and fixtures, leather and leather goods, stone/clay/glass/concrete products, computer and office equipment, electronic and other electric equipment, measuring and controlling instruments, printing and publishing, miscellaneous light manufacturing, tire retreading, movie production and distribution, and commercial barge loading and unloading facility.

16.10.310285 No net loss.

Per WAC [173-26-201](#)(2)(c), the concept of "no net loss" of shoreline *ecological functions* means that the Kenmore Shoreline Master Program provisions shall, to the greatest extent *feasible*, protect existing shoreline ecological processes and functions and avoid new adverse impacts to ecological processes and functions. The term "net," as used herein, recognizes that any *development* has potential or actual for short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, avoidance of impacts and use of mitigation measures, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist.

16.10.290 Nonconforming structure.

"Nonconforming structure" means a structure that was lawfully constructed prior to the effective date of these regulations, but which no longer conforms to the applicable regulations of the master program.

16.10.300 Nonconforming use.

"Nonconforming use" means a use that was lawfully established prior to the effective date of these regulations, but which no longer conforms to the applicable regulations of the master program.

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16.10.320 Non-water-oriented uses.

"Non-water-oriented uses" means those uses that are not *water-dependent*, *water-related* or *water-enjoyment*.

~~16.10.330 Normal protective bulkhead common to single family residences.~~

~~"Normal protective bulkhead common to single family residences" means a *bulkhead* constructed on a building site zoned to permit one single family residence and containing one single family residence.~~

~~16.10.340 Open space, required.~~

~~"Required open space" means a portion of the area of a building site, which is required by this title, as set forth in different designations contained in this title, to be maintained as open area to be available for use by the persons specified in a development. Open spaces are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky.~~

16.10.350 Ordinary high water mark.

"Ordinary high water mark" means the ordinary high water mark as defined in Chapter 90.58 RCW as now or hereafter amended; ~~as of insert effective date of ordinance, "ordinary high-water mark" means~~ ~~"that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the *department*: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark shall be the line of mean high water."~~

~~16.10.355 Park/recreation recreational/cultural uses.~~

~~"Park/recreation recreational/cultural uses" means destination resorts, recreational vehicle park, theater, drive-in theater, bowling center, amusement and recreation services, amusement arcades, amusement park, library, museum, conference center, arboretum, cultural facilities, indoor recreational facilities (including sports clubs), open space, outdoor recreational facilities, parks, trails, wildlife shelter, and outdoor performance center.~~

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16.10.360 Pier.

"Pier" means ~~any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce~~ an over-water, stationary, pile-supported structure that does not float on the water's surface and provides a location for boat moorage or other water-oriented or water-dependent use.

16.10.370 Port.

~~"Port" means public or private facilities for transfer of cargo or passengers from waterborne craft to land and vice versa; including, but not limited to: piers, commercial float plane moorages, offshore loading or unloading buoys, ferry terminals, and required dredged waterways, moorage basins, and equipment for transferring cargo or passengers between land and water modes. Excluded from this definition and addressed elsewhere are airports, marinas, boat ramps or docks used primarily for recreation, cargo storage and parking areas not essential for port operations, boat building or repair. The latter group is considered industrial or accessory to other uses.~~

16.10.375 Ramp.

~~"Ramp" means a walkway connecting a pier, or other shoreward structure or the shoreline to a float and providing access between the two.~~

16.10.380 Recreational development.

"Recreational development" means a private or public development operated and devoted to facilities and equipment for recreational purposes, including but not limited to swimming pools, tennis courts, playgrounds, picnic areas, campgrounds, resorts and other similar uses whether the use of such area is limited to those paying a fee or free to the public. Also see definition for "park/recreation recreational/cultural uses."

16.10.390 Redesignation.

"Redesignation" means a change in the *shoreline environment designation* by the procedures provided in Chapter [16.75](#) KMC.

16.10.395 Residential development.

~~"Residential development" includes single family and multiple family dwellings, group residences, temporary lodging, and uses that are accessory to residential development.~~

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~~A. "Dwelling, single family" means a detached residence for one family.~~

~~B. "Dwelling, multiple family" means a townhouse, apartment, and mobile home parks.~~

~~C. "Group residences" means community residential facilities, dormitory, and senior assisted housing.~~

~~D. "Temporary lodging" means hotel/motel, bed and breakfast guesthouse, and organization hotel/lodging houses.~~

~~E. "Accessory uses" means residential accessory uses, home occupation, and home industry.~~

16.10.400 Restoration.

"Restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

~~16.10.410 Riprap.~~

~~"Riprap" means hard angular quarry rock used for revetments or other bank stabilization projects.~~

16.10.420 Sediment.

"Sediment" means material settled from suspension in a liquid medium.

~~16.10.430 Shall.~~

~~"Shall" means a mandate; the action must be done.~~

~~16.10.440 Should.~~

~~"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of Chapter 90.58 RCW and Chapter 173-26 WAC, against taking the action.~~

16.10.450 ~~40~~ Shorelands.

"Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the *ordinary high water mark*; *floodways* and contiguous *floodplain* areas landward 200 feet from such *floodways*; and all *associated wetlands* and river deltas *associated with the streams and lakes that are* subject to the provisions of Chapter 90.58 RCW.

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16.10.445 Shoreline buffer.

"Shoreline buffer" means a required vegetation conservation area measured horizontally upland from and perpendicular to the *ordinary high water mark*, as described in KMC [16.65.020](#).

16.10.460 Shoreline environment.

"Shoreline environment" or "shoreline environment designation" means the categories of *shorelines of the State* established by the City of Kenmore shoreline management master program to differentiate between areas whose features imply differing objectives regarding their use and future development.

16.10.470 Shoreline Master Program.

A. "Shoreline Master Program" consists of the following two elements:

1. Shoreline management goals and policies contained in the shoreline subelement of the Kenmore comprehensive plan. The shoreline management goals and policies constitute the official policy of Kenmore regarding areas of the City subject to shoreline management jurisdiction under Chapter [90.58](#) RCW;
2. The shoreline regulations specified in this chapter.

B. The following technical and planning information provides a foundation for shoreline policies and regulations, and is intended to aid in implementing and evaluating the Shoreline Master Program:

1. The shoreline protection and *restoration* plan;
2. The cumulative impacts analysis, which provides a mechanism for examining the success of meeting the requirement for *no net loss of ecological functions*;
3. The Shoreline Master Program checklist and public involvement process, which shows how Kenmore meets the procedural requirements for updating the Shoreline Master Program; and
4. The shoreline inventory and characterization, which includes data and analytic methods used to develop Kenmore's shoreline inventory and shoreline characterization.

16.10.480 Shoreline modifications.

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, *breakwater*, *pier*,

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fill, *bulkhead*, or other shoreline structure. Shoreline modifications can include other actions, such as clearing, *grading*, or application of chemicals.

16.10.500 Shoreline stabilization.

"Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses or structures caused by natural processes, such as current, flood, ~~tides~~, wind or wave action. These actions include installation or expansion of structures, such as *bulkheads*, *jetties*, *groins* or vegetation, and nonstructural methods, such as relocation of the structure to be protected, or groundwater management.

16.10.510 Shorelines.

"Shorelines" means lakes greater than 20 acres and rivers and streams with a minimum of 20 cubic feet per second mean annual flow, including the entire water body waterward from the *ordinary high water mark* from its centerline or point, all water below the surface and associated *shorelands*. Kenmore shorelines are shown on the adopted map entitled Kenmore Shoreline Environment Designations (attached to Ord. ~~12-0334~~20-0506 as Exhibit 2, and incorporated by reference). If there is a discrepancy between the map and the criteria established in this section, the criteria shall constitute the official Kenmore shoreline jurisdiction.

16.10.520 Shorelines of statewide significance.

"Shorelines of statewide significance" means those *shorelines* described in RCW [90.58.030](#)(2)(e) which are within the City of Kenmore. **The Lake Washington shoreline is Kenmore's only "shoreline of statewide significance."**

16.10.530 Shorelines of the State.

"Shorelines of the State" means the total of all *shorelines* and *shorelines of statewide significance* within the City of Kenmore.

16.10.540 Sign.

"Sign" means any letters, figures, design, symbol, light, structure, billboard, trademark or device intended or used to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine, merchandise or thing. Excluded from definition and regulation by this title are official traffic signs or signals, official public notices, signs required by law, warning signs, the flag of a government or noncommercial institution such as schools and temporary signs worn or carried by people.

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16.10.550 Significant vegetation removal.

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, burning, chemical means, or other activity that causes significant adverse ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

16.10.560 Solid waste.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including but not limited to garbage, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof and discarded commodities.

16.10.570 Substantial development.

"Substantial development" means any *development* which requires a shoreline management substantial development permit, as defined in RCW [90.58.030](#)(3)(e) as now or hereafter amended.

16.10.580 Utilities and utility facilities.

"Utilities" means all lines and facilities related to the distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power or refuse. Utility facilities include telephone exchanges, water pumping or treatment stations or distribution systems, electrical substations, water storage reservoirs or tanks, municipal groundwater well fields, natural gas gate stations and limiting stations, propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users, electrical wires and associated structural supports, private and public stormwater management facilities, nonregional stormwater management facility, and vector waste receiving facility.

16.10.575 Water access structure.

"Water access structure" means a pier, dock, buoy, float, boat launch, watercraft lift, or other improvement that facilitates physical access to the water.

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16.10.590 Water-dependent use.

"Water-dependent use" or "water-dependent development" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

16.10.6100 Water-enjoyment use.

"Water-enjoyment use" means a recreation use or other use that facilitates *public access* to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. The use must be open to the general public.

16.10.62010 Water-oriented use.

"Water-oriented use" means a use that is *water-dependent*, *water-related*, or *water-enjoyment*, or a combination of such uses.

16.10.62020 Water-related use.

"Water-related use" or "water-related development" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location because:

- A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- B. The use provides a necessary service supportive of the *water-dependent uses*, and the proximity of the use to its customers makes its services less expensive and/or more convenient.

16.10.630 Water transmission pipeline.

~~"Water transmission pipeline" means a facility having as its primary purpose the transmission of water by a municipal purveyor for sale for domestic, commercial, and industrial use.~~

16.10.640 Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes,

EXHIBIT 1

bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Chapter 16.15

SHORELINE ENVIRONMENT DESIGNATIONS

Sections:

16.15.010 Purpose.

16.15.020 Names of shoreline environment designations.

16.15.030 Limits of shoreline environment designations.

16.15.010 Purpose.

A. The purpose of *shoreline environment designations* is to differentiate between areas whose geographical, hydrological, topographical or other features imply differing objectives regarding the use and future *development* of the *shorelines of the State*.

B. Each *shoreline environment designation* represents a particular emphasis in the type of uses, type of modifications, and the density and dimensions of *development* which should occur within it. The environment designation system is designed to encourage uses in each environment which enhance or are compatible with the character of the environment while at the same time requiring reasonable standards and restrictions on *development* so that the character of the environment is not adversely impacted.

6.15.020 Names of shoreline environment designations.

In order to accomplish the goals, policies, and regulations of the Kenmore *Shoreline Master Program*, the following *shoreline environment designations* have been established:

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A. Downtown Waterfront Environment.

B. Swamp Creek Commercial Environment.

C. Shoreline Residential Environment.

ED. Urban Conservancy Environment.

DE. Natural Environment.

EF. Aquatic Environment.

16.15.030 Limits of shoreline environment designations.

The *shoreline environment designations* are included on Map 1, entitled Shoreline Environment Designations Map. If there is a discrepancy between Map 1 and the criteria established in the Kenmore comprehensive plan for *shoreline environment designations*, the criteria shall constitute the official Kenmore *shoreline environment designation*. Any parcel of land included within the shoreline jurisdiction without a *shoreline environment designation* shall be considered Urban Conservancy Environment.

(INSERT NEW MAP)

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Chapter 16.20

DOWNTOWN WATERFRONT ENVIRONMENT

Sections:

16.20.010 Purpose.

16.20.020 Designation criteria.

16.20.010 Purpose.

The purpose of the Downtown Waterfront Environment is to provide for mixed urban *water-oriented uses*, *public access* and recreation while protecting existing *ecological functions*.

16.20.020 Designation criteria.

The shoreline along the contiguous downtown waterfront that is zoned regional business **and waterfront commercial** in KMC Title **18** and does not meet the requirement for **Urban Conservancy or Shoreline Residential** or **other** designations is to be assigned the Downtown Waterfront Environment designation.

Chapter 16.23

SWAMP CREEK COMMERCIAL ENVIRONMENT

Sections:

16.23.010 Purpose.

16.23.020 Designation criteria.

16.23.010 Purpose.

The purpose of the Swamp Creek Commercial Environment is to recognize existing and planned high-intensity commercial and residential uses while protecting existing *ecological functions* and restoring *ecological functions* in areas that have been previously degraded.

16.23.020 Designation criteria.

A Swamp Creek Commercial Environment designation is to be assigned to shoreline areas adjacent to the west side of Swamp Creek if any of the following characteristics apply:

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A. The shoreline currently supports high-intensity commercial or high-density residential uses, and is designated in the Comprehensive Plan and zoned to remain high-intensity, and

B. The shoreline does not meet the requirement for Urban Conservancy Environment or Shoreline Residential Environment designations.

Chapter 16.25

SHORELINE RESIDENTIAL ENVIRONMENT

Sections:

16.25.010 Purpose.

16.25.020 Designation criteria.

16.25.010 Purpose.

The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures. An additional purpose is to provide appropriate *public access* and recreational uses within new multifamily developments or on public property.

16.25.020 Designation criteria.

The Shoreline Residential Environment designation should be assigned to shoreline areas if they are predominantly developed ~~for~~with single-family or multifamily residential uses or are planned and platted for residential development, and the shoreline areas do not meet the criteria for other designations.

Chapter 16.30

URBAN CONSERVANCY ENVIRONMENT

Sections:

16.30.010 Purpose.

16.30.020 Designation criteria.

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16.30.010 Purpose.

The purpose of the Urban Conservancy Environment is to protect and restore *ecological functions* of open space, streams, *wetlands*, and *floodplains*, where they exist in urban and developed settings, including areas below the *ordinary high-water mark* in Swamp Creek, while allowing a variety of compatible uses.

16.30.020 Designation criteria.

An Urban Conservancy Environment designation is assigned to shoreline areas appropriate and planned for *development* that is compatible with maintaining or restoring *ecological functions* ~~and areas that are not generally suitable for water-dependent uses~~, if any of the following characteristics apply: Public access and public recreation objectives should be implemented whenever *feasible* and significant ecological impacts can be mitigated. This designation should be applied when:

A. The shoreline ~~includes wetlands or exceptional riparian corridor that should not be more intensively developed~~ is suitable for water-related or water-enjoyment uses;

B. The shoreline includes open space, floodplain or other sensitive areas that should not be more intensively developed;

B. The shoreline is in public ownership and has been altered or in public ownership that is small in size and not adjacent to other publicly owned properties;

C. The shoreline has been altered but retains important *ecological functions*;

D. The shoreline has potential for ecological *restoration* or is a *restoration* priority; or

E. The shoreline has potential for *development* that is compatible with ecological *restoration*.

Chapter 16.35

NATURAL ENVIRONMENT

Sections:

16.35.010 Purpose.

16.35.020 Designation criteria.

EXHIBIT 1

16.35.010 Purpose.

The purpose of the Natural Environment is to protect public shoreline areas that include ecologically intact or minimally altered *shorelines*. Only low intensity uses are to be allowed in this **ee**Environment to maintain existing ecological processes and functions.

16.35.020 Designation criteria.

A Natural Environment designation is assigned to shoreline areas if any of the following characteristics apply:

A. A relatively large, contiguous area of the shoreline is in public ownership and ecologically intact or minimally altered;

B. The shoreline represents ecological processes or functions that provide educational or scientific opportunities; or

C. The shoreline is unable to support active uses or *development* without significant adverse impacts to *ecological functions*.

Chapter 16.40

AQUATIC ENVIRONMENT

Sections:

16.40.010 Purpose.

16.40.020 Designation criteria.

16.40.010 Purpose.

The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of navigable areas waterward of the *ordinary high* **water mark** on the Sammamish River and Lake Washington.

16.40.020 Designation criteria.

Lake Washington and the Sammamish River below the *ordinary high* **water mark** are to be designated as Aquatic Environment. In Lake Washington, the Aquatic Environment extends to the centerline of the lake.

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Chapter 16.45

GENERAL SHORELINE DEVELOPMENT STANDARDS

Sections:

16.45.010 General shoreline development requirements.

16.45.020. Accessory uses.

16.45.030. Outdoor storage.

16.45.040. Parking.

16.45.050. Public access.

16.45.060. Historic properties.

16.45.070. Channel migration zone on Swamp Creek.

16.45.010 General shoreline development requirements.

A. Kenmore shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline *ecological functions* and processes. Mitigation for impacts resulting in uses and modifications shall follow the mitigation sequencing requirements of KMC [18.55.210](#) and consider the priorities specified in the shoreline ~~protection and~~ restoration plan.

B. All shoreline uses and developments shall be subject to the following general development standards:

1. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and groundwater on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
2. *Solid* and liquid *wastes* and untreated effluents shall not enter any bodies of water or be discharged onto the land.
3. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational *marinas*, commercial moorage, and vessel repair facilities.

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4. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. The use of chemicals to control invasive aquatic weeds ~~is prohibited, except that milfoil may be removed using chemicals~~ shall be limited to herbicides; provided, that the chemicals are applied by a licensed pesticide applicator and approved for aquatic use.

5. All shoreline developments and uses shall manage increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shoreline properties and features are not adversely affected. Control measures may include, but are not limited to, permeable surfacing, dikes, catch basins, settling ponds, interceptor drains and planted buffers.

6. All shoreline developments and uses shall control erosion during project construction and operation.

7. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance of or minimize adverse impacts to protect *fish and wildlife habitats* conservation areas of importance, including, but not limited to, spawning, nesting, rearing and habitat areas, and migratory routes. Where avoidance of adverse impacts is not practicable, the ~~director~~ city manager may require that mitigation measures to protect species and habitat functions be developed in consultation with State resource management agencies and federally recognized tribes.

8. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, erosion and accretion.

9. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

10. Land clearing, *grading*, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for *development*. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

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11. All shoreline *development* shall be located, constructed and operated so as to protect public health, safety and welfare.

12. All *development* activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as *bulkheads*, other bank stabilization, landfills, levees, dikes, *groins*, *jetties* or substantial site regrades.

13. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry ~~by erosion from drainage, high water or other means~~ into any water body.

14. Navigation channels shall be kept free of hazardous or obstructing *development* or uses.

15. Heating and cooling equipment may not be placed in waters of the State.

16. A vegetation management strategy for any allowed uses in shoreline jurisdiction shall be developed that incorporates a site-specific plan for use of integrated pest management techniques, if applicable, identifying anticipated use of fertilizers, herbicides and pesticides. The strategy shall include methods of application that ensure that these materials will not enter the water.

16.45.020. Accessory uses.

A. Conditional or prohibited uses may be permitted as *accessory uses* only if clearly incidental and necessary for the operation of a permitted principal use. For purposes of this section, *air transportation service* shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable *shoreline environment*.

B. Unless specifically stated otherwise in the regulations for the applicable environment, *accessory uses* that are *non-water-dependent* and *non-water-related*, even if accessory to *water-dependent* or *water-related uses*, shall not be permitted over water unless either:

1. The over-water location is necessary for the operation of the *water-dependent* or *water-related use*; or

2. The lot has a depth of less than 50 feet of dry land.

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C. *Piers, floats, pilings, breakwaters, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable shoreline environment.*

D. *Accessory uses shall be located on the same lot as the principal use; provided, that when the accessory use is also permitted as a principal use in the shoreline environment applicable to an adjacent lot, the accessory use may be located on that adjacent lot.*

E. *KMC Section 16.50.090 contains additional standards for residential accessory uses.*

16.45.030. Outdoor storage.

Outdoor storage is allowed only in the Downtown Waterfront Environment and is prohibited in all other environments. Such use shall be accessory to a permitted water-dependent use, shall be at least 20 feet from the ordinary high-water mark and shall meet the following standards:

A. *Storage shall not be permitted in required setbacks and shall not be located between the building(s) and the primary street.*

B. *Storage shall be screened from view from the public right-of-way and adjacent residential zones using a minimum six-foot-high solid wood fence, masonry wall, or vegetation approved by the city manager.*

C. *Storage shall be maintained in a neat, orderly and safe manner and shall not include the exterior accumulation of broken, abandoned or discarded materials, junk, trash, rubbish, or debris.*

D. *Outdoor storage areas shall be graded and shall meet the requirements of the City's Stormwater Pollution Prevention Manual. Outdoor storage areas may be surfaced with permeable materials if adequate drainage and erosion and dust control are provided.*

E. *Lighting shall be directed away from adjacent residential zones and shall be shielded as necessary to reduce impacts.*

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16.45.040. Parking.

A. Accessory parking facilities in shoreline jurisdiction are not a preferred use and shall be allowed only as necessary to support an authorized use. *Standalone parking* is permitted as described in KMC 16.50.030. All parking is prohibited in the Natural Environment unless it supports a *water-dependent use* and complies with subsections B, C and D of this section.

B. In all *shoreline environment designations*, parking should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is *feasible* unless there are overriding needs for safe ADA (Americans with Disabilities Act) access.

C. Proposed parking facilities shall be planned, located and designed where routes will have the least possible adverse effect on unique or fragile shoreline features and will not result in a net loss of shoreline *ecological functions* or adversely impact existing or planned *water-dependent uses*.

D. Lighting from parking areas shall be screened from illuminating fish and wildlife habitat areas and their buffers; provided, that lighting necessary for safe operation of a permitted *water-dependent use* may be allowed, but should be screened to the extent possible from illuminating fish and wildlife habitat areas and their buffers.

E. Parking shall not be permitted over water unless it is accessory to a *water-dependent* or *water-related use* located on a lot with a depth of less than 50 feet of dry land and the *city manager* determines that adequate on-site or off-site dry land parking within 800 feet is not reasonably available.

16.45.050. Public access.

A. *Public access* to the shoreline shall be required for publicly funded projects and *development* on public lands; commercial, *light manufacturing* and institutional uses (KMC 16.50.075); *boating facilities* (KMC 16.50.050); multifamily development, including mixed-use developments that contain *multiple-family dwelling units* (KMC 16.50.090(A)(1)); and land divisions of more than four lots.

B. For all *development* on private property, *public access* shall be required when such *development* would either generate or increase demand for *public access* and/or would impair existing legal access opportunities or rights.

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C. The City adopts the following policies and plans as collectively constituting a shoreline *public access* plan for Kenmore:

1. Comprehensive Plan Downtown Sub-Element

2. Comprehensive Plan Transportation Element

3. Kenmore Parks, Recreation, and Open Space Plan

4. Other plans meeting the requirements of WAC 173-26-221(4) and developed through an open public process as provided in WAC 173-26-201(3)(b)(i).

D. Where *public access* is required, an *applicant* shall seek to provide physical *public access* consistent with the shoreline *public access* plan.

E. Where *public access* is required, it shall:

1. Connect to other public and private *public access* and recreation facilities on adjacent parcels along Lake Washington and the Sammamish River *shorelines* whenever *feasible*;

2. Be sited to ensure public safety;

3. Be open to the general public and accessible directly from a public right-of-way or by an easement granted to the City for *public access*;

4. Enhance access and enjoyment of the shoreline and provide features in scale with the development such as, but not limited to:

a. View points;

b. Places to congregate in proportion to the scale of the development;

c. Benches and picnic tables;

d. Beach or water access for boats; and

e. Pathways for pedestrians and bicycles.

F. Where *public access* is required, the area dedicated and improved for *public access* shall be roughly proportional to the scale and character of the proposed development and its impacts.

EXHIBIT 1

G. Where public access is required, the *city manager* shall first consider the principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.

H. *Public access* improvements shall be designed to be compatible with the purpose and intent of the *shoreline environment* in which they are constructed.

I. The provisions of this section do not apply to the following:

1. Short plats of four or fewer lots; or

2. Where *public access* is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the *shoreline environment*. Where physical *public access* is not feasible, opportunities for visual access or other approaches to enhance *public access* to the shoreline, shall be considered by the *applicant*. Alternative *public access* proposals shall be reviewed and approved by the *city manager*.

16.45.060. Historic properties.

~~15.~~ Historic properties, including historic buildings, sites, objects, districts and landscapes, prehistoric and historic archaeological resources, and traditional cultural places, shall be protected within *shoreline environments* as follows:

~~aA.~~ Known Historic Properties.

~~(1.)~~ Known historic properties inventoried by King County and Washington Department of Archaeology and Historic Preservation are subject to the procedures delineated in Chapter [2.20](#) KMC. Disturbance of known archaeological sites is also subject to State regulations, including Chapters [27.44](#), [27.53](#) and [68.80](#) RCW;

~~(2.)~~ If a known archaeological site or traditional cultural place is affected by a *development* proposal, the ~~director~~*city manager* shall require a site inspection or evaluation by a professional archaeologist and inform and consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes. To the extent feasible, the ~~director~~*city manager* shall coordinate county and State required permitting and compliance procedures and requirements to avoid substantial duplication of effort by permit *applicants*; and

EXHIBIT 1

~~(3.)~~ In considering shoreline permits or shoreline exemptions, the *department* may attach conditions to provide sufficient time for the *director/city manager* to consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes, and to ensure that historic properties are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term stewardship and protection arrangements. Provision for the protection and preservation of historic properties shall be incorporated in permits and exemptions to the maximum extent practical.

~~bB.~~ Inadvertent Discovery.

~~(1.)~~ Consistent with the definitions and requirements contained in Chapters [27.44](#), [27.53](#) and [68.80](#) RCW, whenever potentially significant historic properties or archaeological artifacts are discovered in the process of *development on shorelines*, work on that portion of the *development* site shall be stopped immediately and the find reported as soon as possible to the *director/city manager* and, if an archaeological site or artifacts have been discovered, the Washington State Department of Archaeology and Historic Preservation, any concerned Native American tribes and other appropriate agencies;

~~(2.)~~ The *director/city manager* shall require that a historic property assessment be conducted immediately by a professional archaeologist, ethnographer or historic preservation professional, as applicable, in consultation with State and tribal officials as appropriate, to determine the significance of the discovery and the extent of damage that may have occurred to the resource. The historic property assessment shall be provided to the *director/city manager* and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of Archaeology and Historic Preservation, and any concerned Native American tribes to determine the significance of the discovery in accordance with Chapter [27.53](#) RCW and Chapter [25-48](#) WAC; and

~~(3.)~~ Upon receipt of a positive determination of a property's significance, or if available information suggests that a negative determination is erroneous, the *director/city manager* may require that a historic property management plan be prepared by a qualified professional archaeologist or other appropriate professional if such action is reasonable and necessary to implement related program objectives.

~~cC.~~ Public Access to Historic Properties.

~~(1.)~~ If a private or publicly owned historic property is identified, *public access* shall be encouraged as appropriate for purposes of public education; provided, that:

EXHIBIT 1

- (a.) The type or level of *public access* is consistent with the long-term protection of both historic resource values and shoreline *ecological functions*; and
 - (b.) An access management plan is developed in accordance with *development* site- and resource-specific conditions to address physical protection of the resource, hours of operation, interpretive or directional signage, lighting, pedestrian access, traffic, and parking, as appropriate, in consultation with the *director/city manager* and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of Archaeology and Historic Preservation, any concerned Native American tribes, or other agencies, as appropriate; and
 - (2.) For archaeological sites and traditional cultural places, approval of proposed access measures by the Washington State Department of Archaeology and Historic Preservation, any concerned Native tribes or other agencies, as appropriate, shall be required prior to provision of *public access* to a site.
16. All projects within the shoreline jurisdiction that are either publicly funded or on public land shall include improvements to shoreline *public access*.
17. Heating and cooling equipment may not be placed in waters of the State.

16.45.070 Channel migration zone on Swamp Creek.

A. Unless a site-specific study by a qualified professional concludes otherwise, the *channel migration zone* shall include:

- 1. The 500-year *floodplain* of Swamp Creek within shoreline jurisdiction; and
- 2. All area within 112.5 feet of Swamp Creek.

B. Within the *channel migration zone*:

- 1. There shall be no subdivision of land except for the purpose of creating permanent, nonbuildable open space tracts.
- 2. *Fill* shall not be allowed that impairs channel migration within the *channel migration zone*.

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3. No new *development* is allowed where future stabilization, including bank stabilization as well as structural flood hazard reduction, would be necessary.

4. Existing structures can be protected but must use natural stabilization unless proven by a scientifically and technically valid study that the natural stabilization measures will not work.

5. Existing legal uses in the Swamp Creek *floodplain* can be repaired and maintained; provided, that such actions do not cause significant ecological impacts, increase flood hazards to other uses, and are consistent with other relevant laws.

6. Before new structural flood hazard reduction measures in shoreline jurisdiction can be approved, it must be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not *feasible*, that impacts on *ecological functions* and priority species and habitats can be successfully mitigated so as to assure *no net loss of ecological function*, and that appropriate vegetation conservation actions are undertaken.

C. A project proponent may have a *channel migration zone* study completed by a qualified professional hydrogeologist to be reviewed by the City. If the study demonstrates that the entirety of the development property is outside of the *channel migration zone*, then this section will not further apply to the project.

Chapter 16.50

SHORELINE USES

Sections:

- 16.50.010 General shoreline uses.
- 16.50.020 Interpretation of shoreline use table.
- 16.50.030 Shoreline use table and conditions.
- 16.50.040 Aquaculture.
- 16.50.050 ~~Public boat launching facilities and marinas~~Boating facilities.
- ~~16.50.060 Public access.~~
- 16.50.070 Parks and Recreation.
- 16.50.075 Commercial, light manufacturing and institutional uses.
- 16.50.080 Utility facilities.
- 16.50.085 Transportation ~~uses~~facilities.

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16.50.090 Residential uses.**~~16.50.100 Channel migration zone on Swamp Creek.~~****16.50.010 General shoreline uses.**

A. All uses in the shoreline jurisdiction must comply with all City code provisions and with the Kenmore *Shoreline Master Program*. For a **principal** use to be permitted in the shoreline, it must be a permitted use in the underlying zone, and must be listed as a permitted or conditional use in KMC [16.50.030](#). This section may not authorize a land use that is not allowed by the underlying zoning, but may add restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction.

B. Uses not specifically addressed in **this table KMC 16.50.030** may be permitted as conditional uses in the shoreline jurisdiction, provided the use meets the criteria for a shoreline conditional use permit **and is compatible with the underlying zoning**.

C. When there is a conflict between permitted land uses, preference for shoreline uses shall first be given to *water-dependent uses*, then to *water-related uses*, then to *water-enjoyment uses*, and finally to *non-water-oriented uses*.

~~D. Uses existing as of March 30, 2012, that do not conform to these regulations may be continued subject to the provisions of this chapter.~~

~~D. KMC Sections 16.50.040 through KMC 16.50.090 provide additional shoreline use requirements for specific uses as identified in the shoreline use table.~~

16.50.020 Interpretation of shoreline use table.

A. The shoreline use table in KMC [16.50.030](#) indicates whether a specific use is allowed within each of the *shoreline environments* **designations** and whether it is permitted outright or allowed only as a shoreline conditional use. The process through which a use or development may be permitted is defined under procedures in Chapter [16.75](#) KMC.

B. In the table, *shoreline environments* **designations** are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific *shoreline environment* **designation** and whether additional use criteria apply. The table should be interpreted as follows:

EXHIBIT 1

1. If the letter "P" appears in the box at the intersection of the column and the row, the use may be permitted within the *shoreline environment designation* if the underlying zoning also allows the use.
2. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the *shoreline environment designation* subject to the shoreline conditional use review procedures specified in Chapter 16.75 KMC, and only if the underlying zoning allows the use.
3. If the letter "X" appears in the box at the intersection of the column and the row, the use is prohibited in that *shoreline environment designation*. **These uses may not be authorized through a conditional use, shoreline exemption, or shoreline variance.**
4. **If the letter "U" appears in the box at the intersection of the column and the row, the use is subject to the same review process and standards as the immediately adjacent upland *shoreline environment designation*.**
45. If a number appears after the letter "P," "C" or "U" in the box at the intersection of the column and the row, additional use criteria apply. The use may be permitted subject to the appropriate review process in this section only if the specific use criteria indicated with the corresponding number immediately following the table are satisfied, and only if the underlying zoning allows the use. If more than one number appears at the intersection of the column and row, both numbers apply.
5. **If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed within that *shoreline environment* subject to different sets of limitations or criteria depending on the review process indicated by the letter, the specific development criteria indicated in the development condition with the corresponding number immediately following the table, and only if KMC Title 18 allows the use.**
6. **Definitions of italicized uses in the table may be found in Chapter 18.20 KMC.**

16.50.030 Shoreline use table and conditions.

A. Shoreline Use Table.

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Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<u>Adult entertainment business</u>	P2	P2	X	X	X	X
<u>Air transportation service</u>	X	X	X	X	X	C12
<u>Ambulatory surgery center</u>	X	X	X	X	X	X
<u>Animal kennel/shelter</u>	X	X	X	X	X	X
<u>Recreational/cultural Arts, entertainment, indoor</u>	P25	P2	P6X	P616	P7X	C5X
<u>Arts, entertainment, outdoor</u>	P2	P2	X	P2	P6	X
<u>Auction house</u>	X	X	X	X	X	X
<u>Automotive sales and service, marine</u>	P2	P2	X	X	X	U3
<u>Automotive sales and service, non-marine</u>	X	X	X	X	X	X
<u>Business service, intensive</u>	X	X	X	X	X	X
<u>Business services, standard</u>	P2, X2	P2	X	P2, 3, X2	X	C2X
<u>Cemetery, columbarium or mausoleum</u>	X	X	X	X	X	X
<u>College/university</u>	P3	P3	P3	P3	X	U
<u>Community residential facility</u>	P2	P2	P2	X	X	X
<u>Construction and trade</u>	X	X	X	X	X	X
<u>Day-care</u>	P2	P2	X	X	X	X
<u>Eating and drinking place</u>	P2	P2	X	P16	X	X

EXHIBIT 1

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Educational service	P2	P2	P2	P2	X	X
Family child-care home	X	X	P17	P17	C17	X
Golf course	X		X	G	X	X
Government services Fire or police facility	P43	P3	P43	PC43	P4X	C4U
Funeral home/crematory	X	X	X	X	X	X
Health care and social assistance	P2,13	P2,13	X	P2,13	X	X
Hospital	X	X	X	X	X	X
Laboratory	P2	P2	X	X	X	X
Mobile home park Manufactured housing community	X	X	C14	X	X	X
Manufacturing, uses heavy	P2X	X	X	X	X	X
Manufacturing, light	P2	P2	X	X	X	X
Marijuana business	P2	P2	X	X	X	X
Marijuana cooperative	X	X	X	X	X	X
Marina (recreational boat moorage)	P8		X	P	X	P
Mobile food service	P2	P2	X	P2	X	P43
Multiple-family dwelling, multiple family	P217	P17	P17	P217	X	X
Office	P2	P2	X	P2	X	X

EXHIBIT 1

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Park, non-water-oriented	X	X	X	X	X	X
Park, water-oriented. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P	P	P	P	P6	P3
General services	P2, X2		X	P2, 3, X2	X	C2
Personal service	P2	P2	X	P2	X	X
Principal-use parking	X		X	X	X	X
Public boat launch	P		X	P, C9	X	P
Recreational facility, indoor, commercial. KMC Section 16.50.070 does not apply to this use.	P2	P2	X	X	X	X
Recreational facility, outdoor, commercial. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P4,15	P4,15	P5,15	P5,15	P6	P3
Regional land use, except for airport and ferry terminal, which are described below.	C2,7	C2,7	X	X	X	C3
Airport/heliport or helistop	C, X17-12	X	X	X	X	C, X17-12
Ferry terminal	C	X	X	X	X	C
Highway and street, except for in-water uses	C11		C11	C11	C11	C11

EXHIBIT 1

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
In-water and overwater highway and street facilities	X		C11, 14	C11, 14	C11, 14	C11, 14
Expanded highway and street	P18		P18	P18	C18	C18
Wastewater treatment facility and municipal water production, except for in-water uses	C8, 12		C8, 12	X	X	X
In-water wastewater treatment facility, in-water municipal water production facility	X		C12	C12	C12	C12
Regional stormwater management facilities	P13		P13	P13	P13	X
Religious institution	P2	P2	X	X	X	X
MiningResource land use, except for aquaculture, which is described below:	X	X	X	X	X	X
Aquaculture uses. See also KMC Section 16.50.040.	X	X	X	X	X	C1
In-water fish and wildlife management, except aquaculture	X		C	C	C	C
Retail sales	P2, X2	P2	X	P2, 3, X2, 16	X	C2X
Retail sales, bulk	X	P2	X	X	X	X
Secure facility	X	X	X	X	X	X

EXHIBIT 1

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment		DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Signs		P15		P15	P15	P15	P15
Single detached dwelling units, single detached		X	X	P17	P17	C17	P810
Commuter Standalone parking		C1611	C11	X	X C11	X	X
Group residences Supportive living facility		P2	P2	P2	PX	CX	X
Temporary lodging		P2	P2	X	X	X	X
Transportation services		C2	C2	X	X	X	X
Transportation facilities		C9	C9	C9	C9	C9	C9
Utility facility, except for in-water uses. See also KMC Section 16.50.080.		P1310	P10	P1310	P1310	P1310	X P3,10
In-water utility facilities		X		C13	C13	C13	C13
Vehicle or equipment rental		P3,16	X	X	P3,16	X	P3,16
Vehicle refueling station		P2	P2	X	X	X	C3
Warehousing		X	X	X	X	X	X
Wholesale trade		P2	P2	X	X	X	X
	Aquaculture						
	Commercial Development						
	Government Services						

EXHIBIT 1

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment		DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
	Manufacturing						
	Park/Recreation						
	Residential Development						
Accessory uses		P		P	P	C	X
	Regional Land Uses						
	Utilities						
	In-Water Structural Uses						
	Signs						

B. Shoreline Use Criteria (Footnotes to Shoreline Use Table in Subsection A of This Section).

1. *Aquaculture* may be allowed only in Lake Washington and only under the following conditions:

- Aquaculture* operations are located at least 500 feet from the Shoreline Residential and Downtown Waterfront Environments.
- Aquaculture* operations waterward of the Natural Environment and Urban Conservancy Environment are limited to activities that do not require structures, facilities or mechanized harvest practices.

EXHIBIT 1

2. ~~Only if consistent with KMC Section 16.50.075, commercial, light manufacturing and institutional uses, water-dependent and water-related commercial and manufacturing uses shall be permitted. Public access improvements consistent with this chapter are required for all commercial and manufacturing uses, unless precluded by public safety considerations. Non-water-dependent and non-water-related residential, commercial, and manufacturing uses shall be permitted only if the use meets the standards of subsections (a), (b), (c) and (d) below:~~

~~a. The development is:~~

~~(1) Part of a mixed-use development that includes a water-dependent use and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a water-dependent use or water-related use (including uses accessory to a water-dependent use that are fully incidental and subordinate to the water-dependent use), dedicated public access, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or~~

~~(2) A new or expanding development in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current stream buffer provisions of the Kenmore SMP and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek;~~

~~b. The non-water-oriented uses are located on land; and~~

~~c. The development provides a significant public benefit to help achieve any of the following shoreline element goals:~~

~~(1) Economic development for uses that are water-dependent;~~

~~(2) Public access;~~

~~(3) Water-oriented recreation;~~

~~(4) Multimodal, water-dependent transportation circulation;~~

~~(5) Conservation or restoration of critical areas, scenic vistas, or fish and wildlife habitat;~~

~~or~~

~~(6) Preservation of historic properties;~~

EXHIBIT 1

d. The development does not include the following uses, which are prohibited in the shoreline: funeral home/crematory; veterinary clinic; cemetery/columbarium/mausoleum; automotive repair; automotive services; stable/kennel/cattery; hospital; outdoor advertising service; miscellaneous equipment rental; automotive rental and leasing; gasoline service stations; fuel dealers; auction houses; livestock sales; amusement park; drive-in theater; public agency or utility yard; and propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users.

3. New commercial uses may be permitted only if allowed in the underlying zoning, and if public access is provided and the project includes ecological enhancement consistent with KMC 16.60.010. Existing non-water-dependent commercial uses may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

43. Only the water-dependent portion of the use shall be allowed in the shoreline environment, except as provided in this section for utility uses.

54. In Downtown Waterfront and Aquatic Environments, ~~water-oriented~~ recreational uses including parks and public access trails and facilities accessible to the public may be allowed together with accessory recreation facilities that provide water enjoyment for substantial numbers of persons; provided, that in the Downtown Waterfront minor non-water-oriented accessory uses such as children's play equipment, picnic tables, or outdoor exercise course equipment may also be allowed if they meet the other requirements of this chapter. All other commercial outdoor recreational uses shall be prohibited.

65. In Urban Conservancy and Shoreline Residential Environments, parks and trails boating facilities shall be allowed. Golf course shall be a conditional use in the Urban Conservancy Environment. All other commercial outdoor recreational uses shall be prohibited.

76. In the Natural Environment, only water-oriented passive and low-impact recreational uses, including public access trails, shall be allowed. All other recreational uses shall be prohibited.

87. Wastewater treatment facilities, and municipal water production uses, except for in-water uses, shall be allowed only on Lake Washington shorelines. The listed wastewater treatment facilities, municipal water production facilities, and marinas and are prohibited on shorelines of the Sammamish River and Swamp Creek.

EXHIBIT 1

~~9. A boat launch that accommodates motorized vehicles for launching vessels is a conditional use in the Urban Conservancy Environment. Facilities for hand launching of nonmotorized vessels may be allowed as permitted uses.~~

~~109.~~ New overwater residences, including floating homes, are prohibited except for *live-aboards*. They may be allowed; provided, that:

- a. They are for single-family use only;
- b. They are located in a *marina* that provides shower and toilet facilities on land and there are no sewage discharges to the water;
- c. *Live-aboards* do not exceed 10 percent of the total slips in the *marina*;
- d. They are owner-occupied vessels; and
- e. There are on-shore support services in proximity to the *live-aboards*.

~~9. Only if consistent with KMC Section 16.50.085, transportation facilities.~~

~~11. New highway and street construction is allowed only if:~~

- ~~a. There is no *feasible* alternate location;~~
- ~~b. Pedestrian, bicycle and public transport needs are addressed; and~~
- ~~c. When located in the Natural Environment, the use is low-intensity transportation infrastructure; parking facilities are prohibited in the Natural Environment unless supporting a *water-dependent use*.~~

~~12. The water dependent and in-water portions of wastewater treatment and municipal water production facilities may be allowed as a conditional use.~~

~~1310.~~ Utility facilities may be located within the shoreline jurisdiction if there is no *feasible* alternate location, the alternative would result in unreasonable and disproportionate cost, or the facility is necessary to serve adjacent shoreline uses. In no case are propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users permitted.

EXHIBIT 1

14. Highway and street infrastructure that must be located in water or over water, such as bridges and bridge supports, may be permitted; provided, that the priorities of the Kenmore shoreline restoration plan are considered in designing mitigation for impacts from the project.

15. Signs may be permitted subject to the provisions of the underlying zoning and provided:

a. Signs shall not be erected nor painted on trees, rocks or other natural features.

b. Glare from artificial lighting of signs shall be shielded or directed away from adjacent properties and the water.

c. Signs waterward of the ordinary high water mark adjacent to the Downtown Waterfront Environment shall be permitted only to the extent necessary for the operation of a permitted water dependent use, provided no such sign shall be larger than five square feet.

d. In the Shoreline Residential, Urban Conservancy and Natural Environments, signs are not allowed except for signs of not more than five square feet within public parks or trails.

e. Signs to protect public safety or prevent trespass may be allowed and should be limited in size and number to the maximum extent practical.

1611. Commuter parking may only, and only be allowed if it is designed to serve a passenger ferry system or regional transit. The use must meet the standards in KMC 16.45.040.

1712. Helistops and heliports are prohibited in all environments.

13. Veterinary clinics are prohibited.

14. Except for *manufactured housing communities* existing as of insert effective date of ordinance, which are permitted outright.

15. *Marinas* are prohibited on *shorelines* of the Sammamish River and Swamp Creek.

16. Only when accessory to a *park* or recreational facility and related to water access or to *water enjoyment* for substantial numbers of persons.

17. Only if consistent with KMC Section 16.50.090, residential uses.

C. Accessory Uses.

EXHIBIT 1

1. Any principal use permitted in a specific shoreline environment either outright or as a special use or conditional use shall also be permitted as an accessory use outright or as a conditional use.

2. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices, and outdoor storage areas. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

3. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses that are non-water-dependent and non-water-related, even if accessory to water-dependent or water-related uses, shall be permitted over water according to subsection A of this section only if either:

a. The over water location is necessary for the operation of the water-dependent or water-related use; or

b. The lot has a depth of less than 50 feet of dry land.

4. Parking shall not be permitted over water unless it is accessory to a water-dependent or water-related use located on a lot with a depth of less than 50 feet of dry land and the director determines that adequate on-site or off-site dry land parking within 800 feet is not reasonably available.

5. Piers, floats, pilings, breakwaters, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable shoreline environment.

6. Accessory uses shall be located on the same lot as the principal use; provided, that when the accessory use is also permitted as a principal use in the shoreline environment applicable to an adjacent lot, the accessory use may be located on that adjacent lot.

16.50.040 Aquaculture.

A. Any structure used for aquaculture that is placed waterward of the ordinary high water mark shall be placed so as not to:

1. Be a significant hazard to navigation;

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2. Cause significant damage to neighboring properties;
3. Be a significant hazard to divers and boaters who may frequent the area.

B. Any byproducts of the aquatic resources facility which are discharged into the water shall not degrade the quality of the recipient water body.

C. *Aquaculture* shall be installed with minimum disturbance to banks and channels and shall not cause extensive erosion or accretion along adjacent *shorelines*.

D. *Aquaculture* facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

16.50.050 ~~Public boat launching facilities and marinas~~Boating facilities.

~~Public boat launching~~Boating facilities and marinas, including docks serving more than four single-family residences, shall meet the following standards:

A. The facility shall be designed and operated so that there is *no net loss of ecological function* in the shoreline. ~~Where the facility is developed in conjunction with restoration of like habitat areas, improvements in one area may be applied to mitigate impacts that would result from new facilities;~~

B. The streets serving the proposed facility must be adequate to accommodate traffic generated by such a facility safely and conveniently;

C. The facility shall provide adequate parking in accordance with underlying zoning requirements. Long-term parking areas shall be located away from the water. Short-term loading areas, however, may be located near berthing areas;

D. ~~The marina~~All boating facilities shall be sited and designed to protect rights of navigation;

E. ~~The~~A marina must have provisions available for cleanup of accidental spills of contaminants;

F. Lavatory facilities connected to a sanitary sewer and adequate to serve the marina shall be provided;

G. Self-service sewage pumpout facilities or the best available method of disposing of sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at marinas having in excess of 3,500 lineal feet of moorage or slips large enough to accommodate boats larger than 20 feet in length, and shall

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be located so as to be conveniently available to all boats. An appropriate disposal facility for removal of bilge wastes shall be either a vacuum apparatus, or oil-absorbent materials and waste receptacles;

H. Untreated sewage shall not be discharged into the water at any time. Treated sewage shall not be discharged while boats are moored;

I. *Public access* shall be provided in accordance with KMC ~~16.50.060~~ 16.50.045.050;

J. The design shall be compatible with adjacent development;

K. Covered moorage may only be permitted for vessel repair facilities; and

L. Extended moorage on waters of the State without a lease or permission is prohibited.

~~16.50.060 Public access.~~

~~Public access shall be required for public projects and development on public lands (KMC 16.45.010(B)(16)), commercial and manufacturing uses (KMC 16.50.030(B)(2)), boating facilities and marinas (KMC 16.50.050), multifamily development (KMC 16.50.090(A)(1)), and land divisions of more than four lots (KMC 16.50.090(A)(2)). For development on private property, public access shall be required when such development would either generate or increase demand for public access and/or would impair existing legal access opportunities or rights.~~

~~A. Where public access is required, it shall:~~

~~1. Connect to other public and private public access and recreation facilities on adjacent parcels along Lake Washington and the Sammamish River shorelines whenever feasible;~~

~~2. Be sited to ensure public safety;~~

~~3. Be open to the general public and accessible directly from a public right-of-way or by an easement granted to the City for public access;~~

~~4. Enhance access and enjoyment of the shoreline and provide features in scale with the development such as, but not limited to:~~

~~a. View points;~~

~~b. Places to congregate in proportion to the scale of the development;~~

~~c. Benches and picnic tables;~~

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d. Beach or water access for boats; and

e. Pathways for pedestrians and bicycles;

B. Where *public access* is required, the area dedicated and improved for *public access* shall be roughly proportional to the scale and character of the proposed development and its impacts.

C. Where *public access* is required, the director shall prepare written findings demonstrating that the conditions imposed are consistent with the principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.

D. *Public access* improvements shall be designed to be compatible with the purpose and intent of the *shoreline environment* in which they are constructed.

E. Trails and other *public access* improvements are subject to the standards for recreational uses in KMC 16.65.020 and the vegetation management standards in KMC 16.60.020(B).

F. The provisions of this section do not apply to the following:

1. Short plats of four or fewer lots;

2. Where *public access* is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the *shoreline environment*; or

3. Where constitutional or other legal limitations apply.

16.50.070 Parks and commercial outdoor Rrecreation.

A. Permitted Rrecreational development in all environments must meet the following standards:

1. *Recreational development* allowed in shoreline jurisdiction should be primarily related to water access or to enjoyment of the water by substantial numbers of persons. *Non-water-oriented park* and commercial *outdoor recreational uses* and modifications should be located outside of shoreline jurisdiction or, if accessory to a *water-oriented recreational development*, upland of *water-oriented uses* and modifications if a location outside of shoreline jurisdiction is not *feasible*.

2. *Parks* and commercial *outdoor recreation* facilities shall be located, designed and operated in a manner consistent with the purpose of the *shoreline environment designation* in which they are

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located and such that *no net loss of shoreline ecological functions or ecosystem-wide processes results.*

3. Vehicular access, parking and restrooms should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is *feasible*.

4. Removal of native vegetation for *recreational development* and uses shall be the minimum necessary.

B. Water-dependent recreational development in all shoreline environments must meet the following standards:

1. The construction of ~~swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities~~ *water access structures* waterward of the *ordinary high* water mark shall be governed by the regulations relating to ~~docks, piers, moorage, buoys, floats, or launching facility~~ *water access structure* construction in KMC [16.55.050](#).
2. Swimming areas shall be separated from *boat launch* areas and *marinas*, to the maximum extent practical, *consistent with KMC 16.55.050.C*.
3. New or expanded swimming facilities shall only be permitted if there is an ongoing water quality testing program guided by a monitoring plan approved by the ~~director~~ *city manager* to ensure public safety.

C. Public access trails

~~41.~~ *Public access trails within the shoreline buffers shall be regulated by the provisions of KMC 16.50.060 Chapter 18.55 KMC.*

B. In the Natural Environment, recreational uses shall meet the following standards:

- ~~1. Vehicular access, parking and restrooms should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is feasible;~~
2. Trails ~~should~~ *shall* be designed primarily for ~~nonmotorized use~~ *pedestrian access, including access by wheelchair where appropriate,* and should be no ~~larger~~ *wider* than is necessary to accommodate expected pedestrian traffic.

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3. Removal of vegetation for recreational uses shall be the minimum necessary to provide pedestrian access and limited visual access to the shoreline;

D. Allowances for *water-oriented park* and commercial *outdoor recreational facilities* in *shoreline buffers*. In recognition of the existing conditions of current and planned City shoreline *parks* and public or publicly accessible commercial *outdoor recreational facilities*, the following standards shall guide new *development* and redevelopment of *water-oriented park* and *outdoor recreational facilities* in *shoreline buffers*. For any allowed *development* or modification within a buffer, *applicants* shall submit a plan that addresses compliance with each of the following applicable standards. The City may review and condition the project to more fully implement the standards below:

1. *Water-dependent park* and commercial *outdoor recreation* facilities, such as *water-access structures* and swimming beaches, are allowed in buffers consistent with KMC 16.65.020.C.1.

2. Certain uses and modifications may be allowed within buffers if they support *water-oriented parks* and commercial *outdoor recreation* facilities and demonstrate consistency with 3 through 5 below. The *city manager* has the discretion to decide if a proposed use or modification supports *water-oriented public access* and outdoor recreation, and shall consult the definition of *water-oriented* in KMC 16.10.610.

3. New or expanded *water-oriented* development and facilities that support *water-enjoyment* shall follow mitigation sequencing to protect existing riparian areas and other *critical areas*. Unavoidable impacts shall be mitigated consistent with the requirements in KMC 18.55.190 through 18.55.220, 18.55.330 and 18.55.430 such that there is *no net loss* of shoreline ecological processes or functions.

4. If parking improvements supporting *water-oriented parks* and commercial *outdoor recreation* facilities cannot comply with KMC 16.45.040, parking within buffers shall be limited to that necessary to provide vehicle access to *boat launches*. New or improved pollution-generating impervious surfaces shall provide water quality treatment consistent with the City's adopted Surface Water Design Manual.

5. New and expanded *recreational development* in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as avoid tree and shrub removal. Necessary tree removal shall be mitigated at a 3:1 ratio, with an emphasis on use of native conifers placed to maximize ecological benefits to the shoreline waterbody.

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E. In the Natural Environment, *recreational development* shall meet the following standards:

1. Trails shall be designed primarily for pedestrian access, including access by wheelchair where appropriate, and should be no wider than is necessary to accommodate expected pedestrian traffic;
2. Removal of native vegetation for recreational uses shall be the minimum necessary to provide pedestrian access and limited visual access to the shoreline; and
43. Public contact with unique and fragile areas shall be permitted where possible without destroying the natural character of the area; ~~and~~
5. ~~Viewing, studying, and recording water and nature may be accommodated by platforms, benches or shelters, consistent with public safety and security.~~

16.50.075 Commercial, light manufacturing and institutional uses.

A. *Water-dependent* and *water-related* commercial, *light manufacturing* and institutional uses shall be permitted subject to the applicable requirements and conditions of KMC 16.50.030.A and B. *Non-water-dependent* and *non-water-related* uses shall be permitted only if the use meets the standards of subsections (1) and (2), below:

1. The use is:

- a. Part of a mixed use development that includes a *water-dependent use* and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a *water-dependent use* or *water-related use* (including uses accessory to a *water-dependent use* that are fully incidental and subordinate to the *water-dependent use*), dedicated *public access*, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or
- b. A new or expanding use in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current *shoreline buffer* provisions of KMC 16.65.020 and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or
- c. on a site physically separated from the shoreline by another property or public right of way; or
- d. at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "2" below.

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2. The development provides a significant public benefit to help achieve any of the following shoreline element goals:

- a. Economic development for uses that are *water-dependent*;
- b. *Public access* beyond that required by KMC Section 16.45.050;
- c. *Water-oriented recreation*;
- d. Multimodal, *water-dependent* transportation circulation;
- e. Conservation or *restoration of critical areas*, scenic vistas, or fish and wildlife habitat; or
- f. Preservation of historic properties.

B. Existing *non-water-dependent* uses may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

C. Commercial, *light manufacturing* or institutional development proposals shall be designed or conditioned to ensure *no net loss* of shoreline *ecological functions*, and no significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and *public access*.

D. *Non-water-dependent* commercial, *light manufacturing* or institutional *uses* should not be allowed over water except in existing structures or in the limited instances where they are accessory to and necessary in support of *water-dependent uses*.

16.50.080 Utility facilities.

The following standards apply to utility uses within the *shoreline environment*:

A. Stormwater and sewage outfalls may be permitted in *shoreline environments* if upland treatment and infiltration to groundwater, streams or *wetlands* is not *feasible* per WAC 173-26-020 and there is *no long-term adverse* impact on salmon *spawning, rearing or migration* habitat;

B. Water intakes shall not be permitted near fish spawning, *migration*, or rearing areas;

C. Water intakes shall comply with Washington Department of Fish and Wildlife fish screening criteria, and to the maximum extent practical, intakes shall be placed at least 30 feet waterward of the *ordinary high water mark*;

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D. Cable crossings for telecommunications and power lines and pipelines for oil, gas, water and other utilities shall:

1. Use the best available technology to protect health, safety, and the environment;
2. Be routed through sites that are already free of vegetation, such as existing roadways, or attached to existing bridges, to the greatest extent *feasible*;
3. Avoid critical aquatic habitat to the greatest extent *feasible*;
4. If crossing beneath a streambed, utilities shall be designed to avoid streambed mobilization and adverse impacts on groundwater flow, be placed in a sleeve or conduit that allows replacement without need for additional excavation, and return grades to existing or better condition that provides for normal floodwater flow; and
5. Provide mitigation for impacts to shoreline *ecological functions*.

16.50.085 Transportation uses facilities.

A. ~~Non-water-dependent transportation uses shall be located as far landward as possible.~~ New highway and street construction is allowed in the shoreline environment only if:

1. There is no *feasible* alternate location;
2. Pedestrian, bicycle and public transport needs are addressed; and
3. When located in the Natural Environment, the use is low-intensity transportation infrastructure.

B. Highway and street infrastructure that must be located in water or over water, such as bridges and bridge supports, may be permitted; provided, that the priorities of the Kenmore shoreline restoration plan are considered in designing mitigation for impacts from the project.

~~EC~~. Transportation uses facilities shall employ mitigation sequencing specified in Chapter 18.55 KMC to avoid and mitigate for impacts to *critical areas*.

~~BD~~. Bridges, when necessary, should span open water and *floodways*.

~~CE~~. Roadways and bridges should be designed to avoid placement of *fill* or structures that would restrict floodplain capacity or limit channel migration. If transportation facilities are anticipated to impact

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~~floodplains or channel migration zones, mitigation sequencing as specified in Chapter 18.55 KMC shall be employed to avoid and mitigate for impacts.~~

~~DE.~~ Construction of private bridges should be minimized, and shared access should be required whenever *feasible*, including when subdivision would create new lots requiring access by bridge.

G. Expansion of existing highways and streets in the *shoreline jurisdiction* shall be permitted without a conditional use permit only if the following criteria are met:

1. The expansion is included in the Transportation Element of the Comprehensive Plan, Neighborhood Transportation Plan, Transportation Improvement Program, ADA Compliance Plan, or Target Zero strategy implementation.
2. The expansion does not require acquisition of private property that was unanticipated in the plans under 1., above.
3. The expansion is located within existing rights-of-way or other City-managed land.
4. Alteration and/or *fill* is the minimum necessary to construct such facilities to meet established safety standards and all applicable SMP standards can be met.
5. Disturbed areas are restored immediately after the use of construction equipment.

If these criteria cannot be satisfied, expansion may only be permitted after approval of a conditional use permit.

~~F. Lighting from parking areas shall be screened from illuminating fish and wildlife habitat areas and their buffers; provided, that lighting necessary for safe operation of a permitted water-dependent use may be allowed, but should be screened to the extent possible from illuminating fish and wildlife habitat areas and their buffers.~~

16.50.090 Residential uses.

A. *Multiple-family dwellings* shall be permitted in the Downtown Waterfront, Swamp Creek Commercial and Urban Conservancy Environments only if the use meets the standards of subsections (1) and (2), below:

1. The use is:

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a. Part of a mixed use development that includes a *water-dependent use* and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a *water-dependent use or water-related use* (including uses accessory to a *water-dependent use* that are fully incidental and subordinate to the *water-dependent use*), dedicated *public access*, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or

b. A new or expanding use in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current shoreline buffer provisions of KMC 16.65.020 and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or

c. on a site physically separated from the shoreline by another property or public right of way; or

d. at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "2" below.

2. The development provides a significant public benefit to help achieve any of the following shoreline element goals:

a. Economic development for uses that are *water-dependent*;

b. *Public access* beyond that required by KMC Section 16.45.050;

c. *Water-oriented recreation*;

d. Multimodal, *water-dependent* transportation circulation;

e. Conservation or *restoration of critical areas*, scenic vistas, or fish and wildlife habitat; or

f. Preservation of historic properties.

Existing *multiple-family dwellings* may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

A. *Public access* to the shoreline shall be required for the following residential developments:

1. Multiple family dwelling unit developments, including mixed use developments that contain multiple family dwelling units; and

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~~2. New subdivisions of more than four lots.~~

B. Residential *accessory uses* must meet the following standards:

1. Non-water-dependent *accessory structures* other than below-grade swimming pools shall be limited to a 150-square-foot footprint.
2. Below-grade swimming pools shall be sited and designed so that they do not adversely affect the flow of groundwater or endanger unstable slopes.
3. *Accessory structures* shall be sited to preserve visual access to the shoreline from adjacent properties and public rights-of-way to the maximum extent practical.
4. Non-water-dependent *accessory structures* and facilities such as sheds, gazebos, swimming pools, and driveways shall not be located in vegetation conservation areas described in Chapter [16.60](#) KMC.
5. Foot ramps, stairs, and paths ~~to provide pedestrian access~~ to a dock, ~~pier, boat launch~~, or beach may be allowed in the vegetation conservation areas described in Chapter [16.60](#) KMC, but shall be limited to ~~the minimum necessary~~ a maximum width of 5' and shall avoid native vegetation removal to the maximum extent practicable to provide pedestrian access.
6. Private boat ramps serving a single residence shall not be located in vegetation conservation areas described in Chapter [16.60](#) KMC.

~~16.50.100 Channel migration zone on Swamp Creek.~~

~~A. The channel migration zone shall include:~~

- ~~1. The 500-year floodplain of Swamp Creek within shoreline jurisdiction; and~~
- ~~2. All area within 112.5 feet of Swamp Creek.~~

~~B. Within the channel migration zone:~~

- ~~1. There shall be no subdivision of land within the channel migration zone except for the purpose of creating permanent, nonbuildable open space tracts.~~
- ~~2. Fill shall not be allowed that impairs channel migration within the channel migration zone.~~

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3. No new development is allowed where future stabilization, including bank stabilization as well as structural flood hazard reduction, would be necessary.

4. Existing structures can be protected but must use natural stabilization unless proven by a scientifically and technically valid study that the natural stabilization measures will not work.

5. Existing legal uses in the Swamp Creek floodplain can be repaired and maintained; provided, that such actions do not cause significant ecological impacts, increase flood hazards to other uses, and are consistent with other relevant laws.

6. Before new structural flood hazard reduction measures in shoreline jurisdiction can be approved, it must be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss of ecological function, and that appropriate vegetation conservation actions are undertaken.

C. A project proponent may have a channel migration zone study completed by a qualified professional hydrogeologist to be reviewed by the City. If the study demonstrates that the entirety of the development property is outside of the channel migration zone, then this section will not further apply to the project.

Chapter 16.55

SHORELINE MODIFICATIONS

Sections:

16.55.010 General shoreline modifications.

16.55.020 Interpretation of shoreline modifications table.

16.55.030 Shoreline modifications table and conditions.

16.55.040 Shoreline stabilization.

16.55.050 Water access structures, docks, piers, moorage, buoys, floats or launching facilities.

16.55.060 Grading, dredging, dredge material disposal and filling.

16.55.010 General shoreline modifications.

The shoreline modifications chapter shall not be used to authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific

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modifications within the shoreline jurisdiction. All *shoreline modifications* in the shoreline jurisdiction must comply with all relevant City code provisions and with the Kenmore *Shoreline Master Program*.

16.55.020 Interpretation of shoreline modifications table.

The *shoreline modification* table in KMC [16.55.030](#) determines whether a specific *shoreline modification* is allowed within each of the *shoreline environments*. The *shoreline environment* is located on the vertical column and the specific *use/modification* is located on the horizontal row of the table. The specific modifications *generally* are grouped by the *shoreline modification* categories in WAC [173-26-231](#). The table should be interpreted as follows:

A. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the *shoreline environment* only if the underlying zoning allows the modification.

B. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the *shoreline environment* subject to the shoreline conditional use review procedures specified in Chapter [16.75](#) KMC, and only if the underlying zoning allows the modification.

C. If the letter "U" appears in the box at the intersection of the column and the row, the modification is subject to the same review process and standards as in the immediately adjacent upland *shoreline environment designation*.

CD. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section, the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply.

~~D. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that *shoreline environment* subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number in KMC [16.55.030\(B\)](#), and only if the underlying zoning allows the modification.~~

E. If the letter "X" appears in the box at the intersection of the column and the row, the modification is prohibited in that *shoreline environment*.

F. If "NA" appears in the box at the intersection of the column and the row, the modification is not applicable in that *shoreline environment*.

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G. For purposes of interpreting the modifications table, "upland" means that the use or activity is landward of the shoreline waterbody's ordinary high-water mark.

16.55.030 Shoreline modifications table and conditions.

A. Shoreline Modifications Table.

Shoreline Modifications Table

KEY	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
P – Permitted Modification						
C – Shoreline Conditional Use Required						
X – Prohibited Modification						
U – Same modification allowances as in adjacent upland Environment						
NA – Not applicable						
Shoreline modifications are allowed only if the underlying zoning allows the modification						
Shoreline stabilization. See also KMC Section 16.55.040.						
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	C1	C1, P1
Repair or maintenance of shoreline stabilization facilities	P2	P2	P2	P2	P2	P2
Flood protection facilities	P3	P3	P3	P3	C3	P3
Piers and docks Water access structures ⁴ . See also KMC Section 16.55.050.						
Docks, piers, moorage, buoys, floats or launching facilities	P4		P4	C4	C4	C4, P4
Boat launch – Soft-surface	P	X	X	C	X	U
Boat launch – Residential (including community), Hard-surface	C	X	X	X	X	U
Boat launch, Public or Commercial, Hard-surface	P	X	X	P	X	U
Dock or pier – Residential (including community)	P	X	P	C	X	U
Dock or pier – Public	P	X	P	P	C	U
Dock or pier – Commercial	P	X	X	X	X	U
Floatplane lifts	C9	X	C	C	X	U
Watercraft lifts (including jet ski lifts)	P	X	P	X	X	U

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Shoreline Modifications Table

KEY	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
P – Permitted Modification						
C – Shoreline Conditional Use Required						
X – Prohibited Modification						
U – Same modification allowances as in adjacent upland						
Environment						
NA – Not applicable						
Shoreline modifications are allowed only if the underlying zoning allows the modification						
Other floats and moorage buoys	P	X	P	P	P8	U
Repair or replacement of existing water access structures	P	P	P	P	P	P
Fill. See also KMC Section 16.55.060.						
Filling Upland outside of floodplain	P5, C5	P	P5, C5	P5, C5	C5	C5NA
Upland inside of floodplain	P	C	C	C	C	NA
Waterward of the ordinary high-water mark, restoration	NA	P	P	P	P	P
Waterward of the ordinary high-water mark, non-restoration	NA	C	C	C	C	C
Breakwaters, jetties, groins, and weirs						
Breakwaters, jetties, groins and weirs	C65	C5	C65	C65	C65	C65
Grading and dredging. See also KMC Section 16.55.060.						
Grading, dredging, dredge material disposal	P5, C5		P5, C5	P5, C5	C5	C5
Dredging	NA	P	P	P	P	P
Grading	P	P	P	P7	C	NA
Disposal waterward of the ordinary high-water mark	NA	X	X	X	X	P
Upland disposal outside of floodplain or channel migration zone	P	P	P	P	C	NA
Upland disposal inside of floodplain or channel migration zone	C	C	C	C	C	NA
Shoreline habitat and natural systems enhancement projects						
Habitat and natural systems enhancement projects	P76	P6	P76	P76	P76	P76

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B. Development Conditions (Footnotes for the Shoreline Modifications Table in Subsection A of this Section).

1. *Shoreline stabilization*, including *bulkheads*, shall be permitted only when it has been demonstrated that stabilization is necessary to protect existing legally established primary structures, public improvements, proposed or existing *water-dependent* development, or projects for the *restoration of ecological functions* or hazardous substance remediation, and must meet the standards in KMC [16.55.040](#). In the Aquatic Environment, stabilization requires conditional use approval, unless located adjacent to a Downtown Waterfront or Shoreline Residential Environment.
2. An existing *shoreline stabilization* structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, **tidal action**, or waves. Normal maintenance and repair is allowed; provided, that all work is conducted in a manner that does not cause a net loss of *ecological functions*.
3. Flood protection facilities must be consistent with the standards in **Chapter 16.90 KMC, Flood Damage Prevention**, Chapter [18.55 KMC](#), and the Integrated Stream Protection Guidelines (Washington Departments of Fish and Wildlife, Ecology, and Transportation, 2003).
4. **~~Water access structures~~Docks, piers, moorage, buoys, floats or launching facilities** shall meet the standards in KMC [16.55.050](#) and are allowed only for:
 - a. *Water-dependent uses*;
 - b. *Public access*;
 - c. Single detached residential units;
 - d. Joint use facilities for *multiple-family dwelling* unit developments; or
 - e. *Water-related* or *water-enjoyment uses* only as part of a mixed use development and only if auxiliary to and in support of a *water-dependent use*.

~~In the Aquatic Environment, docks, piers, moorage, buoys, floats and/or launching facilities require conditional use approval, unless located adjacent to a Downtown Waterfront or Shoreline Residential Environment. Water access structures are not allowed in Swamp Creek.~~

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5. Excavation, dredging and filling must meet the standards in KMC 16.55.060. Fill placed waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities requires a conditional use permit. Disposal of dredged material within shorelands or wetlands within the shoreline jurisdiction requires a conditional use permit.

65. Breakwaters, jetties, groins and weirs are only allowed where necessary to support water-dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director/city manager. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function.

76. Shoreline habitat and natural systems enhancement projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large woody debris, dredging and filling, provided the primary purpose is clearly restoration of the natural character and ecological functions of the shoreline. Mitigation actions identified through biological assessments required by the NOAA Fisheries Service and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large woody debris, dredging and filling.

7. Grading in the Urban Conservancy Environment is only permitted to support public access, restoration, or water-oriented uses. Otherwise, a conditional use permit shall be required.

8. Floats and moorage buoys are only permitted waterward of the Natural Environment designation in Lake Washington.

9. Except floatplane lifts associated with a regional land use such as Kenmore Air Harbor which are permitted outright.

16.55.040 Shoreline stabilization.

Shoreline stabilization may be permitted subject to the standards in this chapter, provided:

A. The applicant has demonstrated the following in order to construct new shoreline stabilization, including additions to, or increases in size of, existing shoreline stabilization measures:

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1. A *geotechnical analysis* demonstrates that erosion from waves or currents is imminently threatening a primary structure, including residences and that damage is expected to occur within three years if the shoreline stabilization is not constructed;
 2. The erosion rate exceeds that which would normally occur in a natural condition;
 3. The erosion is not caused by upland conditions, such as the loss of vegetation and drainage, on the project site;
 4. The proposed *shoreline stabilization* is the least hardened solution that is *feasible* to protect the structures or improvements, including consideration of nonstructural alternatives such as slope drainage systems, vegetative growth stabilization, and gravel *berms*;
 5. The proposal is the minimum necessary to protect existing legally established primary structures, new non-water-dependent development, existing water-dependent development or projects for the restoration of ecological functions or hazardous substance remediation;
 6. The proposed *shoreline stabilization* does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions; and
 7. Adequate mitigation measures that maintain existing shoreline processes and critical fish and wildlife habitat will be provided that ensure *no net loss* or function of riparian habitat.
- B. *Shoreline stabilization* to replace existing *shoreline stabilization* shall be placed landward of any existing *shoreline stabilization*, except that it may be placed waterward directly abutting the old structure only in cases where the existing *bulkhead* is protecting a residence that was installed occupied prior to January 1, 1992, and removal of the old structure would result in greater impact on ecological functions there are overriding safety or environmental concerns.
- C. *Geotechnical reports* pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for *shoreline stabilization* by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the *geotechnical report* confirms a need to prevent potential damage to a primary structure, but the need is

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not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

The maximum height of the proposed shoreline stabilization shall be no more than four feet in height on Lake Washington.

D. *Shoreline stabilization* shall minimize the adverse impact on the property of others to the maximum extent practical.

E. *Shoreline stabilization* shall not be used to create new lands. However, soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

F. *Shoreline stabilization* shall not interfere with surface or subsurface drainage into the water body.

G. Automobile bodies, tires or other junk or waste material which may release hazardous substances shall not be used for shoreline stabilization.

H. *Shoreline stabilization* shall be designed so as not to constitute a hazard to navigation and shall not substantially interfere with visual access to the water.

I. *Shoreline stabilization* shall be designed so as not to create a need for shoreline stabilization elsewhere.

J. *Shoreline stabilization* shall comply with the Integrated Stream Protection Guidelines (Washington Departments of Fish and Wildlife, Ecology, and Transportation, 2003) and shall be designed to allow for appropriate public access to the shoreline.

16.55.050 Docks, piers, moorage, buoys, floats or launching facilities Water access structures.

A. Any water access structures, including docks, piers, moorage, buoys, floats or launching facilities authorized by this chapter shall not interfere with navigation and comply with the following general standards:

B. Any dock, pier, moorage, buoy, float or launching facility water access structure authorized by this chapter shall not interfere with navigation and be subject to the following requirements:

1. Docks, piers, moorage, buoys, floats or launching facilities shall not exceed the minimum size necessary to serve the use for which they are designed (see KMC 16.55.030(B)(4)).

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2. Docks, piers, moorage, buoys, floats or launching facilities serving more than four single family residences must also meet the standards in KMC 16.50.050.
3. Only joint use boat lift, dock, pier, moorage, buoys, float or launching facilities may be permitted for multiple family dwelling unit development proposals.
4. Only one boat lift, dock, pier, moorage, buoy, float and launching facility may be permitted for each parcel developed with a single detached residential unit and only if the applicant demonstrates there is no other feasible option for shared use facilities. However, installation or retention of additional watercraft lifts beyond one, without a canopy, at a single residential use waterfront structure is allowed. A maximum of three lifts are allowed at a single residential use overwater structure. However, only two lifts can be ground-based; all other lift(s) must be floating or suspended lift(s).
5. Only joint use docks or piers are allowed on lots with less than 50 feet of waterfront except when lots abutting both sides of the subject lot already have a dock or pier.
6. The only structures permitted in the first 30 feet waterward of the ordinary high water mark are piers and ramps. All floats and ells must be at least 30 feet waterward of the ordinary high water mark.
7. No skirting is allowed on any structure.
8. Surface coverage (includes all overwater portions of the floats, ramps, and ells) shall be limited as follows:
 - a. Moorage facilities serving only one residential waterfront lot shall not exceed 480 square feet;
 - b. Moorage facilities serving two residential waterfront lots shall not exceed 700 square feet; and
 - c. Moorage facilities serving three or more residential waterfront lots shall not exceed 1,000 square feet.
9. To protect anadromous salmon habitat, the following shall apply:
 - a. Docks with configurations that do not include any or all of the following elements shall be subject to the overall length and square footage limitations of this section and no portion of the dock shall exceed four feet in width, unless allowed in this subsection;
 - b. Piers shall not exceed four feet wide and shall be fully grated;

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e. Ramps shall not exceed three feet wide and shall be fully grated;

d. Ells are allowed only over water with depths of nine feet or greater at the landward end of the ell; ell may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center; or ell may be up to six feet wide by 26 feet long with grating over the entire ell;

e. Floats are allowed only over water with depths of 10 feet or greater at the landward end of the float; and floats may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center;

f. In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark;

g. The first (nearest shore) piling shall be steel, four inch piling and at least 18 feet waterward of the ordinary high water mark. Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter;

h. Piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate or comparably toxic compounds. If ammoniacal copper zinc arsenate pilings are proposed, the applicant will meet all of the best management practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers; and

i. When steel piles are installed, approved sound attenuation measures must be used.

102. Existing habitat features (e.g., large and small woody debris, ~~substrate materials~~ spawning gravel, etc.) shall be retained to the maximum extent practicable and new or expanded ~~moorage facilities~~ water access structures placed to avoid disturbance of such features. Mitigation is required where habitat features cannot be avoided or when habitat features are removed to address navigation or access requirements.

113. Invasive aquatic weeds may be removed by mechanical or manual methods, or controlled with herbicides ~~nonchemical means only~~, except that milfoil may be removed using chemicals; provided, that the chemicals are applied by a licensed applicator and approved for aquatic use.

124. In order to mitigate the impacts of new or expanded ~~commercial moorage facilities~~ water access structures, the applicant shall develop a mitigation plan that contains one or more of the following measures as necessary to demonstrate no net loss of ecological functions: plant emergent vegetation (if site appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of the ordinary high water mark. Planting shall consist of

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native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species) per every 100 lineal feet of shoreline. Such planting shall be monitored for a period of five years according to an approved monitoring plan. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent recreational use of the shoreline critical area. This requirement may be waived or reduced for water dependent transportation uses where it is demonstrated that vegetation could result in safety or navigation hazards.

a. Removal of any additional existing over-water and/or in-water structures that are not the subject of the application or are not otherwise required to be removed.

b. Planting of native vegetation along the shoreline immediately landward of the *ordinary high-water mark* consisting of trees and/or shrubs native to Puget Sound lowlands.

c. Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural *shoreline stabilization*. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or large woody debris.

d. Removal of man-made debris or other material waterward of the *ordinary high-water mark* that is detrimental to *ecological functions* and *ecosystem-wide processes*.

e. Participation in an approved mitigation banking or in-lieu-fee program.

~~135~~. No ~~private moorage or other water access~~ structure waterward of the *ordinary high-water mark*, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when there is a mutual agreement of adjoining property owners. Excepted from the requirements of this section are boat lifts or portions of boat lifts that do not exceed 30 inches in height measured from the *ordinary high-water mark*.

~~156~~. No covered ~~boat lift, dock, pier, covered moorage, covered float, or other covered water access~~ structure is permitted waterward of the *ordinary high-water mark*, except as provided below:

a. Submerged, free-standing mechanical boat lifts associated with single detached residential docks or piers and recreational watercraft may be covered with a canopy, provided:

(1) No canopy shall be more than 25 feet in length or wider than 15 feet;

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(2) No portion of the canopy shall exceed a *height* of 12 feet above the *ordinary high-water mark*;

(3) The canopy shall at no time have any side partly or wholly enclosed;

(4) The highest portion of the canopy shall be located below the lowest grade point on the waterward side of the existing homes on surrounding properties;

(5) Canopies shall be made out of ~~canvas or other such~~ nontoxic materials that allow light transmission;

~~(6) Canopies shall be of a translucent material to allow light transmission;~~

~~(7)~~ The total overwater coverage of the *piers, floats, ramps, ells*, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and

~~(8)~~ Only one boat lift canopy per single detached residence shall be allowed.

b. Covered moorage may be provided for commercial boat repair facilities. Applicants shall submit information demonstrating that the covered area is the minimum necessary to serve the proposed use.

~~147.~~ Proposals to repair or replace existing legally established ~~moorage facilities~~ water access structures in the existing configuration and footprint are allowed, provided the following requirements are met, as applicable:

a. Materials used for pier and dock repairs shall meet the requirements established in subsection B of this section.

b. Any decking that is replaced shall be grated with material that has at least 40 percent open space to allow for light transmission, except on sections of floats where the decking overlays a float tub;

c. Any piles that are replaced shall be the minimum diameter and at the maximum spacing feasible to support the pier or dock configuration; and

d. Pier projects which replace 75 percent or more of the pier support piles shall be reviewed as new piers which must comply with all standards in this chapter.

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where the nature of the repair is not described in KMC 16.55.030 shall be considered minor repairs and are permitted, consistent with any applicable standards of this title, KMC Title 18 and any other applicable codes or regulations.

168. No dwelling unit may be constructed on a *dock* or *pier*.

B. Any *pier*, *dock*, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements:

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
General	- No skirting is allowed on any structure. - When steel piles are installed, approved sound attenuation measures must be used. - Only one <i>dock</i> or <i>pier</i> may be permitted for each parcel developed with a single detached residential unit and only if the <i>applicant</i> demonstrates there is no other <i>feasible</i> option for shared use facilities. - Only joint-use <i>docks</i> or <i>piers</i> are allowed on lots with less than 50 feet of waterfront except when lots abutting both sides of the subject lot already have a <i>dock</i> or <i>pier</i>. - Only joint use boat lifts, <i>docks</i>, <i>piers</i>, moorage buoys, <i>floats</i> or launching facilities may be permitted for <i>multiple-family dwelling</i> unit development proposals. <i>Docks</i> or <i>piers</i> serving <i>boating facilities</i> must also meet the standards in KMC 16.50.050. - All float tubs shall be fully encapsulated.	
Maximum Area: surface coverage of over-water structures, including any ramps and floats	<i>Docks</i> or <i>piers</i> shall not exceed the minimum size necessary to serve the use for which they are designed 480 sq. ft. for single residential unit 700 sq. ft. for joint-use facility used by 2 residential units 1,000 sq. ft. for joint-use facility used by 3 or more residential units	<i>Docks</i> or <i>piers</i> shall not exceed the minimum size necessary to serve the use for which they are designed 120 sq. ft. for single residential unit 240 sq. ft. for joint-use facility used by 2 residential units 360 sq. ft. for joint-use facility used by 3 residential units 480 sq. ft. for joint-use facility used by 4 residential units
Maximum Width	Residential 4 ft. for <i>pier</i> or <i>dock</i> 4 ft. for <i>ramp</i> 6 ft. for <i>ell</i> and <i>float</i> Public or Commercial	Residential 4 ft. for <i>ramp</i> 6 ft. for <i>float</i> Public or Commercial 5 ft. for <i>ramp</i>

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	• 4 ft. for main walkway. If project-specific justification of need is provided, the width may be increased to 6 ft. without a variance. • 5 ft. for perpendicular fingers or <i>ells</i> • 5 ft. for <i>ramp</i>, including railings (travel width is effectively 4 ft.) • 8 ft. for <i>ell</i> and <i>float</i>.	• 6 ft. for <i>float</i>
Maximum Length	• 26 ft. for <i>ells</i> • 20 ft. for <i>floats</i> • In no case may any moorage facility extend more than 150 feet waterward of the ordinary high-water mark.	• 20 ft. per <i>float</i> per residential unit, and laid end-to-end. The maximum length is thus 20 ft., 40 ft., 60 ft., and 80 ft. for facilities serving 1, 2, 3 and 4 residential units, respectively. <i>Floats</i> may be perpendicular to shore only within existing embayments off of the main river channel. • Public or commercial <i>docks</i> should be no longer than 80 feet unless project-specific justification of need is provided. • <i>Ramps</i> shall be the minimum length necessary to provide safe access to the <i>float</i> and to position the <i>float</i> so that the <i>float</i> and a moored boat would not ground on the substrate or disturb the substrate by boat propeller action.
Decking and Material Standards	• <i>Ramps</i> and <i>piers</i>, including <i>ells</i> and perpendicular fingers, shall be fully grated. • <i>Floats</i> shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total <i>float</i> area. The number and area of float tubs shall be minimized to the amount necessary	• <i>Floats</i> shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total <i>float</i> area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations. • <i>Ramps</i> shall be fully grated.

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	based on design and engineering considerations. The grating must be either multi-directional grating with a minimum of 40% open space or rectangular grating with a minimum of 60% open space. Provide documentation to show percent of open area.	
Location	- The only structures permitted in the first 30 feet waterward of the <i>ordinary high-water mark</i> are <i>piers</i> and <i>ramps</i>. - All <i>floats</i> and <i>ells</i> must be at least 30 feet waterward of the <i>ordinary high-water mark</i>.	<i>Floats</i> shall be located no less than 5 feet and no more than 10 feet from the <i>ordinary high-water mark</i> measured from the landward edge of the <i>float</i>. To avoid interfering with river navigation and public use of the water, private moorage facilities may extend no farther waterward than one-third the width of the river in the location of the proposed structure. - The <i>city manager</i> may allow <i>floats</i> to be positioned up to an additional 10 feet waterward from the <i>ordinary high-water mark</i> as needed to reach a sufficient boat moorage depth (greater than 3 feet). <i>Floats</i> shall be located as far as <i>feasible</i> from the mouth of any named or numbered tributary entering the Sammamish River to reduce potential conflict with migrating salmon.
Piles	- The first (nearest shore) piling shall be steel, 4-inch-diameter or the smallest diameter necessary to serve the specific structure as demonstrated by an engineer, and at least 18 feet waterward of the <i>ordinary high-water mark</i>. - Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter unless	- No more than two anchor piles shall be allowed per private moorage facility (joint-use, public or commercial facilities may have two piles per 20 feet of <i>float</i> length, but the number of piling for such facilities shall be the minimum number given site-specific engineering and design considerations). - Anchor piles shall be the minimum size <i>feasible</i> given site-specific engineering and design considerations and shall not

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	required per project-specific engineering analysis.	exceed 12 inches in diameter unless a larger size allows for a reduced number of piles.
Materials	- Any paint, stain or preservative applied to components of the overwater structure must be leach-resistant, completely dried or cured prior to installation. - Materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds as outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in Aquatic and Sensitive Areas. - If ACZA-treated pilings are proposed, the <i>applicant</i> will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers Institute.	
Floatplane lifts	- The deck of the lift shall be fully grated and shall be the minimum size necessary. The following two standards do not apply to a regional land use such as Kenmore Air Harbor, but do apply to lifts associated with all other uses: - One platform lift serving a floatplane is allowed per lot. - Floatplanes may not be stored in the shoreline buffer.	Prohibited
Watercraft lifts	- One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit. - Additional watercraft lifts, without a canopy, at a single residential use waterfront structure are allowed, not to exceed three and only two can be ground-based; all other lift(s) must be floating or suspended lift(s).	- One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit OR 2 jet ski lifts or 1 fully grated platform lift is allowed, per detached dwelling unit - Boatlifts shall be located on the waterward, upstream or downstream sides of the dock, not on the landward side of the dock.
Mooring Buoys	No more than one (1) mooring buoy is permitted per detached dwelling unit, in lieu of a dock or pier.	

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	• Mooring buoys shall not interfere with navigation. • b. The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or <i>float</i> structures. • c. Buoys shall be located and managed in a manner that minimizes impacts to aquatic habitat. • d. No more than four buoys per acre of surface water are allowed. • Use of helical anchors with a midline float to prevent dragging on the river or lake bottom is the preferred method to secure buoys.	

17. Buoys shall meet the following conditions:

~~a. Buoys shall not impede navigation;~~

C. Any *boat launch* authorized by this chapter shall be subject to the following requirements:

1. Location Standards

a. *Boat launches* shall be sited so that they do not significantly damage fish and wildlife habitats and shall not occur in areas with native emergent vegetation. Removal of native upland vegetation shall be minimized to the greatest extent *feasible*.

b. *Boat launches* shall not be approved in cases when it can be reasonably foreseen that the development or use would require maintenance *dredging* during the life of the development or use.

c. *Boat launches* anticipated to be used by motorized boats shall be separated from existing designated swimming areas and other *water access structures* on adjacent properties by a minimum of 25 feet.

d. Public and commercial *boat launches* shall be located only at sites with suitable transportation access. The *applicant* must demonstrate that the streets serving the *boat launch* can safely handle traffic generated by such a facility, and that parking for vehicles and attached trailers is sufficient.

e. Public and commercial *boat launches* shall be located farther than 50 feet from the outlet of a stream, including piped streams, when *feasible*.

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2. *Size* – The *applicant* shall demonstrate that the proposed size of the *boat launch* is the minimum width and length below the *ordinary high-water mark* necessary to safely launch the intended craft.

3. *Design Standards*

a. Soft-surface *boat launches* shall be constructed of gravel, vegetation-stabilized earth, or other similar natural material. When only vegetation, and not the ground surface or lake and river substrates, is modified to allow for hand-launch of nonmotorized watercraft, that modification is not considered a *boat launch* subject to these regulations.

b. Hard-surface *boat launch* designs, in order of preference, are:

(1) Open grid with minimum coverage of substrate.

(2) Seasonal ramps that can be removed and stored upland.

(3) Structures with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in shoreline profile.

4. Public or commercial *boat launches* shall provide trailer spaces, at least 10 feet by 40 feet, commensurate with projected demand.

C. Proposals that do not meet the requirements of subsection (B)(6), (B)(8), (B)(9) or (B)(15) of this section and that are designed to support a commercial or manufacturing *water-dependent use*, or to provide *public access*, or to serve residential uses, may be considered by the director. For any alternative proposal, the *applicant* must demonstrate that the proposed deviation is the minimum necessary to meet the needs of the specific use proposed, and provides an equal or greater degree of protection of *ecological functions* and anadromous species habitat than would strict adherence to the standards. For purposes of meeting this requirement, the director will review the required habitat management plan to determine whether the project is adequately protective.

16.55.060 Grading, dredging, dredge material disposal and filling.

Grading, dredging, dredge material disposal and filling must be consistent with Chapter [16.90](#) KMC and may be permitted in *shorelines* only as follows:

A. *Fill* may be permitted below the *ordinary high-water mark* only:

1. When necessary to support a *water-dependent use*;

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2. To provide for *public access*;
3. When necessary to mitigate conditions that endanger public safety, including flood risk reduction projects;
4. To allow for cleanup and disposal of contaminated *sediments* as part of an interagency environmental cleanup plan;
5. To allow for the disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
6. For expansion or alteration of transportation or utility facilities currently located on the shoreline and then only upon demonstration that alternatives to *fill* are not *feasible*; or
7. As part of mitigation actions, environmental *restoration* projects and habitat enhancement projects.

B. *Grading, dredging*, and filling shall be located, designed, and constructed to protect shoreline *ecological functions* and *ecosystem-wide processes*, including channel migration, and mitigation shall employ the mitigation sequence in KMC [18.55.210](#).

C. *Dredging* and dredged material disposal below the *ordinary high* water mark shall be permitted only:

1. When necessary for the operation of a *water-dependent use*;
2. When necessary to mitigate conditions that endanger public safety or fisheries resources;
3. For establishing, maintaining, expanding, relocating or reconfiguring navigation channels and basins when necessary to ensure safe and efficient accommodation of existing navigation uses when:
 - a. Significant ecological impacts are minimized;
 - b. Mitigation is provided, employing the mitigation sequence in KMC [18.55.210](#); and
 - c. *Dredging* is maintained to the existing authorized location, depth and width;
4. For *restoration* projects associated with implementation of the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or any enhancement or *restoration* project; **or**

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5. For flood risk reduction projects conducted in accordance with Chapter [16.90](#) KMC.

D. *Dredging* is not allowed waterward of the *ordinary high water mark* for the primary purpose of obtaining fill material.

E. Disposal of dredged material shall be done only in approved upland disposal sites and is not allowed within *critical areas* or their buffers.

F. Stockpiling of dredged material in or under water is prohibited.

G. In order to ensure that operations involving dredged material disposal and maintenance *dredging* are consistent with the *Shoreline Master Program* as required by RCW [90.58.140\(1\)](#), no *dredging* may commence in any *shoreline environment* without the responsible person having first obtained either a *substantial development* permit or a statement of exemption. A statement of exemption or shoreline permit is not required prior to emergency *dredging* needed to protect property from imminent damage by the elements if a statement of exemption or *substantial development* permit is subsequently obtained following the procedures in Chapter [16.75](#) KMC.

H. The removal of gravel for flood management is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of *ecological functions*, and is part of a comprehensive flood management solution.

Chapter 16.60

VEGETATION CONSERVATION **IN BUFFERS**

Sections:

[16.60.010 Vegetation conservation areas.](#)

~~[16.60.020 Vegetation management within critical areas.](#)~~

~~[16.60.030 Vegetation management within Lake Washington shoreline buffers.](#)~~

16.60.010 Vegetation conservation areas.

A. *Shoreline buffers* shall be considered vegetation conservation areas in which existing native vegetation is retained **except in the following circumstances and when mitigation sequencing is demonstrated:**

1. The activity is part of a permitted shoreline *restoration* or enhancement project;

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2. The activity is an allowed *water-dependent* or *water-enjoyment* use or modification;

3. The activity implements a *public access* or recreation maintenance plan; or

4. The vegetation removal is otherwise specifically allowed under Chapter 16.50, 16.55, or 18.55 KMC.

Vegetation clearing shall occur only in the minimum shoreline area that is necessary to support the permitted use and shall be mitigated. ~~unless removal is specifically allowed in this chapter or it can be demonstrated that another management approach would provide equal or better protection for shoreline ecological processes and functions.~~ Nonnative vegetation may be retained unless otherwise required to be replaced as part of an enhancement associated with *development* or expansion of *development* on the property.

B. The vegetation management standards established in KMC Chapter 18.55 for *critical areas* and their buffers shall apply within all *shorelines*.

~~CB.~~ Retention of forest communities along stream and river channels provides shade and a source of woody debris to the aquatic habitat. ~~Only~~ Native and nonnative trees determined by the City to be hazardous or diseased may be removed, ~~unless authorized under subsection A of this section.~~ Selective pruning for safety and view protection is allowed, provided pruning is conducted in a manner that minimizes harm to the health of the trees being pruned.

~~DC.~~ Nonnative vegetation may be removed as part of a *restoration* or enhancement project if replacement plantings will provide greater benefit to shoreline ecological processes than would be provided by strict application of this chapter.

~~ED.~~ Landscaping plans for *shoreline buffers* associated with shoreline *development* regulated under the shoreline code must be prepared by a ~~landscape architect or certified professional wetland scientist~~ qualified professional with experience developing native lake- or riverfront landscaping plans. Landscaping plans are not required for normal maintenance, including maintenance of existing nonconforming landscaping that complies with KMC [16.75.050](#).

~~FE.~~ Landscaping plans for *shoreline buffers* should avoid adverse impacts on existing public views of the shoreline.

~~GF.~~ Vegetation management in *shorelines* shall be consistent with the requirements for *grading* permits under Chapter [15.25](#) KMC. If there is a conflict between this chapter and Chapter [15.25](#) KMC, the more restrictive standards shall apply.

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~~HC.~~ When considering compensatory habitat enhancement as mitigation for impacts from new structures, such as when a reduced buffer ~~or shoreline setback~~ or a non-~~water-dependent use~~ is requested, the enhancement should:

1. ~~Be~~ proportional to the degree of impact of the new structure ~~and associated alterations~~ on shoreline *ecological functions*. For example, an approved buffer or setback reduction should be compensated with an equivalent area of native vegetation enhancement, including trees along the water's edge, when *feasible*.
2. ~~and take~~ into account the degree to which the existing buffer has already been compromised.
3. Offset changes in surface water runoff rates and water quality (such as through increased impervious area), habitat structure (such as loss or alteration of vegetation), and habitat quality (such as from lighting, noise or activities) that are a result of the project; and
4. ~~Enhancement should focus~~ on restoring *ecological functions* that are most critical and that have been most diminished in the Kenmore shoreline.

~~In approving any compensatory habitat enhancement plan, the director shall consider the changes in surface water runoff rates and water quality (such as through increased impervious area), habitat structure (such as loss or alteration of vegetation), and habitat quality (such as from lighting, noise, or activities) that the project would cause. Enhancements should generally focus on offsetting these impacts but may also focus on restoring other critical ecological functions in the shoreline that have been lost or diminished over time (such as placement of large woody debris in water or restoring shallow water habitat) at a sub-basin or watershed scale. The director/city manager may determine whether an enhancement that provides a broader ecological benefit may be substituted for one that would offset the impacts of an individual project.~~

The ~~director/city manager~~ may deny a request to allow intrusion into a buffer or for *development* of a non-*water-dependent use* if the enhancement proposed does not fully mitigate the impacts of the project or provide a sufficient broader ~~ecological~~ benefit.

~~16.60.020 Vegetation management within critical areas.~~

~~A. Vegetation management standards established in KMC 18.55.150(A)(5), 18.55.320(F)(5) and (6), 18.55.520(A)(2)(d) and (G), 18.55.530 and 18.55.650(A)(5) for critical areas and their buffers shall apply within all shorelines.~~

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B. Vegetation management standards established in KMC ~~18.55.420~~ for streams and their buffers shall apply within Sammamish River and Swamp Creek shorelines. In addition to provisions for recreational uses in KMC ~~16.65.020~~ allowing limited modifications to critical area buffers for the purposes of public access improvements, the following standards shall apply in shorelines:

1. In Swamp Creek Park, public access trails may be located within critical areas and required buffers, when planned along with a habitat restoration project and it is demonstrated that the ecological functions of the overall standard stream buffer area would be substantially improved. Trails in Swamp Creek Park roughly paralleling the shoreline of the Sammamish River or Swamp Creek shall generally be located at least 50 feet from the ordinary high water mark, but trails may extend closer to the water if necessary to reduce impacts on critical areas or adjacent properties, or access a pedestrian bridge across Swamp Creek. Spur trails may be extended to the water's edge but such access areas should be limited in order to protect ecological functions of the stream buffer and wetlands.

2. When public access is being provided as a part of mixed use development allowed in the Urban Conservancy Environment under KMC ~~16.50.030(B)(2)(a)(2)~~, the director may allow public access trail development within the buffer in order to link with adjacent shoreline access, provided any new trail is farther from the shoreline than the waterward extent of existing development on the site and the proposed trail plan is accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved. [Ord. 12-0334 § 3 (Exh. 1).]

~~16.60.030 Vegetation management within Lake Washington shoreline buffers.~~

A. Vegetation removal within lake shoreline buffers is prohibited in the Shoreline Residential, Urban Conservancy, and Natural Shoreline Environments along Lake Washington unless the activity is part of a shoreline restoration or enhancement project or the vegetation removal is otherwise specifically allowed under Chapter ~~16.50~~ or ~~16.55~~ KMC.

B. Vegetation clearing for permitted water dependent uses is allowed in the Downtown Waterfront Environment. Such vegetation clearing must occur only in the minimum shoreline area that is necessary to support the permitted water dependent use.

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Chapter 16.65

SHORELINE DENSITY AND DIMENSIONS

Sections:

[16.65.010 Interpretation of shoreline density and dimensions table.](#)

[16.65.020 Shoreline density and dimensions table and development conditions.](#)

16.65.010 Interpretation of shoreline density and dimensions table.

A. The shoreline density and dimensions table in KMC [16.65.020.A](#) establishes the shoreline standards within each of the *shoreline environments*. The *shoreline environment* is located on the vertical column and the density and dimensions standard is located on the horizontal row of the table. The table should be interpreted as follows:

1. If the cell is marked with a "Z" in the box at the intersection of the column and the row, the shoreline does not impose a specific buffer requirement on that use, although the standards for the underlying zoning apply. In some cases, no standard is provided because the use is prohibited under Chapter [16.50 KMC](#).
21. If the cell has a number in the box at the intersection of the column and the row, that number is the density or dimension standard for that *shoreline environment*.
32. If the cell has a parenthetical number in the box at the intersection of the column and the row, that parenthetical number identifies specific conditions listed in KMC [16.65.020\(B\)](#) that are related to the density and dimension standard for that environment.

B. The density and dimensions enumerated in this section apply to any lot within the shoreline jurisdiction. If there is a conflict between the density and dimension standards in this section and the underlying zoning regulations, the more restrictive standard shall apply.

C. For development in critical areas and critical area buffers, the applicable provisions of Chapter [19.55 KMC](#) apply unless a specific exception is provided in the shoreline code.

1. Because Lake Washington, the Sammamish River, and Swamp Creek are all fish and wildlife habitats of importance, a habitat management plan is required for any in-water or overwater development or activity, per KMC [19.55.520](#).

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2. Within the shoreline jurisdiction, the required acreage replacement ratios for wetlands shall be as follows:

Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Reestablishment (C/R)	Creation (C) or Reestablishment (R) plus Enhancement (E)	Enhancement (E) Only
Class 1	3:1	1:1 C/R plus 6:1 E	Not Allowed
Class 1 (Mature Forested)	6:1	1:1 C/R plus 20:1 E	Not Allowed
Class 2	2:1	1:1 C/R plus 4:1 E	Not Allowed
Class 3	1.5:1	1:1 C/R plus 2:1 E	6:1

16.65.020 Shoreline density and dimensions table and development conditions.

A. Shoreline Density and Dimensions Table.

Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
	Standards					
	Shoreline Buffers from OHWM on Lake Washington					
Residential development ¹						
Single-family	NA	NA	25 ft	115 ft	150 ft	—
Other	50 ft	NA	75 ft	115 ft	NA	—
Water-oriented parks and outdoor recreational facilities	20 ft (3)	NA	25 ft (3)	75 ft (3)	150 ft (3)	—
Non-water-oriented parks and outdoor recreational facilities	50 ft (1)	NA	75 ft	115 ft	150 ft	—
Other water-oriented uses	20 ft	NA	100 ft	150 ft	150 ft	—

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Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<u>All other non-water-oriented uses</u>	50 ft (1)	NA	150 ft	150 ft	150 ft	—
<u>Water-dependent commercial development</u>	20 ft (1)		Z	115 ft (1)	N	Ø
<u>Water-related commercial development</u>	20 ft (1)		Z	115 ft (1)	N	Ø
<u>Non-water dependent and non-water-related commercial development</u>	50 ft (1)		Z	150 ft	N	Z
<u>Government services</u>	20 ft (6)		20 ft (6)	20 ft (6)	20 ft (6)	Ø
<u>Single-family residential development</u>	Z		25 ft (2)	115 ft (2)	150 ft (2)	Z
<u>Multifamily residential development</u>	50 ft		75 ft	115 ft	N	Z
<u>Water-dependent and water-related manufacturing and industrial use</u>	20 ft (1) (3)		Z	115 ft (1) (3)	N	Ø
<u>Non-water-related manufacturing and industrial use</u>	50 ft		Z	Z	Z	Z
<u>Parks and recreation</u>	50 ft (4)		75 ft (4)	115 ft (4)	115 ft (4)	Ø
<u>Accessory surface parking</u>	100 ft		100 ft	115 ft	150 ft	Ø
<u>Utilities and regional land uses</u>	50 ft (5)		75 ft (5)	115 ft (5)	115 ft (5)	Z
Shoreline Buffers from OHWM on the Sammamish River						
<u>Residential development¹</u>	75 ft	NA	Reach ² : B1 - 150 ft B2 - 100 ft B3 - (4) B4 - 75 ft (6)	150 ft	150 ft	—
<u>Water-oriented parks and outdoor recreational facilities</u>	50 ft (3)	NA	50 ft (3)	100 ft (3)	150 ft (3)	—

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Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<u>Non-water-oriented parks and outdoor recreational facilities</u>	<u>100 ft</u>	<u>NA</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>—</u>
<u>Other water-oriented uses</u>	<u>75 ft</u>	<u>NA</u>	<u>50 ft</u>	<u>100 ft</u>	<u>150 ft</u>	<u>—</u>
<u>All other non-water-oriented uses</u>	<u>100 ft</u>	<u>NA</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>—</u>
Shoreline Buffers from OHWM on Swamp Creek						
<u>Residential development¹</u>	<u>NA</u>	<u>60 ft</u>	<u>50 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>—</u>
<u>Water-oriented parks and outdoor recreational facilities</u>	<u>NA</u>	<u>50 ft (3)</u>	<u>50 ft (3)</u>	<u>100 ft (3)</u>	<u>150 ft (3)</u>	<u>—</u>
<u>Non-water-oriented parks and outdoor recreational facilities</u>	<u>NA</u>	<u>60 ft</u>	<u>75 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>—</u>
<u>Other water-oriented uses</u>	<u>NA</u>	<u>50 ft</u>	<u>50 ft</u>	<u>100 ft</u>	<u>150 ft</u>	<u>—</u>
<u>All other non-water-oriented uses</u>	<u>NA</u>	<u>60 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>—</u>
Building Setback from the Shoreline Buffer (2)						
Single-family uses	<u>15 ft</u>		<u>25 ft (2)</u>	<u>15 ft</u>	<u>15 ft</u>	<u>Z</u>
<u>Lake Washington</u>	<u>15 ft</u>	<u>—</u>	<u>25 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>Z</u>
<u>Sammamish River/Swamp Creek</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>Z</u>
All <u>other</u> uses except single-family uses	15 ft	<u>15 ft</u>	15 ft	15 ft	15 ft	Z
Building Height						
Base height	35 ft	<u>35 ft</u>	35 ft	35 ft	30 ft	35 ft
Additional height allowed when permitted in underlying zoning	Yes (57)	<u>Yes (5)</u>	Yes (57)	<u>Yes (7)No</u>	No	No

¹Residential development means community residential facility, family child-care home, manufactured housing community, multiple-family dwelling, single detached dwelling unit, supportive living facility, and temporary lodging.

EXHIBIT 1

²Sammanish River reaches are shown on Map 1, Shoreline Environment Designations.

B. Development Conditions (Footnotes to Shoreline Density and Dimensions Table in Subsection A of This Section).

~~1. New water-dependent uses may be allowed within a shoreline buffer only if impacts are mitigated consistent with the requirements in KMC 18.55.190 through 18.55.220, 18.55.330 and 18.55.430 such that there is no net loss of shoreline ecological processes or functions.~~

~~1. The buffer associated with water-oriented uses may be applied to non-water-oriented uses~~ director may allow non-water-dependent uses within the shoreline buffer along the inner harbor portion of the Downtown Waterfront area at the northeast end of Lake Washington, only if:

- a. The uses are developed in conjunction with a *public access* promenade adjacent to the water; and
- b. The uses do not interfere with *public access* or preclude the use of the shoreline for *water-dependent uses*; and
- c. Mitigation is provided consistent with the requirements in KMC 18.55.190 through 18.55.220, 18.55.330 and 18.55.430 such that there is *no net loss* of shoreline ecological processes or functions.

2. Single-family residential development shall provide buffers and Building setbacks as follows:

a. On Lake Washington in Shoreline Residential areas:

~~(1) A minimum shoreline buffer of 25 feet from the ordinary high water mark shall be provided as a vegetation conservation area.~~

~~(2) The minimum building setback of 25 feet from the shoreline buffer~~ may be reduced to five feet if vegetation in the required buffer is reestablished or enhanced, according to the standards in KMC 16.60.010(GH).

b. On Lake Washington in Urban Conservancy areas:

~~(1) A minimum buffer of 115 feet from the ordinary high water mark shall be provided as a vegetation conservation area.~~

~~(2) A minimum building setback of 15 feet from the shoreline buffer shall be provided.~~

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c. On Lake Washington in Natural areas:

(1) A minimum buffer of 150 feet from the *ordinary high water mark* shall be provided as a *vegetation conservation area*.

(2) A minimum building setback of 15 feet from the *shoreline buffer* shall be provided.

d. On all other *shorelines*, single-family development shall provide a buffer as required by the provisions of Chapter 18.55 KMC. Buffers may be reduced to the specified minimum setbacks in this table only if the reduced buffers are allowed by the provisions of Chapter 18.55 KMC.

3. Outdoor storage for *water-dependent* manufacturing and industrial uses must be at least 20 feet from the *ordinary high water mark* in the Downtown Waterfront Environment and is prohibited in all other environments.

3. Public trails in *critical areas* and shoreline and *critical area* buffers are specifically addressed in Chapter 18.55 KMC. Other allowances for *water-oriented parks* and *outdoor recreational facilities* in *shoreline buffers* are addressed in KMC 16.50.070.D.

4. New *public access* improvements shall comply with the requirements of Chapter 18.55 KMC; provided, that new public access improvements may be allowed within *critical areas*, or shoreline or *critical area* buffers, if impacts are mitigated consistent with the requirements in KMC 18.55.190 through 18.55.220, 18.55.330 and 18.55.430 such that there is *no net loss* of shoreline ecological processes or functions, and the public access improvements meet the following standards:

a. In order to encourage public access improvements and improved shoreline habitat in the Downtown Waterfront shoreline, a public access trail may be located within the stream buffer required in KMC 18.55.420, when accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved. Trails paralleling the shoreline of the Sammamish River in the Downtown Waterfront Environment shall be located at least 50 feet from the ordinary high water mark. Spur trails may be extended to the water's edge but such access areas should be limited in order to protect ecological functions of the buffer.

b. In order to allow for a waterfront promenade area along the inner harbor area of the Downtown Waterfront Environment, *public access* improvements may extend to the water's edge when accompanied by a plan demonstrating that the *ecological functions* of the overall required buffer area on a project site would be substantially improved.

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4. The *shoreline buffer* for residential development in the area designated on Map 1, Shoreline Environment Designations, as Reach B-3 shall be as follows:

- a. On lots with an average depth of less than 100 feet measured upland from the *ordinary high-water mark*, the buffer shall be 25 feet.
- b. On lots with an average depth of greater than 100 feet measured upland from the *ordinary high-water mark*, the buffer shall be the lesser of 50 feet or 30 percent of the average lot depth.

5. Underground utilities are allowed in the *shoreline buffer*.

6. Only water dependent government service uses are allowed and such uses may require development in the buffer. If, through mitigation sequencing per KMC 18.55.210, impacts to the buffer are found to be unavoidable, the buffer may be reduced, provided there is *no net loss of ecological functions*.

75. Additional *height* may be permitted in the Downtown Waterfront, Shoreline Residential and Swamp Creek Commercial environments under the following conditions:

- a. The structures would not obstruct the view of a substantial number of residences; and
- b. The structures are located in an area designated on Map 1, Shoreline Environment Designations (attached to Ord. 12-033420-0506 as Exhibit 2, and incorporated by reference), as allowing these additional *heights*; and
- c. The structure *height* complies with the allowable *height* of the underlying zone and the following additional *height* limits within the shoreline; and
- d. The additional *height* of the structures would not impair the *ecological functions* of the stream, lake, *wetland*, or the required buffer. In particular, the effects of shading and light impacts on the viability of vegetation in the buffer shall be considered when making this determination; and
- e. ~~Be~~The structures are outside of the *floodway* in effect at the time of permit application; and
- f. The structures would ~~Not~~ be within a *wetland* or *wetland* buffer as regulated by Chapter 18.55 KMC.

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Additional Height Allowances			
Distance from Structure to Ordinary High Water Mark	Maximum Height Allowed Area H-1	Maximum Height Allowed Area H-2	Maximum Height Allowed Areas H-3 and H-4
Less than 50 feet	35 feet	35 feet	35 feet
50 to 100 feet	50 feet	45 feet	35 feet
100 to 112.5 feet	50 feet	75 feet	35 feet
112.5 to 200 feet	50 feet	75 feet	65 feet

The burden to demonstrate that the proposal meets the criteria of this section is on the *applicant*.

The ~~director~~*city manager* may require technical studies as necessary to demonstrate compliance.

6. A shoreline buffer of 15 feet applies to the existing *manufactured housing communities*. The shoreline buffer of 75 feet shall apply to any proposed change of use, but may be reduced to 50 feet without a shoreline variance with implementation of (1) a buffer enhancement plan, consistent with KMC 16.60.010.H and applicable provisions of Chapter 18.55 KMC, and (2) a public access plan, consistent with KMC 16.50.060.

C. Additional Shoreline Buffer Standards.

1. New *water-dependent uses* may be allowed within a *shoreline buffer* ~~only if~~ **the use is allowed per KMC 16.50.020 and if** impacts are mitigated consistent with the requirements in KMC ~~18.55.190 through 18.55.220, 18.55.330 and 18.55.430~~ **Chapter 18.55** such that there is *no net loss* of shoreline ecological processes or functions.

2. Underground utilities are allowed in the *shoreline buffer*.

Chapter 16.68

SIGNS

Sections:

16.65.010 Signs in the shoreline.

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16.65.010 Signs in the shoreline.

Signs may be permitted subject to the provisions of the underlying zoning and provided:

A. *Signs* shall not be erected nor painted on trees, rocks or other natural features.

B. Glare from artificial lighting of *signs* shall be shielded or directed away from adjacent properties and the water.

C. *Signs* waterward of the *ordinary high-water mark* adjacent to the Downtown Waterfront Environment shall be permitted only to the extent necessary for the operation of a permitted *water-dependent use*, provided no such *sign* shall be larger than five square feet.

D. In the Shoreline Residential, Urban Conservancy and Natural Environments, *signs* are not allowed except for *signs* of not more than nine square feet within public *parks* or trails.

E. *Signs* to protect public safety or prevent trespass may be allowed and should be limited in size and number to the maximum extent practical.

Chapter 16.70

SUBDIVISIONS

Sections:

16.70.010 Subdivisions.

16.70.010 Subdivisions.

A. Any legally created, existing lot that does not comply with the density and dimensions standards of Chapter [16.65](#) KMC and KMC Title [18](#) and that is located wholly or partially within the *shorelines of the State* shall be subject to the following provisions:

1. If the adjoining property is not under the same ownership as such lot, then the lot shall be considered a separate building site; and
2. If the adjoining property is under the same ownership as such lot, then the lot shall not be considered a separate building site until the lot is combined with adjoining property under the same

EXHIBIT 1

ownership in such a way as to comply with the density and dimensions standards of Chapter [16.65](#) KMC and KMC Title [18](#).

B. Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, recreation space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.

C. All newly created lots wholly or partially within the shoreline shall be of uniform size and dimension, whenever possible.

D. Subdivision of more than four lots shall provide an improved and maintained pedestrian easement to the shoreline that is of sufficient width to ensure usable *public access*. The *public access* to the shoreline shall be in conformance with the standards in KMC [16.50.060](#).

E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction whenever *feasible*. When lots are located within the shoreline jurisdiction, the size and shape of the lots should allow for the construction of residential units that are outside of required buffers and setbacks and that do not require *shoreline stabilization*.

F. Subdivision of a waterfront lot for the purposes of creating a lot for a *non-water-dependent use* that would not otherwise be allowed is prohibited.

Chapter 16.75

PROCEDURES

Sections:

[16.75.003 Interpretation](#)

[16.75.005 Additional administrative procedures.](#)

[16.75.010 Substantial development – Permit required – Exemption.](#)

[16.75.015 Developments not requiring shoreline permits or local reviews](#)

[16.75.020 Permits – Prerequisite to other permits.](#)

[16.75.025 Permits – Reasonable accommodation.](#)

[16.75.030 Permits – Variance.](#)

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16.75.040 Permits – Conditional use.

16.75.045 Public agency or utility maintenance plans.

16.75.050 Alteration or reconstruction of nonconforming use or development.

16.75.055 Relief from shoreline master program development standards and use regulations.

16.75.060 Permits – Combined hearing authority.

16.75.070 Permits – Approval or disapproval – Notification – Additional conditions – Limitations.

16.75.080 Appeals.

16.75.090 Rules of ~~director~~city manager.

16.75.100 Enforcement.

16.75.110 Shoreline environment redesignation.

16.75.120 Redesignation applications.

16.75.130 Redesignation initiated by motion.

16.75.140 Frequency of consideration of shoreline redesignations.

16.75.150 Shoreline redesignation and site-specific land use map amendment or zone reclassification.

16.75.160 Criteria for hearing examiner review.

16.75.003 Interpretation.

The city manager shall make administrative interpretations of this Shoreline Master Program and the Shoreline Management Act in accordance with Chapter 18.10 KMC. The city manager shall consult with the Washington State Department of Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of RCW Chapter 90.58 and WAC 173-26.

16.75.005 Additional administrative procedures.

In addition to the requirements of Chapter 19.25 KMC, the following administrative procedures apply to *development* in the shoreline jurisdiction.

16.75.010 Substantial development – Permit required – Exemption.

A. No *development* shall be undertaken by any person within the shoreline jurisdiction unless such *development* is consistent with the policies of RCW 90.58.020 and the *Shoreline Master Program*. *Development* within the shoreline jurisdiction shall conform to the *Shoreline Master Program* whether or not the *development* requires a permit from the City of Kenmore.

B. A *substantial development* permit shall be required for all proposed uses and modifications unless the proposal is specifically exempt from the definition of *substantial development* in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140, WAC 173-27-044 or WAC 173-27-045.

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C. Any person claiming exception from the permit requirements of this chapter as a result of the exemptions described in subsection B of this section may be required to submit an application to the ~~director~~*city manager* for such an exemption in the manner prescribed by the ~~director~~*city manager*. A person requesting an exemption shall provide a written statement of exemption for activities that are exempt from the *substantial development* permit requirement in subsection B of this section when:

1. WAC ~~173-27-0540~~ applies; or
2. The activity will occur waterward of the *ordinary high-water mark*.

D. Whether or not a written statement of exemption under WAC 173-27-050 is required, all permits and approvals issued for *development* activities within the shoreline jurisdiction shall include a record of review indicating compliance with the City of Kenmore *Shoreline Master Program*.

E. Conditions of approval may be attached to the approval of *substantial development* permits, statements of exemptions, or exempted developments as necessary to ensure consistency of the project with the City of Kenmore *Shoreline Master Program*.

16.75.015 - Developments not requiring shoreline permits or local reviews

A. Requirements to obtain a *substantial development* permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.
3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a *substantial development* permit, conditional use permit, variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

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5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

16.75.020 Permits – Prerequisite to other permits.

In the case of *development* subject to the permit requirements of this title, Kenmore shall not issue any other permit for such *development* until such time as approval has been granted pursuant to this title. Any *development* subsequently authorized by Kenmore shall be subject to the same terms and conditions which apply to the *development* authorized pursuant to this title, in addition to any other terms or conditions required for the subsequent authorization.

16.75.025 Permits – Reasonable accommodation.

The Federal Fair Housing Act and the Americans With Disabilities Act (ADA) requires that reasonable accommodations be made in rules, policies, practices, or services, when such accommodations may be necessary to afford handicapped people equal opportunity to use and enjoy a dwelling or structure. The director/city manager is therefore authorized to make accommodations in the provisions of this title as applied to dwellings occupied or to be occupied by handicapped persons as defined in the Federal Fair Housing Act, when the director/city manager determines that such accommodations reasonably may be necessary in order to comply with such Acts.

16.75.030 Permits – Variance.

A. The director/city manager is authorized to grant a variance from the performance standards of the City of Kenmore *Shoreline Master Program* only under the conditions enumerated in WAC [173-27-170](#) (Review Criteria for Variance Permits) and using the procedures outlined in KMC 19.25. Shoreline variance permits are also subject to review and approval by the Washington Department of Ecology (RCW [90.58.140](#)(10)). The purpose of a variance permit is limited to granting relief from development standards set forth in the City of Kenmore *Shoreline Master Program* where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the City of Kenmore *Shoreline Master Program* will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW [90.58.020](#).

B. A variance from City zoning code requirements shall not be construed to mean a variance from the City of Kenmore *Shoreline Master Program* use or development regulations and vice versa.

C. Shoreline variances may not be used to permit a use that is specifically prohibited in Chapter [16.50](#) KMC.

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D. The burden of proving that a proposed variance meets the requirements of subsections A through C of this section shall be on the *applicant*; absence of such proof shall be grounds for denial of the application.

E. The fee which shall accompany an application for a shoreline variance shall be as adopted by resolution.

16.75.040 Permits – Conditional use.

A. The ~~director~~*city manager* is authorized to issue shoreline conditional use permits only under the conditions enumerated in RCW [90.58.140](#) and [90.58.143](#) and WAC [173-27-160](#) and using the procedures outlined in KMC 19.25. Conditional use permits are also subject to review and approval by the Washington Department of Ecology (RCW [90.58.140](#)(10)).

B. The burden of proving that a proposed shoreline conditional use meets the criteria enumerated in WAC [173-27-160](#) shall be on the *applicant*. Absence of such proof shall be grounds for denial of the application; provided, however, that the ~~director~~*city manager* is authorized to determine and impose, on a case-by-case basis, those conditions and standards which may be required to enable any proposed shoreline conditional use to satisfy the criteria established in WAC [173-27-160](#).

16.75.045 Public agency or utility maintenance plans.

A. To simplify the future review of maintenance activities that are or will be ongoing in association with new or existing public *parks*, utilities, streets, or other public agency or utility facilities, the *city manager* may approve a 5-year maintenance plan that establishes best management practices or protocols to assure *no net loss* of shoreline *ecological functions*.

The maintenance plan shall contain, as applicable:

1. A description of proposed maintenance activities, including the area of disturbance and type, methods and frequency of maintenance activities;
2. Best management practices for maintenance activities;
3. A description of in-stream or in-lake habitat protection measures;
4. A description of riparian and *wetland* protection measures;
5. A description of site-appropriate water use management activities, including using less water-dependent landscaping, maximizing the efficiency of the water application system, and reducing the area irrigated;

EXHIBIT 1

6. A description of stormwater management practices to treat stormwater runoff to reduce both water quantity and water quality impacts;
7. A description of erosion and *sediment* control practices that prevent off-site movement of *sediment* from stored soils and potential surface erosion areas;
8. A description of re-vegetation or *restoration* activities following maintenance; and
9. A description of chemical and nutrient use and containment practices that demonstrate minimization of overall inputs of these contaminants, restrict the type of inputs, and develop an acceptable method of application through a comprehensive management program, such as Integrated Pest Management (IPM).
10. Specific performance standards for subsections 3 through 9 above, as applicable, and corrective actions that will be implemented if the performance standard(s) is not met.
11. Demonstration that the proposed work qualifies for a shoreline exemption and that the work complies with the City of Kenmore Shoreline Master Program.

16.75.050 Alteration or reconstruction of nonconforming use or development.

A. The review of applications for the modification of a *nonconforming use* or *development* shall be subject to the regulations enumerated in KMC [18.100.020](#) through [18.100.060](#), and [18.100.080](#) through [18.100.087](#), except that a nonconforming *bulkhead* may be replaced with a new *bulkhead*; provided, that:

1. The reconstructed *bulkhead* does not create new dry land; and
2. At least 40 percent of the *bulkhead* is replaced with a pocket cove or beach; and
3. The proposed reconstruction would substantially reduce the impacts of the existing structure on shoreline *ecological functions*; and
4. The project would not cause adverse impacts on adjacent shoreline uses.

B. Existing legal uses as defined under KMC [18.20.965](#) are considered existing legal uses within the shoreline jurisdiction.

C. Expansion of a *nonconforming use* or structure may be approved through the provisions of KMC [16.75.040](#) when the *applicant* demonstrates the following:

EXHIBIT 1

1. The project would substantially reduce the impacts of the existing use or structure on shoreline *ecological functions*; and
2. The proposed expansion would not cause adverse impacts on adjacent shoreline uses.
3. For a *nonconforming structure* located on land, any waterward expansion of the structure into the required setback would be offset by removal of another *nonconforming structure* of equal or greater footprint area in the shoreline setback, and the shoreline setback area would be restored with native riparian vegetation.

D. Expansion of a nonconforming dock *or pier* may be allowed by the *director/city manager* when the *applicant* demonstrates the following:

1. The existing nonconformance results from noncompliance with the standards in KMC 16.55.050(B)(6), (B)(8), (B)(9) or (B)(15); and
2. The proposed expansion meets all other applicable standards in KMC 16.55.050; and
3. The proposed expansion would not increase the *existing* overwater coverage of the dock *or pier* to more than the existing condition or *by above* the limits established in KMC 16.55.050(B)(8), whichever is greater; and
4. The project would reduce the impacts of the existing dock *or pier* on critical fish habitat as demonstrated through the habitat management plan for the *development*; and
5. The proposed expansion would not cause adverse impacts on adjacent shoreline uses.

16.75.055 Relief from shoreline master program development standards and use regulations.

A. Purpose of section. This section incorporates statutory direction from RCW 90.58.580. In adopting RCW 90.58.580, the legislature found that *restoration* of degraded shoreline conditions is important to the *ecological function* of our waters. However, *restoration* projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline *restoration* project shifts shoreline jurisdiction into areas that had not previously been regulated under the act or shifts the location of required *shoreline buffers*. The intent of this section is to provide relief to property owners in such cases, while protecting the viability of shoreline *restoration* projects.

B. Conditions and criteria for providing relief. The *city* may grant relief from standards and use regulations in this title when the following apply:

EXHIBIT 1

1. A shoreline *restoration* project causes or would cause a landward shift in the *ordinary high-water mark*, resulting in the following:
 - a. Land that had not been regulated under this title prior to construction of the *restoration* project is brought under shoreline jurisdiction; or
 - b. Additional regulatory requirements apply due to a landward shift in required *shoreline buffers* or other regulations of the Kenmore SMP and this title; and
 - c. Application of this title would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.
2. The proposed relief meets the following criteria:
 - a. The proposed relief is the minimum necessary to relieve the hardship;
 - b. After granting the proposed relief, there is net environmental benefit from the *restoration* project;
 - c. Granting the proposed relief is consistent with the objectives of the shoreline *restoration* project and consistent with the Kenmore *Shoreline Master Program* and this title; and
 - d. Where a shoreline *restoration* project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.
3. The application for relief must be submitted to the Washington State Department of Ecology for written approval or disapproval. This review must occur during Ecology's normal review of a shoreline *substantial development* permit, conditional use permit, or variance. If no such permit is required, then Ecology shall conduct its review when the city provides a copy of a complete application and all supporting information necessary to conduct the review.
 - a. Ecology shall provide at least twenty days notice to parties that have indicated interest to Ecology in reviewing applications for relief under this section, and post the notice on its web site.
 - b. Ecology shall act within thirty calendar days of the close of the public notice period, or within thirty days of receipt of the proposal from the city if additional public notice is not required.
 - c. A *substantial development* permit is not required on land that is brought under shoreline jurisdiction due to a shoreline *restoration* project creating a landward shift in the *ordinary high-water mark*.

16.75.060 Permits – Combined hearing authority.

A. In those cases when proposed *development* under the jurisdiction of this title also requires a Type 3 or Type 4 decision and a public hearing before the hearing examiner is required, the *department* shall issue a recommendation on the proposal, and the examiner shall conduct a public hearing to receive evidence relating to the issuance of a *substantial development* permit or exemption therefrom, a shoreline management conditional use permit and/or a shoreline management variance, if applicable.

EXHIBIT 1

B. The examiner shall conduct the hearing in accordance with the provisions of Chapter [19.30](#) KMC and shall exercise the powers therein.

C. The decision of the examiner shall be the decision of the ~~director~~*city manager* and shall be the final decision of the City with regard to shoreline management.

16.75.070 Permits – Approval or disapproval – Notification – Additional conditions

– Limitations.

A. In granting or extending a permit, the ~~director~~*city manager* may attach thereto conditions, modifications, or restrictions regarding the location, character and other features of the proposed *development* and related development and activity outside of the shoreline as necessary to make the permit compatible with the criteria set forth in KMC [16.05.030](#) and [16.75.010](#). Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

B. Issuance of a *substantial development* permit does not constitute approval pursuant to any other federal, State or City laws or regulations.

16.75.080 Appeals.

A. Appeals from the final decision of the City with regard to shoreline management shall be governed solely by the provisions of RCW [90.58.180](#), which shall prevail over any conflicting appeal procedures set forth in Chapter [19.25](#) KMC.

B. After all local permit decisions are complete and the permit documents are amended to incorporate any resulting changes, the *city manager* shall mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both conditional use permits and or variances shall be mailed simultaneously with any *substantial development* permits for the project.

1. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

2. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:

EXHIBIT 1

a. For projects that only require a *substantial development* permit (SDP): the date that Ecology receives the city decision.

b. For a conditional use permit (CUP) or variance: the date that Ecology's decision on the CUP or variance is transmitted to the *applicant* and city.

c. For SDPs simultaneously mailed with a CUP or variance to Ecology: the date that Ecology's decision on the CUP or variance is transmitted to the *applicant* and the city.

BC. The effective date of the City's decision shall be the date of *receiptfiling* with the Department of Ecology as defined in RCW [90.58.140](#).

CD. When a hearing and decision have occurred pursuant to KMC [16.75.060](#) and the examiner's recommendation with regard to disposition of a proposed *development* pursuant to KMC Titles [18](#) and [19](#) requires city council action, the final decision of the City pursuant to this title shall be effective on the date of *receiptfiling* as defined in RCW [90.58.140](#) for the purposes of appeal as provided in RCW [90.50.140](#). However, no *development* may occur until the city council has taken final action on the examiner's recommendation required by KMC Titles [18](#) and/or [19](#).

16.75.090 Rules of *directorcity manager*.

The *directorcity manager* is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The *directorcity manager* may prepare and require the use of such forms as are necessary to its administration.

16.75.100 Enforcement.

A. The *directorcity manager* is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter [1.20](#) KMC.

~~B. Any person found to have willfully engaged in activities on the *shorelines of the State* in violation of this title or Chapter [90.58](#) RCW or in violation of the Kenmore Shoreline Master Program, or rules or regulations adopted pursuant thereto, is guilty of a gross misdemeanor, and shall be punished by a fine of not less than \$25.00 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both fines and imprisonment; provided, that the fine for the third and all subsequent violations in any five-year period shall be not less than \$500.00 nor more than \$10,000.~~

CB. The *directorcity manager* shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the *shorelines of the State* in conflict with the provisions of this title or

EXHIBIT 1

Chapter [90.58](#) RCW or in conflict with the *Shoreline Master Program*, or rules or regulations adopted pursuant thereto, and to otherwise enforce the provisions of this chapter and Chapter [90.58](#) RCW.

DC. Any person subject to the regulatory provisions of this title who violates any provision of this title or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. The ~~director~~**city manager** shall bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. The court on its discretion may award attorney's fees and costs of the suit to the prevailing party.

16.75.110 Shoreline environment redesignation.

A. *Shoreline environments* designated by the *Shoreline Master Program* may be redesignated by the city council upon finding that such a *redesignation* will be consistent with the standards in KMC [16.75.160](#) and the requirements of WAC [173-26-100](#) and [173-26-110](#). A shoreline *redesignation* may be initiated by an *applicant* or by motion of the **city** council and requires Department of Ecology approval.

B. A *redesignation* initiated by an *applicant* shall be made on forms and processed in a manner prescribed in KMC [16.75.120](#). A *redesignation* initiated by the **city** council shall follow the process in KMC [16.75.130](#).

C. The fee which shall accompany an application for a shoreline *redesignation* shall be as adopted by resolution.

~~D. The departmental report and recommendation regarding an application for a site-specific *redesignation* initiated by council motion shall be forwarded to the hearing examiner for consideration together with all relevant testimony at a public hearing to be held consistent with the procedures for a zone reclassification as provided in Chapter [19.30](#) KMC.~~

16.75.120 Redesignation applications.

A. A *redesignation* initiated by an *applicant*, as described in KMC [16.75.110](#)(B), must follow the procedures in Chapters [19.25](#) and [19.30](#) KMC for *shorelines redesignations* and must include the following information in addition to the requirements in Chapter [19.25](#) KMC:

1. *Applicant* information, including signature, telephone number and address;
2. The *applicant's* interest in the property, such as owner, buyer or consultant;

EXHIBIT 1

3. Property owner concurrence, including signature, telephone number and address;
 4. A property description, including parcel number, property street address and nearest cross street;
 5. A county assessor's map outlining the subject property;
 6. Related or previous permit activity;
 7. A description of the proposed *shorelines redesignation*;
 8. A mitigation plan providing for significant enhancement of the first 100 feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of *development* can be determined at the time of the proposed shoreline *redesignation*; and
 9. A discussion of how the proposed shoreline *redesignation* meets the criteria in KMC [16.75.160](#).
- B. The **hearing** examiner shall make a recommendation to the **city** council based on the criteria for review in KMC [16.75.160](#).

16.75.130 Redesignation initiated by motion.

- A. A **city council** motion initiating a shoreline *redesignation*, as described in KMC [16.75.110](#)(B), must be accompanied by the following information:
1. A description of the shoreline and a property description, including parcel numbers, property street addresses and nearest cross streets, for all properties that the shoreline runs through or is adjacent to;
 2. A county assessor's map outlining the subject property or properties; and
 3. A description of the proposed *shorelines redesignation*.
- B. If the motion proposes site-specific *redesignation*, as "site" is defined in KMC Title [18](#), the *redesignation* shall be referred to the hearing examiner for consideration following the procedures of KMC [16.75.120](#) for consideration of *redesignation* applications. Any other *redesignation* proposal initiated by motion shall be referred to the *city manager* for consideration as part of the process for amendment of comprehensive plan or development regulations as outlined in Chapter [19.20](#) KMC.

EXHIBIT 1

C. A motion initiating a site-specific *redesignation* must identify the resources and the work program required to provide the same level of review accorded to an *applicant*-generated shoreline *redesignation*. Before adoption of the motion, the *city manager* shall have the opportunity to provide an analysis of the motion's fiscal impact. If the *city manager* determines that additional funds are necessary to complete the work program, the *city manager* may transmit an ordinance requesting the appropriation of supplemental funds. The *city* council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the *shorelines redesignation* proposal to the *hearing* examiner.

D. The departmental report and recommendation regarding an application for a site-specific *redesignation* initiated by city council motion shall be forwarded to the hearing examiner for consideration.

DE. A site-specific *redesignation* initiated by motion shall follow the procedures in Chapters [19.25](#) and [19.30](#) KMC for *shorelines redesignations* with regard to the information to be provided and the notice and hearing processes, and shall meet the submittal requirements of KMC [16.75.120](#). The *hearing* examiner shall make a recommendation to the *city* council based on the criteria for review in KMC [16.75.160](#).

16.75.140 Frequency of consideration of shoreline redesignations.

A *shorelines redesignation* may not be initiated unless at least three years have elapsed since the *city* council's prior consideration of the current designation for the property. The *city manager* or the *city* council may waive this time limit if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for earlier consideration of the *shorelines redesignation*.

16.75.150 Shoreline redesignation and site-specific land use map amendment or zone reclassification.

A site-specific *shorelines redesignation* may be accompanied by a related proposal for a site-specific land use map amendment or zone reclassification, or both, in which case City review of the two applications must be consolidated to the extent practical, consistent with this division and Chapter [19.25](#) KMC. The *city* council's consideration of a subarea or comprehensive *plan* *shorelines redesignation* is a legislative decision that must be determined before and separate from the *city* council's final consideration of a zone reclassification or site-specific *shorelines redesignation*, which is a quasi-judicial decision.

EXHIBIT 1

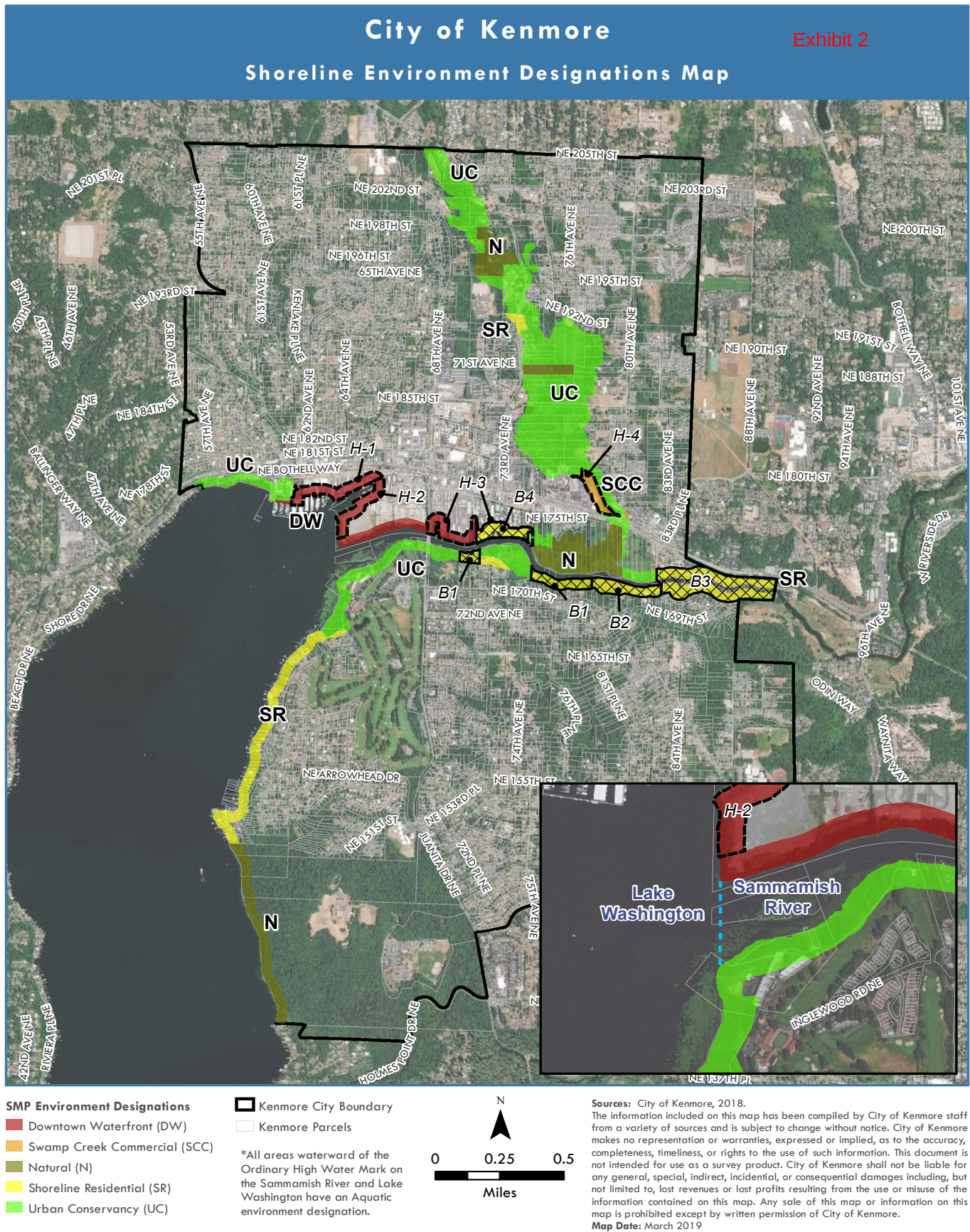
16.75.160 Criteria for hearing examiner review.

A *shorelines redesignation* referred to the hearing examiner for a public hearing shall be reviewed based upon the requirements of comprehensive plan policies and City *shorelines* management goals and objectives and the following additional standards:

A. The proposed change implements and supports the goals of the State Shorelines Management Act and City of Kenmore *Shoreline Master Program* requested;

B. The impacts of *development* allowed by the proposed change will not permanently impair any habitat critical to endangered or threatened species; and

C. The impacts of *development* allowed by the proposed change are adequately addressed in a mitigation plan providing significant enhancement of the first 100 feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the *shorelines redesignation*. A full mitigation plan shall accompany each application, as provided in KMC [16.75.120](#) and [16.75.130](#).





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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January 31, 2020

The Honorable David Baker
City of Kenmore
18120 68th Avenue NE
Kenmore, WA 98028

Re: Kenmore Shoreline Master Program Periodic Review Amendment – Conditional Approval

Dear Mayor Baker:

I would like to take this opportunity to commend the City of Kenmore (City) for its efforts in developing the proposed of the Shoreline Master Program (SMP) amendments. It is obvious that a significant effort was invested in this update. As we have discussed with your staff, the Department of Ecology (Ecology) has identified changes necessary to make the proposal approvable. These changes are detailed in Attachment B and C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes as shown in Attachment C, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700.



The Honorable David Baker
January 31, 2020
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We look forward to concluding the SMP periodic review amendment process in the near future. If you have questions or would like to discuss the changes identified by Ecology, please contact our regional planner, Maria Sandercock at maria.sandercock@ecy.wa.gov or (425) 649-7106.

Sincerely,



Laura Watson
Director

Enclosures (3)

By Certified Mail [9489 0090 0027 6081 4499 32]

cc: Lauri Anderson, City of Kenmore
Joe Burcar, Ecology
Maria Sandercock, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED PERIODIC REVIEW OF CITY OF KENMORE
SHORELINE MASTER PROGRAM**

SMP Submittal accepted June 27, 2019, Ordinance No. 19-0489, 19-0490, 19-0488
Prepared by Department of Ecology on January 13, 2020

Use of this Document

Ecology's *Findings and Conclusions* (Attachment A) provides the factual basis for Ecology's decision on the City of Kenmore's (City) amendment to their Shoreline Master Program (SMP). This document is divided into three sections: **Findings of Fact**, which provides findings related to the City's proposed amendment, amendment history, and the review process, **Conclusions of Law**, and **Ecology's Decision and Effective Date** of the amendment.

Attachment B outlines Ecology's identified required and recommended changes to the SMP amendment. Ecology requested input from Kenmore on some of the required changes. Kenmore proposed revisions to the SMP amendment based on these required changes, which are shown in Attachment C.

Brief Description of Proposed Amendment

The City of Kenmore (City) has submitted Shoreline Master Program (SMP) amendments to Ecology for review to comply with periodic review requirements. Additional reports and supporting information and analyses noted below, are included in the submittal.

FINDINGS OF FACT

Need for amendment

The proposed amendments are needed to comply with the statutory deadline for a periodic review of the City's Shoreline Master Program pursuant to RCW 90.58.080(4). The City prepared a checklist that documents proposed revisions. The amendment brings the SMP into compliance with requirements of the Shoreline Management Act (Act) or state rules that have been added or changed since the last SMP amendment, ensures the SMP remains consistent with amended comprehensive plans and regulations, and incorporates revisions deemed necessary to reflect changed circumstances, new information, or improved data.

SMP provisions to be changed by the amendment as proposed

The sections of the City SMP proposed for change are described below:

1. To bring the SMP into compliance with requirements of the Act or state rules that have changed:
 - a. Amendments to the definition of development, definitions for floating residences, and procedures for filing permits (KMC 16.75.080).

City of Kenmore – 2019 SMP Periodic Review
Findings and Conclusions

- b. New sections added to list exceptions to local review under the SMA (KMC 16.75.015), and to list relief procedures for restoration projects that shift the OHWM (KMC 16.75.055).
- 2. To ensure the SMP remains consistent with amended comprehensive plans and regulations:
 - a. Updated 2019 critical areas regulations (Ordinance 19-0488) are incorporated by reference. Amended regulations include:
 - i. 18.55.090 – addition of critical aquifer recharge areas to the City’s list of critical areas.
 - ii. 18.55.140 – fencing requirements for critical areas are amended.
 - iii. 18.55.200 and 210 – amended to make clarifications on mitigation sequencing
 - iv. Article VII Wetlands. Designation and rating sections amended to require use of federal delineation manual and Ecology’s 2014 rating system. Required wetland buffers are updated to match Ecology’s recommended buffers for when minimizing measures are implemented. The amendment clarifies that if an existing wetland buffer is degraded, it shall require a 33% larger buffer to protect the wetland, unless a buffer improvement plan is implemented. Amendment to allow private and public walkways and trails in wetlands and buffers. New allowance for interrupted buffers. Allowances for use of credit/debit method and in-lieu fee programs for mitigation were also added.
 - v. Article X Streams and Lakes. Amended to include lakes. Stream typing system amended to be consistent with WAC 222-16-030. Presumption of fish use provisions added. Required stream buffers for shorelines of the state are removed. Buffers added for streams that are daylighted. Allowances for public and private trails and walkways amended. Allowances added for interrupted buffers. Allowances added for use of mitigation banks, in-lieu fee programs, and other alternative mitigation.
 - vi. Article XIII Fish and Wildlife Habitats of Importance. Criteria for designation amended. Habitat management plan requirements amended. Performance standards for endangered, threatened, and sensitive species deleted. Adjusted requirements for protection of heron rookery and bald eagle nests.
 - vii. Article XVI- XVIII Geologically Hazardous Areas. Designation criteria for landslide hazards and seismic hazards amended. Provisions for third-part review added. Performance standards are amended. Prohibition of new alterations within high landslide hazard areas added.
 - viii. Article XIX Flood Hazard Areas. Entire section deleted and new section added. This includes a number of new definitions, permitting provisions, and building code provisions.
 - ix. Article XX Groundwater Susceptibility and Critical Aquifer Recharge Areas. Entire section is new.
- 3. To incorporate revisions to reflect changed circumstances, new information, and improved data:
 - a. Policies. The following policies are substantively amended:
 - i. Economic Development: LU-18.1.1, LU-18.1.2, LU-18.3.1
 - ii. Public Access, Recreation and Views and Aesthetics: LU-19.3.1, LU-19.4.3, LU-19.5.7, LU-19.8.1, LU-19.8.5, LU-19.11.4.

City of Kenmore – 2019 SMP Periodic Review
Findings and Conclusions

- iii. Circulation: LU-20.3.3
- iv. Conservation and Protection: LU-21.1.2, LU-21.2.5(deleted), LU-21.2.8(now 7).
- v. Shoreline Use: LU-23.4.4, LU-23.4.12, LU-23.6.1, LU-23.6.4-8(deleted), LU-23.9.4, LU-23.9.5(deleted), LU-23.9.10(now 9), LU-23.9.11(now 10), LU-23.10.2, LU 23.10.7-8(deleted), LU-23.10.11(deleted), LU-23.11.4, LU-23.11.5(deleted), LU-23.11.10(now 9).
- vi. Shoreline Modification: LU-24.2.6, LU-24.2.19(deleted), LU-24.2.20(now 19), LU-24.3.7, LU-24.3.8, LU-24.6.3(deleted), LU-24.6.4(now 3).
- b. Designation system. The City has developed a new environmental designation – Swamp Creek Commercial to reflect improved information regarding an area that has existing and planned high intensity uses near Swamp Creek. The City is also amending the designation criteria and management policies for the Downtown Waterfront Environment. The City is amending the purpose, designation criteria, and management policies for the Urban Conservancy Environment.
- c. Shoreline environment map. The City is amending the map of shoreline environments in the following ways:
 - i. Squire’s Landing Park, section of shorelands north of Swamp Creek where it drains into the Sammamish River - from Natural to Urban Conservancy.
 - ii. Wildcliffe Shores Native Growth Protection Area, a section of shorelands on the south side of the Sammamish River - from Shoreline Residential to Urban Conservancy.
 - iii. A section of residential shorelands on the south side of the Sammamish River at the far eastern side of the City from Urban Conservancy to Shoreline Residential.
 - iv. A section of residential area on Lake Washington at Inglewood Country Club – from Urban Conservancy to Shoreline Residential.
 - v. Finally, a section of shorelands west of Swamp Creek and just north of SR 522 is re-designated from Urban Conservancy to Swamp Creek Commercial.
 - vi. The boundaries of shoreline jurisdiction have also been adjusted to reflect improved understanding, such as the extent of associated wetlands and the latest mapping of floodways and floodplains. The result is 12.2 acres removed from shoreline jurisdiction (according to the 2019 Cumulative Impacts Analysis Addendum).
- d. KMC 16.10 Definitions.
 - i. The following definitions were added: Average Grade Level, Boat launch, Boating facility, City manager, Ecosystem-wide processes, EII, Feasible, Geotechnical report or geotechnical analysis, Ramp, Water access structure.
 - ii. The following definitions were amended: Accessory use, Applicant, Associated wetlands, Channel migration zone, Department, Development, Dock, Fish and wildlife habitats of importance, Float, Floating home, Floodplain, Height, Marina, No net loss, Ordinary high water mark, Pier, Shorelands.
 - iii. The following definitions were deleted: Backfill, Commercial development, Critical freshwater habitat, Director, Government services hatchery, Manufacturing uses, Normal protective bulkhead common to single-family

City of Kenmore – 2019 SMP Periodic Review
Findings and Conclusions

residences, Open-space required, Park/recreation recreational/cultural uses, Port, Residential development, Riprap, Shall, Should, Significant vegetation removal, Utilities and utility facilities, Water transmission pipeline.

- e. KMC 16.45 General Shoreline Development Standards.
 - i. 16.45.010: Amended to allow use of herbicides in aquatic weed control.
- f. KMC 16.50 Shoreline Uses.
 - i. 16.50.030: Shoreline use table is amended. The Swamp Creek Commercial Environment is added and allowed uses mirror those of the Downtown Waterfront Environment, except for some regional land uses. The use table in the current SMP contains broad categories of uses; these have been disaggregated into the full list of uses from the City's zoning code. For the most part, the amendments do not change what is permitted versus prohibited. The table below shows the few changes to what is allowed or prohibited. The substantive changes to the table's footnotes are: to allow non-water-dependent/related uses when the site is physically separated from the shoreline by another property or public right of way or if the navigability at the location is severely limited; allow non-water-oriented indoor recreational facilities; and add an allowance for existing manufactured housing communities.

	Downtown Waterfront	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Group residences			P	C	
Community residential facility			X	X	
Support living facility			X	X	
Government services Fire or police facility			C3P3	X-P3	U-C3
Manufacturing uses, light	X P2				
Manufacturing uses, heavy	X				
Wastewater treatment facility and municipal water production, except for in-water uses	C8, 12	C8, 12			X
Regional stormwater management facilities	P13	P13	P13	P13	X
Regional land use, except for airport, ferry terminal, and highway and street	C7	X	X	X	C3

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Utility Facility, except for in-water uses					<u>XP3,11</u>
In water utility facilities	X	C13	C13	C13	C13

- ii. 16.50.030.D. An allowance for outdoor storage that complies with certain standards has been added in the Downtown Waterfront environment.
- iii. 16.50.050 Boating Facilities. Public boat launching facilities and marinas have been replaced with the term “boating facilities.”
- iv. 16.50.060 Public Access. Clarification on which documents constitute the City’s public access plan is added. The requirement that new public access should be consistent with the public access plan is added. An allowance for substituting-physical public access with visual public access or other approaches is added.
- v. 16.50.075 Commercial and light manufacturing uses. New section.
- vi. 16.50.085 Transportation uses and facilities. New provisions for expansion of existing highways and streets.
- vii. 16.50.087 Parking. New section
- viii. 16.50.090 Residential uses. A requirement that shore access paths be no wider than 5 feet is added.
- g. KMC 16.55 Shoreline Modifications.
 - i. 16.55.030. The Shoreline Modifications Table is modified to include the Swamp Creek Commercial environment. Existing modifications listed in the table have been disaggregated to provide a row for each possible variation in the modification. The term “water access structures” is now used to refer to piers, docks, buoys, launches, and other moorage.
 - ii. 16.55.040 Shoreline stabilization. Clarification that additions to and expansions of existing shoreline stabilization must comply with regulations for new stabilization. A description of the geotechnical report requirement is added. The height limit for stabilization is removed.
 - iii. 16.55.050 Water access structures. This section on water access structures has been reorganized to provide standards in a table format. Standards for water access structures on the Sammamish River have been added. More specific mitigation requirements have been added. Standards for boat launches have been added.
- h. KMC 16.60 Vegetation conservation. Clarification has been added that certain activities do not require retention of native vegetation, but that clearing shall be minimized. 16.60.020 (Vegetation management within critical areas) has been removed and instead a reference to the CAO is added.
- i. KMC 16.65 Shoreline density and dimensions. The amendment consolidates the existing table into 5 categories of uses/modifications: Residential development, water-oriented parks and outdoor recreational facilities, non-water oriented parks and outdoor recreational facilities, other water-oriented uses, all other non-water-oriented uses. Required buffers have been reduced for water-oriented parks and outdoor recreational facilities. Required buffers for uses and modifications on the Sammamish River and Swamp Creek have been added (the current SMP uses the CAO buffers of 150 feet for

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- these shorelines). The new buffer standards result in reduced required buffers in many cases. Building setbacks from the shoreline buffer have been reduced from 25 feet for residential uses in Shoreline Residential to 15 feet. Footnotes to the table have been amended to include new provisions for water-oriented park and outdoor facilities that allow development and redevelopment within buffers if certain standards are met.
- j. KMC 16.68 Signs. A new section with provisions for signs has been added.
- k. KMC 16.65 Procedures. A section on interpretation of the SMP has been added. A section on public agency and utility maintenance plans has been added. Some enforcement provisions regarding charges of gross misdemeanor have been removed. A provision for hearing examiner review of a site-specific redesignation has been removed.
- l. Global: “Director” replaced with “City manager”

Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines. The City held a focus group with state agencies (including Ecology), the US Army Corps of Engineers, utility providers, and developers to gather input on appropriate standards for the Sammamish River on September 25, 2019. The City held an open house on October 2, 2018 to inform the public and gather additional input.

The City used Ecology’s checklist of legislative and rule amendments to review amendments to Chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i).

The City reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii).

The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii).

The City consulted with Ecology and solicited comments throughout the review process. Ecology wetland specialists provided input on aspects of the proposed wetland regulations that were inconsistent with the most recent and accurate scientific and technical information. Kenmore revised the amendment to align buffer requirements to those recommended in Ecology’s CAO Guidance. In general, this resulted in increased buffer widths for wetlands.

Ecology also provided input on the revised Flood Hazard Areas regulations, as did the Federal Emergency Management Administration (FEMA). The City’s response to comments matrix indicates that City staff worked with agency staff to incorporate necessary changes to these regulations.

The City opted to follow the standard adoption process in WAC 173-26-100. The record shows that the City held a public hearing before the Planning Commission on March 26, 2019. Affidavits of publication provided by the City indicate notice of the hearing was published on March 12, 2019. A second public

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hearing was held before the City Council on June 10, 2019 and affidavits of publication indicate notice of the hearing was published on May 31, 2019 in the Seattle Times.

During the Planning Commission public hearing, the City received one (1) oral comment and three (3) written comments. During the City Council public hearing, the City received one (1) comment. Issues raised included concerns about the City's commitment to environmental stewardship and the importance of Kenmore's shoreline for the environment and public use. One commenter requested that trails in the Natural environment be allowed for any non-motorized uses, and not just pedestrian access. The City chose not to make this change.

With the passage of Ordinance #19-0490 on June 17, 2019, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on July 1, 2019. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on July 19, 2019, in compliance with the requirements of WAC 173-26-120. The state comment period began on July 22, 2019 and continued through August 23, 2019.

One (1) individual submitted written comments on the proposed amendments. Issues raised were regarding the Public Agency and Utility Exception in the City's Critical Areas Ordinance. The commenter was concerned that even though this is not part of the SMP, environmental impacts that may result from this outside of shoreline jurisdiction could reach shorelines. Ecology sent all comments it received to the City on August 26, 2019. On September 25, 2019, the City submitted to Ecology its responses to issues raised during the state comment period. The City did not make any changes to the amendment based on comments received.

During its review, Ecology requested a meeting with Kenmore to discuss issues identified in the SMP amendment. Ecology staff met with Kenmore staff on November 20, 2019 and shared draft required changes. Ecology also requested input from the City on two of the required changes. On December 31, 2019, Kenmore shared with Ecology draft proposed revisions to the SMP amendment to address issues identified in these two required changes (Attachment C).

Consistency with Chapter 90.58 RCW

The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with applicable guidelines (Chapter 173-26 WAC, Part III)

The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This includes review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c) along with review of the SMP Periodic Review Checklist completed by the City.

Consistency with SEPA Requirements

The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on May 23, 2019. Ecology

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did not comment on the DNS. The City received comments on the DNS from the Muckleshoot Indian Tribe Fisheries Division. The comments raised concerns about the reduced buffers in the Urban Conservancy Environment on the Sammamish River with regard to impacts on water temperature and dissolved oxygen. The comments requested information on the number of acres and the lineal length of shoreline that would be affected by the reduction, and what amount of that is on the south side of the river. The City responded that “The standard shoreline buffer remains at 150 feet, only changing to 100 feet for water-oriented uses and parks/outdoor recreation facilities.” The City calculated 22.31 acres of the 200 acres in Urban Conservancy environment to be on the south side of the Sammamish River and found that much of the shoreline buffer in this environment contains wetlands. The City concluded that “Reductions in width of existing riparian forest are not anticipated based on the limited list of uses allowed in the Urban Conservancy environment; the protection provided by existing wetlands and their buffers and dedicated critical areas tracts; and the type of existing developments in the Urban Conservancy environment.”

Other Studies or Analyses supporting the SMP amendment

Ecology also reviewed supporting documents prepared for the City in support of the SMP amendment. These documents include a public participation plan, periodic review checklist, a Cumulative Impacts Analysis Addendum, an updated SMP Checklist, a Gap Analysis, a summary of the agency meeting on Sammamish River standards, and Ecology’s “Wetland Guidance for CAO Updates: Western Washington Version” (2016).

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology has identified several issues relevant to its decision, which are outlined below and in Attachment B. Attachment B also contains recommended changes to the amendment. Some of these issues were complicated enough that Ecology staff requested input from Kenmore on the City’s preference for addressing the issue.

Critical Areas Incorporation

Concurrent with the SMP periodic review, the City has updated its Critical Areas Ordinance (CAO). The current SMP incorporates specific sections of the critical area regulations in KMC 18.55. The amendment changes this by incorporating the entire Chapter 18.55 with a list of exclusions. Three issues with the incorporation have been identified:

- WAC 173-26-191(2)(c) authorizes the incorporation of other regulations into the SMP by referring to a specific, dated edition. The amendment does not reference the critical area ordinance number or date that is being incorporated. Ecology has identified one required change for consistency with WAC 173-26-191(2)(c) (Attachment B, Req-1).
- The critical areas regulations contain a limited exemption for certain wetlands in KMC 18.55.300.D. This provision exempts some wetlands from the requirement to avoid impacts or from buffer requirements. These allowances are inconsistent with the requirement in WAC 173-26-186(8)(b) that SMP regulations achieve no net loss of ecological function of the shoreline and the requirement in WAC 173-26-221(2)(a) that SMPs contain critical area regulations that “[p]rovide a level of protection to critical areas within the shoreline area that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.” Ecology has

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identified a required change necessary for consistency with WAC 173-26-186(8)(b) and WAC 173-26-221(2)(a) (Attachment B, Req-2).

Shoreline Use Table and Standards

The SMP contains a Shoreline Use table in KMC 16.50.030.A that lists uses and whether they are allowed, conditionally allowed, or prohibited. The table contains footnotes with clarifications and some use standards. The table also refers to KMC 16.50 for additional use standards. There are several internal inconsistencies between the use table, its footnotes, and the use standards in KMC 16.50:

- A. Indoor recreational facilities in Urban Conservancy. The table says these are an allowed use, but Footnote 5 states that only parks, trails, and boating facilities are allowed in Urban Conservancy and that all other recreational uses are prohibited.
- B. Regional Land Uses. According to KMC 18.20, “Regional land use” means an airport, ferry terminal, park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Regional land use includes essential public facilities, as defined in RCW 36.70A.200, if not otherwise defined in this title.” With the exceptions listed in this row, this row would then only apply to park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Park and ride lots are covered by standalone parking in another row. The other uses are not preferred uses in the shoreline. The reference to KMC 16.50.085 for additional information takes the reader to use standards for “transportation and facilities,” which is not applicable for these uses.
- C. “Highway and street” versus “Transportation.” The definition of “transportation” in KMC 18.20 implies that this is a commercial use that involves selling/providing transportation services (e.g. a taxi service). However, the reference to KMC 16.50.085 brings the reader to a section with standards for circulation systems, namely roads and bridges. This is confusing considering there is another use called “Highway and street” in the table. Further, “transportation” is prohibited in the Aquatic environment, which would seem to prohibit bridges over the Sammamish River, however, it’s not clear this was the intent.
- D. Highway and street. The use matrix lists “Highway and street” as a conditional use in all shoreline environments. KMC 16.50.085.F implies that this use may be permitted outright if it meets the criteria in (F). This creates an internal inconsistency.
- E. Standalone parking. Footnote 13 mentions commuter parking, while KMC Section 16.50.087 clarifies that parking is only allowed as necessary to support an authorized use. This creates an internal inconsistency if this table claims that stand alone parking (which, by definition, is not supporting another authorized use) is allowed with a conditional use permit.
- F. Uses without regulations. The amendment adds many new uses to the table but there are no use regulations for them (as needed for consistency with WAC 173-26-241(1) and (2)). It appears that many of these new uses may be commercial and light manufacturing. One way to address this issue may be to categorize the uses in the use table so that it’s clear which use regulations apply to them.

Ecology identified that a change is necessary, but did not identify specific language in order to allow for the City to provide input on how to resolve these inconsistencies (Attachment B, Req-3). Ecology staff met with City staff to discuss these issues and the City proposed revisions to amendment in response (Attachment C). Ecology reviewed these proposed revisions and found that they address Ecology’s required change to address internal inconsistencies (See Attachment B for review). If the City adopts the language as proposed in Attachment C, Ecology’s concerns in Req-3 will be addressed.

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Internal Consistency

Ecology has identified changes necessary for internal consistency of SMP regulations:

- In KMC 16.50.030.B.2, the City has struck one of the criteria for allowing non-water-related uses in shoreline jurisdiction, but has not updated references to this sub-section. Ecology has identified a required change necessary for internal consistency (Attachment B, Req-4).
- In sub-section [a(2)] of the same section, the amendment refers to KMC Chapter 18.55, the critical area regulations, for shoreline buffer requirements. However, the SMP amendment is establishing shoreline buffers in the KMC Chapter 16. This reference creates an inconsistency with new shoreline buffer requirements. Ecology has identified a required change that is necessary for internal consistency (Attachment B, Req-5).

Alternative Designs for Water Access Structures

The amendment contains allowances in KMC 16.55.050.B General and in KMC 16.55.050.D for alternative water access structure designs that do not meet the dimensional standards set forth in the SMP. The SMP allows alternative designs to be permitted as long as they are approved by other state and federal agencies and the applicant demonstrates that the proposed deviation is the minimum necessary and offers a greater degree of protection of ecological functions.

The effect of this provision is to remove any standards for water access structures and instead rely on outside agencies to review these structures. This is inconsistent with RCW 90.58 as it displaces SMA/SMP authority to agencies not charged with implementing the SMA or SMP. By transferring that authority, the SMP no longer contains standards for piers/docks. This is inconsistent with WAC 173-26-191(2)(a)(ii)(A), which requires SMPs to contain regulations that are “sufficient in scope and detail to ensure that the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies.”

Ecology has identified two required changes that are necessary for consistency with RCW 90.58 and WAC 173-26-191(2)(a)(ii)(A) (Attachment B, Req-6 and Req-7).

Vegetation Conservation

The SMP amendment adds exceptions to the requirement to retain existing native vegetation in shoreline buffers (vegetation conservation areas). Conservation of vegetation within shoreline buffers is necessary to protect the shoreline environment and maintain no net loss of ecological functions. The City has added certain exceptions for water-dependent and water-enjoyment uses. These exceptions are aimed at the SMA goals of fostering appropriate uses and public access to the shorelines. To ensure this provision will not result in a loss of shoreline ecological function, applicants should first demonstrate avoidance and minimization through mitigation sequencing. Ecology has identified a required change necessary for consistency with WAC 173-26-186(8)(b) and WAC 173-26-221(5) (Attachment B, Req-8).

Shoreline Buffers for Non-Water-Oriented Parks and Recreational Facilities

The SMP amendment establishes shoreline buffers along the Sammamish River and Swamp Creek, where there currently is a 150-foot critical area buffer. In most cases, the shoreline buffer is smaller than the critical area buffer. The Cumulative Impacts Analysis (CIA) addendum provides analysis to support this tied to existing conditions and anticipated development. Parts of the proposed amendment appear inconsistent with the recommendation of this addendum, which states in section 2.2.2 that “On the Sammamish River and Swamp Creek, a protective 150-foot buffer was retained for ... residential and

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non-water-oriented uses in the Urban Conservancy environment.” Also, the proposed buffer for non-water-oriented parks and outdoor recreational facilities is smaller than for residential uses in certain cases. This is inconsistent with the use preferences of the RCW 90.58.020, which identifies single-family residential as a preferred use when it’s consistent with control of pollution and prevention of damage to the natural environment. Non-water-oriented uses are not a preferred use and should be located further from the shoreline than preferred uses.

Ecology has identified a required change that is necessary for consistency with RCW 90.58 and the Cumulative Impacts Analysis Addendum (Attachment B, Req-9).

Shoreline Buffers for Residential Development

The Shoreline Density and Dimensions table in KMC 16.65.020 states that in reach B4 of the Sammamish River, shoreline buffers are 15 feet, with a footnote. The footnote states that the 15-foot buffer only applies to the existing manufactured housing community and that for all other development, the buffer is 75 feet. This generates confusion as to what the required buffer is for proposed redevelopment, which is actually 75 feet, as the 15-foot buffer only applies to the existing housing community. To ensure the proper implementation of this development standard, the 75-foot buffer should be listed in the table and the 15-foot buffer should be listed in the footnote.

Ecology has identified a required change that is necessary for consistency with WAC 173-26-191(2)(a)(ii)(A), which requires that SMP regulations “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies” (Attachment B, Req-10).

Building Setback from the Shoreline Buffer

The amendment reduces the setback for single family residential on Lake Washington from 25 feet to 15 feet. The current SMP requires single family structures to be located at least 50 feet from the OHWM (25 foot buffer + 25 foot setback), but the proposed amendment would allow this to be reduced to 35 feet (25 foot buffer + 15 foot setback). Further, the current SMP allows the 25 foot setback to be reduced to 5 feet if an equivalent area of buffer is revegetated. The proposed amendments keep this, but an “equivalent area” is now smaller (10 feet wide under proposed amendment versus 20 feet under current SMP). The cumulative impacts of this proposed amendment have not been analyzed.

Ecology has identified a required change that is necessary for consistency with the no net loss requirements in WAC 173-26-186(8)(b) and WAC 173-26-241(3)(j) (Attachment B, Req-11).

Shoreline Buffers for Recreational Facilities

KMC 16.65.020.A contains the Shoreline Density and Dimensions Table, which provides required shoreline buffers. The buffer widths for “water-oriented parks and outdoor recreational facilities” have a footnote (#3). This footnote contains use standards for parks and recreational facilities, as well as allowances for water-oriented facilities in the shoreline buffer. It is unclear what the shoreline buffer for water-oriented uses is for, if in fact water-oriented uses are allowed in the buffer. Further this footnote creates internal inconsistencies with KMC 16.50.070 (Parks and Recreation). A change to the wording and structure of this footnote is necessary for internal consistency and to ensure the SMP regulations are able to be implemented.

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The allowances in this footnote may be used by both public and private recreational facilities. Allowing private recreational development in shoreline buffers is inconsistent with the use preferences of the SMA, which prioritizes “development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state” [RCW 90.58.020].

The footnote also contains allowances for development that is not water-oriented in the buffer, such as “play and exercise equipment” and “visual and auditory art installations,” which is inconsistent with the use preferences of the SMA.

Sub-section (c) of the footnote requires non-water-oriented park and outdoor recreational uses and modifications be upland of water-oriented uses and modifications to the extent feasible. However, this is within a footnote to a buffer, and for consistency with the use preferences of the SMA, non-water-oriented park and recreations uses and modification should be outside of the buffer altogether. A change is necessary for consistency with RCW 90.58.020.

Sub-section (d) of the footnote allows for parking improvements that support water-oriented parks and recreation in the shoreline buffer if no other feasible location exists. Parking is not a preferred use in shoreline jurisdiction and for consistency with RCW 90.58.020, should not be allowed in shoreline buffers without a variance. A change is necessary for consistency with RCW 90.58.020.

Ecology has identified five (5) required changes to this footnote that are necessary for consistency with the use preferences of RCW 90.58.020, and for internal consistency with the use standards for parks and recreations in KMC 16.60. 070 (Attachment B, Req-12 – Req-16). For Req-12, which addresses broader organizational issues, Ecology has not proposed replacement language. Instead, Ecology met with City staff to discuss these issues and the City proposed revisions to the amendment in response (Attachment C). Ecology reviewed these proposed revisions and found that they address Ecology’s required change to address internal inconsistencies (See Attachment B for review). If the City adopts the language as proposed in Attachment C, Ecology’s concerns in Req-12 will be addressed.

Recreation Policies

The Kenmore SMP contains a policy in LU-23.9.11 that directs the City to restore shorelines in areas for public recreation. The City proposes to change the text of the policy to direct the City to only consider restoring shorelines. During the comprehensive update, the City’s Restoration Plan identified several opportunities for improving ecological function at City parks and recommended this policy. The City has not identified a reason for softening this policy.

Ecology has identified a required change that is necessary for consistency with WAC 173-26-186(8)(b), which requires the SMP to achieve no net loss of ecological function.

Additional Items Identified as Recommended Changes

In addition to the issues identified above as required changes to ensure consistency with the SMA and its implementing guidelines, Ecology has identified recommended changes to provide clarity and improve implementation. These items can be found in Attachment B (Items Rec 1-2).

City Proposed Revisions to Address Issues Identified by Ecology within Attachment B

Ecology staff met with Kenmore staff on November 20, 2019 and Kenmore subsequently submitted proposed revisions to the amendment to address Ecology’s identified issues. These proposed revisions are shown in Attachment C. Ecology has reviewed these proposed revisions for consistency with Chapter

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90.58 RCW and the applicable guidelines and found them to be consistent. The issues identified by Ecology, above, will be adequately resolved if the City takes formal action to adopt the revisions proposed in Attachment C.

CONCLUSIONS OF LAW

After review of the complete record submitted and all comments received, Ecology concludes that the City proposed amendments with incorporation of Ecology's required changes as shown in Attachment C, can be considered consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the proposed amendment and acceptance of Ecology's required changes satisfies the criteria for approval of amendments found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendment will not foster uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(1)(c)(i) and will assure no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(1)(c)(iv)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 and WAC 173-26-100 regarding public and agency involvement in the SMP review and amendment process, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City SMP submittal to Ecology was complete pursuant to the requirements of WAC 173-26-090, WAC 173-26-100, and WAC 173-26-110.

Ecology concludes that it has complied with the procedural requirements for review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-100, WAC 173-26-110, and WAC 173-26-120.

Ecology concludes that with this action the City has completed the required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments will be consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once the changes set forth in Attachment B and Attachment C are accepted by the City. The City may choose to adopt the recommended changes in Attachment B.

The City has already proposed revisions, in Attachment C, that have been determined this alternative language is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58. As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit additional alternatives to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent

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with the purpose and intent of Ecology’s original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

Ecology approval of the proposed amendments, with required changes, will be effective 14 days from Ecology’s final action approving the amendment. Ecology’s final action will be a letter verifying the receipt of written notice that the City has agreed to the required changes identified in Attachment C.

Attachment B – City of Kenmore – Ecology Required and Recommended Changes

The changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III)

ITEM #	SMP Submittal PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)							RATIONALE	City Input (Text changes shown in Attachment C)	Ecology Review of City Input
Req-1 Req-2 Rec-1	KMC 16.05.060 Relationship to other Kenmore programs.	B. The following sections of the Kenmore Municipal Code are adopted and incorporated by reference as part of the Shoreline Master Program: 1. Chapter 1.20 KMC – Code Enforcement. 2. Chapter 18.55 – Critical Areas (<u>Ord No. 19-0488, dated 2019</u>), except for the following sections: a. KMC 18.55.150 – Exemptions b. KMC 18.55.160 - Exception - Public Agency and Utility c. KMC 18.55.170 - Variances d. KMC 18.55.180 - Exception - Reasonable Use e. KMC 18.55.230 - Unauthorized critical area alterations and enforcement. <u>f. KMC 18.55.300.D – Limited Exemptions in Wetlands</u> <u>g. Article XIX Flood Hazard Areas. This section applies within shoreline jurisdiction but is not incorporated as specific regulations of this SMP.</u>							Required change 1: Add Ordinance number and date to incorporated regulations. For consistency with WAC 173-26-191(2)(c), which authorizes the incorporation of other regulations into the SMP by referring to a specific, dated edition. Required Change 2: Add KMC 18.55.300.D as an exclusion. These limited exemptions that allow modifications to small wetlands in shoreline jurisdiction are not consistent with requirement to achieve no net loss of ecological function pursuant to WAC 173-26-186(8)(b). Recommended change: Do not incorporate flood hazard regulations into the SMP. Flood hazard regulations are not necessary for consistency with RCW 90.58 or the SMP guidelines. The purpose of these regulations is for NFIP certification, not the SMA. These regulations, by-and-large, are building codes. By incorporating these regulations into the SMP, any applicant that needs to deviate from these would need to obtain a shoreline variance, which could be hard to obtain. Furthermore any amendments to these that may be required by the NFIP would then need to go through the SMP amendment process. Several definitions in this section are inconsistent with SMA definitions. Ultimately, these unnecessary permitting and process steps could threaten the City’s ability to maintain its certifications under the NFIP. We recommend that the SMP contain a soft reference to its flood hazard regulations and that these be implemented separately from the SMP.		
Req-3 Rec-2	KMC 16.50.030.A Shoreline use table.		Downtown Waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural	Aquatic	Required change 3: Cross-check use table with use regulations This table provides a quick way for the reader to determine what uses are allowed, conditionally allowed, or prohibited. It then refers readers to specific regulations for those uses KMC 16.50.040-090. Footnotes to the table also appear to contain regulations. However, there appear to be internal inconsistencies between the use table, its footnotes, and the use regulations. Changes are necessary to resolve these inconsistencies. We recommend the City review the issues identified below and determine how it would like to resolve them: A. Indoor recreational facilities in Urban Conservancy. The table says these are an allowed use, but Footnote 5 states that only parks, trails, and boating facilities are allowed in Urban Conservancy and that all other recreational uses are prohibited. B. Regional Land Uses. According to KMC 18.20, “Regional land use” means an airport, ferry terminal, park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Regional	Required change 3: A. Only footnote 2 applies to <i>indoor</i> recreational facilities. The <i>outdoor</i> recreational facilities are in a separate line of the use matrix, and footnote 5 applies to them. B. The regional land use category in the matrix has been revised to exclude mention of highways and streets. Highways and streets are now addressed in the renamed 16.50.085 “Transportation facilities” and have a new row of the same name in the matrix. The matrix footnotes 10 and 12 that related specifically to highways/streets have also been relocated into -.085. The original Transportation row in the matrix has	A. City proposes to rename uses to: “Park, non-water-oriented,” “Park, water-oriented,” “Recreational facility, indoor, commercial,” “Recreational facility, outdoor, commercial.” The first is prohibited in all environments. The second allowed in all environments. The third allowed in Downtown Commercial and Swamp Creek Commercial. The last allowed in all environments with footnotes limiting this allowance. This addresses the internal inconsistency. B. The City’s proposed changes in Attachment C remove the incorrect code reference and
		Recreational facility, indoor	P2	P2	X	P2	X	X			
		Regional Land Use, except for airport, ferry terminal, and highway and street, which are described below. See also KMC 16.50.085	C7	C7	X	X	X	C3			
		Highway and street	C10	C10	C10	C10, 12	C 10, 12	C10, 12			
		Standalone parking. See also KMC Section 16.50.087.	C13	X	X	X	X	X			
		Transportation. See also KMC Section 16.50.085.	C2	C2	X	X	X	X			

			land use includes essential public facilities, as defined in RCW 36.70A.200, if not otherwise defined in this title.” With the exceptions listed in this row, this row would then only apply to park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Park and ride lots are covered by standalone parking in another row. The other uses are not preferred uses in the shoreline. The reference to KMC 16.50.085 for additional information takes the reader to use standards for “transportation and facilities,” which is not applicable for these uses. C. “Highway and street” versus “Transportation.” The definition of “transportation” in KMC 18.20 implies that this is a commercial use that involves selling/providing transportation services (e.g. a taxi service). However, the reference to KMC 16.50.085 brings the reader to a section with standards for circulation systems, namely roads and bridges. This is confusing considering there is another use called “Highway and street” in the table. Further, “transportation” is prohibited in the Aquatic environment, which would seem to prohibit bridges over the Sammamish River, however, it’s not clear this was the intent. D. Highway and street. The use matrix lists “Highway and street” as a conditional use in all shoreline environments. KMC 16.50.085.F implies that this use may be permitted outright if it meets the criteria in (F). This creates an internal inconsistency. E. Standalone parking. Footnote 13 mentions commuter parking, while KMC Section 16.50.087 clarifies that parking is only allowed as necessary to support an authorized use. This creates an internal inconsistency if this table claims that stand alone parking (which, by definition, is not supporting another authorized use) is allowed with a conditional use permit. F. Uses without regulations. The amendment adds many new uses to the table but there are no use regulations for them (as needed for consistency with WAC 173-26-241(1) and (2)). It appears that many of these new uses may be commercial and light manufacturing. One way to address this issue may be to categorize the uses in the use table so that it’s clear which use regulations apply to them. Recommended Change: Remove regulations from table footnotes and place with corresponding use regulations in KMC 16.50.040-090. There appears to be some regulations in the footnotes that are not found in the use regulations in KMC 16.50.040-090. This makes it difficult to find all regulations applicable to a development proposal. In general, footnotes should be reserved for clarifications of the table, not use regulations. Regulations for specific uses should be located with those sections of the code. This helps consolidate regulations and improves readability and implementation.	been renamed to Transportation services, which corresponds to the definition of transportation in KMC 18.20.3075 and covers commercial transportation-related business. C. See B above. D. KMC 16.50.085.G has been revised to note that expansions of existing highways and streets could be approved without a CUP if certain conditions are met. E. Parking regulations have been relocated to 16.45.040. The regulations have been clarified to state that <i>accessory</i> parking, not parking more generally, is allowed to support an authorized use. Standalone parking is only allowed as identified in the use matrix with a CUP, and has to follow the parking regulations. F. A footnote 2 has been added to the matrix for all uses which should reference KMC 16.50.075 (Commercial, light manufacturing, and institutional uses). Recommended change 2: The standards in former Footnote 2 have been relocated to 16.50.075 (Commercial/light manufacturing/institutional) and 16.50.090 (Residential). Old footnotes 10 and 12 have been relocated to 16.50.085 (Transportation facilities). Further, regulations under 16.50.030.C and D have been relocated to new sections 16.45.020 (Accessory uses) and 16.45.030 (Outdoor storage).	update the footnotes. These changes address the internal inconsistency. C. The City proposes to remove “Highways and street” and add a new use called “Transportation facility.” “Transportation” is renamed to “Transportation services.” The latter is a commercial use and the footnote now refers to the correct use standards. The proposed changes as shown in Attachment C address the internal inconsistencies. D. In Attachment C, the City proposes changes in KMC 16.50.085 to clarify that in certain circumstances, street expansions may be allowed without a conditional use permit. This addresses the internal inconsistency. E. The City proposes changes in the table and in 16.45.040 that address Ecology’s original concerns. F. This addresses Ecology’s concerns. Recommended change: The City proposes to relocate use standard from the footnotes to code sections in KMC 16.50. The footnotes now contain references to the corresponding use standards. The City’s proposed changes, as shown in Attachment C, address Ecology’s concerns and are consistent with the SMA and the SMP Guidelines.
Req-4 Req-5	KMC 16.50.030.B Shoreline Use Criteria	2. Water-dependent and water-related uses shall be permitted. Public access improvements consistent with this chapter are required for all uses, unless precluded by public safety considerations. Non-water-dependent and	Required change 4: Remove (d) from the list of required criteria The proposed amendment strikes out subsection (d), but this reference was not updated. For internal consistency, this reference to (d) should be removed.		

		non-water-related uses shall be permitted only if the use meets the standards of subsections (a), (b), <u>and</u> (c) and (d) below: a. The development is: ... (2) A new or expanding development in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current stream <u>shoreline</u> buffer provisions of the KMC Chapter 18.55 <u>16.65.020</u> and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or						Required change 5: Refer to the SMP for shoreline buffers and not the CAO Swamp Creek is a shoreline of the state and with the proposed amendments, required shoreline buffers will be listed in KMC 16.65.020, not KMC 18.55, which refers the reader back to the SMP for buffers on Swamp Creek. The required change is necessary for internal consistency with KMC 16.65.020.		
Req-6	KMC 16.55.050 Water Access Structures	B. Any pier, dock, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements: ... ▲ If the standards in KMC 16.55.050.B cannot be met due to a public or private navigational or ecological concern, then an alternative design in lieu of meeting these requirements may be allowed without a shoreline variance if approved by other state and federal agencies, provided any impacts are appropriately mitigated and the facility does not interfere with public use of the shoreline.						Required change 6: Remove this provision. The effect of this provision is to remove any standards for overwater structures and to instead rely on outside agencies for review of water access structures. This is inconsistent with RCW 90.58 as it displaces SMA/SMP authority to agencies not charged with implementing the SMA or SMP. By transferring that authority, the SMP no longer contains standards for piers/docks. The required change is necessary for consistency with the SMA and with the requirement in WAC 173-26-191(2)(a)(ii)((A) that local master programs regulations “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies.”		
Req-7	KMC 16.55.050 Water Access Structures	D. Proposals that do not meet the requirements of subsection B of this section and that are designed to support a commercial or light manufacturing water dependent use, or to provide public access, or to serve residential uses, may be considered by the city manager. For any alternative proposal, the applicant must demonstrate that the proposed deviation is the minimum necessary to meet the needs of the specific use proposed, and provides an equal or greater degree of protection of ecological functions and anadromous species habitat than would strict adherence to the standards. For purposes of meeting this requirement, the city manager will review the required habitat management plan to determine whether the project is adequately protective.						Required change 7: Remove this provision. See explanation for Item # Req-7		
Req-8	KMC 16.60.010 Vegetation Conservation Areas	A. Shoreline buffers shall be considered vegetation conservation areas in which existing native vegetation is retained, except in the following circumstances <u>and when mitigation sequencing is demonstrated</u> : 1. The activity is part of a permitted shoreline restoration or enhancement project: 2. The activity is an allowed water-dependent or water-enjoyment use or modification: 3. The activity implements a public access or recreation maintenance plan: or 4. The vegetation removal is otherwise specifically allowed under Chapter 16.50, 16.55, or 18.55 KMC.						Required change 8: Require mitigation sequencing for new proposed allowances in vegetation conservation areas. The City proposes to add exceptions to the requirement to retain existing native vegetation in shoreline buffers (vegetation conservation areas). To ensure that these new allowances result in no net loss of ecological function per WAC 173-26-186(8)(b), project proponents should demonstrate that they have first avoided and minimized impacts to native vegetation by going through mitigation sequencing.		
Req-9	KMC 16.60.020.A Shoreline density and dimensions table		Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural	Required Change 9: Retain existing shoreline buffers for non-water-oriented parks and outdoor recreational facilities. The SMP amendment establishes shoreline buffers along the Sammamish River and Swamp Creek, where there currently is a 150-foot critical area buffer. In most cases, the shoreline buffer is smaller than the critical area buffer. The Cumulative Impacts Analysis (CIA) addendum provides analysis to support this tied to existing conditions and anticipated development. Parts of the proposed amendment appear inconsistent with the recommendation of this addendum, which states in section 2.2.2 that “On the Sammamish River and Swamp Creek, a protective 150-foot buffer was retained for ... residential and non-water-oriented uses in the Urban Conservancy environment.” This required change retains the existing		
		Shoreline Buffers from OHWM on Lake Washington								
	Non-water-oriented parks and outdoor recreational facilities	50 ft (1)	NA	75 ft	115 <u>99</u> ft	150 ft				
		Shoreline Buffers from OHWM on the Sammamish River								
	Non-water-oriented	100 ft	NA	150 <u>75</u> ft	150 <u>99</u> ft	150 ft				

		<table><tr><td>parks and outdoor recreational facilities</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td colspan="5">Shoreline Buffers from OHWM on the Swamp Creek</td></tr><tr><td>Non-water-oriented parks and outdoor recreational facilities</td><td>NA</td><td>60 ft</td><td>75 ft</td><td>15000 ft</td><td>150 ft</td></tr></table>	parks and outdoor recreational facilities							Shoreline Buffers from OHWM on the Swamp Creek					Non-water-oriented parks and outdoor recreational facilities	NA	60 ft	75 ft	150 00 ft	150 ft	buffer width for non-water-oriented parks and is necessary for consistency with the Cumulative Impacts Analysis Addendum and the requirement to achieve no net loss in WAC 173-26-241(3)(i).														
parks and outdoor recreational facilities																																			
	Shoreline Buffers from OHWM on the Swamp Creek																																		
Non-water-oriented parks and outdoor recreational facilities	NA	60 ft	75 ft	150 00 ft	150 ft																														
Req-10	KMC 16.65.020 Shoreline Density and dimensions table and development conditions	<table><tr><td></td><td>Downtown waterfront</td><td>Swamp Creek Commercial</td><td>Shoreline Residential</td><td>Urban Conservancy</td><td>Natural</td></tr><tr><td></td><td colspan="5">Shoreline Buffers from OHWM on the Sammamish River</td></tr><tr><td>Residential development¹</td><td>75 ft</td><td>NA</td><td>Reach²: B1 – 150 ft B2 – 100 ft B3 – (4) B4 – 7515 (6)</td><td>150 ft</td><td>150 ft</td></tr></table> 6. TheA shoreline buffer of 15 feet applies to the existing manufactured housing communities. AThe shoreline buffer of 75 feet shall apply to any proposed change of use, but may be reduced to 50 feet without a shoreline variance with implementation of ...		Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural		Shoreline Buffers from OHWM on the Sammamish River					Residential development ¹	75 ft	NA	Reach ² : B1 – 150 ft B2 – 100 ft B3 – (4) B4 – 75 15 (6)	150 ft	150 ft	Required change 11: Clarify what the required buffer is for new residential development in Reach B4 The purpose of this table to provide dimensional standards for development. Separately, the City has established standards for existing development that is non-conforming to these standards in KMC 16.75.050. However, the City must first establish what the required standard is. Listing the standards for existing non-conforming development first and burying the actual development standard in a footnote is confusing and misleading. The required change is not intended to change the dimensional standards that apply, but rather it is intended to ensure that City staff and applicants can readily find the correct standard for development proposals. This change is necessary for consistency with WAC 173-26-191(2)(a)(ii)(A), which requires that SMP regulations “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies.”														
	Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural																														
	Shoreline Buffers from OHWM on the Sammamish River																																		
Residential development ¹	75 ft	NA	Reach ² : B1 – 150 ft B2 – 100 ft B3 – (4) B4 – 75 15 (6)	150 ft	150 ft																														
Req-11	KMC 16.60.020.A Shoreline density and dimensions table	<table><tr><td></td><td>Downtown waterfront</td><td>Swamp Creek Commercial</td><td>Shoreline Residential</td><td>Urban Conservancy</td><td>Natural</td></tr><tr><td></td><td colspan="5">Building Setback from the Shoreline Buffer</td></tr><tr><td>All uses</td><td>15 ft (2)</td><td>15 ft (2)</td><td>15 ft (2)</td><td>15 ft (2)</td><td>15 ft (2)</td></tr><tr><td>Lake Washington</td><td>15 ft</td><td>=</td><td>25 ft</td><td>15 ft</td><td>15 ft</td></tr><tr><td>Sammamish River/Swamp Creek</td><td>15 ft</td><td>15 ft</td><td>15 ft</td><td>15 ft</td><td></td></tr></table>		Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural		Building Setback from the Shoreline Buffer					All uses	15 ft (2)	15 ft (2)	15 ft (2)	15 ft (2)	15 ft (2)	Lake Washington	15 ft	=	25 ft	15 ft	15 ft	Sammamish River/Swamp Creek	15 ft	15 ft	15 ft	15 ft		Required change 10: Retain the current required setback for single family uses on Lake Washington. The amendment reduces the setback for single family residential on Lake Washington from 25 feet to 15 feet. The cumulative impacts of this proposed amendment have not been analyzed. The current SMP requires single family structures to be located at least 50 feet from the OHWM (25 foot buffer + 25 foot setback), but the proposed amendment would reduce this to 35 feet (25 foot buffer + 15 foot setback). Further, the current SMP allows the 25 foot setback to be reduced to 5 feet if an equivalent area of buffer is revegetated. The proposed amendments keep this, but an “equivalent area” is now smaller (10 feet wide under proposed amendment versus 20 feet under current SMP). This change is necessary for consistency with the no net loss requirements in WAC 173-26-241(3)(j). The City has provided input on the preferred text changes to address this issue.		
	Downtown waterfront	Swamp Creek Commercial	Shoreline Residential	Urban Conservancy	Natural																														
	Building Setback from the Shoreline Buffer																																		
All uses	15 ft (2)	15 ft (2)	15 ft (2)	15 ft (2)	15 ft (2)																														
Lake Washington	15 ft	=	25 ft	15 ft	15 ft																														
Sammamish River/Swamp Creek	15 ft	15 ft	15 ft	15 ft																															

Req-12 Req-13 Req-14 Req-15 Req-16 Req-17	KMC 16.65.020.B Development Conditions (Footnotes to Shoreline Density and Dimension Table)	3. Public trails in critical areas and shoreline and critical area buffers are specifically addressed in Chapter 18.55 KMC. In recognition of the existing conditions of current and planned City shoreline parks and public or private outdoor recreational facilities, the following standards shall guide new development and redevelopment of water-oriented park and outdoor recreational facilities in buffers. For any allowed development or modification within a buffer, applicants shall submit a plan that addresses compliance with each of the following applicable standards and principles. The City may review and condition the project to more fully implement the principles below: a. In addition to trails and water-dependent developments, such as water access structures, the following list of uses and modifications may be allowed within buffers if they support water-oriented parks and outdoor recreation facilities and demonstrate consistency with b through f below. This list will serve as a guide, and is not exclusive. The city manager has the discretion to decide if a proposed use or modification supports water-oriented public access and outdoor recreation, and shall consult the <u>definition of water-oriented in KMC 16.10.610. City's public access plan as identified in KMC 16.50.060.</u> (1) Benches, picnic tables, and picnic shelters. (2) Play and exercise equipment. (3) Boating support improvements (e.g., boat storage, staging areas, temporary seating for events). (4) Observation platforms. (5) Visual and auditory art installations. (6) Safety improvements (e.g., cameras, fencing, fire prevention). ... e. To the extent feasible, non-water-oriented park and outdoor recreational uses and modifications should be upland of water-oriented uses and modifications. d. If parking improvements supporting water-oriented parks and outdoor recreation facilities cannot comply with KMC 16.50.087, parking within buffers shall be limited to that necessary to provide vehicle access to boat launches, to improve existing informal parking areas, to expand existing parking, or to provide ADA parking when there are no feasible locations outside of shoreline jurisdiction and outside of shoreline buffers. New or improved pollution-generating impervious surfaces shall provide water quality treatment consistent with the City's adopted Surface Water Design Manual. All parking should be located as far from the ordinary high water mark as feasible and any expansions should not extend closer to the shoreline waterbody. e. New and expanded public access and recreation uses in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as avoid tree and shrub removal. Necessary tree removal shall be mitigated at a 3: 1 ratio, with an emphasis on use of native conifers placed to maximize ecological benefits to the shoreline waterbody. f. A vegetation management strategy for any allowed uses in shoreline jurisdiction shall be developed that incorporates a site-specific plan for use of integrated pest management techniques, if applicable, identifying anticipated use of fertilizers, herbicides and pesticides. The strategy shall include methods of application that ensure that these materials will not enter the water.	Required Change 12 – Restructure Footnote 3 Overall this footnote is confusing and hard to implement as it mixes in use regulations in a footnote to dimensional standards. Several of the components of this footnote appear to be general standards for recreational uses. For example, sub-sections (e) and (f) contain use regulations that are unrelated to dimensional standards. It's also unclear what the buffer for water-oriented uses is for, if in fact water-oriented uses are allowed in the buffer. A change to the wording and structure of this footnote is necessary for internal consistency with KMC 16.50.070 and to ensure the SMP regulations are able to be implemented pursuant to WAC 173-26-191(2)(a)(ii)(A). Ecology has not provided text changes and has requested that the City provide input on specific text changes to address this issue. Required change 13: Limit allowances for new development and redevelopment of water-oriented park and outdoor recreational facilities in buffers to public facilities only. For consistency with the use preferences of RCW 90.58.020, which prioritizes “development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.” Required change 14: Limit allowances in the buffer to items that are water-oriented The city manager should rely on the definition of water-oriented, which is consistent with the definition in WAC 173-26-020 to determine if a use or modification is water-oriented. Not all of the items listed in sub-section (a) are water-oriented. The change is necessary for consistency with the use preferences of the SMA and the definition of water-oriented in WAC 173-26-020. The City provided input that they would prefer not to include a list at all. Required change 15: Delete sub-section (c) Sub-section (c) appears to allow non-water oriented park and outdoor recreational uses in the shoreline buffer, as long as they are landward of water-oriented uses. This is inconsistent with the use preferences of RCW 90.58.020 and inconsistent with KMC 16.65.020.A, which establishes different buffers for non-water-oriented parks and facilities. Non-water oriented uses should not occur in shoreline buffers. This regulation may be appropriate if located in KMC 16.50.070 Parks and Recreation instead of in a buffer table. Required change 16: remove allowances for non-water-dependent parking within shoreline buffers. For consistency with the use preferences of the Act (RCW 90.58.020), with WAC 173-26-241(3)(k), which requires jurisdictions to “Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features,” and with Kenmore SMP Policies LU-23.9.11, LU-23.11.3, and LU-23.11.5. If a park redevelopment cannot occur without parking in the shoreline buffer, then a shoreline variance can be applied for.	An important set of changes have been made in the use matrix and in Section 16.50.070 to better distinguish parks from <i>commercial</i> recreational facilities and to implement Ecology’s comments. A park, by City definition, is a “site designed or developed for recreational use by the public...” and in practice is limited to public park facilities/properties or required recreational open space provided in a subdivision or multifamily development. Other recreational facilities are defined as “an establishment that provides facilities or services for recreational uses,” either inside or outside of buildings. Indoor commercial recreation, such as gyms, indoor swimming pools or fitness centers, has more in common with traditional commercial uses, and thus the applicable regulations are limited to 16.50.075, Commercial, light manufacturing and institutional uses (see new note in the use matrix following “Recreational facility, indoor, commercial”). However, outdoor commercial recreation, such as outdoor swimming pools, marinas and boat launches, has more in common with City parks and shares a greater likelihood for providing public access and recreation opportunities that are preferred in shoreline jurisdiction. Thus, these two categories are regulated together in the retitled 16.50.070, Parks and commercial outdoor recreation. These changes are reflected in clarifications to the use matrix and in 16.50.070. Required change 12: Old footnote 3 has been relocated to 16.50.070.C and D, and further modified per input from and discussion with Ecology. See highlighted edits in attachment. Required change 13: Changes have been made in new section 16.50.070.D (old footnote 3) to further prioritize modifications in buffers for water-oriented parks and <i>publicly accessible</i> commercial outdoor recreation only. In addition, “Recreational facility, indoor, commercial” uses have been prohibited in the Urban Conservancy environment. See highlighted edits in attachment. Required change 14: See changes to old footnote 3 which is now in 16.50.070.D. See highlighted edits in attachment. Required change 15&16: Agreed. See highlighted edit in attachment.	12. City proposes to relocate most of this footnote to KMC 16.50.070 and make clarifications to table regarding types of parks and recreational uses. The proposed language as shown in Attachment C addresses Ecology’s concerns identified in this required change. 13. The City’s requested change as shown in Attachment C is consistent with the intent of Ecology’s original required change. 14. City accepts required change. The City proposes to relocate the regulations to KMC 16.50.070 as shown in Attachment C. 15&16. City accepts required change. The City proposes to relocate the regulations to KMC 16.50.070 as shown in Attachment C.
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Req-17	Policy LU-23.9.11	Where possible, during park master plan development or redevelopment, consideration Kenmore should restore shoreline ecological function, including by be revegetating the shoreline, re-siting roads and parking areas further away from the shoreline, and removing stream channelization and shoreline protection devices.	Required change 17: Retain existing language directing the City to restore shorelines in areas for public recreation. The existing language in this policy directs the City to restore shorelines in areas for public recreation. The proposed text changes would direct the City to only consider restoring shorelines. This change is necessary for consistency with the recommendations of the City’s Restoration Plan and with the requirements that the SMP achieve no net loss, pursuant to WAC 173-26-186(8).		
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Attachment C

City Proposed Regulatory Amendments to Address Ecology's Required And Recommended Changes from Attachment B (amended sections only)

16.05.060 Relationship to other Kenmore programs.

A. Kenmore shall issue no permit or approval contrary to the goals, policies, and regulations of the City of Kenmore *Shoreline Master Program* when property under the jurisdiction of the Shoreline Management Act is involved.

B. The following sections of the Kenmore Municipal Code are adopted and incorporated by reference as part of the *Shoreline Master Program*¹:

1. Chapter [1.20](#) KMC – Code Enforcement.
2. Chapter 18.55 KMC – Critical Areas [\(Ordinance 19-0488, effective June 25, 2019\)](#), except for the following sections:
 - a. KMC 18.55.150 - Exemptions
 - b. KMC 18.55.160 – Exception – Public Agency and Utility
 - c. KMC 18.55.170 – Variances
 - d. KMC 18.55.180 – Exception – Reasonable Use
 - e. KMC 18.55.230 – Unauthorized critical area alterations and enforcement
 - f. [KMC 18.55.300.D – Limited Exemptions in Wetlands](#)
 - g. [KMC Chapter 18.55, Article XIX, Flood Hazard Areas. While the Flood Hazard Areas regulations apply within shoreline jurisdiction, the regulations, themselves, are not incorporated as part of this *Shoreline Master Program*.](#)

Other sections of the Kenmore Municipal Code cross-referenced in this chapter are provided for reference purposes. Unless specifically stated, the *Shoreline Master Program* does not eliminate or reduce the requirements of any other portion of the Kenmore Municipal Code.

¹ [Certain Co](#)critical area code sections from Chapter [18.55](#) KMC – as they existed at the time of *Shoreline Master Program* approval by the Washington Department of Ecology in [20122020](#) [and are described in](#) [KMC 16.05.060\(B\)](#) – have been adopted into the shoreline regulations as part of the *Shoreline Master Program*. Future amendments to these sections of Chapter [18.55](#) KMC will not be in effect in the shoreline jurisdiction unless and until the *Shoreline Master Program* also is amended.

Chapter 16.45 GENERAL SHORELINE DEVELOPMENT STANDARDS

Sections:

[16.45.010 General shoreline development requirements.](#)

[16.45.020. Accessory uses.](#)

[16.45.030. Outdoor storage.](#)

[16.45.040. Parking.](#)

[16.45.050. Public access.](#)

[16.45.060. Historic properties.](#)

[16.45.070. Channel migration zone on Swamp Creek.](#)

16.45.010 General shoreline development requirements.

A. Kenmore shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline *ecological functions* and processes. Mitigation for impacts resulting in uses and modifications shall follow the mitigation sequencing requirements of KMC [18.55.210](#) and consider the priorities specified in the shoreline *restoration* plan.

B. All shoreline uses and developments shall be subject to the following general development standards:

1. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and groundwater on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
2. *Solid* and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
3. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational *marinas*, commercial moorage, and vessel repair facilities.
4. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. The use of chemicals to control invasive aquatic weeds shall be limited to herbicides; provided, that the chemicals are applied by a licensed pesticide applicator and approved for aquatic use.
5. All shoreline developments and uses shall manage increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shoreline properties and features are not adversely affected. Control measures may include, but are not limited to, permeable surfacing, dikes, catch basins, settling ponds, interceptor drains and planted buffers.
6. All shoreline developments and uses shall control erosion during project construction and operation.
7. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance of or minimize adverse impacts to protect *fish and wildlife habitats of importance*, including, but not limited to, spawning, nesting, rearing and habitat areas, and migratory routes. Where avoidance of adverse impacts is not practicable, the *city manager* may require that mitigation measures to protect species and habitat functions be developed in consultation with State resource management agencies and federally recognized tribes.

8. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, erosion and accretion.

9. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

10. Land clearing, *grading*, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for *development*. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

11. All shoreline development shall be located, constructed and operated so as to protect public health, safety and welfare.

12. All *development* activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as *bulkheads*, other bank stabilization, landfills, levees, dikes, *groins*, *jetties* or substantial site regrades.

13. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry into any water body.

14. Navigation channels shall be kept free of hazardous or obstructing *development* or uses.

15. Heating and cooling equipment may not be placed in waters of the State. (RELOCATED FROM 16.45.010.B.17)

16f. A vegetation management strategy for any allowed uses in shoreline jurisdiction shall be developed that incorporates a site-specific plan for use of integrated pest management techniques, if applicable, identifying anticipated use of fertilizers, herbicides and pesticides. The strategy shall include methods of application that ensure that these materials will not enter the water.

(RELOCATED FROM 16.50.070.D.3.f)

16.45.020. Accessory uses. (RELOCATED FROM 16.50.030.C)

1A. Conditional or prohibited uses may be permitted as *accessory uses* only if clearly incidental and necessary for the operation of a permitted principal use. For purposes of this section, *air transportation service* shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable *shoreline environment*.

2B. Unless specifically stated otherwise in the regulations for the applicable environment, *accessory uses* that are *non-water-dependent* and *non-water-related*, even if accessory to *water-dependent* or *water-related uses*, shall not be permitted over water unless either:

a1. The over-water location is necessary for the operation of the *water-dependent* or *water-related use*; or

b2. The lot has a depth of less than 50 feet of dry land.

C. *Piers, floats, pilings, breakwaters, drydocks* and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable *shoreline environment*.

D. Accessory uses shall be located on the same lot as the principal use; provided, that when the accessory use is also permitted as a principal use in the *shoreline environment* applicable to an adjacent lot, the accessory use may be located on that adjacent lot.

E. KMC Section 16.50.090 contains additional standards for residential accessory uses.

16.45.030. Outdoor storage. (RELOCATED FROM 16.50.030.D)

Outdoor storage is allowed only in the Downtown Waterfront Environment and is prohibited in all other environments. Such use shall be accessory to a permitted *water-dependent use*, shall be at least 20 feet from the *ordinary high-water mark* and shall meet the following standards:

1A. Storage shall not be permitted in required setbacks and shall not be located between the building(s) and the primary street.

2B. Storage shall be screened from view from the public right-of-way and adjacent residential zones using a minimum six-foot-high solid wood fence, masonry wall, or vegetation approved by the *city manager*.

3C. Storage shall be maintained in a neat, orderly and safe manner and shall not include the exterior accumulation of broken, abandoned or discarded materials, junk, trash, rubbish, or debris.

4D. Outdoor storage areas shall be graded and shall meet the requirements of the City's Stormwater Pollution Prevention Manual. Outdoor storage areas may be surfaced with permeable materials if adequate drainage and erosion and dust control are provided.

5E. Lighting shall be directed away from adjacent residential zones and shall be shielded as necessary to reduce impacts.

16.45.040. Parking (RELOCATED FROM 16.50.087).

A. Accessory parking facilities in shoreline jurisdiction are not a preferred use and shall be allowed only as necessary to support an authorized use. *Standalone parking is permitted as described in KMC 16.50.030.* All parking is prohibited in the Natural Environment unless it supports a *water-dependent use* and complies with subsections B, C and D of this section.

B. In all *shoreline environment designations*, parking should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is *feasible* unless there are overriding needs for safe ADA (Americans with Disabilities Act) access.

C. Proposed parking facilities shall be planned, located and designed where routes will have the least possible adverse effect on unique or fragile shoreline features and will not result in a net loss of shoreline *ecological functions* or adversely impact existing or planned *water-dependent uses*.

D. Lighting from parking areas shall be screened from illuminating fish and wildlife habitat areas and their buffers; provided, that lighting necessary for safe operation of a permitted *water-dependent use* may be allowed, but should be screened to the extent possible from illuminating fish and wildlife habitat areas and their buffers.

E. Accessory parking shall not be permitted over water unless it is accessory to a *water-dependent* or *water-related use* located on a lot with a depth of less than 50 feet of dry land and the *city manager* determines that adequate on-site or off-site dry land parking within 800 feet is not reasonably available. **(RELOCATED FROM 16.50.030.C.3)**

16.45.050. Public access. (RELOCATED FROM 16.50.060)

A. Public access to the shoreline shall be required for publicly funded projects and development on public lands (KMC 16.45.010(B)(16)), commercial, and light manufacturing and institutional uses (KMC

16.50.075030(B)(2)), boating facilities (KMC 16.50.050), multifamily development, including mixed-use developments that contain multiple-family dwelling units (KMC 16.50.090(A)(1)), and land divisions of more than four lots (KMC 16.50.090(A)(2)).

B. For all development on private property, public access shall be required when such development would either generate or increase demand for public access and/or would impair existing legal access opportunities or rights.

C. The City adopts the following policies and plans as collectively constituting a shoreline public access plan for Kenmore:

- a1. Comprehensive Plan Downtown Sub-Element
- b2. Comprehensive Plan Transportation Element
- c3. Kenmore Parks, Recreation, and Open Space Plan
- d4. Other plans meeting the requirements of WAC 173-26-221(4) and developed through an open public process as provided in WAC 173-26-201(3)(b)(i).

D. Where public access is required, an applicant shall seek to provide physical public access consistent with the shoreline public access plan.

E. Where public access is required, it shall:

- 1. Connect to other public and private public access and recreation facilities on adjacent parcels along Lake Washington and the Sammamish River shorelines whenever feasible;
- 2. Be sited to ensure public safety;
- 3. Be open to the general public and accessible directly from a public right-of-way or by an easement granted to the City for public access;
- 4. Enhance access and enjoyment of the shoreline and provide features in scale with the development such as, but not limited to:
 - a. View points;
 - b. Places to congregate in proportion to the scale of the development;
 - c. Benches and picnic tables;
 - d. Beach or water access for boats; and
 - e. Pathways for pedestrians and bicycles.

F. Where public access is required, the area dedicated and improved for public access shall be roughly proportional to the scale and character of the proposed development and its impacts.

G. Where public access is required, the city manager shall first consider the principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.

H. Public access improvements shall be designed to be compatible with the purpose and intent of the shoreline environment in which they are constructed.

1. The provisions of this section do not apply to the following:

1. Short plats of four or fewer lots; or

2. Where *public access* is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the *shoreline environment*. Where physical *public access* is not *feasible*, opportunities for visual access or other approaches to enhance *public access* to the shoreline, shall be considered by the *applicant*. Alternative *public access* proposals shall be reviewed and approved by the *city manager*.

16.45.060. Historic properties.

Historic properties, including historic buildings, sites, objects, districts and landscapes, prehistoric and historic archaeological resources, and traditional cultural places, shall be protected within *shoreline environments* as follows:

aA. Known Historic Properties.

{1.} Known historic properties inventoried by King County and Washington Department of Archaeology and Historic Preservation are subject to the procedures delineated in Chapter [2.20](#) KMC. Disturbance of known archaeological sites is also subject to State regulations, including Chapters [27.44](#), [27.53](#) and [68.80](#) RCW;

{2.} If a known archaeological site or traditional cultural place is affected by a *development* proposal, the *city manager* shall require a site inspection or evaluation by a professional archaeologist and inform and consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes. To the extent *feasible*, the *city manager* shall coordinate county and State required permitting and compliance procedures and requirements to avoid substantial duplication of effort by permit *applicants*; and

{3.} In considering shoreline permits or shoreline exemptions, the *department* may attach conditions to provide sufficient time for the *city manager* to consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes, and to ensure that historic properties are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term stewardship and protection arrangements. Provision for the protection and preservation of historic properties shall be incorporated in permits and exemptions to the maximum extent practical.

bB. Inadvertent Discovery.

{1.} Consistent with the definitions and requirements contained in Chapters [27.44](#), [27.53](#) and [68.80](#) RCW, whenever potentially significant historic properties or archaeological artifacts are discovered in the process of *development* on *shorelines*, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the *city manager* and, if an archaeological site or artifacts have been discovered, the Washington State Department of Archaeology and Historic Preservation, any concerned Native American tribes and other appropriate agencies;

{2.} The *city manager* shall require that a historic property assessment be conducted immediately by a professional archaeologist, ethnographer or historic preservation professional, as applicable, in consultation with State and tribal officials as appropriate, to determine the significance of the discovery and the extent of damage that may have

occurred to the resource. The historic property assessment shall be provided to the *city manager* and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of Archaeology and Historic Preservation, and any concerned Native American tribes to determine the significance of the discovery in accordance with Chapter [27.53](#) RCW and Chapter [25-48](#) WAC; and

~~(3.)~~ Upon receipt of a positive determination of a property's significance, or if available information suggests that a negative determination is erroneous, the *city manager* may require that a historic property management plan be prepared by a qualified professional archaeologist or other appropriate professional if such action is reasonable and necessary to implement related program objectives.

~~eC.~~ Public Access to Historic Properties.

~~(1.)~~ If a private or publicly owned historic property is identified, *public access* shall be encouraged as appropriate for purposes of public education; provided, that:

~~(a.)~~ The type or level of *public access* is consistent with the long-term protection of both historic resource values and shoreline *ecological functions*; and

~~(b.)~~ An access management plan is developed in accordance with *development* site- and resource-specific conditions to address physical protection of the resource, hours of operation, interpretive or directional signage, lighting, pedestrian access, traffic, and parking, as appropriate, in consultation with the *city manager* and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of Archaeology and Historic Preservation, any concerned Native American tribes, or other agencies, as appropriate; and

~~(2.)~~ For archaeological sites and traditional cultural places, approval of proposed access measures by the Washington State Department of Archaeology and Historic Preservation, any concerned Native tribes or other agencies, as appropriate, shall be required prior to provision of *public access* to a site.

~~16. All projects within the shoreline jurisdiction that are either publicly funded or on public land shall include improvements to shoreline public access.~~

16.45.070 Channel migration zone on Swamp Creek. (RELOCATED FROM 16.50.100)

A. Unless a site-specific study by a qualified professional concludes otherwise, the *channel migration zone* shall include:

1. The 500-year *floodplain* of Swamp Creek within shoreline jurisdiction; and
2. All area within 112.5 feet of Swamp Creek.

B. Within the *channel migration zone*:

1. There shall be no subdivision of land except for the purpose of creating permanent, nonbuildable open space tracts.
2. *Fill* shall not be allowed that impairs channel migration within the *channel migration zone*.

3. No new *development* is allowed where future stabilization, including bank stabilization as well as structural flood hazard reduction, would be necessary.
4. Existing structures can be protected but must use natural stabilization unless proven by a scientifically and technically valid study that the natural stabilization measures will not work.
5. Existing legal uses in the Swamp Creek *floodplain* can be repaired and maintained; provided, that such actions do not cause significant ecological impacts, increase flood hazards to other uses, and are consistent with other relevant laws.
6. Before new structural flood hazard reduction measures in shoreline jurisdiction can be approved, it must be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not *feasible*, that impacts on *ecological functions* and priority species and habitats can be successfully mitigated so as to assure *no net loss of ecological function*, and that appropriate vegetation conservation actions are undertaken.

C. A project proponent may have a *channel migration zone* study completed by a qualified professional hydrogeologist to be reviewed by the City. If the study demonstrates that the entirety of the development property is outside of the *channel migration zone*, then this section will not further apply to the project.

Chapter 16.50 SHORELINE USES

Sections:

- 16.50.010 General shoreline uses.**
- 16.50.020 Interpretation of shoreline use table.**
- 16.50.030 Shoreline use table and conditions.**
- 16.50.040 Aquaculture.**
- 16.50.050 Boating facilities.**
- 16.50.060 Public access.**
- 16.50.070 Parks and recreation.**
- 16.50.075 Commercial, and light manufacturing and institutional uses.**
- 16.50.080 Utility facilities.**
- 16.50.085 Transportation uses and facilities.**
- 16.50.087 Parking**
- 16.50.090 Residential uses.**
- 16.50.100 Channel migration zone on Swamp Creek.**

16.50.010 General shoreline uses.

A. All uses in the shoreline jurisdiction must comply with all City code provisions and with the Kenmore *Shoreline Master Program*. For a principal use to be permitted in the shoreline, it must be a permitted use in the underlying zone, and must be listed as a permitted or conditional use in KMC [16.50.030](#). This section may not authorize a land use that is not allowed by the underlying zoning, but may add restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction.

B. Uses not specifically addressed in [this table KMC 16.50.030](#) may be permitted as conditional uses in the shoreline jurisdiction, provided the use meets the criteria for a shoreline conditional use permit and is compatible with the underlying zoning.

C. When there is a conflict between permitted land uses, preference for shoreline uses shall first be given to *water-dependent uses*, then to *water-related uses*, then to *water-enjoyment uses*, and finally to *non-water-oriented uses*.

D. KMC Sections 16.50.040 through KMC 16.50.090 provide additional shoreline use requirements for specific uses as identified in the shoreline use table.

16.50.020 Interpretation of shoreline use table.

A. The shoreline use table in KMC [16.50.030](#) indicates whether a specific use is allowed within each of the *shoreline environment designations* and whether it is permitted outright or allowed only as a shoreline conditional use. The process through which a use or development may be permitted is defined under procedures in Chapter [16.75](#) KMC.

B. In the table, *shoreline environment designations* are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific *shoreline environment designation* and whether additional use criteria apply. The table should be interpreted as follows:

1. If the letter "P" appears in the box at the intersection of the column and the row, the use may be permitted within the *shoreline environment designation* if the underlying zoning also allows the use.
2. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the *shoreline environment designation* subject to the shoreline conditional use review procedures specified in Chapter [16.75](#) KMC, and only if the underlying zoning allows the use.
3. If the letter "X" appears in the box at the intersection of the column and the row, the use is prohibited in that *shoreline environment designation*. These uses may not be authorized through a conditional use, shoreline exemption, or shoreline variance.
4. If the letter "U" appears in the box at the intersection of the column and the row, the use is subject to the same review process and standards as the immediately adjacent upland *shoreline environment designation*.
5. If a number appears after the letter "P," "C" or "U" in the box at the intersection of the column and the row, additional use criteria apply. The use may be permitted subject to the appropriate review process in this section only if the specific use criteria indicated with the corresponding number immediately following the table are satisfied, and only if the underlying zoning allows the use. If more than one number appears at the intersection of the column and row, both numbers apply.
6. Definitions of italicized uses in the table may be found in Chapter 18.20 KMC.

16.50.030 Shoreline use table and conditions.

A. Shoreline Use Table.

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Adult entertainment business	P2	P2	X	X	X	X
Air transportation service	X	X	X	X	X	C ¹⁴ ₁₂
Ambulatory surgery center	X	X	X	X	X	X
Animal kennel/shelter	X	X	X	X	X	X
Arts, entertainment, indoor	P2	P2	X	P ² ₁₆	X	X
Arts, entertainment, outdoor	P2	P2	X	P2	P6	X
Auction house	X	X	X	X	X	X
Automotive sales and service, marine	P2	P2	X	X	X	U3
Automotive sales and service, non-marine	X	X	X	X	X	X
Business service, intensive	X	X	X	X	X	X
Business service, standard	P2	P2	X	X	X	X
Cemetery, columbarium or mausoleum	X	X	X	X	X	X
College/university	P3	P3	P3	P3	X	U
Community residential facility	P2	P2	P ²	X	X	X
Construction and trade	X	X	X	X	X	X
Day-care	P2	P2	X	X	X	X
Eating and drinking place	P2	P2	X	P ² ₁₆	X	X
Educational service	P2	P2	P2	P2	X	X
Family child-care home	X	X	P ¹⁷	X ^{P17}	C ¹⁷	X
Fire or police facility	P3	P3	P3	C3	X	U
Funeral home/crematory	X	X	X	X	X	X
Health care and social assistance	P ² ₁₃	P ² ₁₃	X	P ² ₁₃	X	X
Hospital	X	X	X	X	X	X
Laboratory	P2	P2	X	X	X	X
Manufacturing, heavy	X	X	X	X	X	X
Manufacturing, light	P2	P2	X	X	X	X
Marijuana business	P2	P2	X	X	X	X
Marijuana cooperative	X	X	X	X	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Mobile food service	P2	P2	X	P2	X	P3
Manufactured housing community	X	X	C14	X	X	X
Multiple-family dwelling. See also KMC Section 16.50.090.	P217	P217	P17	P217	X	X
Office	P2	P2	X	P2	X	X
Park, non-water-oriented. See also KMC Section 16.50.070.	P4X	P4X	P5X	P5X	P6X	P3X
Park, water-oriented. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P	P	P	P	P6	P3
Personal service	P2	P2	X	P2	X	X
Recreational facility, indoor commercial. KMC Section 16.50.070 does not apply to this use.	P2	P2	X	P2X	X	X
Recreational facility, outdoor commercial. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P415	P415	P515	P515	P6	P34
Regional land use, except for airport and ferry terminal, and highway and street, which are described below. See also KMC Section 16.50.085.	C27	C27	X	X	X	C3
Airport	C12	X	X	X	X	C12
Ferry terminal	C	X	X	X	X	C
Highway and street, except for in-water uses	C10	C10	C10	C10,12	C10,12	C12
Religious institution	P2	P2	X	X	X	X
Resource land use, except for aquaculture, which is described below:	X	X	X	X	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Aquaculture.</i> See also KMC Section 16.50.040.	X	X	X	X	X	C1
<i>Retail sales</i>	P2	P2	X	P2,16	X	X
<i>Retail sales, bulk</i>	X	P2	X	X	X	X
<i>Secure facility</i>	X	X	X	X	X	X
<i>Single detached dwelling unit.</i> See also KMC 16.50.090.	X	X	P17	P17	C17	P8
<i>Standalone parking.</i> See also KMC Section 16.50.087.	C11	X C11	X	X C11	X	X
<i>Supportive living facility</i>	P2	P2	P2	X	X	X
<i>Temporary lodging</i>	P2	P2	X	X	X	X
<i>Transportation services.</i> See also KMC Section 16.50.085.	C2	C2	X	X	X	X
<i>Transportation facilities</i>	C9	C9	C9	C9	C9	C9
<i>Utility facility.</i> See also KMC Section 16.50.080.	P10	P10	P10	P10	P10	P3,10
<i>Vehicle or equipment rental</i>	P3,16	X	X	P3,16	X	P3,16
<i>Vehicle refueling station</i>	P2	P2	X	X	X	C3
<i>Warehousing</i>	X	X	X	X	X	X
<i>Wholesale trade</i>	P2	P2	X	X	X	X

B. Shoreline Use Criteria (Footnotes to Shoreline Use Table in Subsection A of This Section).

1. *Aquaculture* may be allowed only in Lake Washington and only under the following conditions:

a. *Aquaculture* operations are located at least 500 feet from the Shoreline Residential and Downtown Waterfront Environments.

b. *Aquaculture* operations waterward of the Natural Environment and Urban Conservancy Environment are limited to activities that do not require structures, facilities or mechanized harvest practices.

2. Only if consistent with KMC Section 16.50.075, commercial, light manufacturing and institutional uses.

3. Only the *water-dependent* portion of the use shall be allowed in the *shoreline environment*.

4. ~~In the Downtown Waterfront and Swamp Creek Commercial Environments, w~~Water-oriented recreational uses ~~including parks and public access trails and facilities accessible to the public~~ may be allowed together with accessory recreation facilities that provide water enjoyment for substantial numbers of persons. All other ~~commercial outdoor~~ recreational uses shall be prohibited.

5. In Urban Conservancy and Shoreline Residential Environments, ~~parks, trails and boating facilities~~ shall be allowed. Golf course shall be a conditional use in the Urban Conservancy Environment. All other ~~commercial outdoor~~ recreational uses shall be prohibited.

6. In the Natural Environment, ~~only~~ water-oriented passive and low-impact uses, including public access trails, shall be allowed. ~~All other outdoor arts, entertainment or recreational uses shall be prohibited.~~

7. Wastewater treatment facilities and municipal water production uses, except for in-water uses, shall be allowed only on Lake Washington shorelines and are prohibited on shorelines of the Sammamish River and Swamp Creek.

8. New overwater residences, including *floating homes*, are prohibited except for *live-aboards*. They may be allowed; provided, that:

- a. They are for single-family use only;
- b. They are located in a *marina* that provides shower and toilet facilities on land and there are no sewage discharges to the water;
- c. *Live-aboards* do not exceed 10 percent of the total slips in the *marina*;
- d. They are owner-occupied vessels; and
- e. There are on-shore support services in proximity to the *live-aboards*.

9. ~~Only if consistent with KMC Section 16.50.085, transportation facilities.~~

10. *Utility facilities* may be located within the shoreline jurisdiction if there is no *feasible* alternate location, the alternative would result in unreasonable and disproportionate cost, or the facility is necessary to serve adjacent shoreline uses. In no case are propane/compressed natural gas/liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users permitted.

11. Commuter parking only, and only if it is designed to serve a passenger ferry system ~~or regional transit. The use must meet the standards in KMC 16.45.040.~~

12. Helistops and heliports are prohibited ~~in all environments.~~

13. Veterinary clinics are prohibited ~~in the shoreline environment.~~

14. Except for *manufactured housing communities* existing as of ~~insert effective date of ordinance~~, which are permitted outright.

15. *Marinas* are prohibited on shorelines of the Sammamish River and Swamp Creek.

16. Only when accessory to a *park* or *recreational facility* and related to water access ~~or to water enjoyment for substantial numbers of persons for the public.~~

17. ~~Only if consistent with KMC Section 16.50.090, residential uses.~~

16.50.040 Aquaculture.

A. Any structure used for *aquaculture* that is placed waterward of the *ordinary high-water mark* shall be placed so as not to:

1. Be a significant hazard to navigation;
2. Cause significant damage to neighboring properties;
3. Be a significant hazard to divers and boaters who may frequent the area.

B. Any byproducts of the aquatic resources facility which are discharged into the water shall not degrade the quality of the recipient water body.

C. *Aquaculture* shall be installed with minimum disturbance to banks and channels and shall not cause extensive erosion or accretion along adjacent *shorelines*.

D. *Aquaculture* facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

16.50.050 Boating facilities.

Boating facilities shall meet the following standards:

A. The facility shall be designed and operated so that there is *no net loss* of *ecological function* in the shoreline;

B. The streets serving the proposed facility must be adequate to accommodate traffic generated by such a facility safely and conveniently;

C. The facility shall provide adequate parking in accordance with underlying zoning requirements. Long-term parking areas shall be located away from the water. Short-term loading areas, however, may be located near berthing areas;

D. All *boating facilities* shall be sited and designed to protect rights of navigation;

E. A *marina* must have provisions available for cleanup of accidental spills of contaminants;

F. Lavatory facilities connected to a sanitary sewer and adequate to serve the *marina* shall be provided;

G. Self-service sewage pumpout facilities or the best available method of disposing of sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at *marinas* having in excess of 3,500 lineal feet of moorage or slips large enough to accommodate boats larger than 20 feet in length, and shall be located so as to be conveniently available to all boats. An appropriate disposal facility for removal of bilge wastes shall be either a vacuum apparatus, or oil-absorbent materials and waste receptacles;

H. Untreated sewage shall not be discharged into the water at any time. Treated sewage shall not be discharged while boats are moored;

I. *Public access* shall be provided in accordance with KMC [16.50.06045.050](#);

J. The design shall be compatible with adjacent development;

K. Covered moorage may only be permitted for vessel repair facilities; and

L. Extended moorage on waters of the State without a lease or permission is prohibited.

16.50.070 Parks and commercial outdoor recreation.

A. ~~Permitted r~~**Recreational development** in all environments must meet the following standards:

~~1e. Recreational development allowed in shoreline jurisdiction should be primarily related to water access or to enjoyment of the water by substantial numbers of persons. To the extent feasible, a Non-water-oriented park and commercial outdoor recreational uses and modifications should be located outside of shoreline jurisdiction or, if accessory to a water-oriented recreational development, upland of water-oriented uses and modifications if a location outside of shoreline jurisdiction is not feasible.~~ **(RELOCATED FROM 16.65.020.B.3.c)**

2. Parks and commercial outdoor recreation facilities shall be located, designed and operated in a manner consistent with the purpose of the shoreline environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.

~~3d.~~ **31.** Vehicular access, parking and restrooms should be located outside the shoreline jurisdiction; if infeasible to locate outside of the shoreline jurisdiction, such facilities shall be located as far from the shoreline as is *feasible*.

~~43.~~ Removal of native vegetation for recreational **development and** uses shall be the minimum necessary ~~to provide pedestrian access and limited visual access to the shoreline;~~

B. Water-dependent and water-related ~~Recreational development~~ in all **shoreline** environments must meet the following standards:

1. The construction of *water access structures* waterward of the *ordinary high-water mark* shall be governed by the regulations relating to *water access structure* construction in KMC 16.55.050.
2. Swimming areas shall be separated from *boat launch* areas and *marinas*, to the maximum extent practical, consistent with KMC 16.55.050.C.
3. New or expanded swimming facilities shall only be permitted if there is an ongoing water quality testing program guided by a monitoring plan approved by the *city manager* to ensure public safety.

C. Public access Trails

~~41.~~ **41.** Public access trails within ~~the shoreline buffers~~ shall be regulated by the provisions of ~~KMC 16.50.060 and~~ Chapter 18.55 KMC.

~~2.~~ Trails ~~should~~**shall** be designed primarily for **non-motorized use** ~~pedestrian access, including access by wheelchair where appropriate,~~ and should be no wider than is necessary to accommodate expected pedestrian traffic.

D. Allowances for water-oriented park and commercial outdoor recreational facilities in shoreline buffers. In recognition of the existing conditions of current and planned City shoreline *parks* and public or *publicly accessible private commercial outdoor recreational facilities*, the following standards shall guide new *development* and redevelopment of *water-oriented park and outdoor recreational facilities* in *shoreline buffers*. For any allowed *development* or modification within a buffer, *applicants* shall submit a plan that addresses compliance with each of the following applicable standards ~~and principles~~. The City may review and condition the project to more fully implement the ~~principles~~**standards** below: **(RELOCATED FROM 16.65.020.B)**

1. Water-dependent park and commercial outdoor recreation facilities, such as water-access structures and swimming beaches, are allowed in buffers consistent with KMC 16.65.020.C.1.

2a. In addition to trails and water-dependent developments, such as water access structures, the following list of Certain uses and modifications may be allowed within buffers if they support water-oriented parks and commercial outdoor recreation facilities and demonstrate consistency with 3b through 5f below. This list will serve as a guide, and is not exclusive. The city manager has the discretion to decide if a proposed use or modification supports water-oriented public access and outdoor recreation, and shall consult the definition of water-oriented in KMC 16.10.610. City's public access plan as identified in KMC 16.50.060.

(1) Benches, picnic tables and picnic shelters.

(2) Play and exercise equipment.

(3) Boating support improvements (e.g., boat storage, staging areas, temporary seating for events).

(4) Observation platforms.

(5) Visual and auditory art installations.

(6) Safety improvements (e.g., cameras, fencing, fire prevention).

3b. New or expanded water-oriented development and facilities that support water-enjoyment shall follow mitigation sequencing to protect existing riparian areas and other critical areas. Unavoidable impacts shall be mitigated consistent with the requirements in KMC 18.55.190 through 18.55.220, 18.55.330 and 18.55.430 such that there is no net loss of shoreline ecological processes or functions.

4d. If parking improvements supporting water-oriented parks and commercial outdoor recreation facilities cannot comply with KMC 16.50.08745.040, parking within buffers shall be limited to that necessary to provide vehicle access to boat launches, to improve existing informal parking areas, to expand existing parking, or to provide ADA parking when there are no feasible locations outside of shoreline jurisdiction and outside of shoreline buffers. New or improved pollution-generating impervious surfaces shall provide water quality treatment consistent with the City's adopted Surface Water Design Manual. All parking should be located as far from the ordinary high water mark as feasible and any expansions should not extend closer to the shoreline waterbody.

5e. New and expanded public access and recreation uses recreational development in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as avoid tree and shrub removal. Necessary tree removal shall be mitigated at a 3:1 ratio, with an emphasis on use of native conifers placed to maximize ecological benefits to the shoreline waterbody.

(RELOCATED FROM 16.65.020.B)

EB. In the Natural Environment, recreational uses development shall meet the following standards:

12. Trails shouldshall be designed primarily for pedestrian access, including access by wheelchair where appropriate, and should be no wider than is necessary to accommodate expected pedestrian traffic;

23. Removal of native vegetation for recreational uses shall be the minimum necessary to provide pedestrian access and limited visual access to the shoreline; and

34. Public contact with unique and fragile areas shall be permitted where possible without destroying the natural character of the area; and

5. Viewing, studying, and recording water and nature may be accommodated by platforms, benches or shelters, consistent with public safety and security.

16.50.075 Commercial, ~~and~~ light manufacturing ~~and~~ institutional uses.

A. Water-dependent and water-related commercial, light manufacturing and institutional uses shall be permitted subject to the applicable requirements and conditions of KMC 16.50.030.A and B. Non-water-dependent and non-water-related uses shall be permitted only if the use meets the standards of subsections (1) and (2) below: **(RELOCATED FROM 16.50.030.B.2)**

1. The development use is:

- (a) Part of a mixed use development that includes a *water-dependent use* and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a *water-dependent use* or *water-related use* (including uses accessory to a *water-dependent use* that are fully incidental and subordinate to the *water-dependent use*), dedicated *public access*, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or
- (b) A new or expanding use in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current ~~stream~~*shoreline* buffer provisions of KMC ~~Chapter 18.55~~16.65.020 and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or
- (c) on a site physically separated from the shoreline by another property or public right of way; or
- (d) at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "2" below.

~~b. The non-water-oriented uses are located on land unless otherwise authorized in 16.50.075; and~~

2. The development provides a significant public benefit to help achieve any of the following shoreline element goals:

- (a) Economic development for uses that are *water-dependent*;
- (b) *Public access* beyond that required by KMC Section 16.45.050;
- (c) *Water-oriented* recreation;
- (d) Multimodal, *water-dependent* transportation circulation;
- (e) Conservation or *restoration of critical areas*, scenic vistas, or fish and wildlife habitat; or
- (f) Preservation of historic properties;

B. Existing non-*water-dependent* uses may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

C. Commercial, ~~or~~ light manufacturing ~~or~~ institutional development proposals shall be designed or conditioned to ensure *no net loss* of shoreline *ecological functions*, and no significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and *public access*.

D. Non-water-dependent commercial, ~~or light manufacturing~~ ~~or institutional~~ uses should not be allowed over water except in existing structures or in the limited instances where they are accessory to and necessary in support of water-dependent uses.

16.50.080 Utility facilities.

The following standards apply to utility uses within the *shoreline environment*:

A. Stormwater and sewage outfalls may be permitted in *shoreline environments* if upland treatment and infiltration to groundwater, streams or *wetlands* is not *feasible* per WAC [173-26-020](#) and there is no long-term adverse impact on salmon spawning, rearing or migration habitat;

B. Water intakes shall not be permitted near fish spawning, migration, or rearing areas;

C. Water intakes shall comply with Washington Department of Fish and Wildlife fish screening criteria, and to the maximum extent practical, intakes shall be placed at least 30 feet waterward of the *ordinary high-water mark*;

D. Cable crossings for telecommunications and power lines and pipelines for oil, gas, water and other utilities shall:

1. Use the best available technology to protect health, safety, and the environment;
2. Be routed through sites that are already free of vegetation, such as existing roadways, or attached to existing bridges, to the greatest extent *feasible*;
3. Avoid critical aquatic habitat to the greatest extent *feasible*;
4. If crossing beneath a streambed, utilities shall be designed to avoid streambed mobilization and adverse impacts on groundwater flow, be placed in a sleeve or conduit that allows replacement without need for additional excavation, and return grades to existing or better condition that provides for normal floodwater flow; and
5. Provide mitigation for impacts to shoreline *ecological functions*.

16.50.085 Transportation ~~uses and~~ facilities.

~~A.~~ New highway and street construction is allowed ~~in the shoreline environment~~ only if:

- ~~a1.~~ There is no *feasible* alternate location;
- ~~b2.~~ Pedestrian, bicycle and public transport needs are addressed; and
- ~~c3.~~ When located in the Natural Environment, the use is low-intensity transportation infrastructure. **(RELOCATED FROM 16.50.030.B.10)**

~~B.~~ Highway and street infrastructure that must be located in water or over water, such as bridges and bridge supports, may be permitted; provided, that the priorities of the Kenmore shoreline *restoration* plan are considered in designing mitigation for impacts from the project. **(RELOCATED FROM 16.50.030.B.12)**

~~A. Non water dependent transportation uses shall be located as far landward as possible.~~

~~E.C.~~ Transportation facilities shall employ mitigation sequencing specified in Chapter [18.55](#) KMC to avoid and mitigate for impacts to *critical areas*.

BD. Bridges, when necessary, should span open water and *floodways*.

CE. Roadways and bridges should be designed to avoid placement of *fill* or structures that would restrict *floodplain* capacity or limit channel migration.

DE. Construction of private bridges should be minimized, and shared access should be required whenever *feasible*, including when subdivision would create new lots requiring access by bridge.

FG. Expansion of existing highways and streets in the *shoreline jurisdiction* shall be permitted **without a conditional use permit** only if the following criteria are met:

1. The expansion is included in the Transportation Element of the Comprehensive Plan, Neighborhood Transportation Plan, Transportation Improvement Program, ADA Compliance Plan, or Target Zero strategy implementation.
2. The expansion does not require acquisition of private property that was unanticipated in the plans under **a1.**, above.
3. The expansion is located within existing rights-of-way or other City-managed land.
4. Alteration and/or *fill* is the minimum necessary to construct such facilities to meet established safety standards and all applicable SMP standards can be met.
5. Disturbed areas are restored immediately after the use of construction equipment.

If these criteria cannot be satisfied, expansion may only be permitted after approval of a conditional use permit.

16.50.090 Residential uses.

A. Multiple-family dwellings shall be permitted in the Downtown Waterfront, Swamp Creek Commercial and Urban Conservancy Environments only if the use meets the standards of subsections (1) and (2), below: **(RELOCATED FROM 16.50.030.B.2)**

1. The use is:

(a) Part of a mixed use development that includes a *water-dependent use* and in which at least 50 percent of the land area within the shoreline jurisdiction on the project site is in a *water-dependent use or water-related use* (including uses accessory to a *water-dependent use* that are fully incidental and subordinate to the *water-dependent use*), dedicated *public access*, or substantial shoreline habitat enhancement consistent with KMC 16.60.010; or

(b) A new or expanding use in a commercial zone along the Swamp Creek shoreline north of Northeast Bothell Way, where the existing development does not conform with current *shoreline buffer* provisions of KMC 16.65.020 and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or

(c) on a site physically separated from the shoreline by another property or public right of way; or

(d) at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "2" below.

2. The development provides a significant public benefit to help achieve any of the following shoreline element goals:

(a) Economic development for uses that are *water-dependent*;

(b) *Public access* beyond that required by KMC 16.45.050;

(c) *Water-oriented recreation*;

(d) Multimodal, *water-dependent* transportation circulation;

(e) Conservation or *restoration of critical areas, scenic vistas, or fish and wildlife habitat*; or

(f) Preservation of historic properties;

Existing *multiple-family dwellings* may be expanded, provided the expansion complies with all development standards and the project includes ecological enhancement consistent with KMC 16.60.010.

B. Residential accessory uses must meet the following standards:

1. Non-*water-dependent accessory structures* other than below-grade swimming pools shall be limited to a 150-square-foot footprint.
2. Below-grade swimming pools shall be sited and designed so that they do not adversely affect the flow of groundwater or endanger unstable slopes.
3. *Accessory structures* shall be sited to preserve visual access to the shoreline from adjacent properties and public rights-of-way to the maximum extent practical.
4. Non-*water-dependent accessory structures* and facilities such as sheds, gazebos, swimming pools, and driveways shall not be located in vegetation conservation areas described in Chapter [16.60](#) KMC.
5. Foot ramps, stairs, and paths to provide pedestrian access to a *dock, pier, boat launch*, or beach may be allowed in the vegetation conservation areas described in Chapter [16.60](#) KMC, but shall be limited to a maximum width of 5' and shall avoid native vegetation removal to the maximum extent practicable.

16.55.050 Water access structures.

A. All *water access structures*, including *docks, piers*, moorage buoys, *floats* or launching facilities authorized by this chapter shall comply with the following general standards:

1. Any *water access structure* authorized by this chapter shall not interfere with navigation.
2. Existing habitat features (e.g., large and small woody debris, spawning gravel, etc.) shall be retained to the maximum extent practicable and new or expanded *water access structures* placed to avoid disturbance of such features. Mitigation is required where habitat features cannot be avoided or when habitat features are removed to address navigation or access requirements.
3. Invasive aquatic weeds may be removed by mechanical or manual methods, or controlled with herbicides provided that the chemicals are applied by a licensed applicator and approved for aquatic use.

4. In order to mitigate the impacts of new or expanded *water access structures*, the *applicant* shall develop a mitigation plan that contains one or more of the following measures as necessary to demonstrate *no net loss of ecological functions*:
 - a. Removal of any additional existing over-water and/or in-water structures that are not the subject of the application or are not otherwise required to be removed.
 - b. Planting of native vegetation along the shoreline immediately landward of the *ordinary high-water mark* consisting of trees and/or shrubs native to Puget Sound lowlands.
 - c. Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural *shoreline stabilization*. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or large woody debris.
 - d. Removal of man-made debris or other material waterward of the *ordinary high-water mark* that is detrimental to *ecological functions* and *ecosystem-wide processes*.
 - e. Participation in an approved mitigation banking or in-lieu-fee program.
5. No *water access structure* waterward of the *ordinary high-water mark*, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when there is a mutual agreement of adjoining property owners. Excepted from the requirements of this section are boat lifts or portions of boat lifts that do not exceed 30 inches in *height* measured from the *ordinary high-water mark*.
6. No covered *water access structure* is permitted waterward of the *ordinary high-water mark*, except as provided below:
 - a. Submerged, free-standing mechanical boat lifts associated with single detached residential *docks* or *piers* and recreational watercraft may be covered with a canopy, provided:
 - (1) No canopy shall be more than 25 feet in length or wider than 15 feet;
 - (2) No portion of the canopy shall exceed a *height* of 12 feet above the *ordinary high-water mark*;
 - (3) The canopy shall at no time have any side partly or wholly enclosed;
 - (4) The highest portion of the canopy shall be located below the lowest grade point on the waterward side of the existing homes on surrounding properties;
 - (5) Canopies shall be made out of nontoxic materials that allow light transmission;
 - (6) The total overwater coverage of the *piers*, *floats*, *ramps*, *ells*, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and
 - (7) Only one boat lift canopy per single detached residence shall be allowed.
 - b. Covered moorage may be provided for commercial boat repair facilities. *Applicants* shall submit information demonstrating that the covered area is the minimum necessary to serve the proposed use.
7. Proposals to repair or replace existing legally established *water access structures* in the existing configuration and footprint are allowed, provided the following requirements are met, as applicable:

- a. Materials used for *pier* and *dock* repairs shall meet the requirements established in subsection B of this section;
- b. Any decking that is replaced shall be grated with material that has at least 40 percent open space to allow for light transmission, except on sections of *floats* where the decking overlays a float tub;
- c. Any piles that are replaced shall be the minimum diameter and at the maximum spacing *feasible* to support the *pier* or *dock* configuration; and
- d. *Pier* projects which replace 75 percent or more of the *pier* support piles shall be reviewed as new *piers* which must comply with all standards in this chapter.

8. No dwelling unit may be constructed on a *dock* or *pier*.

B. Any *pier*, *dock*, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements:

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
General	- No skirting is allowed on any structure. - When steel piles are installed, approved sound attenuation measures must be used. - Only one <i>dock</i> or <i>pier</i> may be permitted for each parcel developed with a single detached residential unit and only if the <i>applicant</i> demonstrates there is no other <i>feasible</i> option for shared use facilities. - Only joint-use <i>docks</i> or <i>piers</i> are allowed on lots with less than 50 feet of waterfront except when lots abutting both sides of the subject lot already have a <i>dock</i> or <i>pier</i>. - Only joint use boat lifts, <i>docks</i>, <i>piers</i>, moorage buoys, <i>floats</i> or launching facilities may be permitted for <i>multiple-family dwelling</i> unit development proposals. <i>Docks</i>, or <i>piers</i> serving <i>boating facilities</i> must also meet the standards in KMC 16.50.050. - All float tubs shall be fully encapsulated. - If the standards in KMC 16.55.050.B cannot be met due to a public or private navigational or ecological concern, then an alternative design in lieu of meeting these requirements may be allowed without a shoreline variance if approved by other state and federal agencies, provided any impacts are appropriately mitigated and the facility does not interfere with public use of the shoreline.	
Maximum Area: surface coverage of over-water structures, including any <i>ramps</i> and <i>floats</i>	<i>Docks</i> or <i>piers</i> shall not exceed the minimum size necessary to serve the use for which they are designed 480 sq. ft. for single residential unit 700 sq. ft. for joint-use facility used by 2 residential units 1,000 sq. ft. for joint-use facility used by 3 or more residential units	<i>Docks</i> or <i>piers</i> shall not exceed the minimum size necessary to serve the use for which they are designed 120 sq. ft. for single residential unit 240 sq. ft. for joint-use facility used by 2 residential units 360 sq. ft. for joint-use facility used by 3 residential units 480 sq. ft. for joint-use facility used by 4 residential units
Maximum Width	Residential 4 ft. for <i>pier</i> or <i>dock</i> 4 ft. for <i>ramp</i> 6 ft. for <i>ell</i> and <i>float</i> Public or Commercial 4 ft. for main walkway. If project-specific justification of need is provided, the width	Residential 4 ft. for <i>ramp</i> 6 ft. for <i>float</i> Public or Commercial 5 ft. for <i>ramp</i> 6 ft. for <i>float</i>

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	may be increased to 6 ft. without a variance. • 5 ft. for perpendicular fingers or <i>ells</i> • 5 ft. for <i>ramp</i>, including railings (travel width is effectively 4 ft.) • 8 ft. for <i>ell</i> and <i>float</i>.	
Maximum Length	• 26 ft. for <i>ells</i> • 20 ft. for <i>floats</i> • In no case may any moorage facility extend more than 150 feet waterward of the <i>ordinary high-water mark</i>.	• 20 ft. per <i>float</i> per residential unit, and laid end-to-end. The maximum length is thus 20 ft., 40 ft., 60 ft., and 80 ft. for facilities serving 1, 2, 3 and 4 residential units, respectively. <i>Floats</i> may be perpendicular to shore only within existing embayments off of the main river channel. • Public or commercial <i>docks</i> should be no longer than 80 feet unless project-specific justification of need is provided. • <i>Ramps</i> shall be the minimum length necessary to provide safe access to the <i>float</i> and to position the <i>float</i> so that the <i>float</i> and a moored boat would not ground on the substrate or disturb the substrate by boat propeller action.
Decking and Material Standards	• <i>Ramps</i> and <i>piers</i>, including <i>ells</i> and perpendicular fingers, shall be fully grated. • <i>Floats</i> shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total <i>float</i> area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations.	• <i>Floats</i> shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total <i>float</i> area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations. • <i>Ramps</i> shall be fully grated.
	• The grating must be either multi-directional grating with a minimum of 40% open space or rectangular grating with a minimum of 60% open space. Provide documentation to show percent of open area.	
Location	• The only structures permitted in the first 30 feet waterward of the <i>ordinary high-water mark</i> are <i>piers</i> and <i>ramps</i>. • All <i>floats</i> and <i>ells</i> must be at least 30 feet waterward of the <i>ordinary high-water mark</i>.	• <i>Floats</i> shall be located no less than 5 feet and no more than 10 feet from the <i>ordinary high-water mark</i> measured from the landward edge of the <i>float</i>. To avoid interfering with river navigation and public use of the water, private moorage facilities may extend no farther waterward than one-third the width of the river in the location of the proposed structure. • The <i>city manager</i> may allow <i>floats</i> to be positioned up to an additional 10 feet waterward from the <i>ordinary high-water mark</i> as needed to reach a sufficient boat moorage depth (greater than 3 feet). • <i>Floats</i> shall be located as far as <i>feasible</i> from the mouth of any named or

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
		numbered tributary entering the Sammamish River to reduce potential conflict with migrating salmon.
Piles	- The first (nearest shore) piling shall be steel, 4-inch-diameter or the smallest diameter necessary to serve the specific structure as demonstrated by an engineer, and at least 18 feet waterward of the <i>ordinary high-water mark</i>. - Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter unless required per project-specific engineering analysis.	- No more than two anchor piles shall be allowed per private moorage facility (joint-use, public or commercial facilities may have two piles per 20 feet of <i>float</i> length, but the number of piling for such facilities shall be the minimum number given site-specific engineering and design considerations). - Anchor piles shall be the minimum size <i>feasible</i> given site-specific engineering and design considerations and shall not exceed 12 inches in diameter unless a larger size allows for a reduced number of piles.
Materials	- Any paint, stain or preservative applied to components of the overwater structure must be leach-resistant, completely dried or cured prior to installation. - Materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds as outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in Aquatic and Sensitive Areas. - If ACZA-treated pilings are proposed, the <i>applicant</i> will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers Institute.	
Floatplane lifts	- The deck of the lift shall be fully grated and shall be the minimum size necessary. The following two standards do not apply to a regional land use such as Kenmore Air Harbor, but do apply to lifts associated with all other uses: - One platform lift serving a floatplane is allowed per lot. - Floatplanes may not be stored in the <i>shoreline buffer</i>.	Prohibited
Watercraft lifts	- One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit. - Additional watercraft lifts, without a canopy, at a single residential use waterfront structure are allowed, not to exceed three and only two can be ground-based; all other lift(s) must be floating or suspended lift(s).	- One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit OR 2 jet ski lifts or 1 fully grated platform lift is allowed, per detached dwelling unit - Boatlifts shall be located on the waterward, upstream or downstream sides of the <i>dock</i>, not on the landward side of the <i>dock</i>.
Mooring Buoys	- No more than one (1) mooring buoy is permitted per detached dwelling unit, in lieu of a <i>dock</i> or <i>pier</i>. - Mooring buoys shall not interfere with navigation. - The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or <i>float</i> structures.	

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	- Buoys shall be located and managed in a manner that minimizes impacts to aquatic habitat. - No more than four buoys per acre of surface water are allowed. - Use of helical anchors with a midline float to prevent dragging on the river or lake bottom is the preferred method to secure buoys.	

C. Any *boat launch* authorized by this chapter shall be subject to the following requirements:

1. Location Standards

- Boat launches* shall be sited so that they do not significantly damage fish and wildlife habitats and shall not occur in areas with native emergent vegetation. Removal of native upland vegetation shall be minimized to the greatest extent *feasible*.
- Boat launches* shall not be approved in cases when it can be reasonably foreseen that the development or use would require maintenance *dredging* during the life of the development or use.
- Boat launches* anticipated to be used by motorized boats shall be separated from existing designated swimming areas and other *water access structures* on adjacent properties by a minimum of 25 feet.
- Public and commercial *boat launches* shall be located only at sites with suitable transportation access. The *applicant* must demonstrate that the streets serving the *boat launch* can safely handle traffic generated by such a facility, and that parking for vehicles and attached trailers is sufficient.
- Public and commercial *boat launches* shall be located farther than 50 feet from the outlet of a stream, including piped streams, when *feasible*.

2. Size – The *applicant* shall demonstrate that the proposed size of the *boat launch* is the minimum width and length below the *ordinary high-water mark* necessary to safely launch the intended craft.

3. Design Standards

- Soft-surface *boat launches* shall be constructed of gravel, vegetation-stabilized earth, or other similar natural material. When only vegetation, and not the ground surface or lake and river substrates, is modified to allow for hand-launch of nonmotorized watercraft, that modification is not considered a *boat launch* subject to these regulations.
- Hard-surface *boat launch* designs, in order of preference, are:
 - Open grid with minimum coverage of substrate.
 - Seasonal ramps that can be removed and stored upland.
 - Structures with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in shoreline profile.

4. Public or commercial *boat launches* shall provide trailer spaces, at least 10 feet by 40 feet, commensurate with projected demand.

~~D. Proposals that do not meet the requirements of subsection B of this section and that are designed to support a commercial or light manufacturing water-dependent use, or to provide public access, or to~~

serve residential uses, may be considered by the city manager. For any alternative proposal, the applicant must demonstrate that the proposed deviation is the minimum necessary to meet the needs of the specific use proposed, and provides an equal or greater degree of protection of ecological functions and anadromous species habitat than would strict adherence to the standards. For purposes of meeting this requirement, the city manager will review the required habitat management plan to determine whether the project is adequately protective.

16.60.010 Vegetation conservation areas.

A. *Shoreline buffers* shall be considered vegetation conservation areas in which existing native vegetation is retained, except in the following circumstances and when mitigation sequencing is demonstrated:

1. The activity is part of a permitted shoreline *restoration* or enhancement project;
2. The activity is an allowed *water-dependent* or *water-enjoyment use* or modification;
3. The activity implements a *public access* or recreation maintenance plan; or
4. The vegetation removal is otherwise specifically allowed under Chapter [16.50](#), [16.55](#), or [18.55](#) KMC.

Vegetation clearing shall occur only in the minimum shoreline area that is necessary to support the permitted use and shall be mitigated. Nonnative vegetation may be retained unless otherwise required to be replaced as part of an enhancement associated with *development* or expansion of development on the property.

B. The vegetation management standards established in KMC Chapter 18.55 for *critical areas* and their buffers shall apply within all *shorelines*.

C. Retention of forest communities along stream and river channels provides shade and a source of woody debris to the aquatic habitat. Only trees determined by the City to be hazardous or diseased may be removed, unless authorized under subsection A of this section. Selective pruning for safety and view protection is allowed, provided pruning is conducted in a manner that minimizes harm to the health of the trees being pruned.

D. Nonnative vegetation may be removed as part of a *restoration* or enhancement project if replacement plantings will provide greater benefit to shoreline ecological processes than would be provided by strict application of this chapter.

E. Landscaping plans for *shoreline buffers* associated with shoreline development regulated under the shoreline code must be prepared by a qualified professional with experience developing native lake- or riverfront landscaping plans. Landscaping plans are not required for normal maintenance, including maintenance of existing nonconforming landscaping that complies with KMC [16.75.050](#).

F. Landscaping plans for *shoreline buffers* should avoid adverse impacts on existing public views of the shoreline.

G. Vegetation management in *shorelines* shall be consistent with the requirements for *grading* permits under Chapter [15.25](#) KMC. If there is a conflict between this chapter and Chapter [15.25](#) KMC, the more restrictive standards shall apply.

H. When considering compensatory habitat enhancement as mitigation for impacts from new structures, such as when a reduced buffer or shoreline setback or a non-*water-dependent use* is requested, the enhancement should:

1. Be proportional to the degree of impact of the new structure and associated alterations on shoreline *ecological functions*. For example, an approved buffer or setback reduction should be compensated with an equivalent area of native vegetation enhancement, including trees along the water's edge, when *feasible*;
2. Take into account the degree to which the existing buffer has already been compromised;
3. Offset changes in surface water runoff rates and water quality (such as through increased impervious area), habitat structure (such as loss or alteration of vegetation), and habitat quality (such as from lighting, noise or activities) that are a result of the project; and
4. Focus on restoring *ecological functions* that are most critical and that have been most diminished in the Kenmore shoreline.

Enhancements may also focus on restoring other critical *ecological functions* in the shoreline that have been lost or diminished over time (such as placement of large woody debris in water or restoring shallow water habitat) at a sub-basin or watershed scale. The *city manager* may determine whether an enhancement that provides a broader ecological benefit may be substituted for one that would offset the impacts of an individual project.

The *city manager* may deny a request to allow intrusion into a buffer or for *development* of a non-water-dependent use if the enhancement proposed does not fully mitigate the impacts of the project or provide a sufficient broader ecological benefit.

16.65.020 Shoreline density and dimensions table and development conditions.

A. Shoreline Density and Dimensions Table.

Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
	Standards					
	Shoreline Buffers from OHWM on Lake Washington					
Residential development ¹ Single-family Other	NA 50 ft	NA NA	25 ft 75 ft	115 ft 115 ft	150 ft NA	—
<i>Water-oriented parks and outdoor recreational facilities</i>	20 ft (3)	NA	25 ft (3)	75 ft (3)	150 ft (3)	—
<i>Non-water-oriented parks and outdoor recreational facilities</i>	50 ft (1)	NA	75 ft	115-100ft	150 ft	—
<i>Other water-oriented uses</i>	20 ft	NA	100 ft	150 ft	150 ft	—
<i>All other non-water-oriented uses</i>	50 ft (1)	NA	150 ft	150 ft	150 ft	—

Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Shoreline Buffers from OHWM on the Sammamish River						
Residential development ¹	75 ft	NA	Reach ² : B1 - 150 ft B2 - 100 ft B3 - (4) B4 - 75 15 (6)	150 ft	150 ft	1
<i>Water-oriented parks and outdoor recreational facilities</i>	50 ft (3)	NA	50 ft (3)	100 ft (3)	150 ft (3)	-
<i>Non-water-oriented parks and outdoor recreational facilities</i>	100 ft	NA	150 75 ft	150 100 ft	150 ft	-
<i>Other water-oriented uses</i>	75 ft	NA	50 ft	100 ft	150 ft	-
<i>All other non-water-oriented uses</i>	100 ft	NA	150 ft	150 ft	150 ft	-
Shoreline Buffers from OHWM on Swamp Creek						
Residential development ¹	NA	60 ft	50 ft	150 ft	150 ft	-
<i>Water-oriented parks and outdoor recreational facilities</i>	NA	50 ft (3)	50 ft (3)	100 ft (3)	150 ft (3)	-
<i>Non-water-oriented parks and outdoor recreational facilities</i>	NA	60 ft	75 ft	150 100 ft	150 ft	-
<i>Other water-oriented uses</i>	NA	50 ft	50 ft	100 ft	150 ft	-
<i>All other non-water-oriented uses</i>	NA	60 ft	150 ft	150 ft	150 ft	-
Building Setback from the Shoreline Buffer (2)						
All uses Single-family uses	15 ft (2)	15 ft (2)	15 ft (2)	15 ft (2)	15 ft (2)	-
Lake Washington	15 ft	15 ft	25 ft	15 ft	15 ft	Z
Sammamish River/Swamp Creek	15 ft	15 ft	15 ft	15 ft	15 ft	Z
All other uses	15 ft	15 ft	15 ft	15 ft	15 ft	Z
Building Height						
Base height	35 ft	35 ft	35 ft	35 ft	30 ft	35 ft
Additional height allowed when permitted in underlying zoning	Yes (5)	Yes (5)	Yes (5)	No	No	No

¹Residential development means *community residential facility, family child-care home, manufactured housing community, multiple-family dwelling, single detached dwelling unit, supportive living facility, and temporary lodging.*

²Sammamish River reaches are shown on Map 1, Shoreline Environment Designations.

B. Development Conditions (Footnotes to Shoreline Density and Dimensions Table in Subsection A of This Section).

1. The buffer associated with *water-oriented uses* may be applied to *non-water-oriented uses* along the inner harbor portion of the Downtown Waterfront area at the northeast end of Lake Washington, only if:
 - a. The uses are developed in conjunction with a *public access* promenade adjacent to the water; and
 - b. The uses do not interfere with *public access* or preclude the use of the shoreline for *water-dependent uses*; and
 - c. Mitigation is provided consistent with the requirements in KMC [18.55.190](#) through [18.55.220](#), [18.55.330](#) and [18.55.430](#) such that there is *no net loss* of shoreline ecological processes or functions.
2. Building setbacks may be reduced to five feet if vegetation in the required buffer is reestablished or enhanced, according to the standards in KMC [16.60.010\(H\)](#).
3. Public trails in *critical areas* and shoreline and critical area buffers are specifically addressed in Chapter 18.55 KMC. [Other allowances for water-oriented parks and outdoor recreational facilities in shoreline buffers are addressed in KMC 16.50.070.D.](#)
4. The *shoreline buffer* for residential development in the area designated on Map 1, Shoreline Environment Designations, as Reach B-3 shall be as follows:
 - a. On lots with an average depth of less than 100 feet measured upland from the *ordinary high-water mark*, the buffer shall be 25 feet.
 - b. On lots with an average depth of greater than 100 feet measured upland from the *ordinary high-water mark*, the buffer shall be the lesser of 50 feet or 30 percent of the average lot depth.
5. Additional *height* may be permitted in the Downtown Waterfront, Shoreline Residential and Swamp Creek Commercial environments under the following conditions:
 - a. The structures would not obstruct the view of a substantial number of residences; and
 - b. The structures are located in an area designated on Map 1, Shoreline Environment Designations (attached to Ord. 19-0490 as Exhibit 2, and incorporated by reference), as allowing these additional *heights*; and
 - c. The structure *height* complies with the allowable *height* of the underlying zone and the following additional *height* limits within the shoreline; and
 - d. The additional *height* of the structures would not impair the *ecological functions* of the stream, lake, *wetland*, or the required buffer. In particular, the effects of shading and light impacts on the viability of vegetation in the buffer shall be considered when making this determination; and
 - e. The structures are outside of the *floodway* in effect at the time of permit application; and
 - f. The structures would not be within a *wetland* or *wetland* buffer as regulated by Chapter [18.55](#) KMC.

Additional Height Allowances

Distance from Structure to Ordinary High-Water Mark	Maximum Height Allowed Area H-1	Maximum Height Allowed Area H-2	Maximum Height Allowed Areas H-3 and H-4
Less than 50 feet	35 feet	35 feet	35 feet
50 to 100 feet	50 feet	45 feet	35 feet
100 to 112.5 feet	50 feet	75 feet	35 feet
112.5 to 200 feet	50 feet	75 feet	65 feet

The burden to demonstrate that the proposal meets the criteria of this section is on the *applicant*. The *city manager* may require technical studies as necessary to demonstrate compliance.

6. ~~The A~~ shoreline buffer of 15 feet applies to the existing *manufactured housing communities*. ~~A~~ **The** shoreline buffer of 75 feet shall apply to any proposed change of use, but may be reduced to 50 feet without a shoreline variance with implementation of (1) a buffer enhancement plan, consistent with KMC 16.60.010.H and applicable provisions of Chapter 18.55 KMC, and (2) a *public access* plan, consistent with KMC 16.50.060.

C. Additional Shoreline Buffer Standards.

1. New *water-dependent uses* may be allowed within a *shoreline buffer* if the use is allowed per KMC 16.50.020 and if impacts are mitigated consistent with the requirements in KMC [Chapter 18.55](#) such that there is *no net loss* of shoreline ecological processes or functions.
2. Underground utilities are allowed in the *shoreline buffer*.

Proposed Plan Amendments to Address Ecology Required And Recommended Changes (amended sections only)

23.9. Recreation

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Recreational development should be given priority and is to be primarily related to access to and enjoyment and use of the water and shorelines of the state.

- | | |
|------------------|---|
| Policy LU-23.9.1 | Recreational development is allowed in the shoreline jurisdiction and must be consistent with the purposes of the shoreline environment designation in which the property is located. |
| Policy LU-23.9.2 | Kenmore shall plan to provide public recreational uses on city-owned shoreline, consistent with the goals of this chapter. |
| Policy LU-23.9.3 | Recreational improvements and new facilities should be constructed so that they preserve the natural character of the shoreline. |
| Policy LU-23.9.4 | All recreational developments should be sited to enhance and protect existing shoreline ecological processes and functions. |

- Policy LU-23.9.5 The use of conventional fertilizers and pesticides in public recreation areas should be minimized or replaced with ecologically friendly landscape management methods.
- Policy LU-23.9.6 Public recreational shoreline areas should serve as emergency refuge areas for boaters.
- Policy LU-23.9.7 Visual access to the water should be pursued on steep slopes, at view points from bluffs and stream valleys, and in general where it is consistent with public safety and where extensive flood or erosion protection would not be necessary.
- Policy LU-23.9.8 The acquisition of public easements to the shoreline should be encouraged.
- Policy LU-23.9.9 Setbacks should be established for recreational development in the shoreline jurisdiction to protect existing shoreline ecological processes and functions, provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and protect the visual quality of views of the shoreline.
- Policy LU-23.9.11 Where possible during park master plan development or redevelopment, consideration Kenmore should be given to restore shoreline ecological function, including by revegetating the shoreline, re-siting roads and parking areas further away from the shoreline, and removing stream channelization and shoreline protection devices.
- Policy LU-23.9.10 Prime fishing areas should be given priority and protected for recreational use.
- Policy LU-23.9.11 Boating activities that increase shore erosion should be discouraged.
- Policy LU-23.9.12 Effective interpretation should be provided to raise the quality of visitor experiences and to provide an understanding of the resource.



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Juanita Drive NE Street Lighting Upgrades

For Council Meeting Agenda of: February 24, 2020

Department: Public Works

Prepared by: Kent Vaughan

To Be Presented By: NA

Proposed Council Action/Motion:

Authorize the City Manager to execute Contract 20-C2138 with Puget Sound Energy (PSE) to convert thirty-six (36) existing High-Pressure sodium (HPS) streetlights to Light-Emitting Diode (LED) and add LED streetlights at fourteen (14) new locations as part of the Juanita Drive NE Pedestrian and Bicycle Safety Improvements Project.

Approved by Department Head:

Initial & Date

Q 2/4/2020

Approved by City Attorney:

N/A

Approved by Finance Director: ✓

Approved by City Manager:

[Signature]
[Signature]

Exhibits/Attachments:

Attachment A - Contract No. 20-C2138 PSE Schedule 53 agreement

INFORMATION/BACKGROUND: As part of the Juanita Drive NE Pedestrian and Bicycle Safety Improvements project, the City is proposing to upgrade the existing streetlighting system along Juanita Drive NE. Upgrades include replacing existing High-Pressure sodium (HPS) streetlights with Light-Emitting Diode (LED) and adding streetlights at 14 new locations along the corridor to improve coverage. LED streetlights are more efficient and have a longer life expectancy than HPS, which are now considered obsolete.

The proposed Juanita Drive NE streetlighting upgrade will:

- Add (14) new LED Cobrahead fixtures with 12' arms on relocated wood poles or new wood poles;
- Replace (36) existing HPS fixtures on 8' arms with LED Cobrahead fixtures on 12' arms. Twelve-foot arms are being proposed to increase light coverage (NOTE: PSE poles are located on the west side of the road and the proposed sidewalk is located on the east side).

PSE currently maintains the existing streetlighting system in Kenmore. Once the new streetlights are installed, PSE will own, operate and maintain the lighting system as regulated under the City's franchise agreement with PSE.

RECOMMENDATION: Authorize the City Manager to execute Contract 20-C2138 with Puget Sound Energy (PSE) to convert thirty-six (36) existing High-Pressure sodium (HPS) streetlights to Light-Emitting Diode (LED) and add LED streetlights at fourteen (14) new locations as part of the Juanita Drive NE Pedestrian and Bicycle Safety Improvements Project.

FISCAL CONSIDERATION:

PSE estimates the upfront installation cost for the upgrades will be \$31,148. These installation costs are accounted for in the Juanita project budget.

Currently the City is being charged a monthly rate of between \$13.19 and \$17.31 for each HPS streetlight.

On average, an LED streetlight costs roughly \$11.17 monthly. A monthly sum of \$558.76 (total) will be charged to the City for the fifty (50) LED streetlights along Juanita Drive NE.

Although the operating cost of LED lights are less, the City expects to see a small increase in the monthly PSE billing with the addition of 14 new LED lighting locations. This additional maintenance cost will be absorbed into the existing Street fund budget.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Council goal 1: To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel – Implement the Sidewalk Plan.

**PUGET SOUND ENERGY****Attachment A****City of Kenmore Contract 20-C2138****EXHIBIT A****Form of Custom Street Lighting Order**

PROJECT NAME: COK - Juanita Dr LED conversion
 LOCATION: Various locations along Juanita Dr, Kenmore

Order #: 105093225 / 101106692

CUSTOM STREET LIGHTING ORDER – SCHEDULE 53

This Custom Street Lighting Order (this “Order”), dated 1/13/2020, is made and entered into by and between PUGET SOUND ENERGY, INC. (“PSE”) and City of Kenmore (“Customer”) (each a “Party,” and collectively the “Parties”) under and pursuant to the terms of that certain Master Lighting Services Agreement No. 0006, dated 11/1/2018, between the Parties (the “Agreement”). This Order covers certain Lighting and Construction Services authorized by this Order and is, along with the associated Schedule, incorporated into and made a part of the Agreement. Unless specifically defined otherwise herein, terms used in this Order with initial letters capitalized have the meanings given them in the Agreement. The Parties agree as follows:

ASSOCIATED SCHEDULE:

This Order is also entered into between the Parties in accordance with PSE’s Schedule 53, Electric Tariff G, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

LIGHTING SERVICES DESCRIPTION:

The installation charge of the listed lighting units was estimated to be \$31,148.16. Payment will be required after construction. Estimate good for 30 days.

Description:

Install (4) new 39W LED Type II 4000K, (9) new 47W LED Type III 4000K, (1) new 71W LED Type II 4000K Cobrahead fixtures all on new 12' arms on relocated existing wood poles and (8) newly installed 30' Class 3 wood pole. In addition, change-out (5) existing 100W, (27) 150W and (4) 200W HPS fixtures to (7) new 39W LED Type II 4000K, (23) 71W LED Type II 4000K, (2) 71W LED Type III 4000K, (1) 111W LED Type II 4000K and (3) 111W LED Type III 4000K Cobrahead fixtures on new 12' arms on relocated existing wood poles. This estimate includes new overhead triplex, permitting, flagging and tree trimming for the present construction scope. See work sketch for further detail.

CONSTRUCTION SERVICES DESCRIPTION:

The following are conditions that may be required before construction of this system:

1. The City has approved the lighting design.
2. PSE will provide and install all arms, luminaires, and circuitry.
3. If additional Permits or Flaggers are required for present construction, it is your responsibility to reimburse PSE these costs.

BILLING:

Billing under this Order will be in accordance with the terms and conditions contained in the terms & conditions of Schedule 53, Electric Tariff G, and the Agreement, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

The basis of the monthly energy charge for the Lighting Services as currently constituted under Rate Schedule 53 is as follows:

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Units and Wattage breakdown:

(20) 39-47W LED @ \$10.43 a month each.

(26) 71W LED @ \$11.52 a month each.

(4) 111W LED @ \$12.66 a month each.

The total monthly charge for this installation is as follows:

Total monthly charge: \$371.02

For Construction Services and Costs, these costs will be billed as follows:

At the initiation of the Agreement, PSE will provide the Customer with an invoice for the estimated Construction Costs incurred by PSE. Customer shall remit payment to PSE for the Construction Costs within thirty (30) days of receiving the invoice. If the actual Construction Costs either exceed, or are below, the estimated Construction Costs, the Customer will be billed or credited the difference between the estimated Construction Costs and the actual Construction Costs.

SERVICE TERM/REMOVAL AND SALVAGE COSTS:

Service under this Order is effective for a minimum of twenty five (25) years from the date of this Order (the "Base Term") unless earlier terminated as provided for in the Agreement. If this Order is terminated for any reason during the Base Term, the Customer shall be responsible for all costs of removal of any Facilities associated with the Services, as well as any costs associated with PSE's efforts to salvage the removed Facilities, as set forth in the applicable Schedule. After the expiration of the Base Term, this Order shall continue on a year-to-year basis until terminated by either Party upon at least one (1) year's notice in writing (each, an "Extended Term" and, together with the Base Term, the "Term") unless earlier terminated as provided for elsewhere in this Agreement. The Term may be adjusted by PSE in writing for existing systems purchased by PSE, based on the estimated remaining life and purchase price. If this Order is terminated during any Extended Term, the Customer shall not be responsible for the costs of removal of any Facilities associated with the Services, or any costs associated with PSE's efforts to salvage the removed Facilities.

ADDITIONAL TERMS:

1. To transfer the energy and maintenance monthly billing, the new billing party must contact PSE in writing.
2. Non-standard facilities are not kept in PSE inventory for the purpose of maintenance; therefore replacement of non-standard components may not be within the same time as replacement of standard components.

Are non-standard components included in this Order? Yes ☒ No ☐

3. The monthly billing party for the energy and maintenance will be: City of Kenmore

This Order, executed by Customer's duly authorized representative as of the date first written above, is for the Lighting Services described above delivered under PSE's Schedule 53.

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Customer: **City of Kenmore**

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Company: **Puget Sound Energy, Inc.**

DocuSigned by:

Signature: Brynja Almazan

Date: 1/13/2020

Printed Name: Brynja Almazan

Title: Account Sales Manager



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Juanita Drive NE Pedestrian and Bicycle Safety Improvements Project – Acceptance of Sound Transit System Access Funds Grant

For Council Meeting Agenda of: February 24, 2020

Department: Public Works Engineering

Prepared by: Kent Vaughan

To Be Presented By: NA

Proposed Council Action/Motion:

Authorize the City Manager to execute Contract 20-C2140 with Sound Transit to accept grant funds in the amount of \$1,500,000 for construction of the Juanita Drive NE Pedestrian and Bicycle Safety Improvements Project.

Approved by Department Head:

Initial & Date

Q 1/28/2020

Approved by City Attorney:

NA

Approved by Finance Director: ✓

Q 2/15/2020
RJ-K

Approved by City Manager:

Exhibits/Attachments:

Exhibit A: Sound Transit Motion Awarding the First Round of System Access Funds

INFORMATION/BACKGROUND:

In March 2019, staff applied for Sound Transit's new \$100M System Access Fund program for the Juanita Pedestrian and Bicycle Safety Improvements (NE 143rd Place - NE 170th Street) project. Sound Transit's System Access Fund is designed to fund projects such as safe sidewalks and protected bike lanes, shared use paths, improved bus-rail integration, and new pick-up and drop-off areas that provide convenient access so that more people can use Sound Transit services. The first call for projects released \$50M in program funds, available between the years 2019 – 2025. The available funds are to be equally distributed among the five (5) district subareas.

Across the district, Sound Transit received 53 applications from 33 jurisdictions requesting more than \$86M. Kenmore was grouped in the East King County subarea along with Bellevue, Bothell, King County Metro, King County Parks, Kirkland, Mercer Island, Redmond, Renton and Woodinville. Funding requests from the East King County subarea totaled \$20.5M.

In September 2019, staff was notified that the Sound Transit Board approved funding for 7 projects in the East King County subarea totaling approximately \$8.7M. **The Juanita Pedestrian and Bicycle Safety Improvements (NE 143rd Place - NE 170th Street) project was highly recommended by Sound Transit staff and was awarded \$1.5M by the Sound Transit Board.**

Design and right-of-way phases are nearing completion for the Juanita Drive NE Pedestrian and Bicycle Safety Improvements Project. The project is scheduled to advertise for bids in March 2020. Construction is planned from May 2020 through December 2021.

Recommendation: City and Sound Transit staff are working to finalize the funding agreement. Staff recommends that City Council authorize the City Manager to execute Contract 20-C2140 with Sound Transit to accept grant funds in the amount of \$1,500,000 for construction of the Juanita Drive NE Pedestrian and Bicycle Safety Improvements Project.

FISCAL CONSIDERATION:

The Sound Transit System Access Fund grant is 100% reimbursable with no local match requirement.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Council goal 1: Focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel.

Council goal 4: Implement the Walkways and Waterways projects.

EXHIBIT A



Motion No. M2019-97

System Access Fund 2019 Awards

Meeting:	Date:	Type of action:	Staff contact:
Executive Committee Board	09/05/2019 09/26/2019	Recommend to Board Final action	Don Billen, Executive Director, PEPD Alex Krieg, Senior Manager – Planning & Integration

Proposed action

Awards the first round of System Access Funds to the local governments identified the not to exceed amounts determined by the Board and authorizes the chief executive officer to execute funding agreements consistent with these awards and in compliance with the System Access Fund program guidelines.

Key features summary

- The Sound Transit 3 (ST3) System Plan included a \$100M System Access Program, which included the System Access Fund that is “allocated equally among Sound Transit’s five subareas to fund such projects as safe sidewalks and protected bike lanes, shared use paths, improved bus-rail integration, and new pick-up and drop-off areas that provide convenient access so that more people can use Sound Transit services.”
- In November 2018, the Executive Committee of the Sound Transit Board directed staff to conduct a call for projects in 2019 that would be open to local governments and would make up to \$10M per subarea available between 2019 and 2025. The Executive Committee also established the evaluation criteria Sound Transit staff would use, which were divided between policy factors (customer experience, equity, connectivity, and safety and human health) and technical factors (funding plan and delivery plan).
- On February 19, 2019, Sound Transit opened the System Access Fund 2019 Call for Projects. On April 12, 2019, the call for projects closed and Sound Transit received 53 applications from 33 local governments requesting more than \$86M.
- Between mid-April and early July, Sound Transit evaluated the 53 applications against the evaluation criteria identified by the Executive Committee. This included a review of the application materials provided as well as follow-up discussions with each applicant about every project submitted.
- On July 25, 2019, staff briefed the Board of Directors on the applications received in the System Access Fund 2019 Call for Projects and the preliminary evaluation results.
- On July 26, 2019, Sound Transit opened a public comment period and launched online open house to receive rider and resident feedback on the 53 applications submitted. Sound Transit received 55 letters of support and a total of 4,063 survey responses, including 409 open-ended comments, during the public comment period and online open house. The public comment period and online open house closed on Friday, August 23, 2019.

- The action authorizes the CEO to enter into funding agreements with the local governments identified and at not to exceed amounts determined by the Board.
- All projects will be implemented by the local government identified, including the planning, environmental review, design, and construction. All completed projects will be owned, operated, and maintained by the local government.
- Sound Transit will enter into funding agreements closer to when local governments are able to advance projects and will closely monitor implementation once agreements are executed. Staff will only return to the Board should there be material changes to the project scope identified in the associated application, including requests for increased funding.
- Sound Transit staff will provide an annual report to the Executive Committee on the status of implementation of projects receiving an award in the System Access Fund 2019 Call for Projects.

Background

The Sound Transit 3 (ST3) System Plan included a \$100M System Access Program, which included the System Access Fund that is “allocated equally among Sound Transit’s five subareas to fund such projects as safe sidewalks and protected bike lanes, shared use paths, improved bus-rail integration, and new pick-up and drop-off areas that provide convenient access so that more people can use Sound Transit services.”

In November 2018, the Executive Committee of the Sound Transit Board directed staff to conduct a call for projects in 2019 that would be open to local governments and would make up to \$10M per subarea available between 2019 and 2025. The Executive Committee also established the evaluation criteria Sound Transit staff would use, which were divided between policy factors (customer experience, equity, connectivity, and safety and human health) and technical factors (funding plan and delivery plan).

On February 19, 2019, Sound Transit opened the System Access Fund 2019 Call for Projects. Immediately before and just after the call for projects opened, Sound Transit staff conducted outreach and workshops in each subarea with eligible applicants. On April 12, 2019, the call for projects closed and Sound Transit received 53 applications from 33 jurisdictions requesting more than \$86M.

Between mid-April and early July, Sound Transit evaluated the 53 applications against the evaluation criteria identified by the Executive Committee. This included a review of the application materials provided as well as follow-up discussions with each applicant about every project submitted. On July 26, 2019, Sound Transit opened a public comment period and launched an online open house to receive rider and resident feedback on the 53 applications submitted. Sound Transit received 55 letters of support and a total of 4,063 survey responses, including 409 open-ended comments, during the public comment period and online open house. The public comment period and online open house closed on Friday, August 23, 2019.

System Access policies and programs were evaluated programmatically in the Regional Transit Long-Range Plan Update Final Supplemental Environmental Impact Statement (November 2014). Local governments entering funding agreements with Sound Transit under the System Access Program will be lead agencies for system access project-level review under the State Environmental Policy Act.

Sound Transit will enter into these agreements closer to when local governments are able to advance projects and will closely monitor implementation once agreements are executed. Staff will only return to the Board should there be material changes to the project scope identified in the associated application, including requests for increased funding.

Fiscal information

The authorized project allocation to date for the Transit System Access Program is \$142,139,000. Within that amount, \$124,385,000 has been allocated to the third party phase. As the amount of the awards and the subarea distribution will be determined by the Board, the table below is provided for context.

Transit System Access Program

(in thousands)	Authorized Project Allocation to Date	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$10,000	\$1,815	\$	\$1,814,996	\$8,185
Preliminary Engineering	2,000	114		113,965	\$1,886
Final Design					\$
Third Parties	124,385		0	0	124,385
Right of Way					\$
Construction	5,754				\$5,754
Construction Services					\$
Vehicles					\$
Total Current Budget	\$142,139	\$1,929	\$	\$1,929	\$140,210

Notes:

Amounts are expressed in Year of Expenditure \$000s.

* Board Approvals = Commitment and PO Contingency Remaining as of 8/27/19.

For detailed project information, see page 218 of the 2019 Financial Plan & Adopted Budget.

Public involvement

Following the completion of the policy and technical evaluation conducted by staff, Sound Transit launched a public comment period and online open house to seek rider and resident feedback on the 53 applications received and the initial evaluation results. The public comment and online open house period lasted between July 26, 2019 and August 23, 2019. In addition, Sound Transit received 55 comments letters and letters of support. An executive summary of the online open house results and a compilation of comment letters and letters of support are included as supplement to the staff report.

Time constraints

A one-month delay would not create a significant impact to the project schedule, but may have minor impacts for entering into agreements with local governments seeking funds in 2019.

Environmental review – KH 8/27/19

Legal review – AJP 8/29/19



As forwarded by the Executive Committee September 5, 2019

Motion No. M2019-97

A motion of the Board of the Central Puget Sound Regional Transit Authority awarding the first round of System Access Funds to the local governments identified for the not to exceed amounts determined by the Board and authorizing the chief executive officer to execute funding agreements consistent with these awards and in compliance with the System Access Fund program guidelines.

Background

The Sound Transit 3 (ST3) System Plan included a \$100M System Access Program, which included the System Access Fund that is “allocated equally among Sound Transit’s five subareas to fund such projects as safe sidewalks and protected bike lanes, shared use paths, improved bus-rail integration, and new pick-up and drop-off areas that provide convenient access so that more people can use Sound Transit services.”

In November 2018, the Executive Committee of the Sound Transit Board directed staff to conduct a call for projects in 2019 that would be open to local governments and would make up to \$10M per subarea available between 2019 and 2025. The Executive Committee also established the evaluation criteria Sound Transit staff would use, which were divided between policy factors (customer experience, equity, connectivity, and safety and human health) and technical factors (funding plan and delivery plan).

On February 19, 2019, Sound Transit opened the System Access Fund 2019 Call for Projects. On April 12, 2019, the call for projects closed and Sound Transit received 53 applications from 33 local governments requesting more than \$86M.

Between mid-April and early July, Sound Transit evaluated the 53 applications against the evaluation criteria identified by the Executive Committee. This included a review of the application materials provided as well as follow-up discussions with each applicant about every project submitted. On July 25, 2019, staff briefed the Board of Directors on the applications received in the System Access Fund 2019 Call for Projects and the preliminary evaluation results. On July 26, 2019, Sound Transit opened a public comment period and launched online open house to receive rider and resident feedback on the 53 applications submitted.

Sound Transit received 55 letters of support and a total of 4,063 survey responses, including 409 open-ended comments, during the public comment period and online open house. The public comment period and online open house closed on Friday, August 23, 2019.

System Access policies and programs were evaluated programmatically in the Regional Transit Long-Range Plan Update Final Supplemental Environmental Impact Statement (November 2014). Local governments entering funding agreements with Sound Transit under the System Access Program will be lead agencies for system access project-level review under the State Environmental Policy Act.

Sound Transit will enter into these agreements closer to when local governments are able to advance projects and will closely monitor implementation once agreements are executed. Staff will only return to the Board should there be material changes to the project scope identified in the associated application, including requests for increased funding.

Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the first round of System Access Funds is awarded to the local governments identified for the not to exceed amounts determined by the Board and the chief executive officer is authorized to execute funding agreements consistent with these awards and in compliance with the System Access Fund program guidelines.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____.

John Marchione
Board Chair

Attest:

Kathryn Flores
Board Administrator

As forwarded by the Executive Committee September 5, 2019

Motion No. M2019-97

System Access Fund 2019 Awards

This attachment identifies by subarea the jurisdictions, projects, amounts, and phases to be funded via the System Access Fund 2019 Call for Projects.

Snohomish Subarea

Jurisdiction	Project	Amount	Phase(s)
City of Edmonds	Citywide Bicycle Improvements	\$1,850,000	Design, Construction
City of Everett	Everett Station Nonmotorized Access Improvements	\$1,900,000	Construction
City of Lynnwood	Scriber Creek Trail Redevelopment	\$2,500,000	Construction
City of Mountlake Terrace	Veteran's Memorial Park Light Rail Connector	\$500,000	Construction
City of Mukilteo	5th Street Bicycle and Pedestrian Improvements	\$764,000	Design
Snohomish County	Ash Way Corridor Pedestrian and Bicycle Improvements (partial award)	\$1,000,000 [†]	Design

North King Subarea

Jurisdiction	Project	Amount	Phase(s)
King County Metro	Secure Bicycle Parking Expansion and Related Improvements	\$100,000	Construction
City of Seattle	Judkins Park Station Access (for sidewalk upgrades, Hiawatha Place S staircase, and trail lighting)	\$2,400,000 [*]	Design, Construction
City of Seattle	Southeast Seattle High Priority Sidewalks and Walkways (for S Henderson Street staircase)	\$900,000 [*]	Design, Construction
City of Shoreline	148th Street Nonmotorized Bridge	\$3,700,000	Design, Construction

East King Subarea

Jurisdiction	Project	Amount	Phase(s)
City of Bellevue	Eastgate Nonmotorized Access to Transit Improvements (partial award)	\$1,000,000 [†]	Construction
City of Bothell	Downtown Bothell Nonmotorized Access Improvements (for 102nd Avenue NE improvements)	\$825,000 [*]	Design, Construction
City of Kenmore	Juanita Drive NE Pedestrian and Bicycle Safety Improvements	\$1,500,000	Construction
King County Parks	Eastrail: NE 8th Street Crossing (partial award)	\$3,000,000 [†]	Construction
King County Metro	Secure Bicycle Parking Expansion and Related Improvements	\$250,000	Construction
City of Redmond	156th Avenue Cycle Track	\$1,165,242	Construction
City of Renton	S 7th Street Corridor Improvements (for multi-use trail)	\$1,000,000 [*]	Design, Construction

As forwarded by the Executive Committee September 5, 2019

South King Subarea

Jurisdiction	Project	Amount	Phase(s)
City of Auburn	Regional Growth Center Access Improvements	\$1,625,000	Design, Construction
City of Des Moines	Barnes Creek Trail South Segment	\$1,985,000	Construction
City of Federal Way	21st Avenue S/S 320th Street Signalization and Pedestrian Improvements	\$730,000	Construction
City of Kent	W James Street at 2nd Avenue N Pedestrian Crossing	\$273,683	Design, Construction
King County Metro	Secure Bicycle Parking Expansion and Related Improvements	\$50,000	Construction
City of SeaTac	Station Intersection Pedestrian Safety Improvements (for SeaTac/Airport Station only; for pedestrian improvements connecting east)	\$500,000*	Design, Construction
City of Tukwila	Nonmotorized Connections and Wayfinding for Tukwila International Boulevard Station (for design phase)	\$369,000*	Design
City of Tukwila	Tukwila Station Nonmotorized Connectivity and Safety (for pedestrian signal on SR 181, improvements on Longacres Way, and Longacres Way/trail crossing)	\$2,064,000*	Construction

Pierce Subarea

Jurisdiction	Project	Amount	Phase(s)
City of Bonney Lake	Elhi Hill Trail Staircase	\$661,936	Design, Construction
City of Lakewood	111th Street SW/112th Street SW Improvements	\$1,040,000	Design, Construction
Pierce County	112th Street Pedestrian Improvements	\$2,000,000	Design, Construction
City of Puyallup	Bike Lane Expansions on W Stewart Avenue & 4th Street NW (for bike lanes on 4th Street NW)	\$155,995*	Design, Construction
City of Sumner	Rivergrove Community Pedestrian Bridge	\$452,000	Design
City of Sumner	Sounder Safe Sidewalk/Bike Programmatic Enhancements (for bike lanes on Academy Street)	\$875,000*	Design, Construction
City of Tacoma	Hilltop Tacoma Link Extension Streetscape Access Improvements	\$3,500,000	Construction

*Indicates partial award in support of specific project elements

†Indicates partial award in support of the overall project

Subject/Topic: Resolution 20-334 to Approve the Parks, Recreation and Open Space (PROS) Plan Proposed Council Action/Motion: Approve Resolution 20-334 to adopt the final PROS Plan	For Council Meeting Agenda of: February 24, 2020 Department: Community Development Prepared by: Debbie Bent, Community Development Director Lauri Anderson, Principal Planner <u>Initial & Date</u> Approved by Department Head: <u>DS 2/11/20</u> Approved by City Attorney: <u>Email 1/24/20 DR</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>Nick for RK 13 Feb 2020</u> Exhibits/Attachments: Resolution 20-334
<u>INFORMATION/BACKGROUND:</u> At the February 10th City Council meeting, Council passed a motion to add habitat restoration, particularly salmon habitat restoration, to Goal 3 of the PROS Plan. Staff has made the changes: see pages 30, 32, 33, 73, and 78. As a reminder, the PROS Plan contains additional language regarding the importance of critical areas restoration on pages 25, 37, 76, 93, and 94. Appendix F to the PROS Plan contains the Natural Environment Element of the Comprehensive Plan which further supports this approach. While making the changes, staff also corrected some Capital Facilities Plan (CFP) totals (pages 92 and 94) and made a minor change to the aspirational level of service as a result of the changed totals (pages 95 and 96). These changes were necessitated by the removal of the St. Edward Ballfield SEPA/EIS project from the Plan and were inadvertently missed in the Plan revision you reviewed on February 10. These changes do not substantively affect the policy direction in the Plan, but do ensure accuracy of the information. All changes to the February 10 version of the PROS Plan are shown in yellow highlighting. The highlighting will, of course, be removed from the final, signed resolution.	
<u>FISCAL CONSIDERATION:</u> \$155,000 allocated in the Community Development Department budget for consultant costs related to park consulting services. Contract I8-CI956 with ETC for \$18,750 to complete the citizen survey. Contract with the City's on-call consultant KPFF Contract I5-CI484 Task 31 for \$30,797 for assistance with the demand and need analysis, public open house and compiling the plan document.	
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> (These are the adopted Council Goals from 2019.) - Goal 2. Implement the Walkways and Waterways projects. - Goal 7. Implement the Economic Development Plan, with an emphasis on the following key points: Advance Public's Access to Water... Promote the Image of Kenmore. - Goal 8. Continue to implement a Parks Improvement Plan. - Goal 9. Build community, celebrate diversity and create fun. - Goal 10. Protect and enhance the climate, water, air and forest environment.	

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 20-334**

**A RESOLUTION OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING AN UPDATED PARKS,
RECREATION AND OPEN SPACE (PROS) PLAN.**

WHEREAS, the City is required by the Washington State Recreation and Conservation Office (RCO) to periodically adopt a Parks, Recreation and Open Space (PROS) Plan to maintain eligibility for related state grants and funding programs; and

WHEREAS, the City's most recent PROS Plan was adopted in 2013 and conditions in the City have changed since that time; and

WHEREAS, throughout development of the Park, Recreation and Open Space Plan, a concerted effort has been made to generate public involvement and input, including the 2019 Parks Citizen Survey, a public open house, an on-line community survey, and an updated web page devoted to the Parks, Recreation and Open Space Plan; and

WHEREAS, on December 26, 2019, the City's Responsible Official under the State Environmental Policy Act issued a Determination of Non-Significance for the proposed Plan; and

WHEREAS, the Planning Commission considered the proposed amendments at public meetings on 4/16/19, 6/18/19, 6/25/19, 7/16/19, 9/3/19, 11/5/19, and 12/3/19; and

WHEREAS, on January 13, 2020, the Planning Commission presented its final recommendations on the Parks, Recreation and Open Space Plan to the City Council; and

WHEREAS, having considered the Planning Commission recommendation at meetings on 1/13/20, 1/27/20, 2/3/20, 2/10/20, and 2/24/20, the City Council desires to update the PROS Plan as attached as an Exhibit to this Resolution;

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

Section 1. Plan Adopted. The updated Parks, Recreation and Open Space Plan for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

Section 2. Filing of Plan. The City Manager or designee is authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the State of Washington Recreation and Conservation Office within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 24TH DAY OF FEBRUARY, 2020.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly M. Chelin, City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney

DRAFT

CITY OF KENMORE

PARKS, RECREATION AND OPEN SPACE PLAN

2020





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	ACKNOWLEDGEMENTS	
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CHAPTER 1**INTRODUCTION**

The City of Kenmore's Parks, Recreation and Open Space (PROS) Plan was developed to provide a framework for future development of the parks system and recreation facilities and programs over the next 20 years. The PROS Plan identifies and categorizes existing conditions, evaluates the context of the city and the community it serves, analyzes the demand and need for parks and recreation facilities, and recommends improvements to the parks system to meet the future needs of the community. Both short and long-term improvements are considered, as well as potential funding and implementation of the proposed improvements over time.

Certain portions of this document will be incorporated into the City's Comprehensive Plan. Together, the Comprehensive Plan and PROS Plan serve as a resource for city staff, a vision for the community, and a guide for future decision making around the planning, acquisition, and/or development of parks, recreation, and open space throughout the city.

The PROS Plan also meets the State of Washington's Recreation and Conservation Office's (RCO) planning requirements which will enable the city to apply for parks, recreation and open space grants through various RCO grant programs. This plan is required to be updated every 6 years to maintain grant eligibility and to ensure the recommendations contained within remain consistent with the changing recreation trends, demographic context, and community interests in the city.



Planning Context

Geography

The planning area for the City of Kenmore Parks, Recreation and Open Space Plan is defined by the city limits and the delivery of park and recreation services is defined by the city's parks and recreation facilities. Kenmore is approximately 6.15 square miles in area, with roughly 39,000 lineal feet of shoreline—21,000 lineal feet on Lake Washington and 18,000 lineal feet along the Sammamish River.

Kenmore's development has been strongly influenced by the city's natural environment, including the Sammamish River and Swamp Creek stream corridors, the Lake Washington waterfront, and various wetlands and steep ravines. Commercial activities and multi-family residential development are concentrated along the SR522 corridor and in the Kenmore downtown area. Kenmore is primarily single-family residential development, with several large public and private open space land tracts at Saint Edward State Park, Bastyr University, and the Inglewood Golf and Country Club.

Kenmore's natural resources are an important component of the city's park and recreation system. Many of the city's existing parks are located beside or contain a creek, river, or freshwater shoreline, wetlands or significant forested areas. The City of Kenmore is unique in the abundance of natural systems that weave in and around the city, connecting the different neighborhoods through stream corridors, sensitive areas, and ravines to Swamp Creek, the Sammamish River and Lake Washington. Creating connections and corridors provides essential habitat which contributes to the overall health and viability of both the plant and animal communities in Kenmore. The natural geography of the city provides both opportunities and constraints for meeting park and recreation demands and need.

The city's park system currently consists of 13 parks totaling over 146 acres of park land, including 3.8 miles of multi-purpose trails. Other parks and recreation providers within the city include the State of Washington, Bastyr University, the Northshore School District, and a variety of private operators such as fitness gyms, churches, clubs, and other organizations. When combined with other jurisdictions, there are over 475 acres of park land within the city.

Demographics

The City of Kenmore believes that all residents and all age groups, ethnicities, backgrounds, and interests should have access to parks and recreation opportunities in the city. Planning for future delivery of park and recreation services should acknowledge and anticipate demographic change over time. To do that, existing demographics of the community were identified using 2010 US Census data and the 2017 American Community Survey data.

Parks, Recreation and Open Space Plan

The city's current population is 22,920 with a population growth forecast of 28,473 by the year 2035, as identified in the city's Comprehensive Plan. That is a 24% total projected growth, or 1.5% on average annually. Since the population projection data is not yet available beyond 2035 and this is a 20-year plan, the rate of population increase is assumed to remain the same and is projected out at the same rate (1.5% average annual growth) to the 2040 planning period. This results in an estimated population of 30,140 by the year 2040 (21 years x 1.5% annually is a 31.5% increase over the planning period; $22,920 \times 31.5\% = 7,220$ additional population expected).

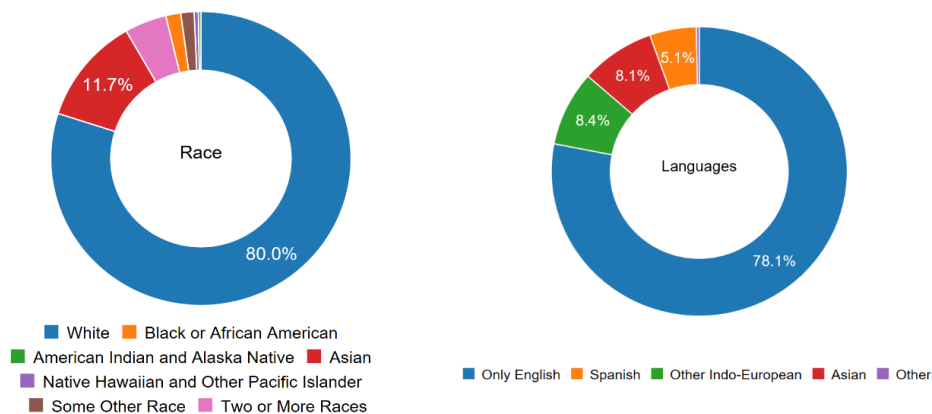
The current population is:

- Median age of 39.6 with the majority of residents between the ages of 25 and 55
- 35.3% of the population is over the age of 50
- 14% are seniors over the age of 65
- 22.8% are under the age of 18
- 7.7% are under the age of 5
- 9.4% are between the ages of 15 and 25.

The median household income was just over \$96,277, which is 7.4% higher than the overall median household income in King County. Only 7.7% of the city's population currently lives below the poverty line.

The majority of the population is White, currently comprising 80% of all residents. Asian and Hispanic/Latino comprise the next largest ethnic groups with 11.7% of residents identifying as Asian and 7.6% Hispanic or Latino. See Figure 1 for a breakdown of different ethnicities and languages spoken in Kenmore. Only 1.6% of the existing population is Black or African American and all other ethnicities make up less than 1% of the total current population.

Figure 1: Diversity of Ethnicity and Languages Spoken in the city.



Source: 2019 World Population Review (www.worldpopulationreview.com)

Bastyr University is the largest single employer in the city with about 500 employees. Kenmore Air Harbor has 250 employees during the peak summer months. Most of the remaining jobs in Kenmore are located in the Kenmore downtown. 68.6% of the city's population commutes to work in a single-occupancy vehicle, 8.2% carpool, and 11.2% take some form of public transportation. 3% take some other form of transportation and 9% generally work from home. An additional 3,079 jobs are also expected to be added in the city between 2010 and 2035.

Resources & Relevant Planning Documents

An understanding of how the PROS Plan fits into the context of other local, state and national planning efforts is a key component of a successful plan. Some of these reference documents are directly tied to the existing or proposed PROS Plan elements, and in other cases they are a resource used to support and guide the planning process. The different relevant planning documents used in the development of this PROS Plan are each described below.

State of Washington Growth Management Act (GMA)

The PROS Plan is designed to meet the requirements of the State of Washington Growth Management Act (GMA), which is codified as Chapter 36.70A Revised Code of Washington. GMA requires local government. GMA requires cities to:

- Designate the general location and extent of land uses including recreation and open space lands
- Identify lands useful for recreation, including wildlife habitat, trails and connection of critical areas
- Estimate park and recreation demand for at least a ten-year period
- Develop a capital facilities plan (CFP) identifying funds necessary to implement the plan for at least a six-year period

The GMA also specifies that adopted plans should ensure that strategies for maintaining adopted levels of service are put in place to accommodate planned future development. This plan satisfies these requirements by identifying existing parks, open space and trail lands, estimating the demand and need for parks and recreation facilities, and including both a 6-year short term Capital Improvement Plan and a 20-year Capital Facilities Plan as part of plan implementation.

City of Kenmore Comprehensive Plan

Some elements of this PROS Plan will also be adopted into the City of Kenmore's Comprehensive Plan as its own planning Element. The Comprehensive Plan is a policy document that articulates the community's vision of future land use and growth for the city and its neighborhoods in a manner that is internally and regionally consistent, achievable, and affordable.

Parks, Recreation and Open Space Plan

The City of Kenmore's first Comprehensive Plan was adopted by the City Council in March of 2001. A major rewrite of the Plan was completed in 2014/2015 and planning for another update is currently in progress, anticipated for completion in 2023. The city intends to update this PROS Plan Element of the Comprehensive Plan every 6 years in order to maintain eligibility for grant programs through the State of Washington Recreation and Conservation Office (RCO). The city works with representatives of special agencies and districts in Kenmore, including A Regional Coalition for Housing (ARCH) and service and utility providers, as well as adjacent jurisdictions as the city develops the Comprehensive Plan. These organizations' representatives provide input and perspectives about their responsibilities and their relationship to Kenmore, and they serve as contact points to obtain information. Specific references from ARCH were used in this PROS Plan to coordinate the demand and need analysis with housing density and affordable housing opportunities in the city. A draft of the Comprehensive Plan Transportation Element is also provided to the Puget Sound Regional Council, as the Regional Transportation Planning Organization (RTPO), for certification. Review by the Washington State Department of Commerce and the State agencies occurs with every amendment to the Comprehensive Plan.

Elements of the Comprehensive Plan related to parks, recreation and open space include:

- Transportation Element
- Natural Environment Sub-Element
- Economic Development Sub-Element
- Capital Facilities Element

The demographic information used in the PROS Plan is also drawn from resources outlined in the Comprehensive Plan. These include the *2010 U.S. Census* data and the *2017 American Community Survey* from the U.S. Census Bureau (www.census.gov).

State of Washington Recreation and Conservation Office (RCO)

RCO is a state agency that manages grant programs aiming to create outdoor recreation opportunities, protect wildlife habitat and farmland, and help return salmon from near extinction. Since the agency began in 1964, it has awarded more than \$1.7 billion in grants to nearly 7,500 projects. Since 1990, the agency averages 230 grant awards, for a total of approximately \$60 million, every fiscal year. RCO requires government agencies to plan for their parks and open space needs, and adopt their plan, in order to apply for grants in the following grant programs areas:

- Boating Facilities Program (BFP)
- Land and Water Conservation Fund (LWCF)
- Non-Highway and Off-Road Vehicle Activities (NOVA)
- Washington Wildlife and Recreation Program (WWRP)

Parks, Recreation and Open Space Plan

Once adopted, a community's PROS plan is required to be updated every 6 years to maintain eligibility for those grant programs. RCO looks for a minimum of six elements in a plan, whether the plan supports a grant application for a capital project (facility development and land acquisition) or a noncapital project (architectural, engineering, planning, etc.). The six elements are:

1. Goals and Objectives
2. Existing System Inventory
3. Public Involvement
4. Demand and Need Analysis
5. Capital Facility Program
6. Plan Adoption (by the governing entity)

The Kenmore PROS Plan, once adopted, brings the city into compliance with all of these requirements.

RCO also plans for and tracks parks and open space needs on a state-wide level, and provides this information to the public. The Washington State Recreation and Conservation Plan 2018-2022 (www.rco.wa.gov) is one of the main resources used by cities to understand recreation trends and community priorities on a regional and state-wide level.

Existing Park Plans

Site specific master plans or concept plans have been developed for most of Kenmore's existing parks. These plans each included an extensive public process to identify what the community would like to see improved or added within the park, along with an analysis of each site to determine what types of facilities or improvements are suitable given the surrounding context. A Master Plan is a formal plan for a given park site that has been adopted by the Kenmore City Council. A concept plan has generally gone through the same process and review by the City Council, but has not been formally adopted.

The purpose of a master plan or concept plan is to express a long-term vision for the park, trail or open space that will guide future improvements. Features shown in the plan illustrate how different park elements could be implemented, and their relationship to other surrounding features. The ideas and improvements shown in a master plan or concept plan are implemented over time, and additional detailed design work is still needed before any construction could begin.

A copy of the existing park Master Plans or Concept Plans is included in Appendix A.

The Trust for Public Land

The Trust for Public Land is a national nonprofit organization with a mission to "create parks and protect land for people, ensuring healthy, livable communities for generations to come." The

Parks, Recreation and Open Space Plan

organization is a resource for recreation data analysis and mapping techniques to understand parks and open space needs across the country and help plan for those needs. They also help secure funding for parks and conservation and protect the lands needed to connect communities to the outdoor environment. Data available on their website (www.tpl.org) was used as a resource in developing the city's PROS Plan. Specifically, their *#10MinWalk* mapping tools and *ParkScore®* index were used to generate the walkability analysis for Kenmore. Information on their website was also used to help understand national trends in parks and recreation.

National Recreation and Parks Association (NRPA)

NRPA is one of the leading nonprofit agencies in the country for parks and recreation planning, education, and resources (www.nrpa.org). Their mission is “to advance parks, recreation and environmental conservation efforts that enhance the quality of life for all people.” The NRPA’s three “Pillars” of Health & Wellness, Conservation, and Social Equity form the basis of their strategies to improve parks and recreation for all individuals across the country and ties directly to the national trends discussed in the PROS Plan.

The *2019 NRPA Agency Performance Review* was also used to evaluate and compare performance benchmarks. NRPA benchmarks measure parks, recreation and open space land and facilities against a given population size to form a basis of comparison across jurisdictions and agencies of a similar size.

Planning Process

Overview

The planning process, shown in Figure 2, began in 2015 with a public involvement process that included a number of events throughout the plan development. The Kenmore Planning Commission also reviewed and provided feedback on the plan throughout the process.

Once initial feedback was gathered from the early community outreach, an analysis of existing conditions and inventory of parks, recreation and open space facilities and programs was completed. The overall vision and goals for parks and recreation were also updated based on the community feedback received and recommendations provided by City of Kenmore Planning Commission.

A demand and need analysis was conducted to include several different methods for determining parks and recreation needs for the community, along with strategies for how to best meet those needs. Specific recommendations for recreation facility and program improvements were proposed and reviewed with the community and the Planning Commission as part of a draft PROS Plan.

The final Parks, Recreation and Open Space Plan will be adopted by the Kenmore City Council by Resolution with additional review and community outreach included through the adoption process.

The Planning Commission and City Council will also review specific components of this plan for future adoption into the City's Comprehensive Plan as an update to the Parks, Recreation and Open Space Element. This may occur at a later date to coincide with the City's Comprehensive Plan update process.

Figure 2: Outline of the planning process.



Public Involvement

Community engagement plays a critical role in the planning process for parks, recreation and open space in Kenmore. It informs the plan and ensures that the recommendations proposed reflect the interests, needs, and priorities of the community they serve. Results of the various community engagement activities conducted through this planning process are provided in Appendices B-D.

The public involvement process occurred from 2015 to 2019 and included the following:

- Imagine Kenmore Initiative (2015 / 2016)
- Walkways and Waterways Bond Survey (2016)
- Parks and Recreation Survey (2019)
- PROS Plan Survey and Open House (2019)

Imagine Kenmore Initiative (2015/2016)

The Imagine Kenmore Initiative was a research and community engagement process with outreach conducted between September 1 and October 6, 2015. The purpose of the initiative was to actively listen to the community's interests and long-term vision for the city, specifically around transportation and park improvements. Methods of communications and outreach included a dedicated project website and email address, email notifications, city newsletter releases, Facebook ads and event pages, notifications through schools, ads in the local newspaper, poster flyers, two banners at City Hall and on Bothell Way, park signs, and a dedicated computer station at Kenmore Branch Library.

As part of this initiative, the City of Kenmore hosted a community workshop on September 22, 2015. Information presented at the workshop included a 'Big Ideas' comment wall about park, pedestrian and bike improvement ideas, as well as interactive map stations. Participants were encouraged to comment or vote on proposed projects and suggest new ideas. In total, 63 attendees wrote 149 comments.

An online interactive map provided an opportunity for virtual public engagement: participants could place a geographic marker pin on the map to suggest, comment on, and 'like' or 'dislike' projects. The interactive map tool was open from September 1 through October 6, 2015, and was promoted through multiple marketing channels. In total, there were 94 unique commenters. A total of 249 comments were made, including 152 original comments, 84 reply comments, 13 replies disliking a particular comment, 923 likes and 12 dislikes.

To confirm the overall sentiment of the public, a statistically valid telephone survey was conducted in December 2015 to help finalize the results of the community outreach process and lead into the "Walkways and Waterways" ballot measure. 300 people responded to the survey. 66% of respondents felt that the city was doing a good or excellent job and 87% felt that the quality of life in the city was good or excellent. Building more recreational facilities was the number one thing respondents felt the city could do to improve parks and recreation facilities. Of the parks and

Parks, Recreation and Open Space Plan

recreation facility options provided, improving waterfront access and protecting the natural environment were the top ranked priorities.

An outreach tabling event was held at the King County Public Library System's Kenmore branch library on September 17, 2015. The event lasted for two hours to coincide with library programming. Approximately 40 flyers were handed out, and ten comments were captured.

Finally, an online survey was conducted in 2016 with 328 individuals commenting about pedestrian, bike, and park improvements.

Walkways and Waterways Bond Survey (2016)

In April 2016, a statistically valid telephone survey was conducted to validate the results of the 2015 "Imagine Kenmore" outreach and ensure that the city was continuing to implement recreation facilities and programs that the community supported. The survey included 300 respondents and included a number of questions about how well the city represents community interests and priorities around parks, recreation and trail improvements within the city.

Kenmore Parks and Recreation Survey (2019)

In early 2019, the city conducted a statistically valid survey to update community preferences, needs, and priorities for parks and recreation facilities and programs in advance of starting the PROS Plan update. The survey was completed in March 2019 with 578 respondents. Questions asked about participants current use of the park system, how well the city maintains that system, and how well the existing system meets their needs. The survey also asked about recreation programming needs and priorities, as well as implementation strategies. This survey, as the most recent one conducted, was used heavily in determining the current demand and needs for parks and recreation services in the city.

PROS Plan Survey and Open House (2019)

An informal web-based survey was conducted as part of this PROS Plan update process in order to help determine priorities for recreation program and facility improvements with 532 respondents. Participants were asked what types of *facilities* they needed in their park system. Waterfront/beach access and an indoor swimming pool were the highest ranked needs, followed closely by nature trails, natural areas/reserves, and paved walking/biking trails. Lower ranked priorities included more skateboarding areas, non-motorized boat launch areas, and outdoor tennis or pickleball courts.

The highest ranked *recreation programs* needed included community events and outdoor water-related programming. Other programs needed included adult fitness and wellness, nature/environmental education, and community garden programs. Programs that had less interest

or need by participants included martial arts, tennis lessons and leagues, and programs that targeted only a specific age or ability.

A public open house was held in September, 2019 to allow the public an opportunity to review the recommendations proposed as part of the PROS Plan and offer feedback. Approximately 50 people attended the event. Residents engaged with city staff about their ideas for the future of Kenmore's park system and reviewed draft PROS Plan materials. Many community comments focused on protecting the natural environment, providing more places for kids to play, and improving walking trails or routes. Other comments ranged from turning Lakepointe into a park, providing more waterfront access, keeping athletic fields natural (i.e., no artificial turf and particularly at St. Edward State Park), not allowing additional construction projects in St. Edward State Park, providing more athletic fields, and providing more amenities in general in parks.

CHAPTER 2

EXISTING INVENTORY

Park Facilities

The City of Kenmore has 13 parks, recreation and open space facilities totaling over 146 acres of park land. Over 80% of this park land is forested, wetlands, or natural systems. Other parks and recreation providers within the city that have facilities open to the public include the State of Washington, King County, and Bastyr University. These facilities are listed in Figure 3, along with the improvements available in each park. The parks and open space areas are all located on Map 1. When combined with other jurisdictions, there are over 475 acres of park land within the city, not including recent acquisitions within the Swamp Creek wetlands system that are still in process. Parks and open space in adjacent cities, but in close proximity to Kenmore are also shown on Map 1 for reference, but not included in the inventory or other planning resources.

The Northshore School District and a variety of private operators such as fitness gyms, churches, clubs, and other organizations also have recreation facilities, but are not currently open to the public, though the school facilities are available for community use when reserved through the school district and outside of school hours. The school district facilities and private facilities not open to the public without a fee are not included in this inventory.

Figure 3: Kenmore's Park and Recreation System Inventory.

Parks, Recreation & Open Space Facilities	Boat Launch / Dry Moorage	Hand Powered Boat Launching	Water Access / Fishing	Playground	Skate Park	Playfield	Restroom (*Portable / ~Indoor)	Picnic Shelter	Picnic Tables	Paths	Hiking Trails	Paved Trails	Parking
Linwood Park				X						X			
Moorlands Park				X		X	X	X	X	X			X
Northshore Summit Park				X						X			
Squire's Landing Park		X	X				*X		X	X	X		X
Wallace Swamp Creek Park			X						X	X	X		X

Parks, Recreation and Open Space Plan

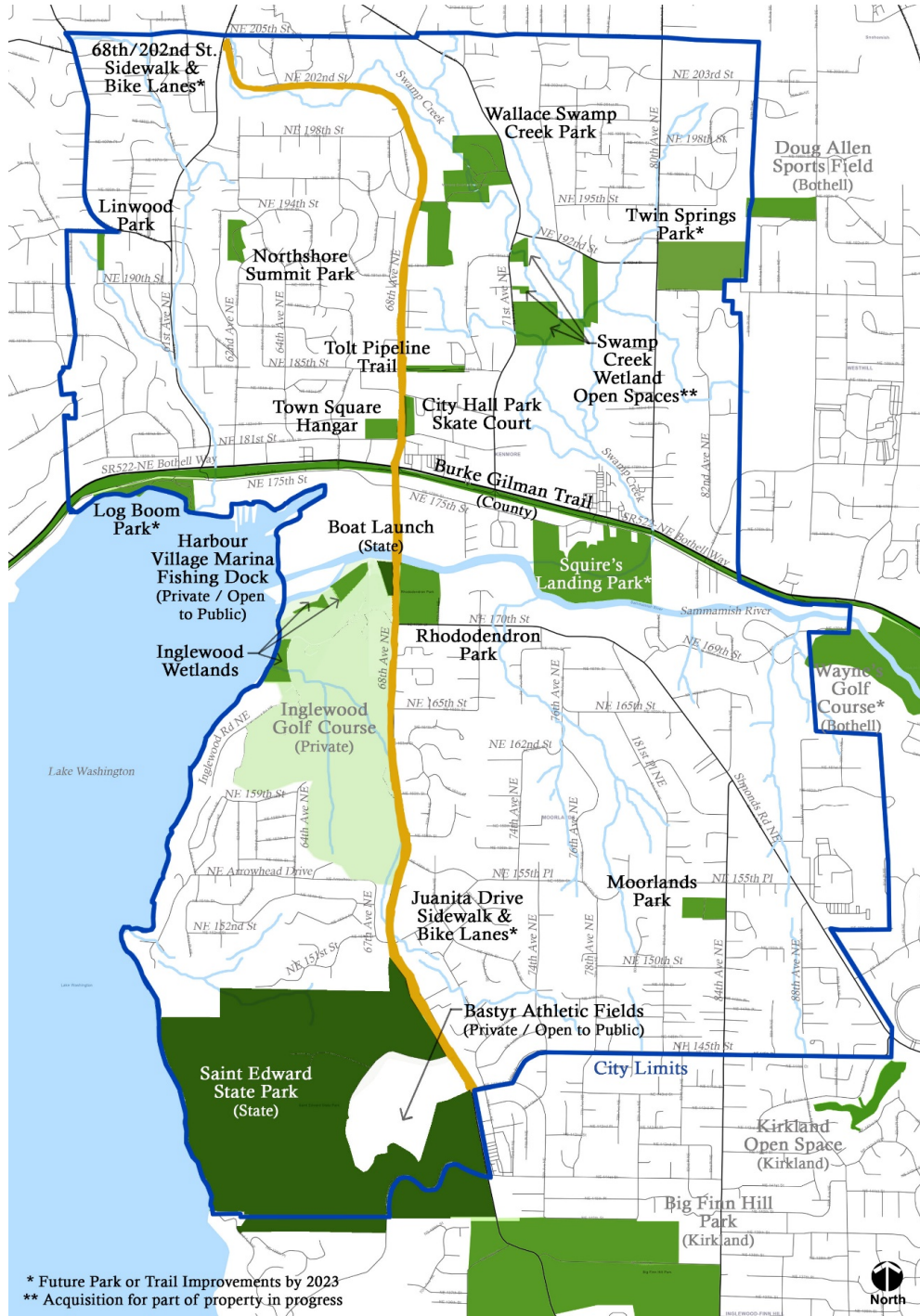
Parks, Recreation & Open Space Facilities	Boat Launch / Dry Moorage	Hand Powered Boat Launching	Water Access / Fishing	Playground	Skate Park	Playfield	Restroom (*Portable /	Picnic Shelter	Picnic Tables	Paths	Hiking Trails	Paved Trails	Parking
Rhododendron Park & Senior Center		X	X	X		X	X	X	X	X			X
Log Boom Park	X	X	X	X			X		X	X			X
Twin Springs Park											X		X
City Hall Park & Jack Crawford Skate Park					X		~X		X	X			X
Town Center & Hangar Building							~X		X	X			X
Swamp Creek Wetland Open Spaces			X										
Inglemoor Wetlands			X										
Tolt-Pipeline Trail (1.3 miles)										X		X	
CITY TOTAL	1	3	7	5	1	2^{>}	6	2^{>}	7^{>}	11^{>}	4^{>}	1^{>}	8
WDFW Boat Launch	X												X
Saint Edward State Park			X	X		X	X		X		X	X	X
Bastyr Athletic Fields						X	*X						X
Burke Gilman Trail (2.5 miles)												X	
Harbour Village Marina			X				X		X				X
ALL JURISDICTION TOTAL	2	3	9	6	1	4^{>}	9	2^{>}	9^{>}	11^{>}	5^{>}	3^{>}	12

[>]See the Park Inventory and Valuation in the Parks and Recreation Impact Fee Rate Study Report (Appendix E) for more detail on the total number of each type of playfield (soccer, baseball, etc.) and the total number of picnic shelter, picnic tables, paths and trails in the park system.

* Portable restroom

~ Indoor restroom

Map 1: Kenmore's Park and Recreation Facilities



Park Classification & Service Area

The city's park system has been divided into four classes of park and recreation facilities used to analyze geographic demand as shown and described in Figure 4. These four park classifications were identified based on several key factors including: size, population served, function and type of amenities that are or will be made available in the future. The geographic service area, or the primary extent to which people are expected to walk or drive to access the park, is shown for each park classification type. A list of each park within the city and its associated classification and size is shown in Figure 5.

Special use amenities generally serve a specific function, like the skate park, water access, or the senior center and are included in all classifications of parks. Special use amenities in Kenmore are mostly located near the downtown for ease of access and accessibility to a wide range of users, in addition to being more easily accessible by transit and from the Burke Gilman Trail. While there are a number of special use amenities within park and recreation facilities in the city, there should be a focus on connecting these facilities to residential areas, transit and downtown. Connecting waterfront access areas to each other would create a stronger network of waterfront recreation in the city. Special use amenities may be facilities contained within Community or Regional Parks such as the Senior Center in Rhododendron Park or the Seminary and future Environmental Learning Center in Saint Edward State Park. Special use facilities in the city are shown on Map 5.

Figure 4: Park and Recreation Facility Classification Definitions and total Acres.

Classification Type	Geographic Service Area	Service Description
Regional	Citywide	Contains unique features or amenities that serve users beyond the city limits City Total = 44.91 acres All Jurisdiction Total = 362.83 acres
Community	$\frac{3}{4}$ mile radius (approx. 2-minute drive)	Serves a broad range of community needs to meet both active uses such as athletics and passive uses such as nature trails City Total = 40.2 acres All Jurisdiction Total = 47.4 acres

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Neighborhood	10-minute walk (approx. 1/2-mile radius)	Serves local need as a walk-to facility for essential park and recreation amenities - open areas, pathways and playgrounds City Total = 34.5 acres All Jurisdiction Total = 34.5 acres
Linear	Citywide	Linear facilities that serve as connectors for pedestrian users and/or wildlife habitat City Total = 26.4 acres All Jurisdiction Total = 30.9 acres

Regional Park

Regional facilities include facilities that have a draw beyond the city boundaries and include special features that may not be found in adjacent communities. As a result, their service area is considered to be citywide. Community and aquatic centers, sports complexes, or highly specialized uses like mountain bike trails are all examples of regional park facilities. Regional facilities should accommodate a large number of users with adequate support facilities to serve the intended use. Often, these facilities include multiple uses due to the larger size of many of these parks. Regional parks in the city are shown on Map 4. Saint Edward State Park is a good example of a regional facility with mountain bike trails, extensive forest and walking paths, and other unique recreation opportunities not generally found in neighboring cities. Other regional facilities in the city include Squire's Landing Park and Log Boom Park.

Community Park

Community parks (Map 3) and regional parks (Map 4) usually contain unique features, often with both active and passive recreation opportunities, and are larger in size to accommodate a variety of activities and interests. As such, they are considered destination parks. While they can also serve a neighborhood park function for local residents, it is expected that many residents will drive to these facilities. The service area for a community park can vary, from a 10-minute walkshed to citywide depending on the facilities included in the park, but some amount of parking is anticipated. Community parks in the city include Wallace Swamp Creek Park in the north end of the city, and the Town Center & Hangar Building, and the City Hall Park & Skate Park in the downtown area. Rhododendron Park & Senior Center is the only community park in the south end of the city. Community parks in the city are shown on Map 3.

Neighborhood Park

Neighborhood Parks are intended to serve a smaller, local need with a service area limited to a 10-minute walk from the park, or about a ½ mile. Most of the amenities within neighborhood parks are centered around family, passive type recreation activities such as walking paths, playgrounds and open lawn areas but ideally with enough open space for informal athletic use. Neighborhood parks in the city are shown on Map 2 and are mainly located in the northern half of the city with only one neighborhood park, Moorlands Park, located in the southern half of the city. Of these, all have recently conducted master plans except Linwood Park. Twin Springs park, while master planned, has not yet been improved or opened to the public. Based on the distribution and master plans available, implementing some level of improvements at Twin Springs Park and master planning and renovating Linwood Park should be considered a priority.

Linear Park

Linear park and recreation facilities are unique as they serve as connectors for pedestrian users and/or wildlife habitat. There are four linear park and recreation facilities in Kenmore, shown on the same Map 4 with regional parks. These parks include: the Burke Gilman Trail, Tolt-Pipeline Trail and other neighborhood connecting trails and the wetland open spaces along the Swamp Creek corridor between 73rd and 80th Avenue NE and NE 192nd Street and NE 181st Street. Parks and recreation facilities are connected east-west across the city through the existing Burke Gilman Trail and will soon be connected north-south through new multi-modal improvements along Juanita Drive NE and 68th Avenue NE. Additional connectivity should still be developed as opportunity allows, from residential areas to parks, school, downtown, the waterfront, and other major destinations, likely in partnership with the city's Public Works Department and along the Tolt Pipeline corridor. There are additional local trail connectors within neighborhoods, particularly in the north side of the city, that exist but are not well documented and not part of the total acreage or planning process.

Figure 5: Kenmore's Park and Recreation System Inventory: Size, Classification & Service Area.

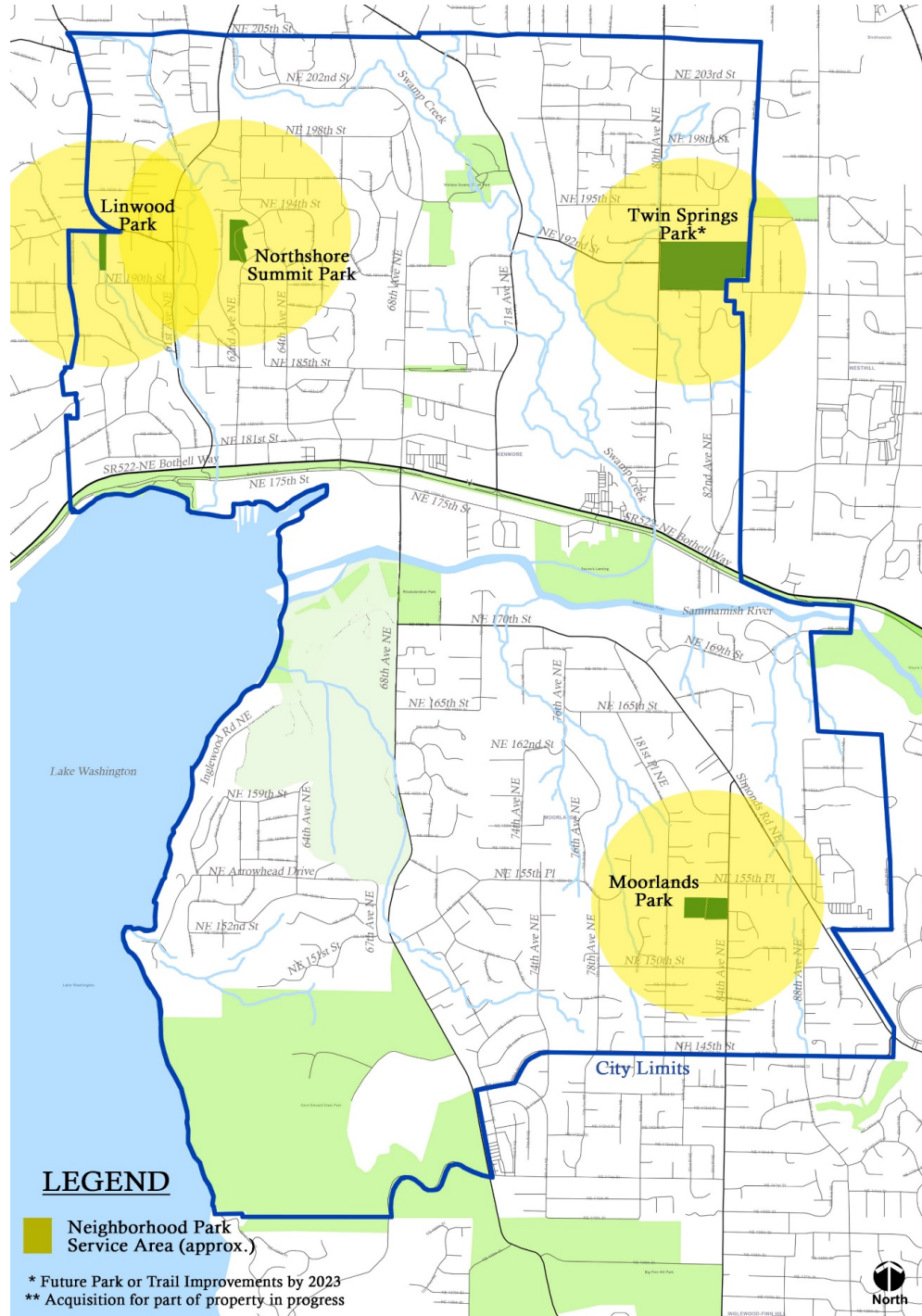
Parks, Recreation & Open Space Facilities	Total Acres	Acres of Critical Areas	Proposed Classification	Proposed Service Area*
Linwood Park	1.4	0	Neighborhood	10-minute walk
Moorlands Park	4.5	1.5	Neighborhood	10-minute walk
Northshore Summit Park	3.6	1	Neighborhood	10-minute walk

Parks, Recreation and Open Space Plan

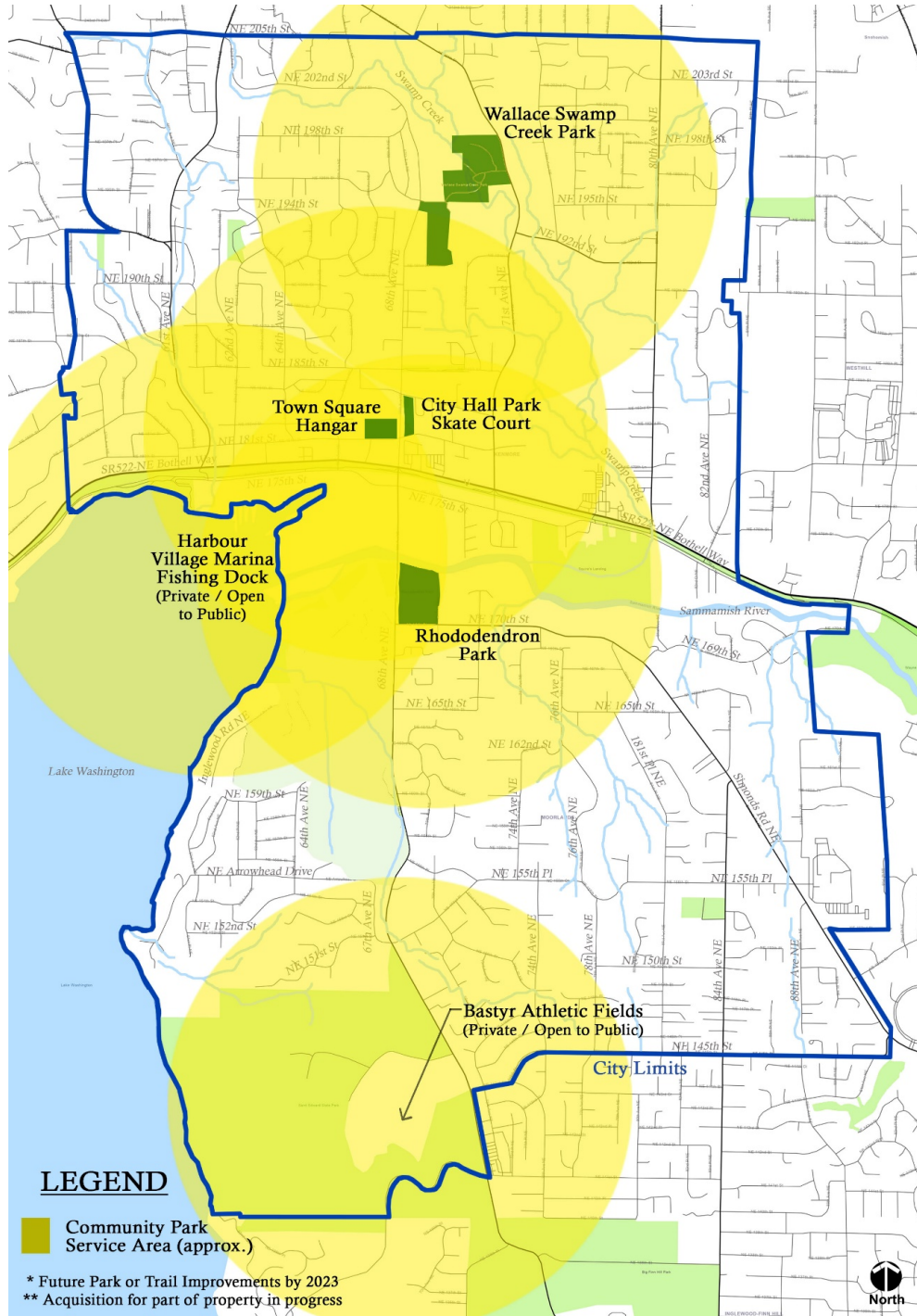
Squire's Landing Park	41.01	33.75	Regional	Citywide
Wallace Swamp Creek Park	25.5	25	Community	¾ mile radius
Rhododendron Park & Senior Center	12.5	8.5	Community <i>(future boathouse is anticipated to be a regional special use within the park)</i>	¾ mile radius
Log Boom Park	3.9	1	Regional	Citywide
Twin Springs Portal Park	25	24	Neighborhood	10-minute walk
City Hall Park & Jack Crawford Skate Park	1.7	0	Community	10-minute walk
Town Center & Hangar Building	0.5	0	Community	¾ mile radius
Swamp Creek Wetland Open Spaces (not including acquisitions in progress)	17	17	Linear	Citywide
Inglewood Wetlands	8.5	8.5	Linear	Citywide
Tolt-Pipeline Trail	0.9	0	Linear	Citywide
CITY TOTAL	146+	120+		
WDFW Boat Launch	1.92		Regional	Citywide
Saint Edward State Park	316		Regional	Citywide
Bastyr Athletic Fields	7		Community	¾ mile radius
Burke Gilman Trail (2.5 miles)	4.5		Linear	Citywide
Harbour Village Marina	0.2		Community	¾ mile radius
ALL JURISDICTIONS TOTAL	475+			

* 10-minute walk is approximately ½ mile.

Map 2: Neighborhood Parks (1/2 mile service area or about a 10 minute walk).

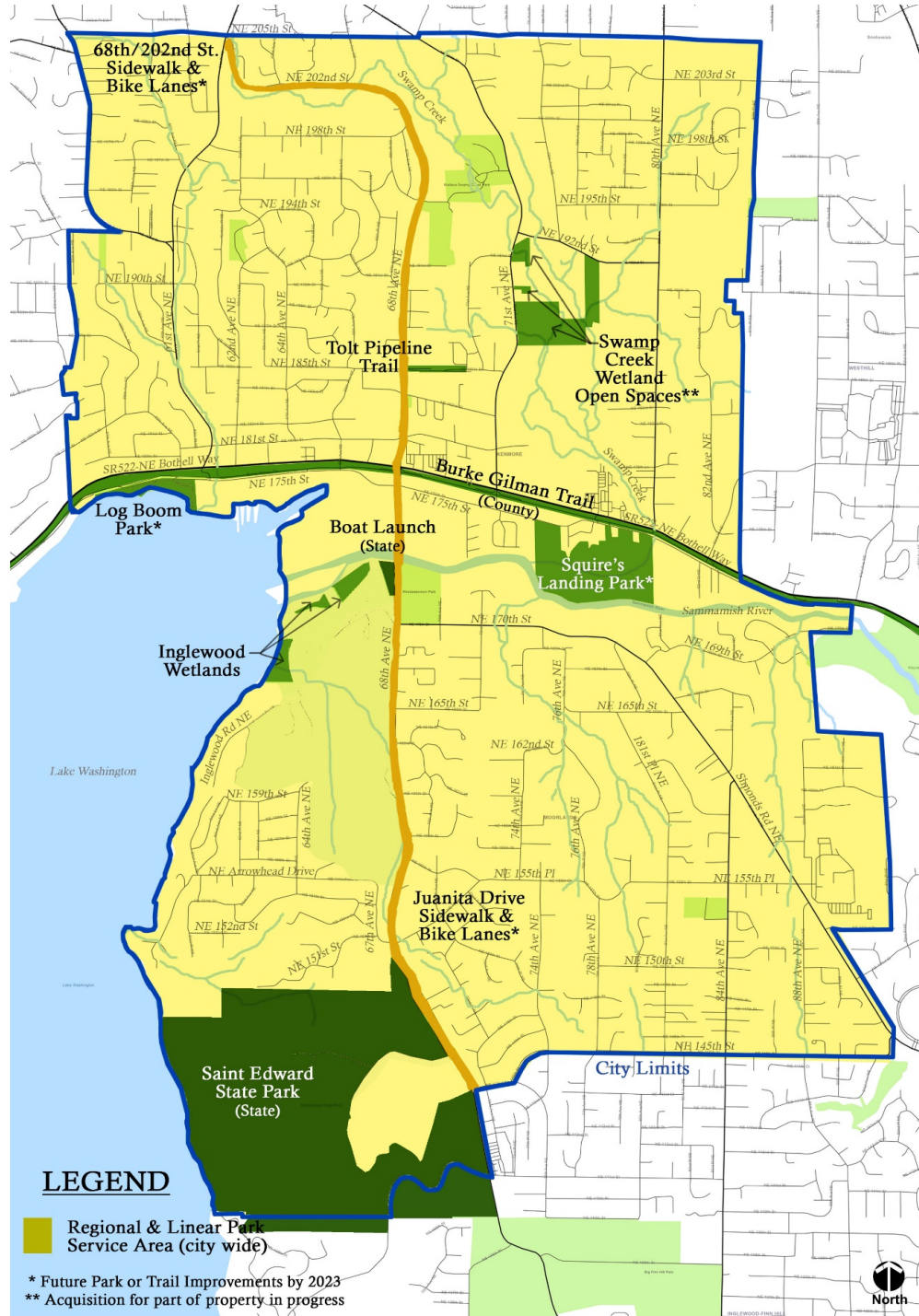


Map 3: Community parks (3/4 mile service area or about a 2 minute drive at 25 mph).

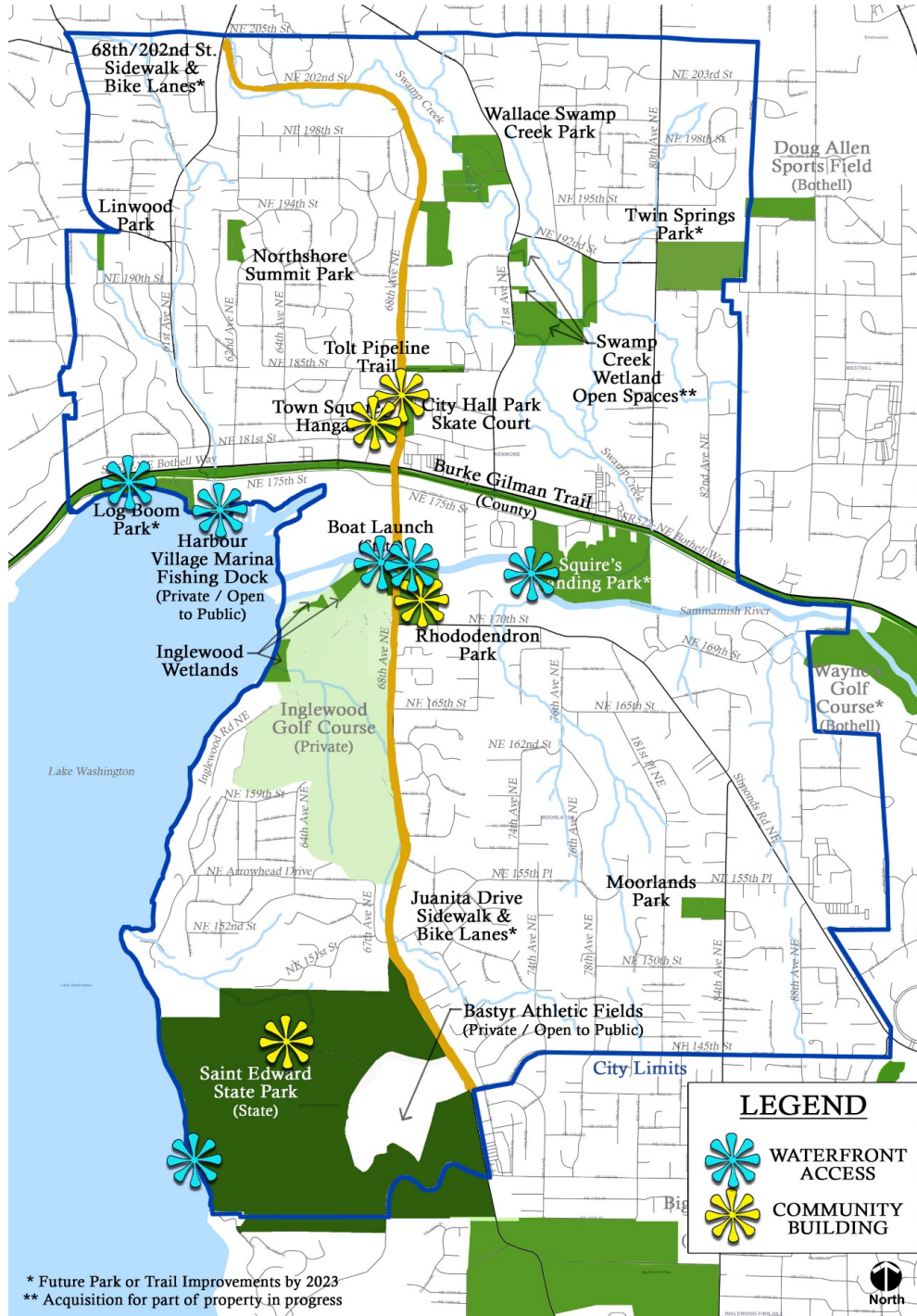


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Map 4: Regional and Linear Parks (city-wide service area).



Map 5: Special Use Facilities (within all park classifications).



Park & Recreation Programming

The City of Kenmore helps organize a variety of programs and events in the city but partners with other organizations and jurisdictions to provide direct recreation programming. The city's main focus is on community events and park facility rentals, including the Hangar at Town Square. The city relies on the school district and other public, private, and non-profit organizations to provide all youth and adult sports leagues, summer camps, self-help or educational classes, cultural and performing arts events, and indoor fitness classes. Any future programming will follow this same model, with the city providing support, but other jurisdictions or organizations taking the lead role in any recreation programming.

The Hangar, opened in August of 2017, is the city's main indoor gathering space for recreation activities and events, providing an open space for the public to use on a drop-in basis during regular hours, or to rent for private events. Since its opening, there have been over 500 requests for reservations annually, up from just over 300 requests for other city-owned facilities the prior year, before the Hangar was built. There are an average of about 20 requests per week to be used mostly as a meeting space for various organizations. It is the central gathering space for a variety of community events, including:

- Movies at the Square (city event)
- #WhyILoveKenmore Summer Party (city event)
- Tree Lighting Festival and Holiday Market (city event)
- Fighting Hunger at the Hangar (non-profit event)
- Boy Scout Blood Drive (non-profit event)

The Hangar is also used for pop-up shops, music recitals, and just general community gathering throughout the year.

Summer camps in the city are mostly staffed and managed by other organizations and groups, but supported by the city through the use of city parks and open space areas. Camps are currently held almost exclusively at Rhododendron Park with the exception of a skateboarding camp, called Skate Like A Girl, held at the Jack Crawford Skatepark. Camp Roots holds environmental classes for youth in St. Edward State Park. The YMCA also provides a summer lunch program with a variety of activities that are hosted in City Hall. The camps focused on youth athletics include:

- Basketball
- Flag football
- Soccer
- Baseball
- Cheerleading
- Golf
- Skateboarding

Camps for hand-carry watercraft sports have been held in the past, primarily by both the Kenmore Waterfront Activity Center and the Northshore YMCA. Both groups are also interested in possibly adding additional camps and/or improving water access as part of their existing camps.

In general, the city provides the location for camps and associated support facilities, like additional restrooms if needed, and helps advertise the programs to city residents. The partner organization provides everything else. Future expansion of camps and other programming would also be provided by others with minor support from the city.

Events offered by the city, free of charge and at a variety of locations, include:

- Beautify Kenmore – enhancing park maintenance in all parks and public spaces
- Seasonal Nature Walks – Wallace Swamp Creek Park
- 4th of July Celebration – Log Boom Park
- Kenmore Concert Series – Saint Edward State Park
- National Night Out Against Crime – City Hall
- Jack V. Crawford Day – Log Boom Park
- Kenmore Play Day – Rhododendron Park

Not all events occur every year, or they may occur at different times or season from year to year.

Events offered by partner organizations and communities include:

- Arts of Kenmore Art Show and Seasonal Exhibits
- Cedar Park Northshore Community Market
- Various Kenmore Community Club Events
- Various Kenmore Heritage Society Events
- Family Jewels Ball Crawl
- Hydroplane Cup
- KWAC Waterfront Activities Fair
- Bastyr Herb & Food Fair
- Kenmore Air Fly-in
- Various Neighborhood Block Parties
- Northshore Fire Department Pancake Feed & Safety Fair
- YMCA Summer Lunch Program – City Hall

Natural Resources

Kenmore's natural resources serve as a defining element in the overall character of the city. Of the 146 total acres of city-owned park land, 120 acres are natural areas – forests, wetlands, streams, and other natural environments. The abundance of wetlands, urban forests, streams and waterways are integral to the value of recreational amenities in the city. They also serve as critical habitat to urban wildlife, help manage stormwater, and create a visual and physical respite from the otherwise urbanized environment.

Many of the city's existing parks include natural areas which contribute significantly to the character of Kenmore's park system. Balancing the natural and built environments, and developing a park system that respects this balance, is one of the major goals of this PROS Plan.

In order to protect, restore, or enhance these systems they must be inventoried and the critical habitat defined, including priority habitats and species. Educating the community, especially Kenmore's youth, about the value of these systems is also important in fostering future stewardship to sustain these systems over time. An inventory of Kenmore's natural resources is provided in the Natural Environment Sub-Element of the city's Comprehensive Plan, along with the goals, objectives and policies the city has adopted to support these resources. This inventory consists of three primary systems in the city:

- Swamp Creek – with headwaters extending to Everett, there are 2.5 miles of shoreline along the creek corridor in Kenmore.
- Sammamish River – begins at the outlet of Lake Sammamish in Redmond and extends 1.8 miles through the city to its confluence at Lake Washington.
- Lake Washington – has a surface area of approximately 35 square miles with 3.5 miles of shoreline extending through Kenmore.

The importance of these systems to the community has also been validated over time. The 2016 survey conducted as part of the *Imagine Kenmore Initiative* ranked acquiring and protecting natural open space areas such as forested, creekside and wetland areas as the second highest priority for funding when compared to meeting other parks, recreation and multi-modal transportation improvements within the city. The more recent 2019 Parks and Recreation Survey ranked nature trail and natural areas/reserves as part of the top priorities for investment in the city's park system. Natural/environmental education programs also ranked within the top priorities for investment in programming for the city. The open house and public survey conducted specifically for this PROS Plan process also ranked natural systems as one of the top three priorities in the city and many comments conveyed during the public open house centered around protecting and educating the public about natural systems in Kenmore.

Refer to the Natural Environment Sub-Element included in Appendix F for additional details. Recommendations for the ongoing stewardship of Kenmore's natural resources within existing (or proposed) parks is included in this PROS Plan.

CHAPTER 3

VISION, GOALS & POLICY SUPPORT

Kenmore's Guiding Fundamentals along with the Vision, Goals, Objectives and Policy Actions described in this chapter set the tone for the PROS Plan and ultimately help guide decisions around parks and recreation for the city.

Guiding Fundamentals are specific to the parks and recreation system and establish the community-driven values and preferences to support the overall parks system. They provide overarching policy direction, as they affect all aspects of park and recreation services.

The **Service Vision and Mission** is applicable to the city organization and guides actions by city staff.

Goals are broad aspirations specific to Kenmore's parks and recreation system for how the park system would look in the future. The **Objectives** set the direction and the **Policy Actions** describe the detail for implementing the goal's vision.



Guiding Fundamentals

Four Guiding Fundamentals provide an overarching direction for the Plan, affecting the delivery of improvements to facilities and recreation programming:

- Principal Condition
- Key Values
- Obstacles
- Opportunities

Principal Condition

The city's **natural environment** is the "Principal Condition" of Kenmore's parks, recreation and open spaces. It is generally the characteristic used most when describing the city's overall park system. The city's natural environment consists of a system of interconnected wildlife habitat and corridors, ravines, woodlands, wetlands, waterway including Swamp Creek, the Sammamish River and Lake Washington.

Key Values

Key values for parks and open space and recreation programming are the qualities that are intrinsically valuable or desirable to Kenmore residents.

1. **Protect and Steward** – The value of stewardship embodies responsible planning and management of parks, natural open space and recreation assets by providing consistent high-quality maintenance. Conserving natural resources by acquiring land and restoring habitat is critical to preserving the natural character of Kenmore's park system. Environmental stewardship and interpretation educate the public about Kenmore's park system's principal condition—the natural environment.
2. **Partner** - Seeking partners is an efficient and cost-effective method to acquire, develop and maintain park, open space and recreation facilities. Potential partners include neighbors, schools, other agencies, funders, and organizations with shared key values.
3. **Create Balance** – Balance is a diverse park and recreation system with passive and active recreation opportunities for all ages, abilities, and interests. This also includes a balance between active facilities and natural systems within the park system, and a balance of spaces for organized play, programming or events and informal gathering or fitness.

4. **Instill Civic Pride** – Civic pride is loving where you live. Civic pride is reinforced when public spaces and services are available and well maintained, important cityscape views are preserved, and public spaces are created and filled with community gathering spaces with memorable site features such as public plazas, fountains, art, signage, and landscape design.

Obstacles

In 2015 and 2016, a public outreach effort called *Imagine Kenmore* was conducted. An asset inventory and condition assessment were conducted in 2018. A community interest and opinion survey and a demand and need analysis was conducted in 2019 as part of developing this plan. The broad public participation throughout these efforts revealed a series of obstacles for providing a healthy, viable and balanced park and recreation system that meets the needs for Kenmore residents now and into the future.

Lack of Access to the Waterfront – Since the city’s incorporation in 1998, Kenmore’s residents have lobbied for improved access to the city’s 7+ miles of shoreline and natural resources along Lake Washington, the Sammamish River and Swamp Creek.

Securing Assets for our Future Generations – It will be important to repair and replace physical recreation assets and maintain and restore natural park assets to ensure the park and recreation system is available for future generation to enjoy.

Lack of safe routes to parks - Kenmore needs safe pedestrian and bicycle routes that link residents from where they live to where they want to recreate. The Transportation Element of the City of Kenmore Comprehensive Plan identifies a Priority Pedestrian Network that includes pedestrian amenities along key routes to improve the walkability and safety of pedestrians in the city.

Unable to Stay and Play - Residents have a desire to stay and play locally – they have a need for facilities, programs and services nearby. Currently, residents travel beyond the city for a variety of recreation facilities and programs. To stay and play, residents need diverse recreation experiences in Kenmore’s park system, including active facilities and natural environments for more passive recreation.

Opportunities

The same process used to understand the obstacles to delivering a quality parks and recreation system also revealed several key opportunities.

Walkways and Waterways – Kenmore residents are poised to gain significant waterfront access and safe walking routes with the passage of Kenmore’s Walkways & Waterways Improvements bond measure in November 2016. Proposition 1 Walkways & Waterways Improvements is the first city bond measure ever on the ballot in the City of Kenmore.

Through an extensive community input process of the known as “Imagine Kenmore,” Kenmore residents confirmed that safe routes for pedestrians and cyclists and connecting residents with the

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city's public open space and waterfront are top priorities. The Walkways and Waterways bond measure includes new sidewalks and bicycle lanes on Juanita Drive NE and 68th Ave NE and public waterfront access and natural area improvements at Log Boom Park, Rhododendron Park, and Squire's Landing Park for water dependent recreation. These five projects included in the \$19.75 million bond measure reflect the results of public input.

Water-Walk Trail –There is an opportunity to connect Log Boom Park on Lake Washington with Squire's Landing Park at the confluence of Swamp Creek and the Sammamish River. This water-walk trail would require acquisition or dedication of privately-owned property in between to make this idea a reality. The city can pursue opportunities for public access when key properties on the central waterfront redevelop.

Downtown Kenmore -The Hangar and the Town Square plaza opened for use in 2017. This new civic facility has become Kenmore's gathering place for community events and for just hanging out. New multi-family housing has been developed nearby. City Hall Park and the Jack Crawford Skate Court create a great central location for active recreation. The City Hall Park Master Plan hasn't been fully completed and there is capacity for creating new park amenities that could serve to meet the needs of the new and existing downtown residents.

Safe Routes Network – The walkways planned along Juanita Drive NE and 68th Avenue NE provide a central on-street spine for a safe route network. The Burke Gilman Trail and a new Tolt-Pipeline trail create a start for an east-west spine for a network of on-street and off-road pedestrian and bicycle routes to connect the residential community to their park and recreation system. The city has begun to aggregate open space land along Swamp Creek corridor that could create an off-road north-south connection.

Partnerships – Kenmore relies on partnerships for providing park and recreation facilities, programs and services. Partners provide facilities, programs and services that provide for, activate and care for our park and recreation system. Creating new partnerships will provide a more sustainable park and recreation system for future generations.

Opportunities to Play – For Kenmore residents to stay and play, recreation program opportunities and sufficient facilities need to exist including community gathering spaces such as off-leash dog parks or community gardens. Adding these facilities to existing parks or new parks within the system will create a more diverse park system and provide greater opportunities for residents to stay and play.

Vision & Goals

The City of Kenmore's service vision and mission is...

{ Propelling Kenmore Upward –
We create a thriving community where people love where they live. }

The following seven goals represent the direction that Kenmore strives toward for the park, open space and recreation system:

1. Provide waterfront access
2. Provide safe routes to park, recreation & open space facilities
3. Preserve, **restore**, maintain and enhance built and natural environments to ensure quality recreational opportunities exist
4. Create a balance of passive and active recreation opportunities in parks
5. Provide equitable opportunities for diverse and affordable arts and recreation programs and community and cultural events
6. Engage the community in parks, recreation and open space decisions and activities
7. Create a financially sustainable park and recreation system through partnerships and stewardship

Objectives and Policy Actions

Objectives provide direction and policies provide the action to support the Plan goals. These actions are specifically related to the implementation of a healthy, viable and balanced park and recreation system for Kenmore.

Goal P-1: Provide Waterfront Access

Objective P-1.1 Develop a Kenmore WaterWalk.

- Policy P-1.1.1 Develop a WaterWalk Master Plan for the location for the WaterWalk connecting Log Boom Park to Squire's Landing Park.
- Policy P-1.1.2 Inventory and identify public and private parcels from Log Boom Park to Squire's Landing Park.
- Policy P-1.1.3 Identify specific opportunities for joint development, partnership and other options for implementing a WaterWalk.
- Policy P-1.1.4 Identify and prioritize undeveloped or underdeveloped waterfront properties in the city's central core to consider for acquisition.
- Policy P-1.1.5 Pursue opportunities for public access when key properties on the central waterfront redevelop.
- Policy P-1.1.6 Develop a plan for extending the trail system at Squire's Landing Park along the Sammamish River and/or Swamp Creek.

Objective P-1.2 Establish and implement plans, development policies, regulations and incentives for waterfront access to retain views and create water dependent recreational opportunities in conjunction with private and public development.

- Policy P-1.2.1 Develop a Waterfront Master Plan to improve park activities and access (physical or visual) along the waterfront. View corridors, overlooks, access to shorelines along the city's lakes and streams, and other recreational amenities are examples of what might be included in a Waterfront Master Plan process.
- Policy P-1.2.2 Adopt development regulations and incentives that are consistent with and further the implementation of a Waterfront Master Plan.
- Policy P-1.2.3 Identify and retain important public access and view corridors to Lake Washington and the Sammamish River.

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- Policy P-1.2.4 Implement master plans for waterfront parks that improve public access and water dependent recreational experiences.
- Policy P-1.2.5 Seek external funding sources to provide public access and ensure water dependent recreational opportunities exist.

Goal P-2: Provide Safe Routes to Parks, Recreation, & Open Space Facilities

Objective P-2.1 Identify and prioritize key connections from neighborhoods to downtown, the waterfront, parks and public facilities.

- Policy P-2.1.1 Prepare a safe routes plan which maps a network of pedestrian and bicycle connections from neighborhoods to downtown, the waterfront, parks, and public facilities.
- Policy P-2.1.2 Identify and create opportunities to provide connections to parks, trails and open space in adjoining cities.
- Policy P-2.1.3 Review development proposals for creating viewpoints, view corridors and easements for pedestrian and bicycle connections to parks, recreation and open space facilities.
- Policy P-2.1.4 Plan and develop an off-road north-south trail connection utilizing the Swamp Creek corridor as appropriate.
- Policy P-2.1.5 Acquire easements and develop the Tolt Pipeline Trail linking to adjoining cities.
- Policy P-2.1.6 Establish and implement development regulations and incentives for new development to provide pedestrian/bicycle routes.

Goal P-3: Preserve, Restore, Maintain, and Enhance Built and Natural Environments to Ensure Quality Recreational Opportunities Exist

Objective P-3.1 Protect environmentally sensitive critical areas in parks and open spaces and provide opportunities for habitat restoration, enhancement and public access.

- Policy P-3.1.1 Identify opportunities to provide access, views, and education of environmental critical areas.
- Policy P-3.1.2 Establish and implement development regulations and incentives to provide access and protection to critical areas.
- Policy P-3.1.3 When developing parks, create a balance between habitat restoration, particularly salmon habitat, enhancement and public access.
- Policy P-3.1.4 Update Wallace Swamp Creek Master Plan and implement the plan including stream bank and habitat restoration.
- Policy P-3.1.5 Implement the Squire's Landing Park Waterfront and Natural Area Access project and continue habitat and riparian corridor restoration.
- Policy P-3.1.6 Seek funding sources to support efforts for habitat restoration, enhancement and public access.
- Policy P-3.1.7 Develop vegetation management plans for parks with critical areas.
- Policy P-3.1.8 Identify resource management agencies, such as the WRIA8 Salmon Recovery Council, and volunteer partners to steward critical areas in parks and open spaces.
- Policy P-3.1.9 Develop and install interpretive signage to inform and educate about environmental sustainability, the value and function of environmental critical areas and community history.

Objective P-3.2 Provide high quality maintenance and stewardship of Kenmore parks and open spaces that are sustainable, safe and attractive to use.

- Policy P-3.2.1 Evaluate park and recreation facilities to ensure safety and operational requirements are being met.
- Policy P-3.2.2 Develop an asset replacement schedule for recreation assets.
- Policy P-3.2.3 Replace assets prior to reaching the end of their expected life cycle.
- Policy P-3.2.4 Periodically conduct crime prevention through environmental design (CPTED) reviews of park and recreation facilities with the Kenmore Police Department.
- Policy P-3.2.5 Provide procedures, practices and resources to maintain and operate a quality park and recreation system.
- Policy P-3.2.6 Establish and adopt park maintenance standards and practices for the park and recreation system.
- Policy P-3.2.7 Conduct regular safety inspections of park and recreation facilities and correct any safety issues.
- Policy P-3.2.8 Use equipment, landscaping and design techniques that reduce long-term maintenance costs and increase safety for park users.
- Policy P-3.2.9 Establish appropriate new policies governing operations and use of park and recreation facilities.

- Policy P-3.2.10 Install park rules and regulation signs to inform and educate park users of appropriate use and conduct within Kenmore city parks.
- Policy P-3.2.11 Incorporate sustainable design for new or renovation to existing park and recreation facilities. For example, incorporate the use of low-impact development and green building best practices.
- Policy P-3.2.12 Incorporate sustainable practices when implementing recreation program offerings. For example, consider impacts of recreational programs scheduled in natural areas.

Goal P-4: Create a balance of Passive and Active Recreation Opportunities in Parks

Objective P-4.1 Preserve, develop, and enhance existing parks and open space to provide a balance between passive and active recreation opportunities, and acquire new parks to meet future growth needs.

- Policy P-4.1.1 Identify and prioritize undeveloped or underdeveloped properties for potential acquisition.
- Policy P-4.1.2 Complete master plans and development of park and recreation facilities as funding allows.
- Policy P-4.1.3 Implement the Log Boom Park Waterfront Access and Viewing project.
- Policy P-4.1.4 Implement the Rhododendron Park Boardwalk, Float and Boathouse projects.
- Policy P-4.1.5 Update Wallace Swamp Creek Park adopted Master Plan and implement improvements.
- Policy P-4.1.6 Implement the Twin Springs Master Plan.
- Policy P-4.1.7 Provide urban park amenities including public art and cultural elements in Kenmore's downtown.
- Policy P-4.1.8 Consider acquiring property to provide community park amenities such as athletic fields or gathering spaces such as a dog park or community garden.
- Policy P-4.1.9 Acquire lands that abut existing city or other publicly-owned park properties that provide the greatest value in augmenting and enhancing existing city parks.
- Policy P-4.1.10 Consider tools such as transfer of development rights, clustering development, development agreements, planned unit developments, easements, and public giving as alternatives to fee simple acquisition of park lands and open space.

Goal P-5: Provide Equitable Opportunities for Diverse and Affordable Arts and Recreation Programs and Community and Cultural Events.

Objective P-5.1 Provide Kenmore residents with information about current recreation programming in Kenmore

- Policy P-5.1.1 Support the efforts of organizations that offer recreation and arts programs and community and cultural events.
- Policy P-5.1.2 Publicize arts and recreation programs and community and cultural event opportunities in the city using the newsletter, web-page, and other marketing materials.
- Policy P-5.1.3 Promote private arts, recreation, and cultural programming and facilities within the city.
- Policy P-5.1.4 Consider providing park amenities to existing parks that support new trends in recreation, arts, and culture to continue to meet community need.
- Policy P-5.1.5 Support recreation, arts, and cultural providers in offering opportunities in Kenmore and define the city's role in providing programs for the community.
- Policy P-5.1.6 Ensure that all future capital improvement projects have an allowance for art and cultural elements.

Goal P-6 Engage the Community in Parks, Recreation and Open Space Decisions and Activities.

Objective P-6.1 Maintain and update the city Parks, Recreation and Open Space plan and conduct other appropriate master planning for Kenmore parks and recreation service delivery.

- Policy P-6.1.1 Conduct and prepare an inventory of public, non-profit, and private lands in Kenmore available for expanding the parks and recreation system.

Parks, Recreation and Open Space Plan

- Policy P-6.1.2 Conduct a public involvement process to assess community attitudes regarding park and recreation needs and opportunities in Kenmore associated with parks planning and improvement projects.
- Policy P-6.1.3 Conduct and prepare a demand-and-needs analysis for public parks and recreation needs in Kenmore.
- Policy P-6.1.4 Prepare level of service guidelines for the parks and recreation system.
- Policy P-6.1.5 Identify potential funding sources and strategies for implementing the plan including goals, objectives and policy actions.
- Policy P-6.1.6 Prepare a six-year Capital Improvement Plan for parks and recreation facilities.
- Policy P-6.1.7 Ensure integration of the Park, Recreation and Open Space plan with other city strategic plans.
- Policy P-6.1.8 Update the PROS plan a minimum of every 6 years.
- Policy P-6.1.9 Revise master plans as necessary as the community demand and need changes.
- Policy P-6.1.10 Review and update the city's park use ordinance.
- Policy P-6.1.11 Maintain a list of funding sources, acquisition, development and renovation projects.
- Policy P-6.1.12 Utilize a public engagement process during the park master planning process to identify programmatic needs and overall vision for each park.
- Policy P-6.1.13 Establish strategies and criteria for acquiring land for park and recreation facilities.

Goal P-7: Create a Financially Sustainable Park and Recreation System through Partnerships and Stewardship.

Objective P-7.1 Ensure sufficient resources are available prior to acquiring new land, developing or renovating park property or implementing new programs and events to sustain the resulting Kenmore park and recreation system.

- Policy P-7.1.1 Budget for long-term maintenance and operational costs in addition to the capital costs of park projects prior to proceeding with plans.
- Policy P-7.1.2 Develop and prepare six-year capital improvement program projects identifying priorities, specific projects, and capital costs.

Parks, Recreation and Open Space Plan

- Policy P-7.1.3 Identify and secure appropriate levels of funding to operate or support new city-sponsored recreational programs or facilities prior to making commitments to initiate and implement any new programs.
- Policy P-7.1.4 Utilize funding opportunities, emphasizing a regional approach, such as coordinating, and/or partnering with special service districts.
- Policy P-7.1.5. Identify and actively seek potential grant funding assistance from public and private sources for habitat restoration, acquisition, development, and renovation.
- Policy P-7.1.6 Require new development impacting park service delivery to pay its fair share of the costs of providing new park and recreation facilities as defined in the Parks and Recreation Impact Fee Rate Study Report (see Appendix E).
- Policy P-7.1.7 Seek partnerships to enhance opportunities for recreation programming at existing parks and recreation facilities.
- Policy P-7.1.8 Implement a city-wide policy for volunteers to help steward parks.

Objective P-7.2 Encourage multi-purpose and/or joint use of school, special district, government, non-profit and other similar agency facilities for civic, recreational, cultural and beautification activities.

- Policy P-7.2.1 Develop and execute joint use agreements when appropriate with other governmental and community service providers to maximize public use of existing public facilities.
- Policy P-7.2.2 Work cooperatively with local jurisdictions to evaluate the need and the financial ability to construct and operate an indoor recreation and aquatic center facility to meet community need.
- Policy P-7.2.3 Invite other local public agencies to participate in developing park master plans.
- Policy P-7.2.5 Cooperate with the state and other regional park providers to establish and implement park master plans for their facilities to ensure they are consistent with the city's vision and Comprehensive Plan.
- Policy P-7.2.6 Seek partnerships to enhance the visual beauty and character of the city including landscaping and public art in appropriate locations.
- Policy P-7.2.7 Provide sufficient resources to support and manage approved volunteer efforts.
- Policy P-7.2.8 Use neighborhood and other organizational volunteers to supplement park maintenance levels, where appropriate.
- Policy P-7.2.9 Work cooperatively with Bastyr University to extend the lease agreement for use of their campus athletic fields.
- Policy P-7.2.10 Secure additional easement for use of Seattle Public Utility's property for continuing the Tolt-Pipeline Trail.

CHAPTER 4

DEMAND & NEEDS ANALYSIS

The purpose of the Demand & Needs Analysis is to identify future needs for parks, recreation, and open space facilities and programs in Kenmore. The results of this analysis will then lead to a proposed level of service for parks and recreation facilities to support future growth in the city. The demand and needs analysis for Kenmore's park system considers population growth, walkability and ease of access to parks and recreation facilities; regional and national trends for recreation; and ultimately what kinds of improvements the community would like to see in the city's parks and recreation system. Each of the methods identified in Figure 6, below, is evaluated individually, though no single method can accurately account for all aspects of the community need. The city's geography, demographics, and park and recreation facility asset inventory and condition assessment were also used as background for this analysis.

Each section is divided into two parts – a description of the analysis itself and a summary of key findings related to that topic.

The different methods used to evaluate the demand and needs for Kenmore include the following:

Figure 6: Background information analyzed.

Type	Description
Recreation Trends	A summary of recent trends in parks and recreation locally, regionally, and nationally.
Community Interests	A summary of public outreach. What is important to the community and what types of parks and recreation facilities or programs they would like to see provided.
Benchmark Comparison	National and state benchmarks are used for providing park and recreation facilities, and a comparison between Kenmore's system and those benchmarks is provided.
Population Growth	Comparison of existing and projected population over the course of the planning period.

Parks, Recreation and Open Space Plan

Geographic Context	Types of parks and recreation facilities are available in Kenmore's parks and recreation system. Accessibility of parks and recreation facilities and identified gaps in walkability.
Recreation Programming	Evaluate current programs available against current participation, requests for programs not provided, and recreation providers who may be able to fill gaps in current programming.
Participation Rates	The level of participation in various recreation programs and current or anticipated growth trends.



Parks and Recreation Trends

Parks and recreation facilities are a key component contributing to the quality of life in Kenmore. They improve health (mental and physical), improve the economy (increasing property values and attracting new residents or development), and improve the environment (e.g. carbon sequestration, reduced heat island affects, and stormwater control) – among their many other benefits. Parks should be open and accessible to everyone, regardless of race, gender, language, age, sexual orientation, or economic status. As a result, they offer the unique opportunity to meet neighbors, celebrate community, and feel a connection one to another that might not otherwise happen.

National Trends

Nationally, trends in parks and recreation focus on three core areas outlined by the National Parks and Recreation Association (NRPA). NRPA collects annual service data from its membership jurisdictions, which includes local agencies. This data is compiled by NRPA into an annual publication to help park and recreation service providers understand current trends in parks and recreation facilities, services, and operating resources across the country. NRPA has created a summary of major trends in providing park and recreation services that they refer to as the three pillars:

- Health & Wellness
- Conservation
- Social Equity

Health & Wellness

Access to parks and recreation has a positive effect on community health and wellness, according to documentation and resources found on the NRPA website. Access to parks and recreation result in positive health benefits. This is especially important now as increasingly sedentary lifestyles lead to a host of chronic diseases.

An additional trend is a focus on active recreation for all ages, and in particular NRPA is seeing an increased interest in “life sports”, or sports that can be engaged in during all the different stages of our lives. Examples of life sports include tennis, pickleball, walking/hiking, and swimming. Walking consistently ranks as one of the highest desired and most used activity in park systems. Specialized sports and more social-oriented sports that appeal to specific ages not previously addressed are also a current related trend. These focus mostly on teens and young adults.

Parks, Recreation and Open Space Plan

Specialized sports include mountain biking, parkour, and climbing; while more social sports include disc golf, flag football, and kickball.

Specific sports that have grown nationally and regionally include beach volleyball and pickleball. Beach volleyball has been driven in popularity by its inclusion in recent years as a collegiate and Olympic sport. Pickleball appeals to a wide variety of ages and abilities and is an easy sport to learn. It's also generally a social sport given the close proximity of players (you can fit four pickleball courts on one tennis court).

Finally, NRPA continues to see a steady increase in athletic leagues, including youth sports, adult and senior sports, as well as sports that cater to people with disabilities. As demand for fields to operate these leagues continues to grow, fields need to be flexible enough to support these diverse sports and durable enough to withstand the intensity of use over time.

Conservation

Preserving our natural environment is not a new concept in parks and recreation. It's one of the founding principles for the earliest parks created across the nation through our National Parks system. Park systems today still play a critical role in preserving natural systems, protecting wildlife habitat, conserving traditional farmland and open spaces, supporting pollinator and migration routes, and supporting natural drainage systems and other green infrastructure systems.

Connecting people to the natural environment through education and trails has been a growing trend across the nation and consistently ranks as a top desire or need by Kenmore residents. Equally important is the need to engage youth in exploring and discovering our natural environment, creating the future stewards of the environment, who understand the role of our parks in preserving it.

There are a number of organizations and agencies that offer a variety of services, programs, and other support for the protection and restoration of, and/or education about, our natural environments. Partnering with other organizations, agencies, and community members to pool resources, talents, and efforts is a major trend we see both locally and across the country.

Social Equity

Social equity focuses on ensuring all people have access to park and recreation facilities and programs in our community. This includes people of all races, gender, age, income level, mobility, and interests. Parks and recreation facilities have the capacity to serve diverse needs and allow people to share and celebrate their diversity – fostering a greater understanding and acceptance of what makes us all unique – by providing space and programming for events, festivals, community gathering spaces, and other similar activities.

Ensuring accessibility in parks has become a major driver in maintaining and improving the parks system. This includes everything from accessible parking stalls and ramps to accessible trails and inclusive playgrounds.

State Trends

State trends are also an important factor to consider in analyzing parks and recreation needs in the community. State trends are researched and documented by the Washington State Recreation and Conservation Office (RCO) in Washington State's Recreation and Conservation Plan 2018-2022. Key themes from this plan include:

- Demonstrating how park and recreation facilities and recreation programs are vital public services by highlighting the economic benefits, and effectively communicating those benefits to others. Maintaining an accurate inventory of facilities and providing resources for funding recreation improvements are also important strategies.
- Sustaining the legacy of the entire state's park and recreation facilities by improving existing facilities to make sure they are relevant to today's interests. This includes pursuing regional solutions to parks and recreation and leveraging partnerships with those regional providers. Planning for recreation needs associated with growth and ensuring that residents are satisfied with recreation facilities are also important factors in ensuring parks and recreation facilities are relevant to community interests.
- Providing parks and recreation facilities that meet the need for our state's changing demographics. This includes an increasing diverse and older population. Recreation needs in the future will need to respond to this changing demographic and better reflect their interests.
- Improving equitable distribution of park and recreation facilities and services. This includes locating and building recreation facilities specifically for underserved populations, and creating the tools needed on a statewide level to assess the needs of those populations. It also means connecting more people to popular activities, like walking and experiencing nature, and when facilities are provided, ensuring they are designed to be safe, welcoming places for everyone to enjoy.
- Getting youth outdoors by providing a variety of activities to appeal to all types of individuals, including technology-based games or activities, maintaining and expanding athletic fields and other sports facilities for staying active, and supporting programs for youth. Youth engagement in recreation activities leads to a more engaged and active adult.

Local Trends

Locally, there have been a number of recent trends across communities and jurisdictions similar to Kenmore throughout the Puget Sound Region. Some of these have already been highlighted as national and state trends. However, some more specific park facility trends seen locally include:

- Increased demand for dog off-leash areas that provide amenities such as water, weather protection, benches and picnic tables, community reader/post boards, and agility equipment.
- Design of inclusive and universally accessible playgrounds, considering the abilities and interests of all children through sensitive design choices and a variety of play opportunities.
- Design of nature play and integrating natural elements, materials, and imagery into playground design, as well as the inclusion of spray parks in playground areas.
- Protecting and enhancing natural resources – often sharing the costs and resources with other organizations and community groups to maximize efficiency in overall natural resource management.
- Placing a high value on sustainable design and green stormwater infrastructure.
- Designing more flexible and mixed-use spaces to allow for a variety of activities and uses, as well as better adaptability to changing interest in recreation activities or programs over time.
- Support for new and emerging active recreation activities in the parks system – everything from sand volleyball and pickleball to remote control plane or drone flying areas, parkour, gaga ball, interactive ‘playscapes’ outside of playgrounds, and creative placemaking in the design and renovation of parks across the system.
- Including public art, outdoor gathering spaces and public fountains, interpretive educational signage about local history and the natural environment, and providing important civic views and view corridors.
- Accommodating E-bikes, car share drop-off areas, and other newer transportation modes in future parks planning efforts.
- Focus on keeping youth active – a new study completed through a partnership between the University of Washington’s Center for Leadership in Athletics, King County Parks, and The Aspen Institute found that less than 19 percent of youth in King County get the amount of physical activity recommended by the Centers for Disease Control and Prevention.

Parks and Recreation Trends Key Findings

1. Parks and recreation facilities need to be flexible to serve a diverse audience through broad community appeal. They should be accessible and welcoming to everyone.
2. Parks are becoming a key component in promoting climate resiliency, showcasing sustainable design strategies and implementing green infrastructure practices.
3. Parks are a catalyst for our youth to become the future stewards of our environment, offering a safe place to explore, discover, and understand the intricate balance of our ecology, especially within the urban fabric of our community.
4. Recreation facilities and programs need to support active lifestyles for all ages and abilities.
5. Parks can improve civic pride and create a sense of place by installing public art, outdoor gathering spaces, public fountains, interpretive displays of local history and the natural environment and protecting important views and view corridors.

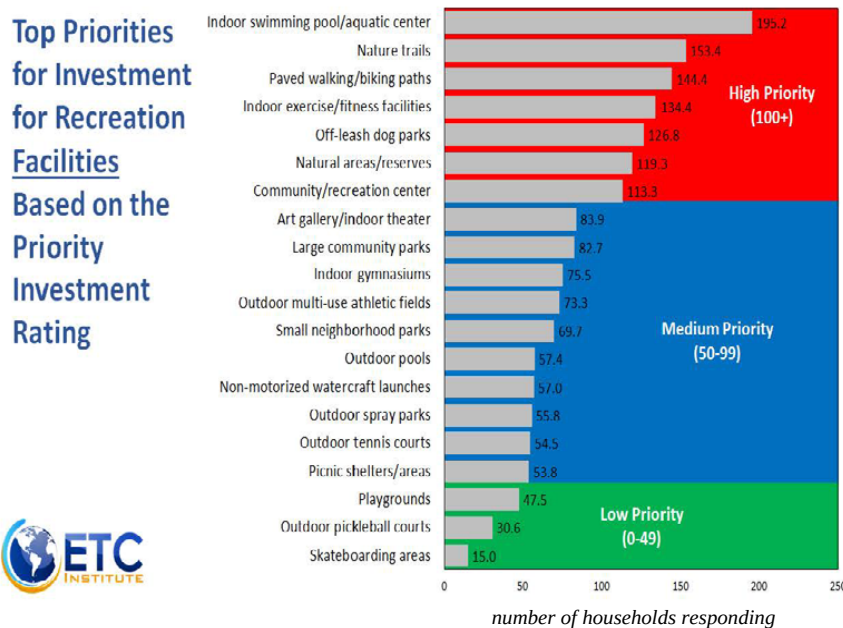
Community Interests

The City of Kenmore has conducted extensive public outreach to find out what facilities, amenities and programs they would like to see in the park system. While the city can analyze the physical improvements in parks and recreation, future growth and associated demographics of the community, and recent trends in parks and recreation, none of these methods can completely inform the city of what the community actually wants to see in its parks system. This feedback is a key component of the demand and needs analysis. Community outreach activities in support of this plan include the following:

- 2015 Imagine Kenmore Research & Engagement Plan
- 2016 Walkways and Waterways Bond Survey
- 2016 Imagine Kenmore Community Outreach Summary
- 2019 Parks and Recreation Survey and Open House

In the 2019 survey, 91% of respondents rated the physical condition of the park and recreation system as either “excellent” or “good”. Over 70% are satisfied with the number of city-owned parks and recreation facilities, and with the progress the city is making to improve those facilities. About 50% were satisfied with the number of recreation opportunities and the quality of recreation programs offered in the city.

Figure 7: Top priorities for investment for recreation facilities.

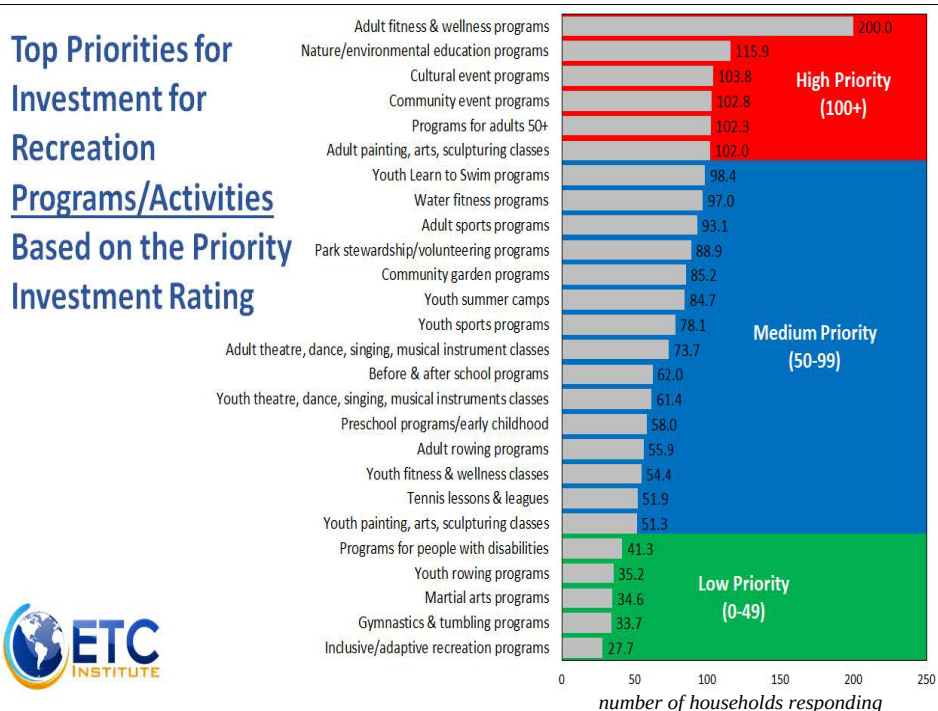


The most used facilities in the system were Log Boom Park, Rhododendron Park, and the Town Square and 63% of residents use the park system at least monthly. Respondents were asked what parks and recreation needs were not being met for facilities and programs. A variety of indoor recreation types, off-leash dog parks, trails, and athletic fields ranked among the top facilities as shown in Figure 7.

For programs, adult fitness and wellness, environmental education, and arts and culture programs ranked among the top needs by the community, see Figure 8. A complete summary of the community outreach results can be found in Appendices B-D.

The most recent informal survey conducted as part of this PROS Plan update reinforced these priorities with waterfront facilities and an indoor pool as the most needed facilities in the city, with nature trails, natural areas, and paved walking/biking routes rounding out the top five facility needs. Community events was ranked as the most needed recreation program, followed closely by outdoor water-related programs, adult fitness and wellness, and natural/environmental education programs.

Figure 8: Top priorities for recreation programs and activities.



Community Interests Key Findings

Specific key findings from the collective results of all of the public outreach conducted, with specific references to data and results from the 2019 survey, are outlined below.

Key Point 1 – Waterfront Vision

Waterfront activities, access to water, and protection of our natural environment along the waterfront are core guiding principles when it comes to community values for Kenmore residents. Among residents surveyed in the 2019 Parks and Recreation Survey, 87% of respondents were ‘somewhat supportive’ or ‘very supportive’ of acquiring additional shoreline properties to support water dependent recreation in the city, with the vast majority (70%) identifying as ‘very supportive.’

Key Point 2 – Diversity of Park Facilities

Among residents surveyed in the 2019 Parks and Recreation Survey, 79% of respondents were ‘somewhat supportive’ or ‘very supportive’ of acquiring additional properties for new parks and recreation facilities, with about half (52%) identifying as ‘very supportive.’ Of the different activities suggested for potential parks and recreation improvements, Figure 9 lists the top ranked facilities and programs.

Figure 9: Top ranked Facility and Program Needs.

FACILITIES	PROGRAMS / ACTIVITIES
• Nature trails	• Adult fitness and wellness programs
• Indoor exercise / fitness facilities	• Nature / environmental education
• Natural areas / reserves	• Cultural events
• Indoor swimming pool / aquatic center	• Community events
• Paved walking / biking paths	• Senior programs (50+)
• Off-leash dog parks	• Adult painting, arts, sculpting classes
• Community recreation center	

The greatest needs not currently being met include a pool/aquatic center and pickleball courts. These are followed closely by off-leash areas, indoor fitness/gyms, and outdoor tennis courts. The community had the least interest or need for additional skateparks or a spray park.

The most important facilities for residents closely mirror the needs and include, in order of priority:

1. Nature trails
2. Indoor swimming/aquatic center
3. Paved walking/biking paths
4. Off-leash area
5. Indoor fitness/gyms

The majority of residents also responded that the current recreation programs and activities do not meet their needs for all types of activities except community events, early childhood & before/after school care, youth sports and camps, and stewardship and education programs. Adult fitness and wellness programs were ranked as the most important programs needed.

Key Point 3 – Preserve and Protect the Natural Environment

Among residents surveyed in the 2019 Parks and Recreation Survey, 84% of respondents were somewhat supportive or very supportive of acquiring additional properties to preserve natural open space and wildlife habitat, with a majority (61%) indicating they were very supportive. The top three facilities needed by residents when asked for their preferences were nature trails, paved trails, and natural areas or reserves.

As noted above, nature trails are the number one facility desired and one of the highest needs not currently being met. This has been the case in nearly every survey conducted since 2013, and also mirrors the trends we see at the state and national level. Walking on trails is an activity that appeals to all ages and can accommodate all abilities, especially with some portions of those trails paved or meeting ADA accessibility requirements. Trails through natural areas further enhance the user experience and, when combined with interpretive signage, community stewardship programs, and other features, help educate the community on the value of natural systems and how they fit into the larger urban context of cities today.

Key Point 4 – Improve Connectivity

Time and again trails and walking routes are at the top of the list for desired recreation activities and they are also some of the most-used facilities. Walking paths was the most important feature to the community that could be added or improved in Kenmore's park and recreation park system based on the results of the 2019 Parks and Recreation Survey. In the Imagine Kenmore public outreach effort, connecting people from where they live to where they recreate was also identified as important. Safer routes to schools and public facilities and parks increase access to recreation for residents.

Creating walking paths and nature trails in parks and connecting residents to parks, natural areas, and the waterfront has consistently been one of the most important needs expressed by the community. This means more trails within parks, as well as more sidewalks and safe walking

routes between neighborhoods and parks – either as part of the roadway system or as separated trails and multi-purpose paths.

Key Point 5 – Recreation Activities

The most important recreation activities that the community would like to see in its park system include the following, though other facilities should still be improved as opportunities and funding allows:

- Trails, especially in natural areas
- Indoor swimming/aquatic center
- Dog park
- Additional new parks
- Indoor fitness and exercise

Benchmark Comparison

According to the National Parks and Recreation Association (NRPA), in 2019 the typical park and recreation agency across the country offers one park for every 2,181 residents, or about 10 acres for every 1,000 residents. The NRPA also updated in 2019 its database of benchmarks from across the country to compare industry trends and ratios of different types of parks and recreation facilities compared to the population. As stated above, this is generally expressed as a quantity of something per 1,000 residents and is a good way to gauge the quantity of parks and recreation facilities provided when compared to other jurisdictions nationally and regionally. Note that this comparison does not consider the quality of the facilities or the level of maintenance and access to those facilities.

The typical agency participating in the 2019 NRPA Agency Performance and Park Metric survey has a population on average of 39,183 people, which represents the median benchmark in the figures below and is about 58% larger than the total population of Kenmore (22,920 current population), though what each jurisdiction provides for parks and recreation facilities is as varied as the communities themselves. Figure 10 shows how Kenmore compares to other similar jurisdictions across the country in relation to total park land (acres) per population.

Figure 10: Comparison of the number of people for every park and park acres in the city.

	Number of People / Park	Acres / 1000 Population
National Median (all jurisdictions)	2,181	10.1
National Median for Similar Size Jurisdictions (20,000 – 40,000)	1,881	9.6
Pacific Northwest Median	1,746	4.1
City of Kenmore Parks Only (146 acres)	1,763	6.4
All Park and Recreation Facilities in Kenmore (475 acres)	1,528	20.7

Benchmark Comparison Key Findings

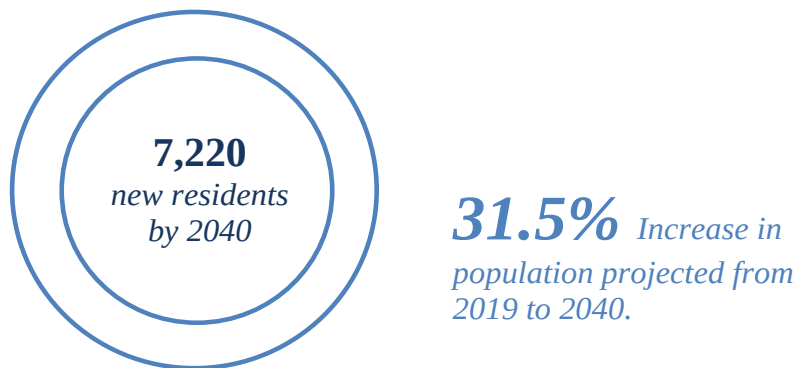
1. The City of Kenmore contains less than the national average of parks acreage in the system, but is on target with other jurisdictions in the Pacific Northwest region for city-owned facilities. When considering all publicly accessible parks and recreation facilities open to the public, the city exceeds the national and regional average.
2. The City of Kenmore is on par with other jurisdictions for some outdoor facilities, like playgrounds, tot lots, skateparks and courts, but is below average for other outdoor recreation amenities, specifically, community gardens, dog parks, spray parks, and multi-purpose courts.
3. The City of Kenmore is below average for the number of indoor recreation facilities, except for senior centers. This includes a need for additional aquatic facilities and gyms. Some of this need can be met through outdoor improvements, like fitness stations and athletic courts and expanding the beach at Log Boom Park. This would not entirely replace the need for indoor facilities.
4. Parks in the city all generally contain the same types of facilities. Variation of types of facilities, overall character of park features, and including special interest facilities, especially at the larger parks, will help diversify the system. This will also allow greater flexibility to cater to diverse populations and changing trends in parks and recreation over time. Varying the character and types of activities in parks also helps foster a greater sense of ownership with the surrounding community and can help create a sense of identity or reinforce the neighborhood context of each park site. Some of these new uses to consider include pickleball, futsal, disc golf, parkour, and rock climbing.

Population Growth

Population Growth

The city's current population is 22,920 with a population forecast of 28,473 by the year 2035 as identified in city's Comprehensive Plan. Since the population projection data is not yet available beyond 2035 and this is 20-year plan, the rate of population increase is assumed to remain the same and is projected out at the same rate (1.5% average annual growth) to the 2040 planning period (see Figure 11). This results in an estimated population of 30,140 by the year 2040 (21 years x 1.5% annually is a 31.5% increase over the planning period). For the city's park system to keep up with demand based on this projected growth, the city would need to expand its park system or increase capacity at its existing parks to accommodate this projected growth. If you were to look only at this population increase, the demand for future parks by 2040 would increase at the same rate as population at 31.5%, creating a **need for 46 additional acres of new park land** (146 existing acres x 31.5%), or improved capacity in existing parks within the system to meet the needs generated by the increased growth. Of course, this doesn't help define the activities and programs people want in their parks. It also doesn't account for availability of existing land to develop new parks, or the feasibility of expanding capacity and other improvements at existing parks.

Figure 11: Population projection.

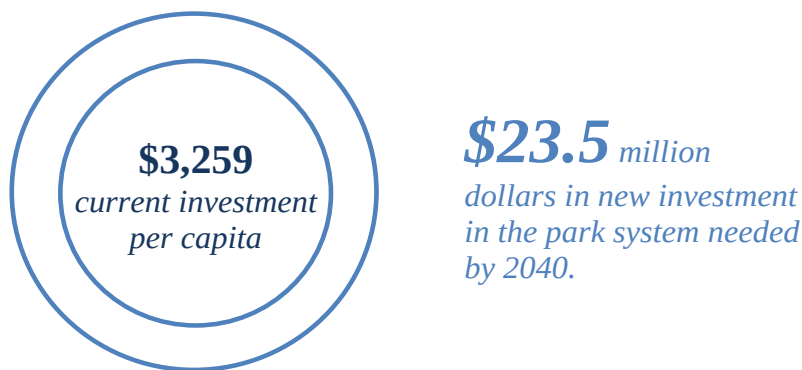


Parks Investment Per Capita

By considering the overall value of the existing park system, we can begin to see a more complete picture of both the park land itself and the improvements created on that land to meet the recreation demands and needs of the community. The value of the existing park system (replacement value

in 2019 dollars) is \$74.7 million, or \$3,259 per person per the 2019 Park Impact Fee Rate Study. This represents the current investment for parks and recreation facilities in the city. If the city were to invest the same amount in parks and recreation as they have existing today for every new resident projected into the future, the city would need to invest an additional \$23.5 million in the park system – that’s \$3,259 times the projected 7,220 new residents by the year 2040 (see Figure 12). This still assumes that all residents and visitors to the city have access to all parks in the system; and doesn’t help to determine what facilities are actually needed within those park lands.

Figure 12: Investment needed by 2040.

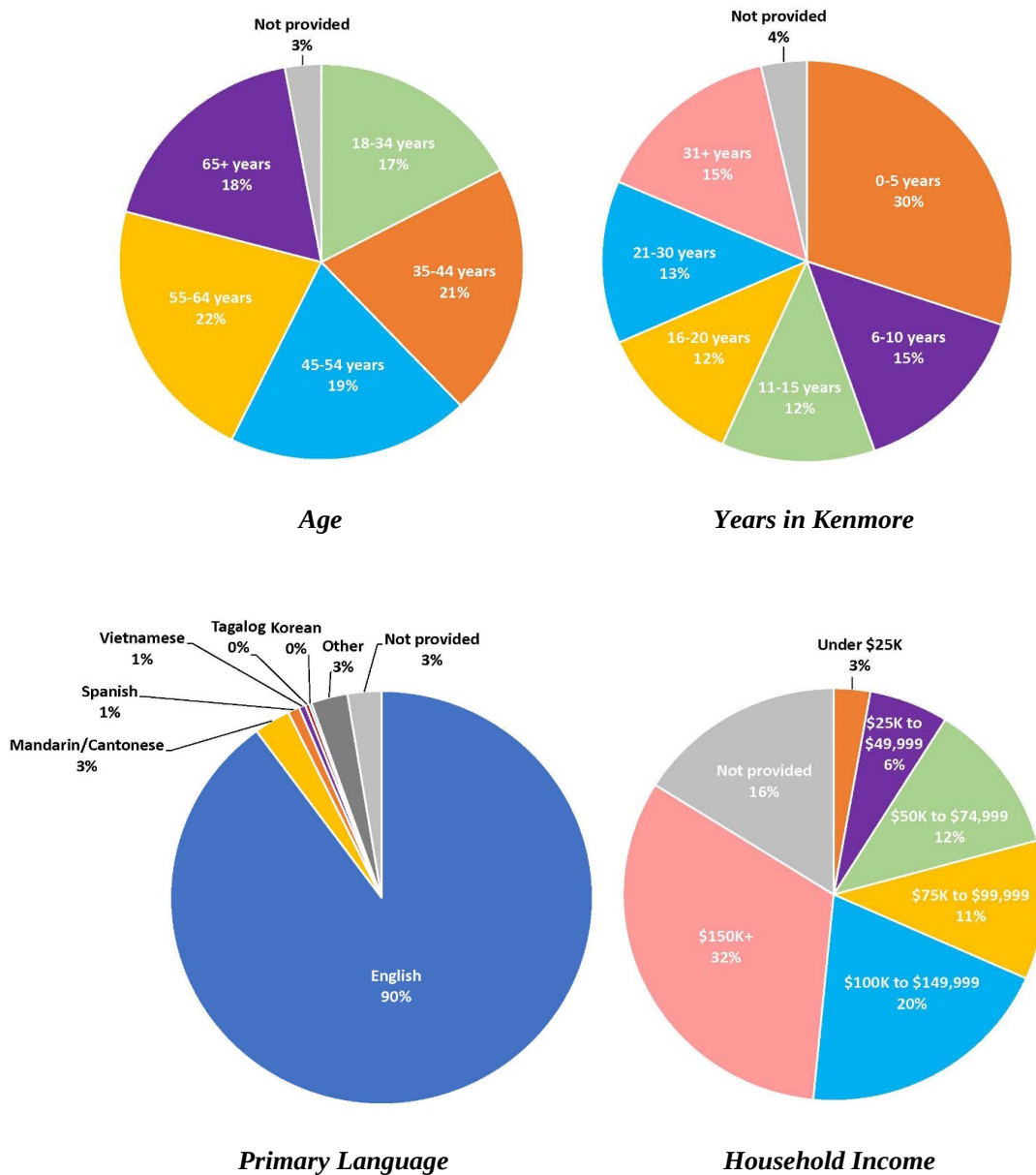


Demographics

Understanding the demographics of the existing population, described in previous sections, helps create a more complete picture of future needs in the city. It is also helpful to note that the respondents who participated in the 2019 Parks and Recreation Survey discussed previously generally mirror the overall city demographics in many ways. 40% were over the age of 65 and 45% had only lived in the City of Kenmore for 10 years or less. The majority of residents were Caucasian and spoke English. Asian languages make up the largest percentage of non-English speakers in the city.

When considering the demographics of the community, there is a large diversity of ages represented, with a need for recreation activities that appeal to older youth and active adults. There is also an expectation that the percent of seniors over the age of 65 will increase as the current population ages. According to the State of Washington Recreation and Conservation Office, ethnic diversity is increasing across the state, and state residents as a whole are aging with seniors outnumbering youth by the year 2040.

Figure 13: Demographics of 2019 Parks & Recreation Survey Respondents.



With these changing demographics, residents will likely be seeking different types of recreation activities than they may find today. New recreation activities that appeal to different ethnicities and a more diverse community should also be considered.

Population Growth Key Findings

1. Kenmore is a growing community with a variety of housing types throughout the city. With the majority of residents commuting to work in a single-occupancy vehicle, park and recreation facility improvements that support and encourage multi-modal transportation choices should be considered a high priority.
2. Higher density residential housing occurs mostly in downtown Kenmore, where the majority of assisted housing and senior housing is also located. Activities in this area should support healthy living, encourage active recreation, and focus on ease of access to recreation opportunities.
3. The population is mostly middle-aged and of a white ethnic background. However, other more diverse ethnicities are growing and are expected to continue to grow in the future. Recreation activities that appeal to older youth and active adults should be considered, along with a greater variety and flexibility in those activities to better respond to changing demographics and increasing diversity over time.

Geographic Distribution

The City of Kenmore has 13 parks, recreation and open space facilities totaling 146 acres with a variety of amenities including waterfront access, sports fields and courts, playgrounds, picnic areas, and open lawn areas. There are also a number of special use facilities such as the senior center and skate park. Over 80% of the park system is urban forest, wetlands, and other protected natural systems creating a strong natural backdrop to neighborhoods and communities throughout the city. There are also 7.5 miles of trails within the city's parks system, consisting of paved, crushed rock, or informal mulch surfaces and offering a variety of trail experiences. This doesn't include the 4 miles of new trail, consisting of a grade-separated sidewalk and a striped bicycle lane, along 68th Avenue NE and Juanita Drive NE from the north end of the city through to the south city limit to be completed by 2023.

**OVER 73% OF KENMORE RESIDENTS
LIVE WITHIN A 10 MINUTE WALK OF A PARK,
TRAIL, OR OPEN SPACE.**

Beyond the city's facilities, there are an additional 329 acres of park and recreation facilities which include: King County's Burke Gilman Trail, Saint Edward State Park, athletic fields within the Bastyr University campus, the Washington Department of Fish and Wildlife's motorized boat launch, and the Harbour Village Marina public boardwalk, pier and breakwater. The Bastyr University athletic fields are made available to the public through a lease agreement between the city and the University, which expires in 2025. These fields will need to be replaced or lease renewed in order to continue to meet the current demand for athletic fields in the city.

A number of elementary, middle and high schools are also generally open to the public during non-school hours, though on an informal basis and only as the Northshore School District policies and facilities management allows. Private parks and recreation facilities are generally limited to marinas, gyms, the Inglewood Golf Club, and the Aqua Club pool. Private organizations also reserve the use of sports field in Kenmore, which can affect the availability of fields for other users and especially non-organized sports users. School District fields generally have limited availability for non-school use except in the summer months. Field use is described further in the Participation Rates section. Private facilities require fees for use that may be limiting to some Kenmore residents. As a result, School District and private facilities are not considered further in assessing the demands and needs for recreation facilities in the city.

Walkshed Analysis

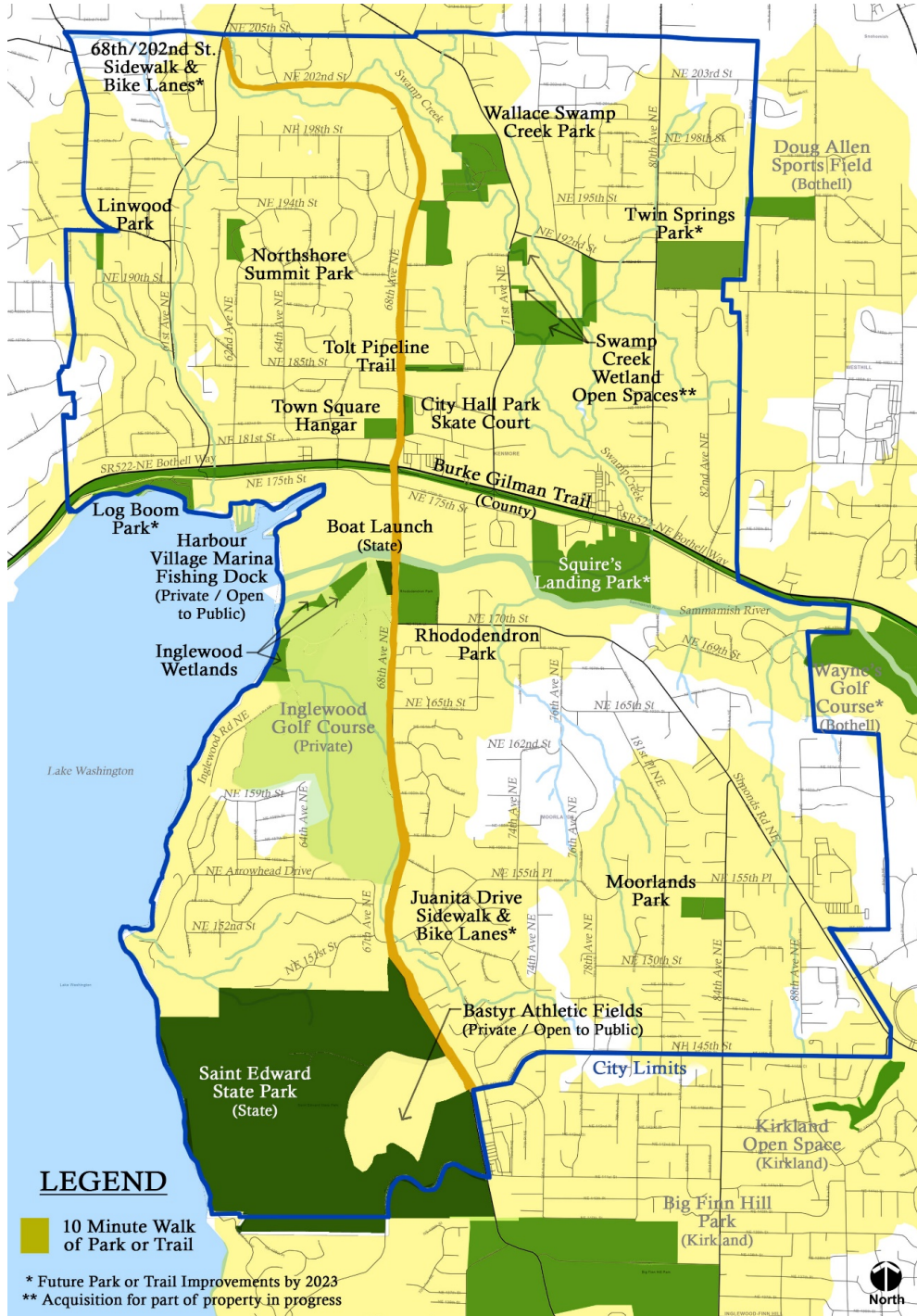
Recreation opportunities are generally accessible to the community with 73% of Kenmore residents living within a 10-minute walk of a park, trail, or open space, called a *walkshed*. A 10-minute walk is equivalent to about a ½ mile radius, though it is also important to recognize that not everyone can walk a ½ mile in 10-minutes. The existing *walkshed* in the city is shown in Map 6. With a fairly even distribution of parks throughout the city, most of the city falls within a current walkshed to a park, trail or open space. However, this doesn't necessarily mean that there is a sidewalk or other safe walking space, or an accessible route, between residential neighborhoods and the park system. For example, there are a number of local trail connections in the northwest portion of the city that are informal, often located on unimproved right-of-way or along utility easements. While these improve Kenmore's walkability, they are not always accessible and may not be perceived as publicly available routes. As such, these are not currently included in this planning process. Partnering with the city's Public Works department to develop safe walking routes to parks and recreation facilities should be a priority.

With safe walking routes developed, 72% of kids under the age of 19 and 79% of all low-income residents would be able to walk from their home to an *existing* park or open space in the city (see Figure 14). This goes a long way to meeting the needs of some of the most vulnerable populations with the greatest need for publicly accessible parks and recreation facilities.

Figure 14: Percent of Kenmore residents within walking distance of a park based on Trust for Public Land ParkScore® data. (Trust for Public Land; June 2019; www.tpl.org)



Map 6: Areas within a 10-minute walk (approximately ½ mile) of a park/recreation facility



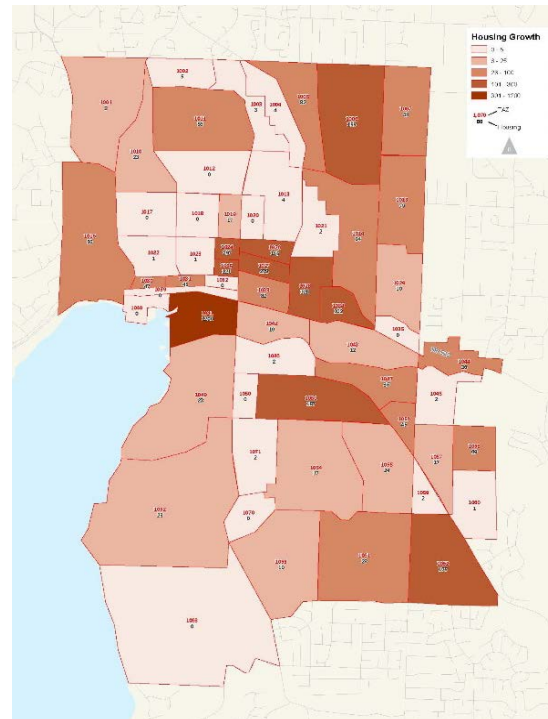
Housing Growth

Based on the demographics and projected population growth, we can expect the majority of new growth to occur in the Kenmore downtown where the highest housing density currently exists and is planned, and in the northeast and southeast corners of the city where new residential growth is expected as shown in Map 7. Localized growth will still occur in other areas of the city as well, creating a higher demand for parks and recreation facilities across the whole park system.

High density housing growth is generally focused in the urban core where access to parks and recreation facilities is historically limited. In Kenmore, however, there are three public parks and recreation facilities centrally located in the Kenmore downtown. These include the Hangar building, the Town Square outdoor plaza, and City Hall Park and Jack Crawford skate park. Combined, these facilities provide a variety of active and passive recreation opportunities, places for community events, and places to just gather. Active recreation is currently limited to the skate park, which mostly caters to youth though it does include beginner and more advanced areas.

Additional active recreation opportunities should be considered to appeal to a wider range of ages, ethnicities, and genders. These could include outdoor fitness stations, table tennis, bocce ball, basketball hoops, parkour features, and other activities that can easily fit into and reinforce the context of a vibrant urban center. Community gardens, demonstration gardens, and pollinator gardens can also be used to support passive recreation in an urban core with the added benefit of healthy living and enhancing the natural ecosystem where opportunities are generally the most limited. Just outside of the urban center, Wallace Swamp Creek Park, the Burke Gilman Trail and Tolt-Pipeline Trail are within a ¼ mile of downtown Kenmore. The Burke Gilman Trail provides paved multi-modal access to an extensive network of parks and recreation opportunities throughout the region.

Map 7: Map of housing growth areas in Kenmore.
The darker the red the more housing growth is expected in a given geographic area. (Kenmore Comprehensive Plan)



Low Income and Affordable Housing

The lowest income and most affordable housing areas of the city generally are located in the Kenmore downtown area as shown in Map 8. According to the Centers for Disease Control and Prevention (www.cdc.gov), low income populations are generally more susceptible to obesity and the associated health risks related to obesity. They are also least likely to be able to pay for gym memberships, athletic leagues, and other paid recreational opportunities, in addition to having a more limited access to transportation. Community gardens and outdoor fitness stations are good options to help offset these limitations.

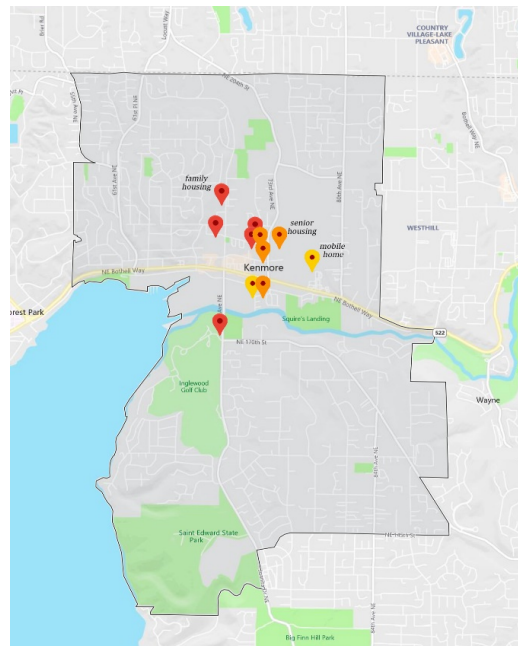
Park Distribution by Classification

Neighborhood parks are predominantly located in the northern portion of the city with only one, Moorlands Park, located south of the Sammamish River, creating a need for more neighborhood parks and associated facilities in the southern half of the city, though topography and natural systems in this area make acquisition for new parks challenging.

Community and regional parks are evenly distributed in the northern and southern areas of Kenmore. However, not all community and regional facilities have been developed to the same level, mainly due to environmental or other existing constraints. For example, Wallace Swamp Creek Park remains largely unimproved, and the master plan recommends mostly informal and passive recreation focused around the natural environment, such as trails, educational and interpretive elements and picnic areas.

Implementing proposed Walkways and Waterways waterfront access improvements at Log Boom, Squire's Landing and Rhododendron parks and upgrading facilities such as the pier at Log Boom Park will be important to help the city accommodate future growth and reduce long-term maintenance inherent as parks facilities near the end of their useful life. Accessibility improvements and improvements that expand capacity or increase flexibility and diversity of uses at existing parks should be a priority.

Map 8: Affordable housing in Kenmore.
(ARCH – A regional coalition for housing; June 2019; www.archhousing.org)



Available Lands and Potential Acquisition Areas

To have a fully walkable park system where every single household is within a 10-minute walk of a park or open space would require six additional parks if you consider only the distribution of parks and their associated walksheds. The approximate locations of the areas where parks are needed to provide walkable access to parks for all residents in Kenmore are shown on Map 9. Additional analysis is needed to determine if the areas shown are feasible for new park development even if land becomes available, and what kind of improvements could be provided given the type of land in the area (i.e., environmental restrictions, acres available, or topography). These, and other considerations, would need to be evaluated prior to any type of new acquisition as opportunity and funding may allow.

The highest priority should be given to areas near high density housing, low income populations and where new residential growth (of all types) is expected to occur. Areas that don't have access to other open space or recreation areas, like school facilities or protected open space areas, should also be considered as a priority for any new acquisition.

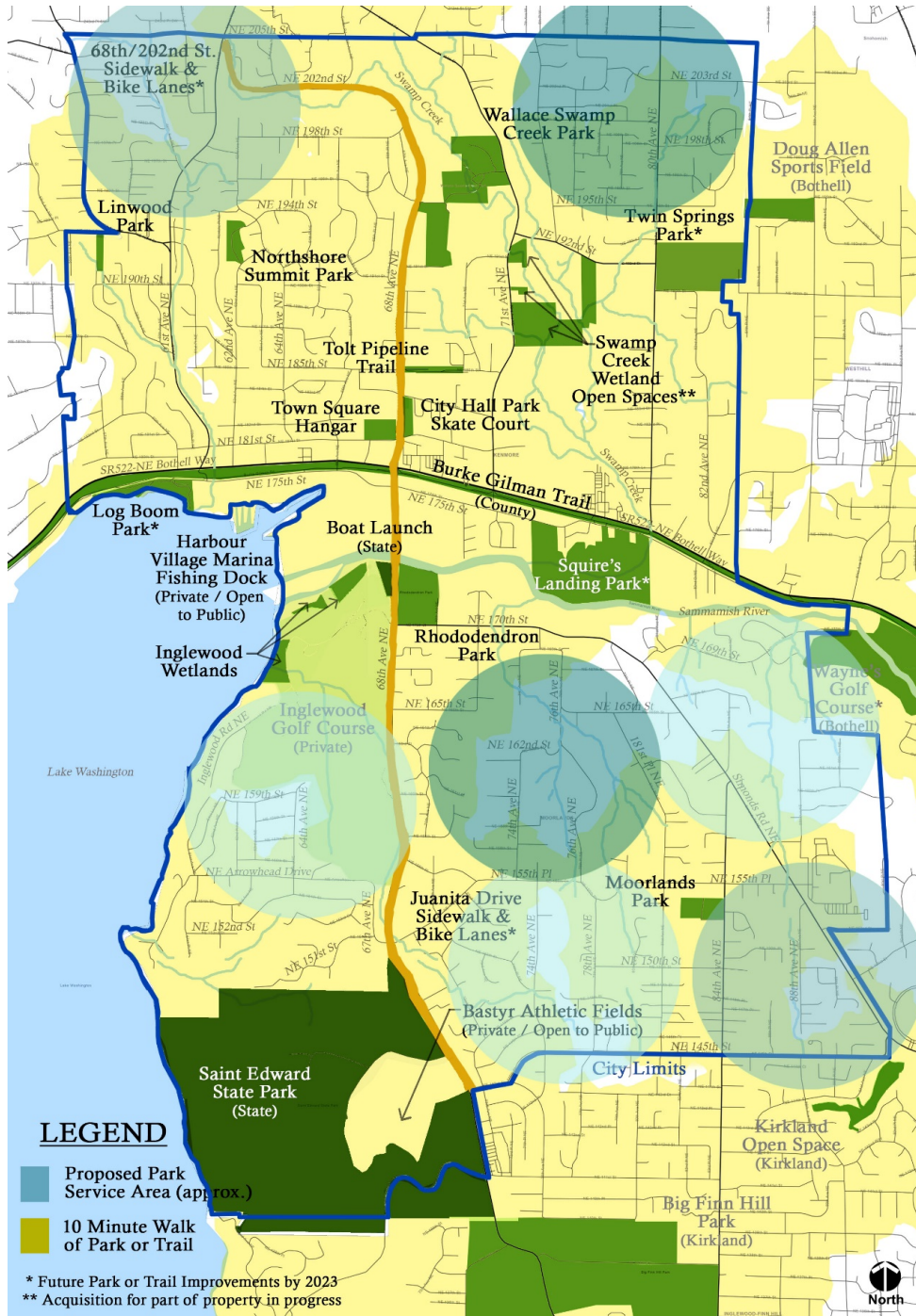
With vacant land almost non-existent in the city, much of the land available is limited by wetlands and other types of sensitive areas or is already developed. As a result, developing new parks will be extremely difficult and may require significant property consolidation efforts. Potential acquisition areas are shown with a service area equal to approximately a 10-minute walk, or a ½ mile circle.

Improving connections between parks, or looking at the development of linear parks within right-of-way or as part of natural systems could be another way to meet this need. Open space and access to recreation facilities at schools or at facilities owned by other organizations or jurisdictions can also be used to meet this need, provided access to these facilities remains available to the public. Easements or other forms of agreements between a property owner and the city for parks and recreational use, such as along the WaterWalk trail corridor or as with the use of fields at Bastyr University, could also be used in lieu of full acquisition.

With the addition of new parks in the areas shown, assuming at least one of these would be classified as a neighborhood park, there would be a more even distribution of parks across the city.

Parks, Recreation and Open Space Plan

Map 9: Target park acquisition areas within walkability gaps; the darker the circle the higher the priority area for acquisition.



Geographic Distribution Key Findings

1. Kenmore has a great overall distribution of parks with few gaps remaining in the overall system. It also has the potential to be a highly walkable city with the majority of residents living within a 10-minute walk to an existing park or trail. Making those routes safe for walking allows everyone access to the park system without relying on single-occupancy vehicles.
2. Access to parks is especially important where residential development (of all types) is expected to occur.
3. A system of public spaces with waterfront access, connected by a pedestrian/bicycle route along the water, would expand opportunity.
4. New parks in gap areas should be considered as opportunity allows.
5. The quality of the parks system is high, and Kenmore has done a lot in recent years to upgrade, expand, and improve its parks. Implementing existing master plans for city parks and trails and continuing to upgrade and expand existing parks as opportunity and funding allows would support this high quality.
6. Kenmore has an extensive network of natural systems, from waterways to wetlands and urban forests. However, there is very little public access to these areas and limited educational features that highlight these areas within the community.

Recreation Programming

The city's focus for recreation programming is on community events, which occur mostly in the following city-owned locations:

- The Hangar at Town Square / City Hall
- Rhododendron Park
- Log Boom Park
- Squire's Landing Park

Parking can be a problem at nearly all city venues for events, but it is especially difficult at Log Boom Park.

The city relies on partnerships with the school district and other public, private and non-profit organizations for all other recreation programming, though city-owned facilities are often used to host those programs. This partnership approach is expected to continue into the future, and all proposed recreation programming would be implemented in partnership with other jurisdictions, agencies, or organizations.

The Hangar, with its grand opening in August of 2017, is the city's main indoor gathering space for recreation activities and events, providing an open space for the public to use on a drop-in basis during regular hours, or to rent for a private event. Since its opening, there have been over 500 requests for reservations annually, up from just over 300 requests for other city-owned facilities the prior year before the Hangar was built. There is an average of about 20 requests per week for use mostly as a meeting space for various organizations. It is also used for pop-up shops, music recitals, and just general community gathering throughout the year.

Youth summer camps are held exclusively at Rhododendron Park with the exception of a skateboarding camp, called Skate Like A Girl, held at the Jack Crawford Skatepark. Camps for hand-carry watercraft sports have been held in the past by the Kenmore Waterfront Activity Center and the Northshore YMCA. In general, the city provides the location for camps and associated support facilities, like additional restrooms if needed, and helps market the programs to city residents. The organization provides everything else.

Log Boom Park is host to some city-sponsored events and programs. These are intended to be open events for all residents, like the 4th of July celebration, that draw a much larger audience. Saint Edward State Park is used for larger events, like concerts in the park that serve as a regional draw with the potential of 800 or more participants. Saint Edward State Park is the only facility large enough and with adequate supporting infrastructure to handle this capacity.

Recreation Programming Key Findings

1. The City has successfully partnered with other organizations and agencies to provide recreation programming in the city while the City focuses on community events.
2. Recreation programming providers could expand offerings to Kenmore residents, especially for adult programs and athletic leagues.
3. Tracking participation in various programs would support future planning efforts.
4. Program venues should be accessible and have appropriate support facilities.
4. Better access and parking, along with other supporting infrastructure, could facilitate and expand community events in Kenmore.

Participation Rates

The last approach considered to assess community demand for parks and recreation facilities is to determine who is currently using those facilities by evaluating the participation rates of residents in various recreation programs offered to the community. Participation rate is the number of people participating in an existing recreation program. Participation rates in Kenmore are available primarily for youth soccer and baseball, rowing and hand-carry watercraft sports, and aquatics. Data should continue to be tracked and updated from participating organizations where available.

Athletic Sports

Service areas for Northshore Little League (NLLL) for youth baseball and the Northshore Youth Soccer Association (NYSA) for youth soccer include all of Kenmore and extend into Bothell to the north and east of Kenmore's city limits. Many other outdoor recreation sports, like lacrosse, softball, and flag football, utilize the same or similar field size as these organizations.

In 2019, North Lake Little League had 279 players with a City of Kenmore address. Based on the number of Kenmore residents in the league and the number of games and practices played by an average team, Kenmore would need 4 baseball fields to serve the city's existing share of fields for the NLLL, if those fields were fully utilized. Under their current practices, the NLLL does not host games on Sundays which reduces the overall efficiency of programming any fields. If they continue to exclude Sundays for games, then Kenmore would need a total of 5 baseball fields to serve the same capacity of participants. Figure 15 shows the data supporting field use by NLLL. This data is based on the following:

- A practice is scheduled for one and a half hours
- A game is scheduled for three hours
- Average of one and a half practices per week per team for both the 2018 and 2019 seasons
- Average of two games per week for both the 2018 and 2019 seasons
- A weekend day has four available three-hour time slots
- A weeknight has one available three-hour time slot
- an 11-person average team size for both 2018 and 2019 seasons

The remainder of this study assumes full utilization of the fields and a total demand for 4 fields in the city. Between the city's current fields and other fields in the local area (school and adjacent jurisdictions), NLLL has been able to meet the current needs of Kenmore residents. Rather than turn kids away, North Lake Little League has coped by having teams share fields for practices and shortening scheduled time for practices to accommodate this growth on the existing fields. While the league is able to use these techniques to continue its operation, 1 additional baseball field would

be needed within the City of Kenmore to accommodate its share of fields to fully support the league without resorting to these additional measures.

Figure 15: North Lake Little League Field Need.

	2016	2018	2019
Players with Kenmore address	274	265	279
Players per game	20	20	20
Practices per week	37	36	38
Games per week	25	24	25
Number of 3-hour blocks of time needed per week (games and practices)	43.6	42.2	44.4
Number of fields needed excluding Sundays	5	5	5
Number of fields needed based on 2018 access to fields during preferred times only	6	6	6
Number of fields needed not excluding Sundays	4	4	4

Northshore Youth Soccer Association serves a larger area than NLLL. In 2019, 639 of NYSA players had Kenmore addresses. The NYSA has differential access to soccer fields according to seasonal natural lighting patterns. Kenmore's soccer fields are non-lighted, so soccer practices cannot be continued into the evening hours. The month of October is the last month in which evening practices are possible at non-lighted fields. The number of lighted fields that Kenmore would have to provide to fully satisfy field need for all months of youth soccer activity is also calculated. Figure 16 shows the data supporting field use for the NYSA. This data is based on the following:

- Average game length is one hour and 43 minutes
- Average practice length is one hour and 12 minutes
- Average team size is 11
- Three-hours available on lighted fields for practice per weekday
- Hours available on non-lighted fields for practice:
 - August – three-hours.
 - September – two-hours

- o October – one-hour
 - Each team plays one game per week
 - Each team has two practices per week

Based on the number of Kenmore residents in the league and the number of games and practices played by an average team, Kenmore would need 6 soccer fields to serve the city's existing share of fields for the NYSA. Between the city's current fields and other fields in the local area (school and adjacent jurisdictions), NYSA has been able to meet the current needs of Kenmore residents. NYSA has managed its growth by doubling up teams on fields, relying more on school fields, and going even further outside the city in order to meet their needs. While the league is able to use these techniques to continue its operation, 2 additional soccer fields would be needed within the City of Kenmore to accommodate its share of fields to fully support the league without resorting to these additional measures. In addition, to fully utilize any soccer fields provided, they would need to be fully lit fields due to the season and times of play, especially for practices that generally occur on weekdays which limits play time to late afternoon and evening hours.

Figure 16: Northshore Youth Soccer Association Field Need.

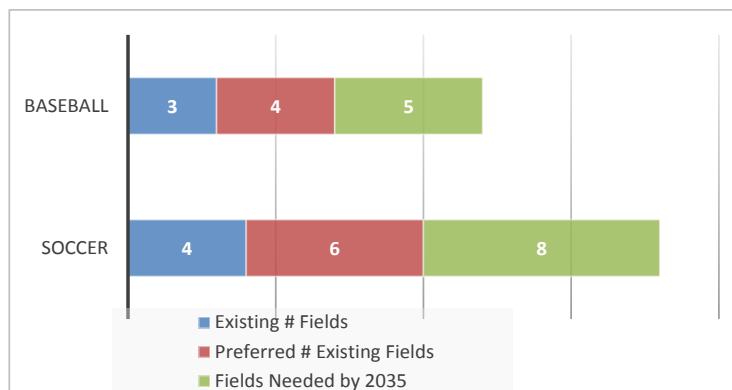
	2016	2018	2019
Players with Kenmore address	703	679	639
Players per game	20	20	20
Practices per week	-	124	116
Games per week		31	29
Number of 2-hour blocks of time needed per week (games and practices)	-	101	95
Number of fields needed per week if not lighted	-	10	9
Number of lighted fields needed per week	-	7	6

Most of the fields used by both organizations are located at existing school sites or outside of Kenmore. Only 1 baseball field and 1 soccer field (overlay) is available for use within the city's current park system at Moorlands Park. There are an additional 2 baseball fields and 3 soccer fields available to the city through a lease agreement with Bastyr University. School District fields are

prioritized for school use and so are not always available to support community need. Fields outside of Kenmore are also generally prioritized for their resident / organization use. Both organizations have had to accommodate increased growth in the community, and subsequently the demand for their programs, within the existing field capacity resulting in a reduced service, quality, or time available on the fields.

By extrapolating this data based on the projected 31.5% growth in overall population, an estimated 2 additional soccer fields and 1 additional baseball field are needed by the year 2040, see Figure 17. This is done by multiplying current number of fields needed by 31.5% (4 preferred baseball fields x 31.5% = 1 additional baseball field needed to accommodate future growth). This gross estimate assumes participation rates and the resulting field use continue at the same rate (per capita) as currently exists and that all of the fields currently available for use will continue to be available for use.

Figure 17: Youth sports field needs.



As growth continues in adjacent jurisdictions and demand for school field use also increases, the need for additional fields in Kenmore will only continue to grow. However, there is limited capacity for new fields within any of the existing city-owned parks. Focusing efforts on joint-use agreements to support field expansion and field improvement could help meet the future need. These agreements, along with new acquisition, should be pursued as opportunity and funding allows.

Rowing and Water Sports

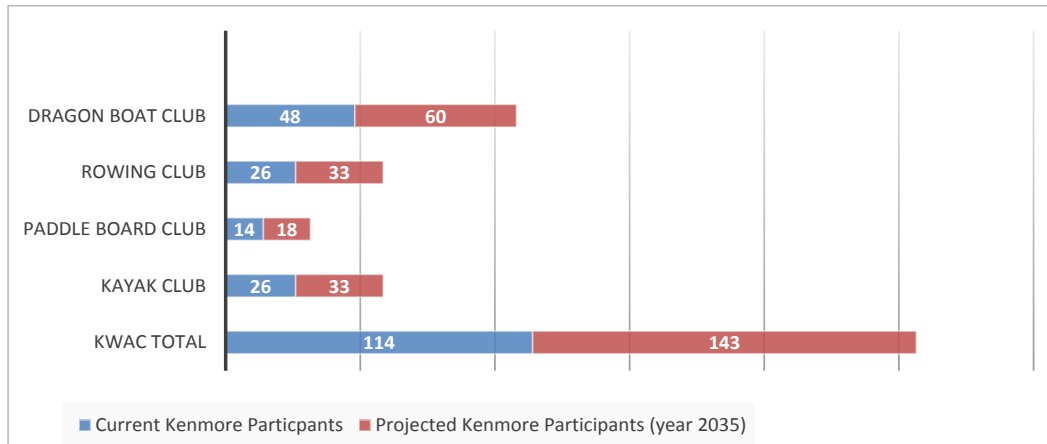
The Kenmore Waterfront Activities Center (KWAC) is a local club focused on providing access and programming for water sports activities in Kenmore. Membership includes the Flying Dragon Boat Club, the Canoe and Kayak Club, the Rowing Club, the Standup Paddle Club, and Hui Wa'a

O Puget Sound (an outrigger club). They operate on a long-term lease out of Squire's Landing Park with occasional use of waterfront access at Rhododendron Park. Squire's Landing Park includes public boat storage and public access to the Sammamish River and Lake Washington. Rhododendron Park includes more informal access along the shoreline near the adjacent motorized boat launch. According to the 2018 Annual Report there were a total of 114 Kenmore members in the various KWAC organizations in 2018. Based on a projected 31.5% increase in population, we can expect approximately 150 Kenmore KWAC members by the year 2040, and the Kenmore Rowing Club specifically expects to increase its membership to 100 participants. That could result in a total membership of about 200 Kenmore participants. See Figure 18 for membership rates through KWAC. Participation in KWAC activities is significantly higher than membership rates alone.

The Northshore School District also has a rowing program, based mostly out of Inglemoor High School but open to all four high schools. They had 91 students participating in 2018 and anticipate growing the program to include all Middle Schools with an estimated participation rate of about 500 students within the next 5 years.

Of course, this only accounts for the number of residents participating in organized clubs and programs and does not reflect the recreational users that also need water access for both motorized and non-motorized boating, swimming, fishing, and other water-related recreational uses. The city currently places a seasonal float in the water off the beach at Log Boom Park to support informal to launch hand-carry watercraft. A vendor is also under contract with the city to provide hand-carry boats and other waterfront activities for a fee (rental) at Log Boom Park on a seasonal basis. The number of people at the existing beach during the summer season often exceeds the existing capacity, with waterfront access spilling over onto the pier and non-designated shoreline areas. Expansion of the beach as shown in the Log Boom Park Master Plan would alleviate the capacity needs and provide better access to the waterfront for a variety of formal and informal uses.

If the proposed improvements in the Squire's Landing Park Master Plan were completed, it would meet the existing needs and support the projected growth in the KWAC program. Additional access on a more transient basis would be needed to further expand KWAC programs to new users, age groups, events, and programs. This additional access could be accommodated at Rhododendron Park and Log Boom Park once the proposed waterfront improvements to these parks are completed. Both sites can be used in some capacity today, but lack the support facilities, docks, ADA access, and other improvements to offer quality programming to all residents and organizations.

Figure 18: Membership rates for non-motorized boating clubs.*

*Note that these numbers do not include participants in KWAC programming or participants in the Northshore School District rowing program.

The proposed waterfront improvements at Rhododendron Park will primarily serve the School District's expanding rowing program and will adequately meet their need for waterfront access, though additional boat storage would likely be needed if the program reaches its full potential. Shared use with other groups and individuals is anticipated at Rhododendron Park and accommodated in the design of the proposed improvements.

Motorized boating use is generally limited by the number of parking stalls available at the one motorized boat launch available in Kenmore. The boat launch is owned and managed by the Washington Department of Fish and Wildlife and is located off 68th Avenue NE. There are approximately 40 parking stalls and one boat launch ramp available at the site. There are no docks and no pedestrian ADA boarding areas or ADA access to the water at the boat launch. Part of the access drive for the boat launch is located on an easement within the adjacent Rhododendron Park and will be shared with the new proposed hand-carry boat storage and waterfront access in the park.

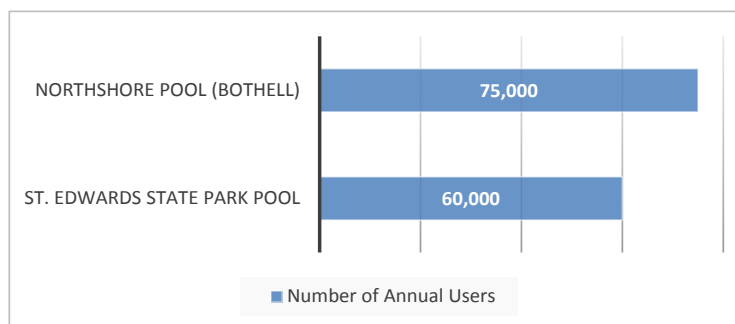
Aquatics

Previously, there was one aquatic center (indoor pool) at Saint Edward State Park that was closed in 2009 for renovation of the seminary building with no plans to reopen. Another pool at the Juanita Aquatic Center (Juanita High School in Kirkland) also closed in 2013. The one remaining public pool near Kenmore, the Northshore Pool, is now the North Shore Lagoon in Bothell and was renovated as part of the Anderson School redevelopment project, though it is still open to the public during select times.

Parks, Recreation and Open Space Plan

A number of feasibility studies have been done over the years to determine the need and size of a proposed aquatic center, with the Northshore Aquatics Needs Analysis and Location Study one of the more recent studies completed in 2008. The previous pool at Saint Edward State Park had an annual participation rate of approximately 60,000 users (see Figure 19). The Northshore Pool prior to the renovations had a participation rate of approximately 75,000 users. In all cases, the previous pools were highly used and community feedback suggests that pool use is still a highly desired recreation activity for the community. The feasibility study suggested that any proposed aquatic center be a regional facility and developed in partnership with other jurisdictions.

Figure 19: Aquatic center use (prior to 2013).



Participation Rates Key Findings

1. An aquatic center would be highly valued by Kenmore residents and there is a need for facilities to support aquatic programming and recreation activities within the region.
2. A multi-purpose athletic complex – developed either by the city or jointly with other jurisdictions or organizations – would serve youth and adult athletic sports. Some of this need could continue to be met in the short term through the use of the Bastyr fields, but use of the fields cannot be relied upon to meet all the city needs long-term without a more permanent agreement and field improvements in place.
3. Youth sports should continue to be a priority for the city to promote a healthy and active lifestyle early in life.
4. Water-based activities such as swimming, hand-carry boating, and stand-up paddle boarding are a defining feature of Kenmore’s park system.

5.

CHAPTER 5

RECOMMENDATIONS

The Demand & Needs Analysis from the previous chapter identifies future needs for parks, recreation, and open space facilities and programs, evaluated through a variety of methods. The plan recommendations are organized in broad topics that correspond to the major themes resulting from the demand and need analysis and that are reflected in the community input received throughout the process. Not all the key findings from the demand and needs analysis are reflected in the recommendations. The recommendations reflect the highest priorities from the key findings and relate to the seven PROS Plan Goals—and their objectives and policies—with each recommendation specifically tied to the goal(s) it relates to.

The seven goals represent the direction that Kenmore strives towards for the park, open space and recreation system:

1. Provide waterfront access.
2. Provide safe routes to park, recreation and open space facilities.
3. Preserve, **restore**, maintain and enhance built and natural environments to ensure quality recreational opportunities exist.
4. Create a balance of passive and active recreation opportunities in parks.
5. Provide equitable opportunities for diverse and affordable arts and recreation programs and community and cultural events.
6. Engage the community in parks, recreation and open space decisions and activities.
7. Create a financially sustainable parks and recreation system through partnerships and stewardship.

The recommendations reflect opportunities and constraints available in the city, such as topographic limitations, availability of land, and other physical features. Specific implementation strategies (projects) are described within each recommendation. The recommendations and their implementation strategies represent a *fiscally unconstrained* context, so cost limitations are not accounted for or reflected in these recommendations. This project list forms the basis of the Capital Facilities Plan (CFP) described in the Implementation chapter that follows. The recommendations and the implementation strategies collectively meet the future needs of the community at the highest aspirational level to create a complete, quality parks system in Kenmore. The Implementation chapter identifies the project costs and establishes a priority for implementation

to reflect a *fiscally unconstrained* list that becomes the basis of the *fiscally constrained* 6-Year Capital Improvement Plan (CIP) and is directly tied to the anticipated funding available within that timeframe. Also, for each implementation strategy listed under a recommendation, there is a note to reference which projects are new, or which are carried forward from the 2015-2035 CFP.

Recommendation 1: Improve access to parks, recreation and open space facilities.

Improved access to Kenmore's park system has been a priority for the community through a number of surveys and outreach conducted since the previous plan was adopted. Access in relation to this plan means removing the tangible and intangible barriers that currently exist, or are perceived to exist, for all residents to enjoy a quality, safe, and inviting park, recreation and open space system in Kenmore. This includes removing physical barriers, improving ADA access, improving park entries and providing clear views and wayfinding into parks, providing additional parks so that everyone in the city can walk to a park or recreation facility, and providing the types of recreation residents want. Programming examples within this, and in partnership with others, could include walking maps noting safe routes to parks and a map of Kenmore's walkways and trails.

The implementation strategies (projects) listed below meet Goals 2, 4, 5, and 6.

New Park Land. (Revised 2015 CFP Project). Acquire and develop property to support new parks, recreation, and open space to provide a recreation opportunity within a 10-minute walk of every resident in the city. Priority should be given in the Moorlands area and the northeast corner of the city where there are gaps in meeting this goal and where new residential growth is anticipated over time. However, other areas and lands should also be considered as funding and opportunity allows. Approximately 30 acres is assumed over the course of the 20-year planning period, primarily as neighborhood or community parks, but could also include linear parks, trails, open space or special use facilities. New parks should include a balance of active and passive uses.

Tolt-Pipeline Phase 2 (2015 CFP Project). Develop the missing link from 73rd to 80th. Includes an easement or other use agreement and development of an elevated walkway over Swamp Creek Wetland.

Moorlands Park Property Expansion (2015 CFP Project). Acquire and develop property adjacent to Moorlands Park to accommodate future growth and provide a greater diversity of recreation amenities and programming in this part of the city. Includes updating the park's Master Plan to include the new acreage.

Twin Springs Park (2015 CFP Project – Currently in CIP). Includes phased development to provide parking and trailhead elements that would allow the city to open the park to the public (Phase 1) for neighborhood level use. Additional improvements (Phase 2) would provide

recreational elements suitable for the natural context of the park, such as opportunities for natural play, picnicking, educational opportunities, and trails as shown in the adopted Master Plan.

Safe Routes to Parks (New). Dedicate funding to partner and support the city's Public Works Department in the development of safe walking routes to parks and recreation facilities. Costs for this are not included in the CFP at this time.

ADA and Universal Access (New). Dedicate funding on an on-going basis to provide for ADA and other accessibility improvements in parks to move the city towards a park system that provides universal access to all Kenmore residents. This could include physical improvements at parks, recreation and open space facilities, wayfinding improvements within those facilities or city-wide, and / or online resources, programs, and other materials that support understanding, accessibility, and use of the parks system for all residents regardless of age, ethnicity, language, culture, or ability. As playgrounds are upgraded, enhancing and expanding play value for children with special needs and providing enhanced accessibility in all playgrounds should be considered. Costs for this are not included in the CFP at this time.

Recommendation 2: Access to the waterfront

Kenmore is a city uniquely located where the Sammamish River meets Lake Washington. It is a community that identifies itself, in part, through its proximity to water, whether the lake or the river that bisects the city. As such, its residents highly value access to the water, visual and physical, as part of their recreational needs. This is a priority expressed in the community outreach and is reflected in every parks and recreation plan developed since the city's original incorporation. Examples of waterfront access projects include trails along the waterfront, expanding water access and beach areas, overlooks that offer a unique view of the water, or new public access along rivers and Lake Washington. Programming opportunities, in partnership with others, could include kayak or stand-up paddle board summer camps or year-round rentals and fishing events.

The implementation strategies (projects) listed below meet Goals 1 and 2.

WaterWalk Trail (Revised 2015 CFP Project). Acquire and develop land, easements, or other agreements to support the vision for a WaterWalk trail along Kenmore's waterfront connecting Log Boom Park to Squire's Landing Park along Lake Washington and the Sammamish River. This also coincides with the Lake Washington Waterfront Park and the Sammamish River Waterfront Park projects listed below. Approximately 8,400 linear feet is still needed along the waterfront to accommodate the proposed trail corridor. Additional land may be needed to accommodate construction limits for grading, vegetation management, shoreline edge treatments, mitigation opportunities, and other features. This also assumes that a public trail would be required as part of any development agreement for the Lakepointe property so acquisition of property through this area is not included in the CFP. A feasibility study and conceptual site plan is needed as the initial

phase of the project to consider alignment alternatives, trail design standards, constructability, and permitting or mitigation needs.

Lake Washington Waterfront Park (2015 CFP Project). Acquire and develop land, easements, or other agreements to provide additional access to Lake Washington, especially as it may support recreational opportunities along the WaterWalk from Log Boom Park to Squire's Landing Park. This could include visual access and/or physical access. Based on the previous PROS planning process, this assumes up to 10 acres.

Sammamish River Waterfront Park (2015 CFP Project). Acquire and develop land, easements, or other agreements to provide additional access to Sammamish River, especially as it may support recreational opportunities along the WaterWalk from Log Boom Park to Squire's Landing Park. This could include visual access and/or physical access. Based on the previous PROS planning process, this assumes up to 12 acres.

Log Boom Park Waterfront Access (2015 CFP Project, Currently in CIP). Improve and expand the beach area of Log Boom Park, including a hand-carry boat launch and other support facilities, as shown in the adopted Master Plan. A Walkways and Waterways bond levy project is currently underway as part of the 2019-2024 CIP.

Squire's Landing Waterfront Access (2015 CFP Project, Currently in CIP – Phase 2 New). Improve recreational amenities and develop the park per the approved Concept Plan for access to the Sammamish River. Phase 1 is focused on the west side of the park with new water access, trails, open space, educational opportunity, natural play area, picnic areas, and other features. A Walkways and Waterways bond levy project is currently underway as part of the 2019-2024 CIP. Phase 2 proposes to update the existing Concept Plan and develop an extension of the elevated walkway system (WaterWalk) to the east through the park, along with natural area restoration and enhancement.

Rhododendron Park (2015 CFP Project). Complete Phases 2 and 3 of the adopted Master Plan. Phase 2 includes the proposed boat house to support waterfront access and programming- an existing CIP project. Phase 3 would complete the remaining elements of the Master Plan.

Waterfront Programming (New - Programming Only). Support programming and community events along the waterfront and that provide direct access to the water. These include vendor opportunities at waterfront parks, water-related recreation for hand-carry or motorized boating, and other opportunities as may become available within the city. Actively seek and facilitate partnerships for water-related programs, facilities, and use.

Recommendation 3: Support active and healthy lifestyles

An active lifestyle is an important part of healthy living and key to city residents being able to live, work, and play in Kenmore. This starts by educating the community on the value and importance

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of a healthy lifestyle and offering a variety of opportunities to stay active no matter one's age, ability or interest. The projects below are centered around more active sports or new facilities, but other projects such as the trails along the WaterWalk or through natural systems and providing for more variety of activities within the parks like sport courts, fitness stations, climbing walls, etc., are also related to this recommendation even though they are listed under other recommendations in this chapter. Programming ideas related to this, provided in partnership with others, could include hosted park walks and fun runs, yoga in the park, weekly fitness classes, and lunchtime health talks.

The implementation strategies (projects) listed below meet Goals 4, 5, 6, and 7.

Aquatic/Community Center Partnership (Revised 2015 CFP Project). Pursue a partnership with neighboring cities and the Northshore School District to explore ways to acquire land and develop a joint aquatic/community/ center as a regional facility. This could include creating a new regional task force or multi-jurisdictional citizen advisory committee; updating the previous aquatic center feasibility study to consider new public/private partnership methods, community center programming, new opportunities, and other possible locations; and funding approaches to the project. Only 25% of the potential total cost is included in the CFP assuming other partners will contribute the remaining funding for acquisition and development.

Linwood Park (2015 CFP Project). Develop and implement a master plan to renovate Linwood Park to improve and expand amenities to improve access to opportunities in this area of the city.

City Hall Park Phase 2 (2015 CFP Project). Develop the north side of the City Hall to provide additional recreation amenities for community gathering for improved recreation and event programs. Includes an updated Master Plan and implementation. Potential improvement ideas include a small community garden, picnic shelter, outdoor stage, seating, public art, as well as more active activities such as table tennis, fitness areas, or similar activities.

Bastyr Field Replacement or Development of Other New Fields (New). Develop a strategy for long-term replacement of the fields at Bastyr University. Initially, this would include extending the lease beyond 2025. However, to ensure the long-term availability of sports fields in the city, additional measures should be considered. A feasibility study and alternatives analysis are needed as the initial phase of the project to consider potential locations, partnerships, and development opportunities in the local and regional context. Acquisition/development of new fields are not included in the line item for this CFP project, but are included as part of other park land acquisition and development projects.

Programming Support (New - Programming Only). Support recreation programming to ensure access to programs, classes and leagues offered by other organizations and jurisdictions. This includes dedicating staff to coordinate programming efforts and produce marketing materials and

other media releases that indicate where residents can go to find the different programs and events offered throughout the year; supporting participation by residents from more diverse backgrounds and those with lower incomes; and/or offering and advertising scholarships provided by the city for disadvantaged individuals to participate in third party programs and events who might not otherwise be able to participate. Efforts could include translating marketing materials into multiple languages and finding “ambassadors” in the various ethnic communities or communities representing special needs populations. Programming would continue to be provided primarily by other jurisdictions, agencies or organizations with the city in a supporting role. A separate fund should be considered to be able to respond to new opportunities for recreation programming. Funding for programming support is not currently included in the CFP.

Recommendation 4: Conservation of the built and natural environment

So much of what makes Kenmore unique and draws residents to want to live in the city is centered around the harmony that exists between the built and natural environments, the feeling of a city immersed in nature. Some of this is the proximity to water as noted above, but another major element that draws residents to the city is the abundance of natural areas . . . the streams, wetlands, forests and ravines that weave their way through the community and help define the character of the city. The preservation, restoration, and education about these natural systems is reflected in the projects listed below and provides the passive recreation needed to balance the active elements of this plan. **Habitat** restoration and maintenance of the built environment is equally important to preserve the recreational value, safety, sustainability, and function of the park system as a whole. Programming opportunities, in partnership with others, could include volunteer planting and clean-up days or guided nature walks.

The implementation strategies (projects) listed below meet Goals 3 and 7.

Swamp Creek Natural Areas / Open Space (2015 CFP). Continue to acquire land, easements, or other agreements to protect the natural areas and develop an elevated walkway/nature trail along Swamp Creek, including its associated wetlands, heron rookery and the forested buffers important to support those systems. Approximately 18 acres is assumed for this item based on a general evaluation of available lands and the extent of the natural systems remaining undeveloped along the corridor. An initial Phase 1 is currently underway to purchase about five acres along the Swamp Creek corridor. Future phases would include the purchase of just over 13 acres of land for an elevated walkway nature trail system and protection and/or restoration of the Swamp Creek Wetland.

Restoration of natural areas (New). Provide funding and volunteer coordination efforts to enhance and restore natural systems and open space areas within the park system on an on-going basis, including maintenance needs to support restoration efforts. Identify and cultivate long-term

partnerships and volunteer events to support this effort. Costs for this are not included in the CFP at this time.

Educational opportunities around natural areas (New - Programming Only). Support educational opportunities, provided by other jurisdictions, organizations or agencies, that specifically target natural areas (wetlands, streams, urban forests, etc.). This could include programs, classes, clean-up days, and other services to engage residents in conservation of natural systems. Target opportunities for youth to support long-term stewardship within future generations of Kenmore residents (or beyond). Identify and cultivate partnerships to support this effort.

Operational and Maintenance Needs (New - Operational Only). Identify operational and maintenance costs associated with new capital projects, including long-term replacement, and account for those costs directly in the budgeting process.

Park Facility Major Repairs / Replacement (New). Create an on-going annual CIP project that would fund necessary major repairs and replacement for parks and recreation facilities. This strategy would include park facility repairs, renovation/restoration, and/or regular replacement for safety, functionality, or sustainability needs. Examples of projects of this strategy include: roof replacement on existing park structures, parking lot, access drive or court resurfacing, float/pier/boardwalk repairs, playground equipment upgrades or replacement, the replacement of subsurface soils and drainage improvements for athletic fields, upgrading irrigation systems to incorporate water-conservation technologies. Costs for this are not included in the CFP at this time.

Recommendation 5: Provide for a diverse range of parks, recreation and open space interests and ensure flexibility in the system to respond to changing interests over time.

While providing access to parks and recreation is an important factor in meeting the needs of the community, what happens in those facilities – the physical improvements, activities, and programs within each park – is equally important to creating a quality parks system for Kenmore residents. Improvements within parks should support opportunities for future programs, whether those programs are offered by the city or by others. They should be flexible to accommodate new trends or a shift in the demographics of the community over time, and they should be inclusive of all Kenmore residents. Improvements could include picnic facilities, multi-purpose courts and fields, or facilities to support new emerging sports like gaga ball courts and pickleball. Programming ideas, in partnership with others, could include more community celebrations and events, a diversity day with food trucks from around the world, or other similar events.

The implementation strategies (projects) listed below meet Goals 3, 5 and 6.

Community Events and Gathering (New - Programming Only). Actively engage and support a variety of events to encourage and celebrate diversity in the community. This could occur through

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partnerships with other organizations or recognizing cultural needs and interests in the planning process for new parks and recreation facilities. Transitory, or pilot projects, that allow for greater exploration of potential new trends in recreation facilities or programs could be another way to engage in a greater level of diversity within the park system before committing significant resources to a more permanent installation.

Community Engagement (New - Programming Only). Continue to integrate community involvement in every aspect of developing new parks and recreation facilities to ensure the park system continues to respond to community interests. Look for ways to incorporate placemaking into park projects, bringing a higher level of site-specific and neighborhood context to the development of parks and recreation in the city.

Public Arts and Culture (New). Create programming, community space, events, and/or other methods to celebrate the unique character or identity of Kenmore residents through public art and cultural enhancement of parks and recreation facilities throughout the city. An allowance for public art and culture within all capital projects should be considered but is not separately included in the CFP at this time.

Wallace Swamp Creek Park (2015 CFP). Develop and implement a Master Plan to support habitat enhancement, protection of sensitive areas, nature trails, picnic areas, interpretive education, and other similar passive recreation activities.

Off-Leash Dog Area (2015 CFP Project). Locate and develop a new off-leash dog area in Kenmore. It is assumed that this would occur at an existing park, but it could also be part of a new acquisition. It could be completed by the city or in partnership with another agency or community organization if feasibility and funding allow. This project should be considered when reviewing and updating park master plans. New acquisition for an off-leash dog area is not included in the CFP at this time.

Capacity Improvements at Existing Parks (Revised 2015 CFP Project). Develop and expand recreational opportunities at existing parks to add capacity, increase diversity in the types of amenities offered in the system, improve accessibility, and/or enhance the overall park experience. Amenities could include play areas, off-leash areas, plaza and gathering areas, picnic facilities, benches, sport courts, trails, public art, climbing areas, new sports or recreational uses, and/or any other similar improvements.

CHAPTER 6**IMPLEMENTATION**

Kenmore is making incremental progress towards creating a park and recreation system that addresses community needs and conditions. Chapter 6 describes the funding opportunities, financial resources, project costs, priorities for implementation, an existing level of service and an aspirational level of service if all recommendations of the updated PROS Plan are implemented. The implementation plan consists of a series of capital projects that are based on the overall vision and goals for the park system and the key findings in the demand and need analysis as they are reflected in the final recommendations. If implemented, these projects will respond to the needs of the community, meet or exceeds the proposed level of service, and result in a relevant and vibrant park, recreation and open space system well into the future.

Kenmore has made significant progress since the last PROS Plan update was completed in 2013. That plan identified many of the same goals, recommendations, and projects that are still relevant today and it's important to recognize the progress the city has already made. The accomplishments and projects completed, along with the respective timeframe they were completed, are shown below.

2014 – 2016 Accomplishments

- Ownership transferred to the city for the King County Portal Site, now known as Twin Springs Park
- Purchased 0.7 acres adjacent to Squire's Landing Park, enabling the Kenmore Waterfront Activity Center (KWAC) programming to begin
- Built City Hall Jack Crawford Skate Court
- Built Northshore Summit Park
- Installed a boarding float at Log Boom Park and contracted with a concessionaire for renting hand powered watercraft
- Replaced Log Boom Park Pedestrian Bridge connection to the adjacent marina
- Engaged the community through the Imagine Kenmore process to further identify and prioritize parks and recreation needs
- Community passed the Walkways & Waterways Bond Measure
- Play Day at Rhododendron Park began
- Skate Like a Girl Skateboarding Camp began

- Sky Hawks summer camps at Rhododendron Park began

2017 – 2019 Accomplishments

- Built the Tolt-Pipeline Trail between 68th and 70th Street
- Installed a boardwalk and float at Rhododendron Park
- Built Kenmore Town Square and Hangar Building
- Offered free room rentals for community to help program the Hangar
- Began For the Love of Kenmore Summer Event at the Hangar
- Began Movies @ The Square (Hangar Building Outdoor Plaza)
- Replaced the float at Squire's Landing Park
- Renovated Moorlands Park, including construction of the baseball field
- Developed a Master Plan for Twin Springs Park through a community engagement process
- Began National Skyscraper Day Workshops with LEGO at the Hangar
- Began STEM Fundamentals with LEGO at the Hangar
- Began Preschool Music & Movement Class at the Hangar
- Began Just Get Me Started at the Hangar – all ages art – make and take home - classes
- Offered Boat Cruise Adventures from Log Boom Park

2019 CIP Projects Underway

- Acquisition of 4.85 acres of Swamp Creek Natural Areas / Open Space
- Non-motorized transportation improvements along 68th Avenue NE and Juanita Drive NE for a complete north-south connection through the city (Transportation Capital Improvement Program)
- Twin Springs Phase I Trailhead
- Rhododendron Park Boardwalk and Float Mitigation Monitoring and Maintenance
- Rhododendron Park Boathouse
- Squire's Landing Park Replacement Float Mitigation Monitoring and Maintenance
- Squire's Landing Waterfront Access and Natural Area Access Project
- Log Boom Park Waterfront Access and Viewing Project
- St. Edward Ballfield Improvements Analysis of Feasibility (SEPA/EIS only)
(On February 3, 2020, the City Council directed that this analysis stop.)

Funding Strategies and Resources

The city's biennial budget includes a six-year Capital Improvement Program (CIP). The State Growth Management Act also requires that the city adopt a twenty-year Capital Facilities Plan (CFP). Within the CIP, park capital projects and funding sources are identified. Financing capital projects comes from a variety of sources, such as general funds, reserve funds, impact fees, real estate excise tax, grants, private sector support, limited general obligation and general obligation voter approved bonds. While the 6-Year CIP is fiscally constrained matching the funding currently available to the cost of the projects listed, the remaining CFP recommendations are not fiscally constrained and could be funded by a variety of methods as opportunity allows.

The following describes a list of potential funding sources for capital projects and operations.

Grant Programs

The principal public funding sources applicable to parks and recreation development are found in the categories of local, state and federal programs commonly referred to as "Statutory Funding". These may include but are not limited to funding assistance programs administered by the Recreation and Conservation Office (RCO) for the State of Washington, King County Youth Athletic Facilities, King Conservation District, US Army Corps of Engineers, and other agencies including public, private and non-profit organizations. Grants for funding park projects generally require matching city funds to be eligible for grant funding assistance and many of these programs are competitive, with more grant applications than the level of funding available. Grants enable the city to leverage or supplement other funding resources and, in some cases, one grant program may be used to match another grant program, especially if the programs are through different agencies or organizations.

General Fund

The general fund provides the operating capital for day-to-day operations of the city. The primary sources of revenue for this fund are property and sales taxes. The general fund can fund capital projects through interfund transfer.

Reserves

Reserves are accumulated over a period of years for specific projects. Contributions from reserves can be made either from donations, property sales or unspent year-end resources. The City Council designates by resolution the purposes for which reserve contribution or property sales will be

dedicated. General purpose reserves are not available to fund capital projects unless the City Council determines that they be utilized for a specific project. Reserves could potentially be used to fund ongoing major replacement needs for park improvements.

Impact Fees

Impact fees for parks were adopted in 2001 as a source for funding parks capital projects. Impact fees are authorized only for roads, parks, fire protection and schools. These fees can only be collected for system improvements which meet all of the following:

- Reasonably relate to the new development
- Do not exceed a proportionate share of the costs related to the new development
- Are used to reasonably benefit the new development
- Are not for existing level of service deficiencies.

The City of Kenmore's Park Impact Fee calculation and background information is included in Appendix E.

Real Estate Excise Tax (REET)

This is a tax levied on the sale of real property within the city. It is legally restricted for capital purposes, including park acquisition, renovation, and development. The Growth Management Act stipulates that the city must use the REET primarily for projects contained in the Capital Facilities Element of the Comprehensive Plan.

General Obligation Bonds

These bonds are proposed by a County or City Council for acquisition or development. These are voter-approved bonds typically repaid through an annual excess property tax levy. The maturity period of bonds is normally 15 to 20 years and generally corresponds to the expected life of the improvement. For a general obligation bond to pass it must receive at least 60 percent voter approval as well as pass a validation requirement. The validation requirement is for at least 40 percent of the number voting to have also voted in the previous general election.

Limited Term General Obligation Bonds (Councilmanic Bonds) and Levies

General obligation bonds are issued by the City Council without voter approval. Under State law repayment of these bonds must be financed from general revenues since no additional property taxes can be levied to support related debt service payments.

Levy Referendum Proposition 747, the statutory provision limiting the growth of regular property taxes to 1% per year can be waived by referendum approval of a simple (50%) majority of ballots cast. Voters can be asked to approve a resetting of the property tax levy rate that would adjust the amount of revenue the city can generate. The new total revenue that can be generated by resetting the rate would be subject to the same 1.0% limitation, however, and the total amount of revenue and the resulting property tax rate would start to decline again in accordance with the Proposition. The adjusted rate and revenue would finance specific capital improvement, maintenance and/or operations projects.

King County Parks Levy

In August 2019, King County voters approved a measure to renew the property tax levy supporting parks, trails, and open space in King County. The measure will replace the current levy that expires at the end of the year and generate an estimated \$810 million over six years, costing approximately \$7.60 per month for the owner of a home with an assessed property value of \$500,000. The revenue generated by this levy means county-wide investments in parks, trails, recreation, and open space protection for the benefit of all King County residents, no matter where they live.

Revenue Bonds

Revenue bonds encompass a broad category of mechanisms for financing. For the purposes of project development, revenue-bonding procedures may be used based on authorizing statutes or based on leasehold values of land, facilities and operating entities that create a cash flow. Cities also have authority to issue revenue bonds for utility purposes such as water service, sewer service, refuse and storm water drainage. The following are agreements possible through this funding method:

- Land lease/development agreements with private corporations for the development of commercial recreation.
- Land lease/development agreements with public and private entities for the development and operations of special events and entertainment facilities.

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- Concession or operating agreements for promotion and administration of festivals, pageants or cultural events.
- Land lease/development or co-development agreements for development and operations of a sports complex and sports tournament center.
- Land lease/development agreements for community recreation and aquatics center, family health and fitness centers, water slide parks, corporation picnic centers, and other forms of joint development projects.
- Operating and concession agreements for merchandising, food and beverage concessions and other retail sales venues linked to recreation activities.

Conservation Future Funds (CFT)

This tax is based on the Washington State's Current Use Taxation Law passed in 1970 which enabled counties to levy a tax of up to 6.25 cents per \$1,000 of assessed property valuation for the purpose of acquiring various types of open space. King County has levied the full amount authorized by the state and has collected the tax since 1987.

Donations

Gifts and donations from individuals, foundations, and business can also be used to supplement city resources for the improvement of its facilities. Philanthropic contributions from private donors may provide an excellent source of capital and operation funding as well as potential leverage for attaining matching funding.

Park Districts

Park and Recreation District Service Areas (PRSA). Section 36.68 Revised Code of Washington (RCW) provides for the creation of park and recreation service areas, which can consist of all or a portion of a county. PRSAs may include cities within their boundaries, although this is not a requirement. PRSAs may be initiated by passage of a county resolution or by petition. In either case, simple majority approval by voters within the proposed service area is required. If approved by 60% of the voters, PRSAs may issue bonds or enact special levies for the construction and maintenance of recreation facilities. PRSAs are considered to be taxing authorities in their own right, and any debt incurred, following voter approval, does not count against a city or county's debt limit. The statute allows a county to assign operational responsibility for facilities developed by a PRSA to a city through an interlocal agreement.

The closest example of a local PRSA is the Northshore Parks and Recreation Service Area (Northshore PRSA) that encompasses the Northshore School District boundary. The Northshore

PRSA may be used to help fund parks, recreation and open space facilities, but only those that will serve the entire PRSA boundary.

The Northshore Parks and Recreation Service Area was created to locate and develop a regional senior center in the mid-1980's. The Northshore Senior Center is now located in Bothell. The Northshore PRSA was also convened to conduct an aquatic facility needs analysis and location study in June 2008. Planning for a regional aquatic facility was not pursued after completing the aquatic facility study.

Metropolitan Park District. In 2002, the state legislature authorized the establishment of metropolitan park districts as special units of government that may be wholly independent of any involvement with a city, county, or any other local public agency or jurisdiction. Metropolitan Park Districts have their own independent taxing authority as a municipal corporation in the state of Washington. Like a PRSA, metropolitan park districts may provide recreational facilities that are specific to the district's boundaries in return for the district residents' agreement to pay the special development, operation and maintenance costs utilizing special financing devices. A metropolitan park district must be initiated by local government resolution or citizen petition following hearings on feasibility and cost studies of the proposed district's facility development or operation costs. The proposal must ultimately be submitted for voter approval (50%+1) including all provisions relating to any special financing agreements. The boundaries of the park district may coincide with city boundaries. A Board of Commissioners may be elected to oversee the park district, although an existing City Council may take the place of a separate Commission if a District's boundaries are contiguous with the city's boundaries.

User Fees

The fee structure typically preferred by recreation agencies is a system of individual activity fees. This reflects the common desire to offset certain traditional activities free of any fees or charges while allowing the city to defray operating costs and expenses for intensive activities such as league sports.

Additionally, there may be entrance fees for "special use" park facilities and entrance fees, plus activity fees, at other facilities such as sports parks and recreation centers. The actual fee schedule is a function of policy and may be subject to annual review. Adoption of user fee schedules should consider "market values" for recreation services, which have a modifying effect on the amount of user fees charged, and considerations for low-income populations through direct modification of fees or scholarship programs to offset fees. In addition, user fees typically do not offset all public costs for parks and recreation and, thus, should be considered an offset of some recreation program operations and maintenance expenses.

Joint Development / Joint Use Partnerships

Public/private or public/public partnerships designed to leverage each dollar through the added economics of joint development in areas of acquisition, operations and maintenance, infrastructure development, joint use parking/drainage, etc. Examples include commercial recreation, such as miniature golf or standard golf courses, aquatic centers, amusement parks, sports centers, theater or performing arts facilities, arenas and other forms of enterprise tied to recreation services.

While not actually considered joint development, there may be opportunities for maximizing facility value, such as joint use parking from an adjacent public or private facility that will result in reducing the effective cost of the new facility (parking, surface water retention, etc.) An example would be the Bastyr University ballfields where the university owns the land and the city manages the fields.



Existing Financial Capacity

The City currently has five sources of revenue to fund parks, recreation and open space facilities.

- 1) Park impact fees
- 2) City revenue
- 3) General obligation bonds related to park facilities
- 4) Surface water management capital facilities revenues related to park facilities
- 5) Grant programs

When combined, these five resources could result in approximately \$30 - \$40 million in revenue over the next 20 years, not including operations and maintenance funding. Below is a summary of each funding source as it relates to the city's current financial capacity. Each summary of existing revenue below is taken from the 2019 Park Impact Fee Rate Study Report.

Park Impact Fees

The city has collected \$430,748 of impact fees as of March 2019. Some of these funds have already been obligated for the future park facilities in the CIP and are deducted from the investment needed for growth to avoid double payment for the same facilities. This is described further in Appendix E.

Once the total adjustments are deducted from the future investment needed for growth as described in the Park Impact Fee Rate Study Report, the proposed impact fee is calculated to equal the amount of revenue needed to maintain the existing level of service. As a result, the projected revenue from the park impact fees through 2035 is \$14,119,197. Extrapolating this out to 2040 at the same rate annually results in a total approximate revenue of \$18,531,446.

City Revenue

Based on the city's last five-year historical park funding data and five-year future park facilities improvement plan, the city estimates it will contribute \$235,535 per year for the park facilities (growth and non-growth-related projects). These include:

- | | |
|---------------------------------|---------------|
| • King County Levy | \$ 53,335.00 |
| • Real Estate Excise Tax (REET) | \$ 180,000.00 |
| • Donations | \$ 2,000.00 |

If this same level of funding continues, this results in a total contribution of \$4,710,700 by the end of the planning period in 2040.

General Obligation Bonds

The city issued general obligation bonds to pay a portion of capital improvements at three park facilities: Squire's Landing Park, Log Boom Park, and Rhododendron Park. Total bond fund contribution for these facilities is \$8,300,000. New development activity will assume its proportionate share of this bond obligation through payment of property taxes as described further in the Park Impact Fee Rate Study Report.

Surface Water Management (SWM) Capital Facilities Charge

The city recently adopted a Stormwater Capital Facilities Charge (CFC). Funding collected through this resource will be considered for growth related capital projects, including but not limited to parks facilities.

Grant Programs

In addition to the funding sources listed above, it is anticipated that the city will continue to submit for parks and recreation grant funding through a variety of agencies. Up to \$5,000,000 in revenue could be received from various grant resources over the life of this plan.



Capital Facilities Plan

The Capital Facilities Plan below identifies proposed capital projects, acquisition and development of physical facilities within the park system, that correspond to the plan recommendations described previously. These projects have emerged from reviewing the results of the analysis of the community needs through this planning process. Each project is cross-referenced to the parks and recreation goal (or goals) that the project supports.

Figure 20 shows the short-term priorities included in the 6-year Capital Improvement Plan (CIP). This is the fiscally constrained list of projects and is updated annually to reflect the current funding available. The mid-term priorities are shown in Figure 21 and the long-term priorities are shown in Figure 22. The mid-term and long-term projects are not fiscally constrained and represent the aspirational goals for a complete, high quality park system that meets all the needs of the community for the future, however, these projects are not funded. Implementation will be dependent on future funding and as opportunity allows.

The priority of each project between short, mid, or long term and the addition or deletion of projects from this list is also subject to change as new opportunities arise, new partnerships are formed, or new funding becomes available. The cost of each project is included in the figures below, along with the project number and the goal each project supports.

The total cost of the short term, 6-year CIP (2019-2024) list, is **\$10,947,000**. The current CIP numbers associated with each project are shown in the figure below where applicable. With two new short term projects proposed, the total cost increases to approximately **\$11** million to be included in the draft proposed 2020-2025 CIP for park facilities. The mid and long-term projects, when combined with the short-term projects, would result in a total cost of about \$190 million. Costs are based on 2019 dollars and include construction costs, permitting, design, sales tax and other associated planning and development costs. Escalation of costs over time is not included.

Figure 20: Capital Facilities Plan – Short Term (6-Year CIP).

CFP PROJECT NO.	PRIORITY	GOAL	CIP PROJECT NO.	PROJECT DETAIL	DRAFT 2020-2025 CIP Project Costs**
A			ACQUISITION		
A9	Short	3	P 31	Swamp Creek Wetland Acquisition – Phase 1	\$1,700,000*
D			DEVELOPMENT		
D11	Short	4, 5	P 1	Twin Springs Interim Use Plan	\$100,000
D5	Short	4, 5	P 6	Moorlands Park Improvements	\$50,000***
D6	Short	2, 3	P 18, P 18a	Rhododendron Park Boardwalk & Float Mitigation	\$96,000*** \$8,000***
D8	Short	2, 3	P 26	Squire's Landing Replacement Float Mitigation	\$16,000***
D8A	Short	1	P 27	Squire's Landing Waterfront Access Project	\$5,750,000
D4	Short	1	P 28	Log Boom Park Waterfront Access Project	\$2,740,000
D6A	Short	1, 6	P 30	Rhododendron Park – Phase 2 Boatshed	\$487,000
D9	Short	2, 3	-	Swamp Creek Wetland Trail Access Point (NEW)	\$75,000*
D3	Short	4	-	Linwood Park (Master Plan) (NEW)	\$100,000*
			SUBTOTAL		
					\$11,122,000
R			REPAIR/REPLACEMENT (RENOVATION) PROJECTS		
X	Short	3, 5, 6, 7	-	Park Facility Repair / Replacement	Not Included

* Initial phase only, additional phases and costs are also included in mid or long-term projects.

** List of short-term projects is derived from the most recent CIP adopted by City Council in 2018. Projects and costs shown may be adjusted, added, or deleted annually as needed.

*** Completed projects.

Parks, Recreation and Open Space Plan

Figure 21: Capital Facilities Plan – Mid-Term (7-12 Years).

PROJECT NO.	PRIORITY	GOAL	PROJECT DETAIL	2019 Total Cost*
A ACQUISITION				
1	Mid	4, 6	Bastyr Field Replacement (Feasibility Study)	\$ 150,000
10	Mid	2, 6	Tolt Pipeline – Phase 2 (73rd to 80th)	\$1,230,000
19	Mid	3, 4, 5	New Park land Acquisition	\$5,560,785*
23	Mid	1, 2	WaterWalk Trail Acquisition – Phase 1 (Log Boom to Squire's Landing)	\$ 741,438
D DEVELOPMENT				
2	Mid	5	City Hall Park – Phase 2	\$ 620,000
3	Mid	4	Linwood Park (Implementation)	\$1,057,770
6B	Mid	5	Rhododendron Park – Phase 3	\$1,040,000
7	Mid	4, 6	Athletic Fields	\$3,500,000
9	Mid	2, 3	Swamp Creek Wetland Nature Trail	\$1,785,000
10	Mid	2, 6	Tolt Pipeline Trail Phase 2 (73rd to 80th)	\$ 350,000
11A	Mid	4, 5	Twin Springs Park Phase 2 Trails	\$1,716,000
11B	Mid	4, 5	Twin Springs Park Phase 3 (Nature Play, Shelter)	\$1,800,000
12	Mid	3	Wallace Swamp Creek Park (Master Plan, Implement)	\$1,281,500
13	Mid	4, 5	ADA and Universal Access	<i>Not Included</i>
15	Mid	5, 6	Dog Off-Leash Area	\$739,000
16	Mid	5	Existing Park Capacity Improvements (Expansion or New Features)	\$9,750,000*
18	Mid	3	Restoration of natural areas	<i>Not Included</i>
21	Mid	2, 6	Safe Routes to Parks (Partnership with Public Works)	<i>Not Included</i>
23	Mid	1, 2	WaterWalk Trail Development (Feasibility and Implementation)	\$5,000,000*
R REPAIR/REPLACEMENT (RENOVATION) PROJECTS				
X	Mid	3, 5, 6, 7	Park Facility Repair / Replacement	<i>Not Included</i>

* Initial phase only, additional phases and costs are also included in long-term projects.

Figure 22: Capital Facilities Plan – Long Term (13+ Years).

PROJECT NO.	PRIORITY	GOAL	PROJECT DETAIL	2019 Total Cost
A ACQUISITION				
5	Long	4, 5	Moorlands Park Expansion Acquisition	\$ 741,438
9A	Long	3	Swamp Creek Wetland Acquisition – Phase 2	\$4,655,000
14	Long	4, 6, 7	Aquatic/Community Center Partnership Acquisition (1/4 of Cost)	\$6,250,000
17	Long	1	Lake Washington Waterfront Park Acquisitions	\$7,414,380
19	Long	3, 4, 5	New Park land Acquisition	\$16,682,355
22	Long	1	Sammamish River Waterfront Park Acquisitions	\$8,897,256
D DEVELOPMENT				
5B	Long	4, 5	Moorlands Park Expansion Development	\$1,650,000
8B	Long	1	Squire's Landing Waterfront Access – Phase 2	\$4,144,800
10	Long	2,6	Tolt Pipeline trail – Phase 2	\$3,402,000
14	Long	4, 6, 7	Aquatic/Community Center Partnership Development (1/4 of Cost)	\$10,625,000
13	Long	4, 5	ADA and Universal Access	<i>Not Included</i>
16	Long	5	Existing Park Capacity Improvements	\$9,750,000
17	Long	1	Lake Washington Waterfront Park Development	\$10,000,000
18	Long	3	Natural Area Restoration	<i>Not Included</i>
19	Long	4, 5	New Park Land Development	\$45,000,000
21	Long	2, 6	Safe Routes to Parks	<i>Not Included</i>
22	Long	1	Sammamish River Waterfront Park Development	\$5,000,000
23	Long	1	WaterWalk Trail Development	\$5,000,000
SUBTOTAL COMBINED: MID & LONG TERM				\$175,533,722
TOTAL CFP				\$186,655,722
R REPAIR/REPLACEMENT (RENOVATION) PROJECTS				
X	Long	3, 5, 6, 7	Park Facility Major Repairs / Replacement	<i>Not Included</i>

Level of Service

Level of service is a way of measuring the quantity and/or quality of the parks system in relation to the number of residents in the city. Level of service can be determined by any of the factors identified in the demand and needs analysis, but it is up to each city to determine what its level of service should be and how it should be measured.

The City of Kenmore has chosen to measure the level of service for parks, recreation and open space facilities in terms of the value of the current parks system per capita as this methodology was used in the Park Impact Fee Rate Study (May 2019). This method accommodates the *quantity* and the *quality* of parks, recreation and open space facilities by including the value of the park land and the facilities built within those parks. The level of service calculation is shown in Figure 23 below and only includes completed city-owned facilities. New facilities or lands that are currently in progress of acquisition or construction, like the Swamp Creek Open Space Phase 1 acquisition, are not included in this calculation.

The existing level of service, \$3,259 per capita, is the value of the current parks and recreation system divided by the total population of the city. ***In order to maintain at least the same level of improvements as new growth occurs, the proposed level of service must match the same value as the existing condition.*** This means that today, for every Kenmore resident the city has spent \$3,259 (in 2019 dollars) on park, recreation and open space land and facility improvements. This number is derived by dividing the total value of the park system by the total existing population. The total value of the existing parks system is shown in greater detail in Table 1 of the 2019 Parks and Recreation Impact Fee Rate Study Report found in Appendix E. As Kenmore continues to grow, the city will spend at a least the ***same amount per capita*** on future park, recreation, and open space land and facility improvements as exists today to accommodate this new growth. The projected future population in 2040 (30,140) is multiplied by \$3,259 per person to come up with a total value of the future park system if this proposed level of service is maintained over time.

Figure 23: Level of service calculation.

Category	2019 Existing Level of Service (value per capita)	2040 Proposed Level of Service* (value per capita)	2040+ Aspirational Level of Service** (value per capita)
TOTAL value per capita	\$3,259	\$3,259	\$6,193
TOTAL value	\$74.4 million	\$98.2 million	\$187 million

* Assumes at a minimum the same value, quantity and quality, of parks would be provided to accommodate new growth as currently exists for Kenmore residents.

Parks, Recreation and Open Space Plan

*** Assumes all projects (short, mid and long term) listed in the Capital Facilities Plan were completed by 2040, though recognizing many projects would likely extend beyond 2040. Proposed and aspirational calculations are based on 2040 population projection.*

The aspirational level of service shown in the figure below indicates the potential increase in the quantity and quality of parks and recreation facilities in the system if all of the proposed ideas and interests expressed by the community through the public process and identified by the demand and need analysis were completed as they are described in the 2020-2040 Park Capital Facilities Plan. The total value of all potential future projects is divided by projected future population in 2040 (30,140) to equal an aspirational level of service of **\$6,193** per person. This aspirational level of service is not intended to indicate any current deficiency in the parks and recreation system but recognizes the long-term vision and potential for new opportunities to provide parks and recreation facilities in the future if additional funding or partnerships were available. Partnerships and acquiring new land as opportunity allows are two strategies that could be used to move the city closer towards these aspirational levels.

The existing and proposed level of service will increase as development projects are completed to keep up with growth in the community. This increase will be reflected as the PROS Plan is updated on a regular basis. The corresponding benchmark for the total park acres resulting from the level of service calculation, based on the assumptions for the projects listed in the Capital Facilities Plan, is shown in Figure 24.

The existing acreage benchmark is developed by dividing the total existing acres of parks, recreation and open space in Kenmore by the current population and multiplying that number by 1,000 resulting in a total of 6.4 acres per 1,000 residents. As with the level of service, ***the proposed benchmark is intended to match the existing level of improvements.*** Therefore, the proposed benchmark for future acres needed is developed by multiplying 6.4 acres times the projected future population (30,140) and then dividing by 1,000. The aspirational benchmark takes all of the proposed acres shown in the Capital Facilities Plan plus the existing acres of parks, recreation and open space, and divides those total acres by the future projected population in 2040 (30,140), then multiplies this number by 1,000 so the resulting number represents the total acres per 1,000 residents if all of the projects shown in the Capital Facilities Plan were completed by 2040.

Figure 24: Benchmarks resulting from level of service calculation.

Category	2019 Existing Benchmark	2040 Proposed Benchmark*	2040+ Aspirational Benchmark**
TOTAL acres / 1000 residents	6.4	6.4	8.4
TOTAL acres	146 acres	193 acres	253 acres

Parks, Recreation and Open Space Plan

**Assumes at a minimum the same value, quantity and quality, of parks would be provided to accommodate new growth as currently exists for Kenmore residents.*

*** Assumes all projects (short, mid and long term) listed in the Capital Facilities Plan were completed by 2040, though recognizing many projects would likely extend beyond 2040. Proposed and aspirational calculations are based on 2040 population projections.*

Appendix A





Log Boom Park

Draft 30% Site Plan

3/22/2018



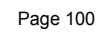
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CONFLUENCE
ENVIRONMENTAL COMPANY

j.a. brennan
ASSOCIATES PLLC









Squire's Landing Park 60% Site Plan

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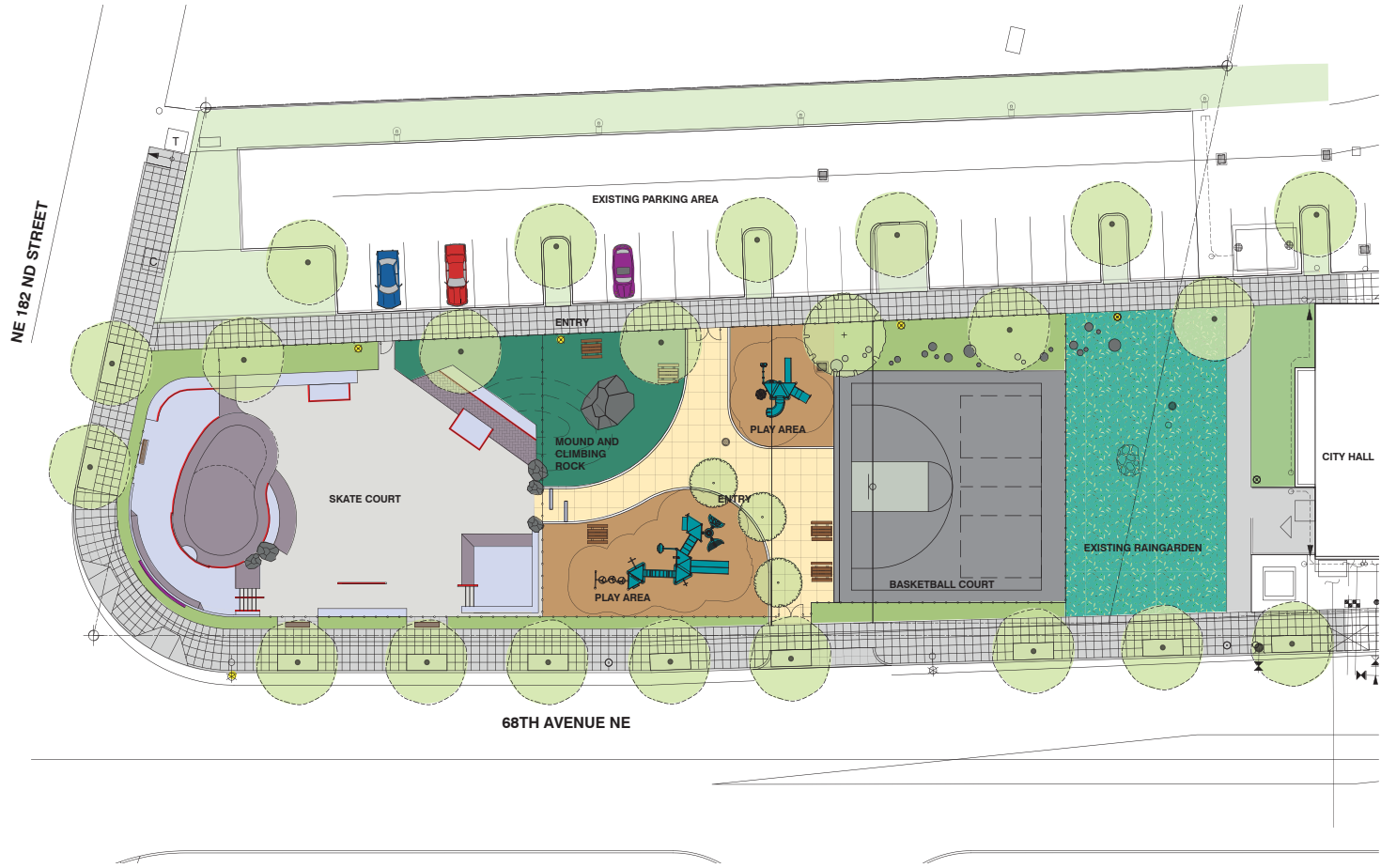
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MACDONALD**

**CONFLUENCE
ENVIRONMENTAL COMPANY**

**j.a. brennan
ASSOCIATES PLLC**



10/09/2019 Scale: 1" = 30'
0' 30' 60'



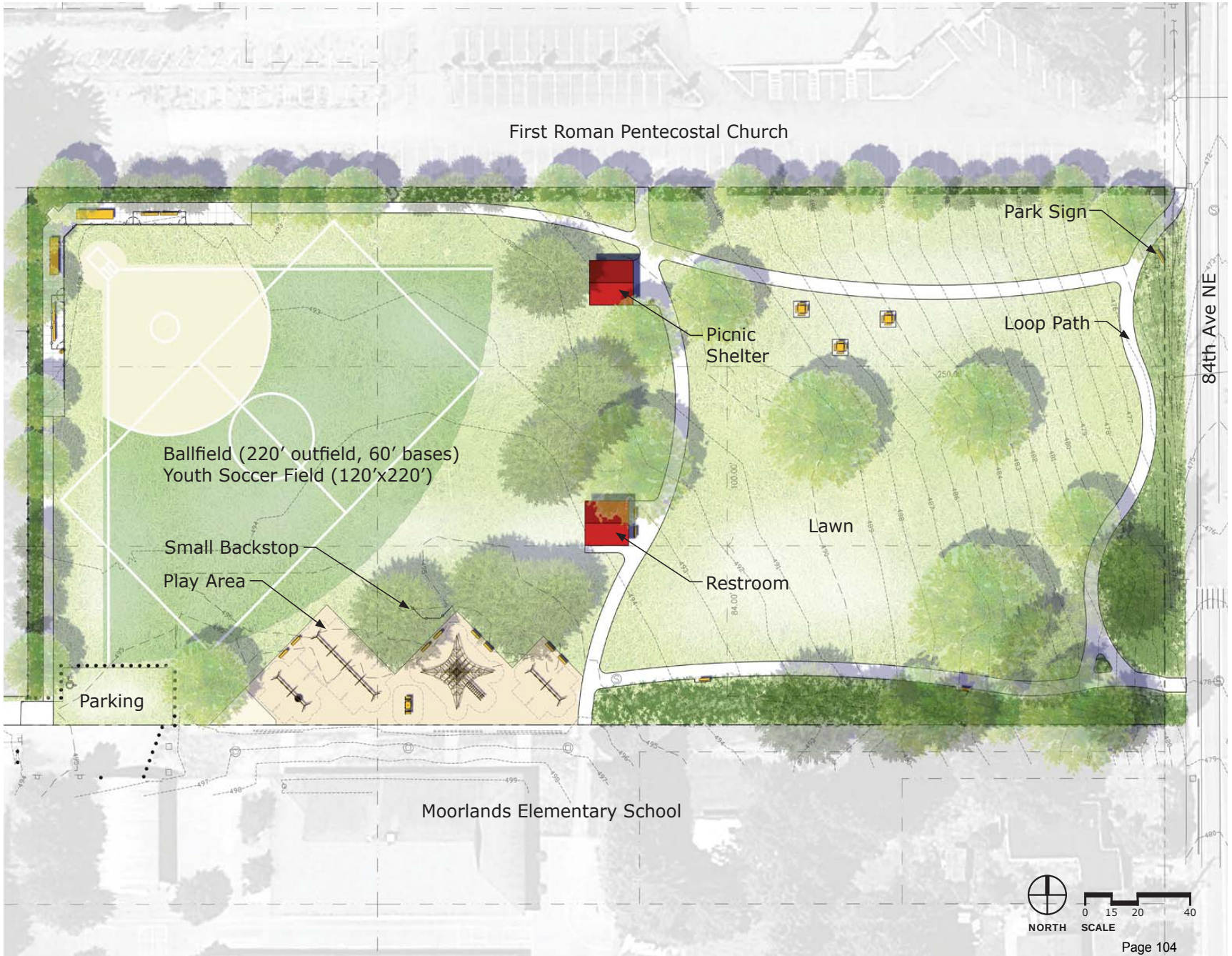
HEWITT



SKATE COURT AND CITY
HALL PARK CONCEPT PLAN



SKATE COURT AND CITY HALL PARK
CITY COUNCIL MEETING - 09.22.2014
CITY OF KENMORE



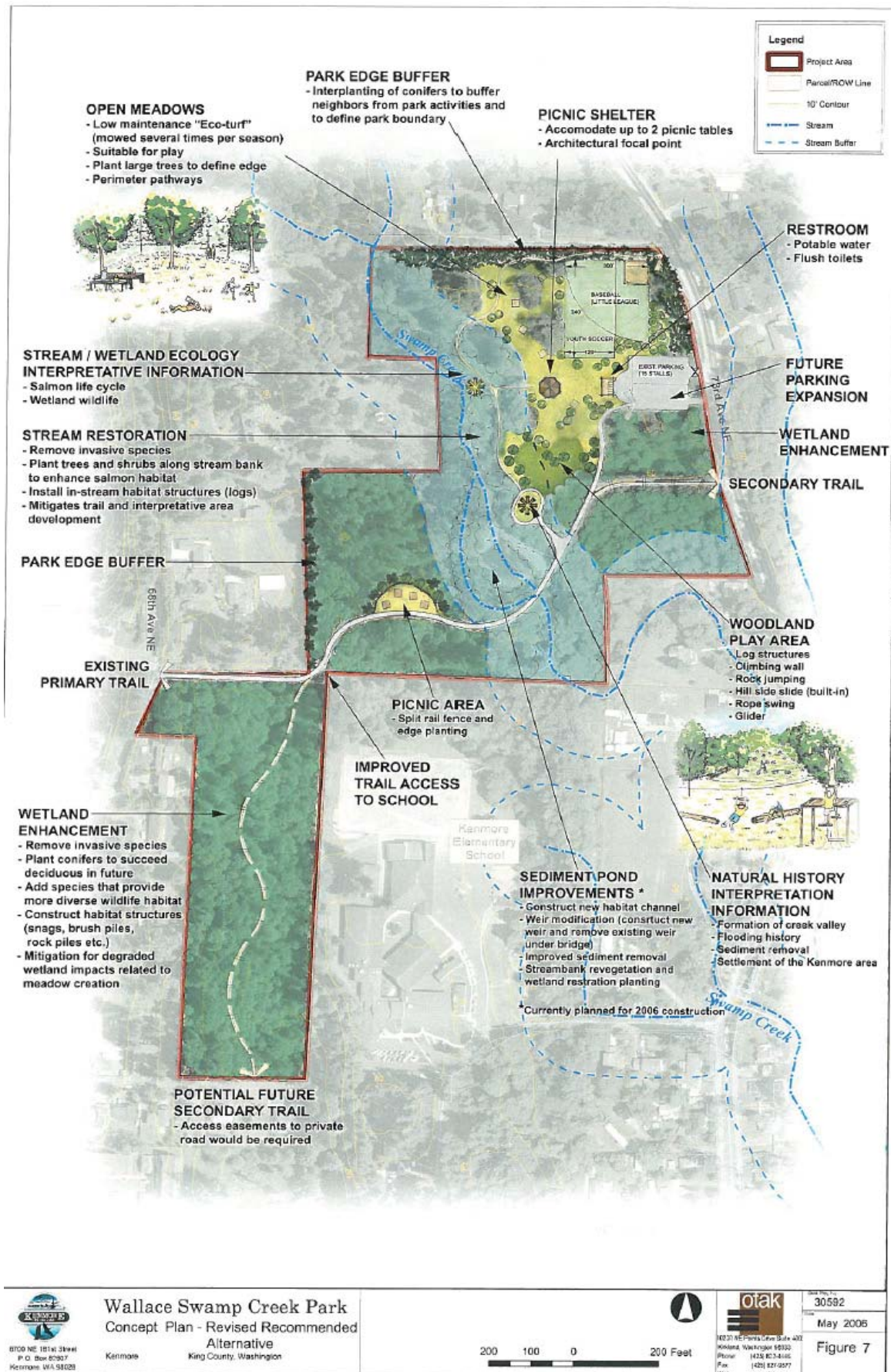


Final Plan
Northshore Summit Park
 City of Kenmore July 2013



TWIN SPRINGS PARK MASTER PLAN





Appendix B

City of Kenmore Parks and Recreation Survey

Final Findings Report

...helping organizations make better decisions since 1982

2019

Submitted to the City of Kenmore, Washington

ETC Institute
725 W. Frontier Lane,
Olathe, Kansas
66061

March 2019



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2019 City of Kenmore Parks and Recreation Survey Executive Summary

Overview

ETC Institute administered a Parks and Recreation Survey for the City of Kenmore in the winter of 2019. The City is beginning to update its Parks, Recreation, and Open Space Plan and data collected from the survey will be used to objectively assess leisure and recreation needs in the community. The survey and its results will guide the City of Kenmore in establishing priorities for the future improvement of parks, recreation facilities, programs, and services within the community that best represent residents' needs.

Methodology

ETC Institute mailed a survey packet to a random sample of households in the City of Kenmore. Each survey packet contained a cover letter, a copy of the survey, and a postage-paid return envelope. Residents who received the survey were given the option of returning the survey by mail or completing it online at www.KenmoreParkSurvey.org.

Ten days after the surveys were mailed, ETC Institute sent emails and placed phone calls to the households that received the survey to encourage participation. The emails contained a link to the online version of the survey to make it easy for residents to complete. To prevent people who were not residents of the City of Kenmore from participating, everyone who completed the survey online was required to enter their home address prior to submitting the survey. ETC Institute then matched the addresses that were entered online with the addresses that were originally selected for the random sample. If the address from a survey completed online did not match one of the addresses selected for the sample, the online survey was not counted.

The goal was to obtain completed surveys from at least 400 residents. The goal was exceeded with a total of 578 residents completing the survey. The overall results for the sample of 578 households have a precision of at least +/-4.02% at the 95% level of confidence.

This report contains the following:

- Charts showing the overall results of the survey (Section 1)
- Priority Investment Rating (PIR) that identifies priorities for facilities and programs (Section 2)
- Benchmarking analysis comparing the City's results to national results (Section 3)
- Tabular data showing the overall results for all questions on the survey (Section 4)
- A copy of the survey instrument (Section 5)

The major findings of the survey are summarized on the following pages.

Overall Use and Ratings of Park and Recreation Facilities

Facility Use. Ninety-three percent (93%) of respondent households indicated they have visited City Parks and Recreation facilities in the past 12-months. The most frequently used Parks and Recreation facilities, as indicated by responding households, were: Log Boom Park (61%), Rhododendron Park (49%), and Town Square/Hangar Building (38%). Five percent (5%) of respondent households visit City Park and Recreation facilities “daily,” 29% of respondent households visit City Park and Recreation facilities “weekly,” 34% of respondent households visit City Park and Recreation facilities “monthly,” and 21% of respondent households visit City Park and Recreation facilities “quarterly.”

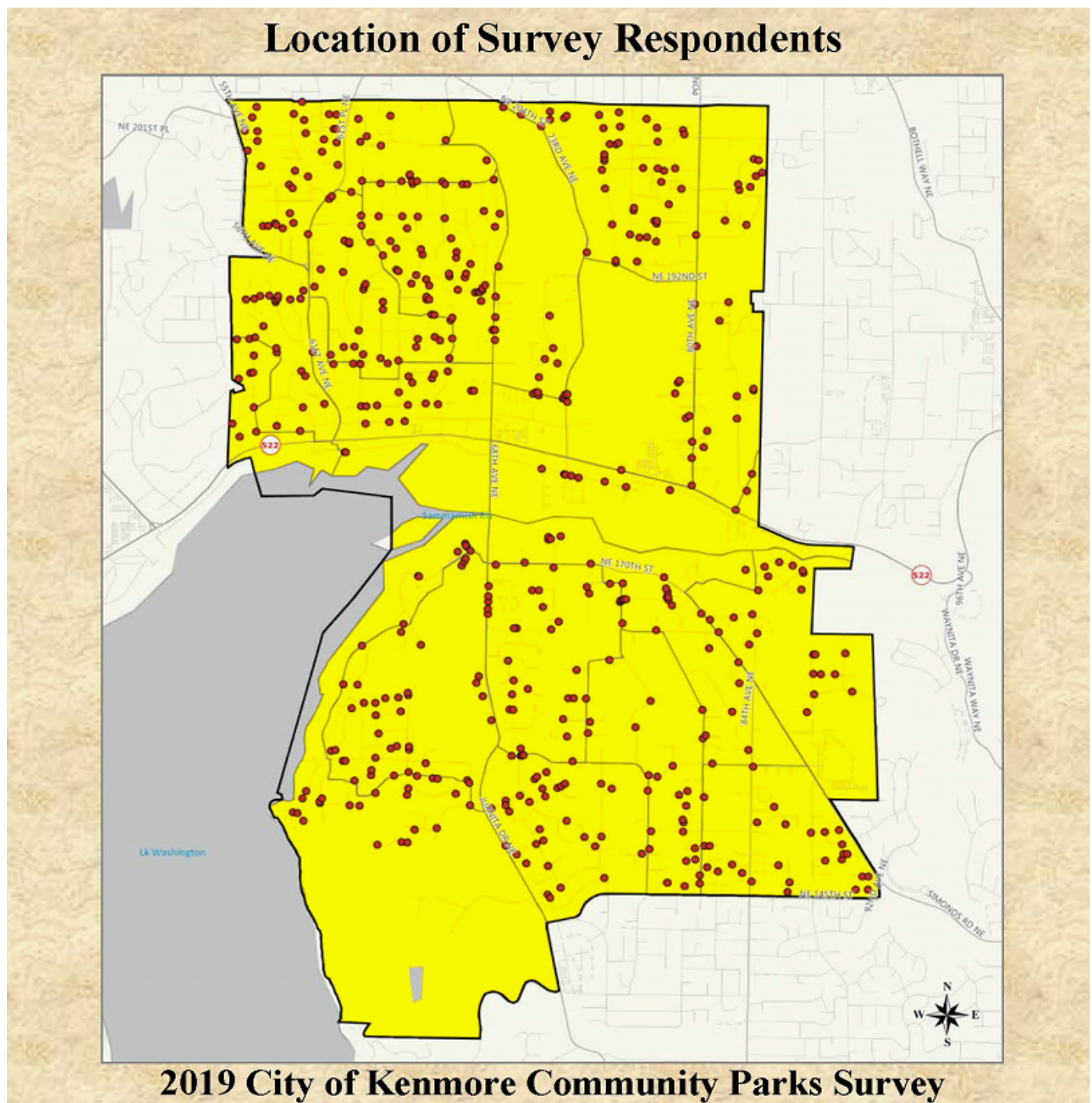
The top two facilities most regularly visited by respondent households, that are operated by non-City providers, were: Burke Gilman Trail (75%) and St. Edward State Park (74%).

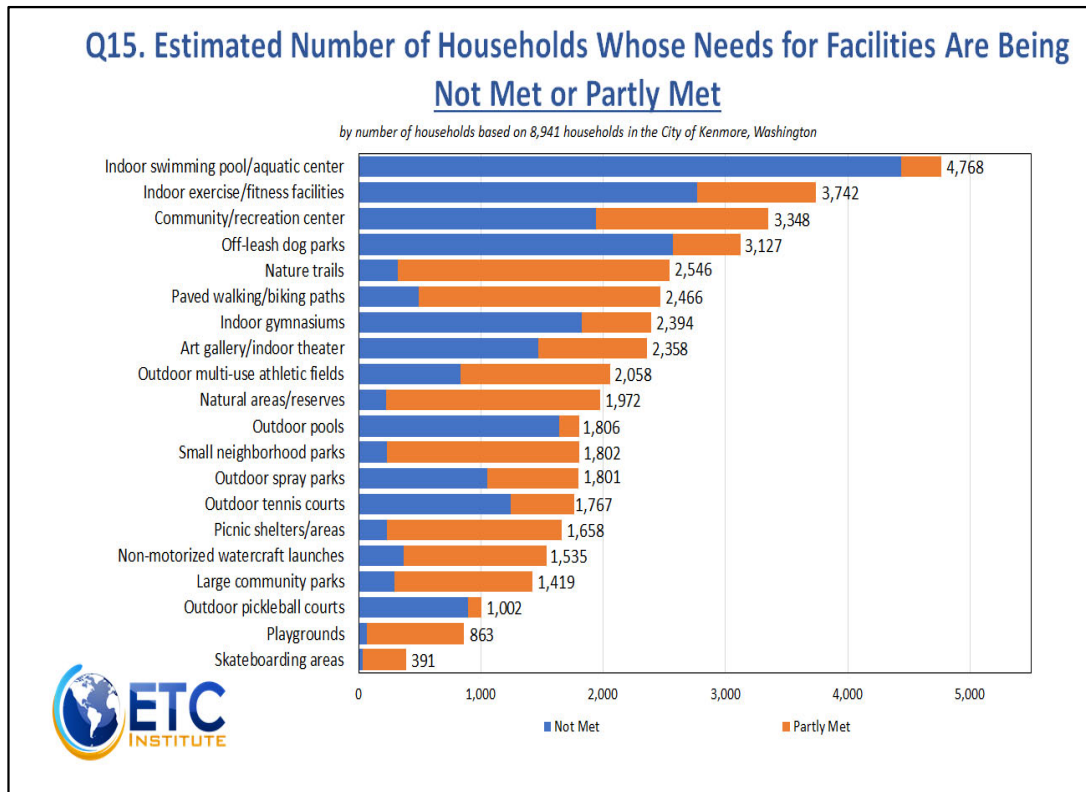
Ratings. Thirty-percent (30%) of respondent households rated the physical condition of City Parks and Recreation facilities as “excellent,” 62% of respondents rated the physical condition of City Parks and Recreation facilities as “good,” 8% of respondent households rated the physical condition of City Parks and Recreation facilities as “fair,” and less than one-percent (0.4%) of respondent households rated the condition of Parks and Recreation facilities as “poor.”

Facility Needs and Priorities

Facility Needs: Respondents were asked to identify if their household had a need for 20 recreation facilities and amenities and rate how well their needs for each were currently being met. Based on this analysis, ETC Institute was able to estimate the number of households in the community that had the greatest “unmet” need for various facilities.

The top four recreation facilities with the highest percentage of households that indicated a need for the facility were: nature trails (72%), paved walking/biking paths (68%), natural areas/reserves (65%), and indoor swimming pool/aquatic center (57%). ETC Institute estimates a total of 6,446 households out of the 8,941 households in the City of Kenmore have a need for natural trails, an estimated total of 6,044 households out of the 8,941 households in the City of Kenmore have a need for paved walking/biking trails, and an estimated total of 5,767 households out of the 8,941 households in the City of Kenmore have a need for natural areas/reserves. ETC Institute estimated a total of 4,768 households out of the 8,941 households in the City of Kenmore have unmet needs for an indoor swimming pool/aquatic center, an estimated total of 3,742 households out of the 8,941 households in the City of Kenmore have unmet needs for indoor exercise/fitness facilities, and an estimated total of 3,348 households out of the 8,941 households in the City of Kenmore have unmet needs for a community/recreation center. The estimated number of households that have unmet needs for each of the 20 facilities that were assessed is shown in the table at the top of the following page.

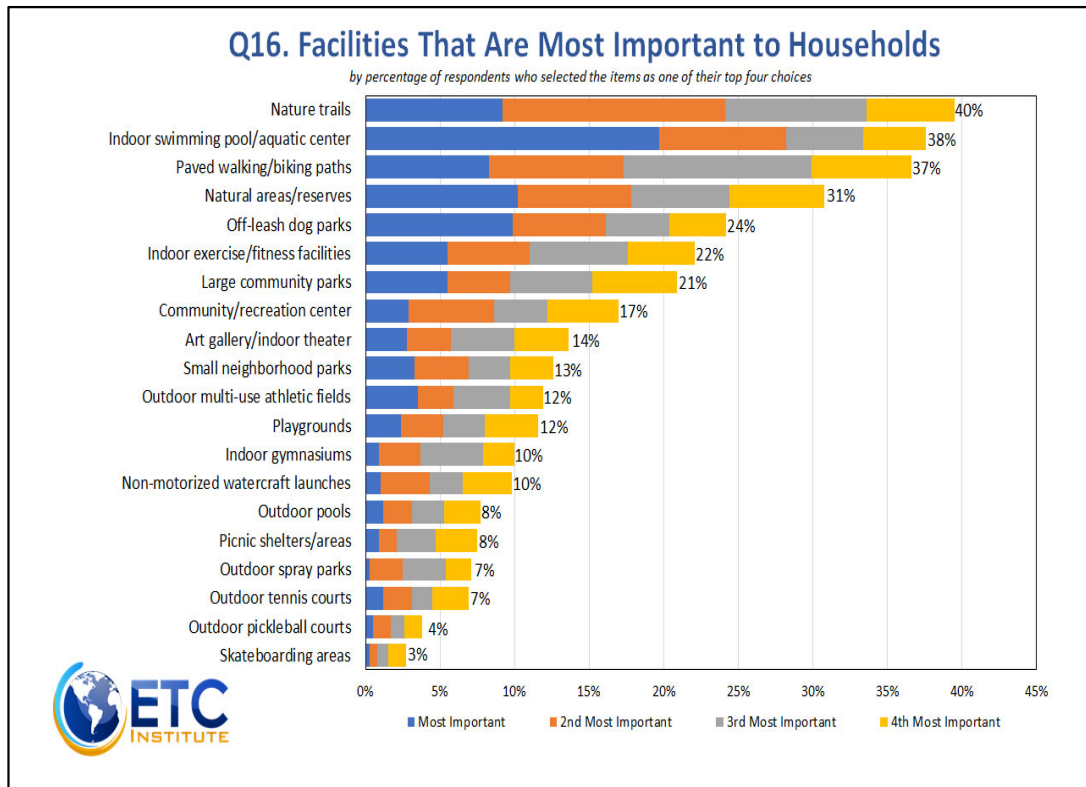




Facility Importance: In addition to assessing the needs for each facility, ETC Institute also assessed the importance that residents placed on each facility. Based on the sum of respondents' top four choices, the four most important facilities to residents were:

1. nature trails (40%),
2. indoor swimming pool/aquatic center (38%),
3. paved walking/biking paths (37%), and
4. natural areas/reserves (31%).

The percentage of residents who selected each facility as one of their top four choices is shown in the chart at the top of the following page.

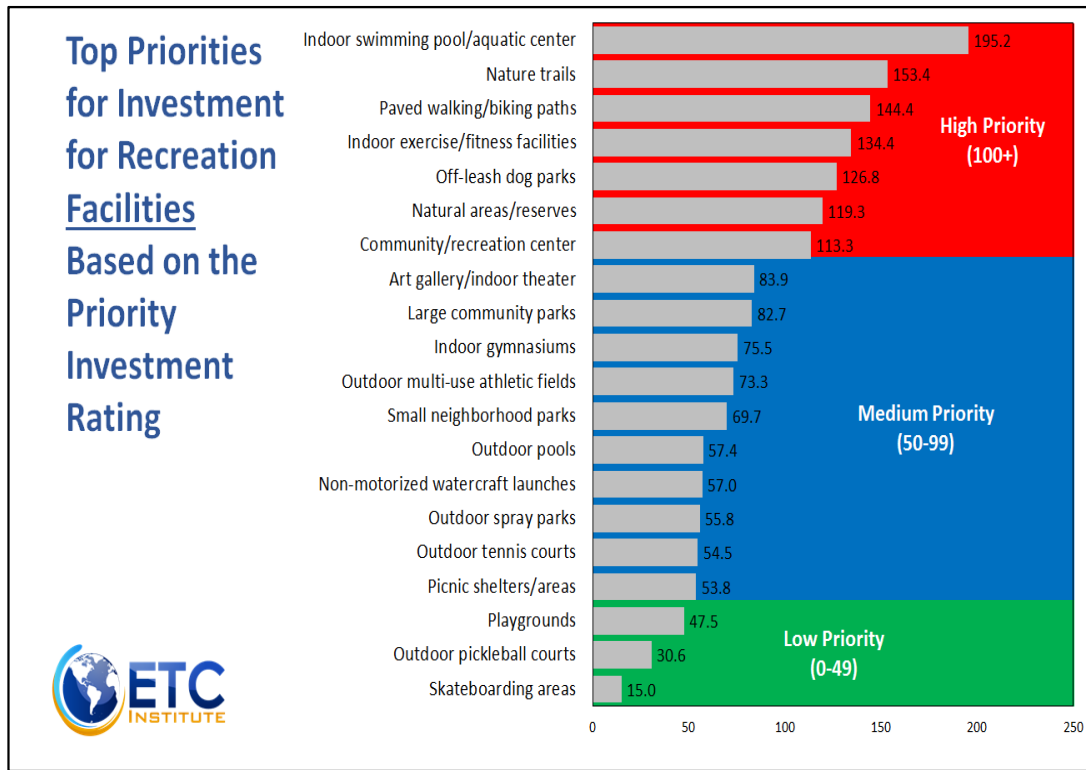


Priorities for Facility Investments. The **Priority Investment Rating (PIR)** was developed by ETC Institute to provide organizations with an objective tool for evaluating the priority that should be placed on Parks and Recreation investments. The **Priority Investment Rating (PIR)** equally weights (1) the importance that residents place on facilities and (2) how many residents have unmet needs for the facility. [Details regarding the methodology for this analysis are provided in Section 2 of this report.]

Based the **Priority Investment Rating (PIR)**, the following seven facilities were rated as high priorities for investment:

- Indoor swimming pool/aquatic center (PIR=195.2)
- Nature trails (PIR=153.4)
- Paved walking/biking paths (PIR=144.4)
- Indoor exercise/fitness facilities (PIR=134.4)
- Off-leash dog parks (PIR=126.8)
- Natural areas/reserves (PIR=119.3)
- Community/recreation center (PIR=113.3)

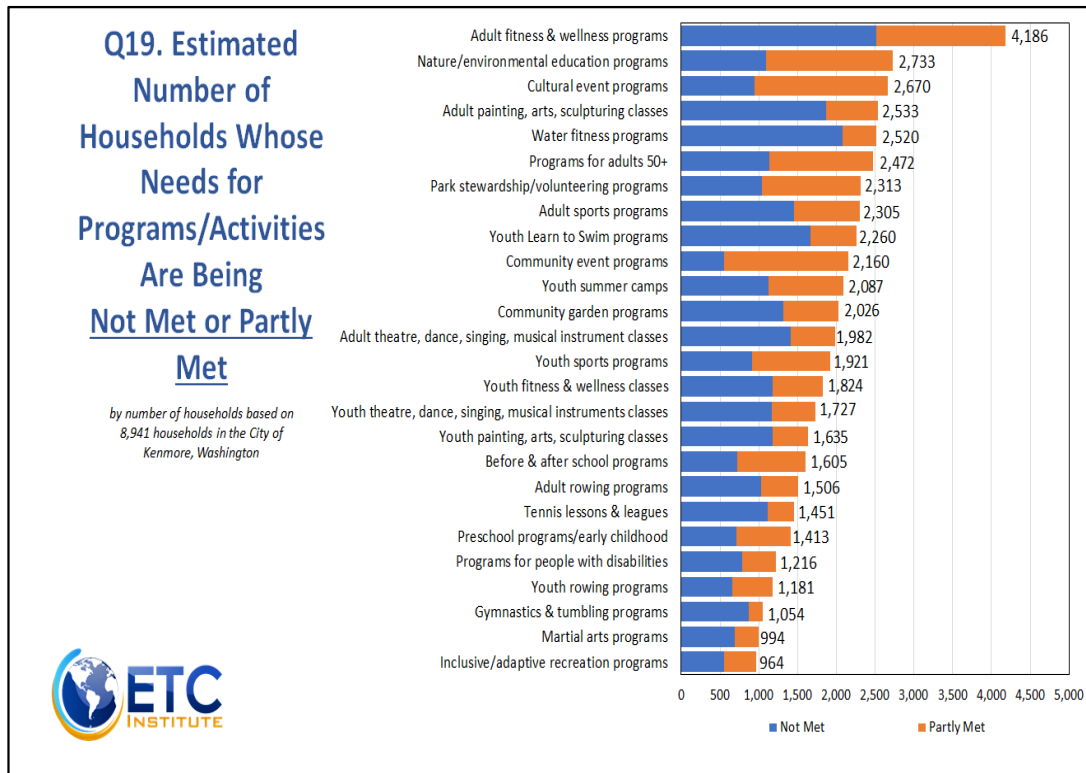
The chart at the top of the following page shows the **Priority Investment Rating (PIR)** for each of the 20 facilities that were assessed on the survey.



Program/Activity Needs and Priorities

Program/Activity Needs. Respondents were also asked to identify if their household had a need for 26 recreational programs/activities and rate how well their needs for each program were currently being met. Based on this analysis, ETC Institute was able to estimate the number of households in the community that had “unmet” needs for each program.

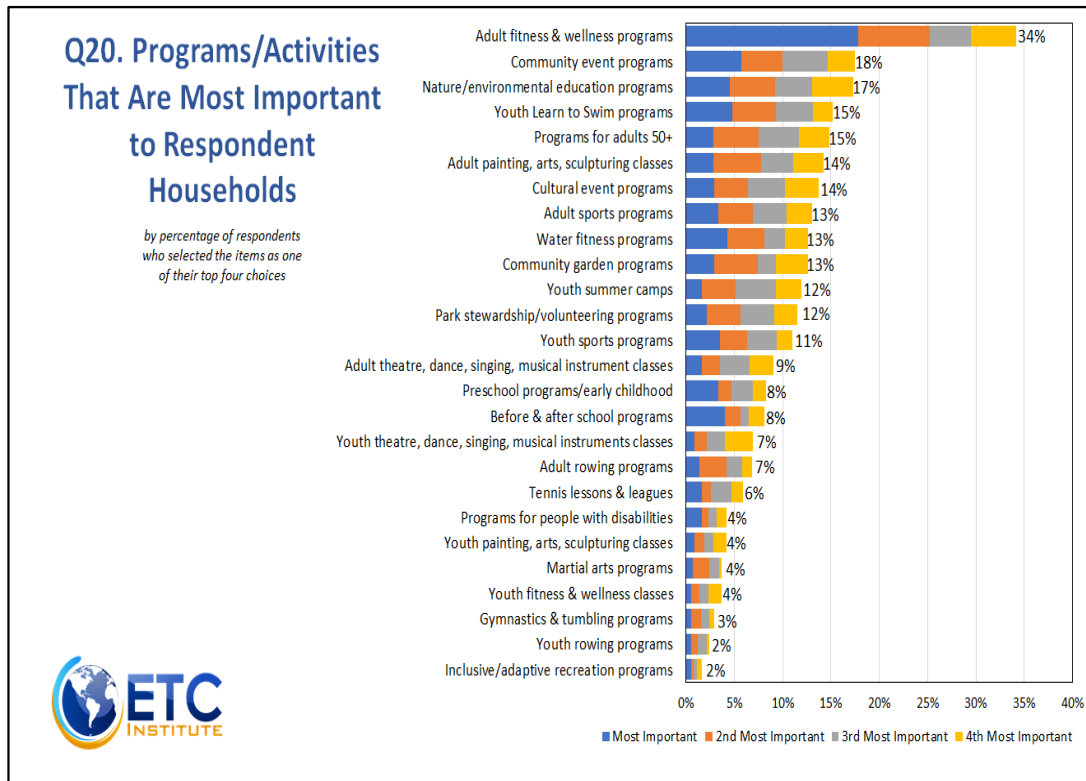
The four programs/activities with the highest percentage of households that had needs were: adult fitness and wellness programs (54%), community event programs (41%), cultural event programs (37%), and nature/environmental education programs (36%). ETC Institute estimates a total of 4,783 households out of the 8,941 households in the City of Kenmore have a need for adult fitness and wellness programs, an estimated total of 3,693 households out of the 8,941 households in the City of Kenmore have a need for community event programs, and an estimated total of 3,263 households out of the 8,941 households in the City of Kenmore have a need for cultural event programs. ETC Institute estimates a total of 4,186 households out of the 8,941 households in the City of Kenmore have unmet needs for adult fitness and wellness programs, an estimated total of 2,733 households out of the 8,941 households in the City of Kenmore have unmet needs for nature/environmental education programs, and an estimated total of 2,670 households out of the 8,941 households in the City of Kenmore have unmet needs for cultural event programs. The estimated number of households that have unmet needs for each of the 26 programs/activities that were assessed is shown in the chart at the top of the following page.



Program/Activity Importance. In addition to assessing the needs for each program, ETC Institute also assessed the importance that residents placed on each program. Based on the sum of respondents' top four choices, the five most important programs to residents were:

1. adult fitness and wellness programs (34%),
2. community event programs (18%),
3. nature/environmental education programs (17%),
4. Youth Learn to Swim programs (15%), and
5. Programs for adults 50+ (15%).

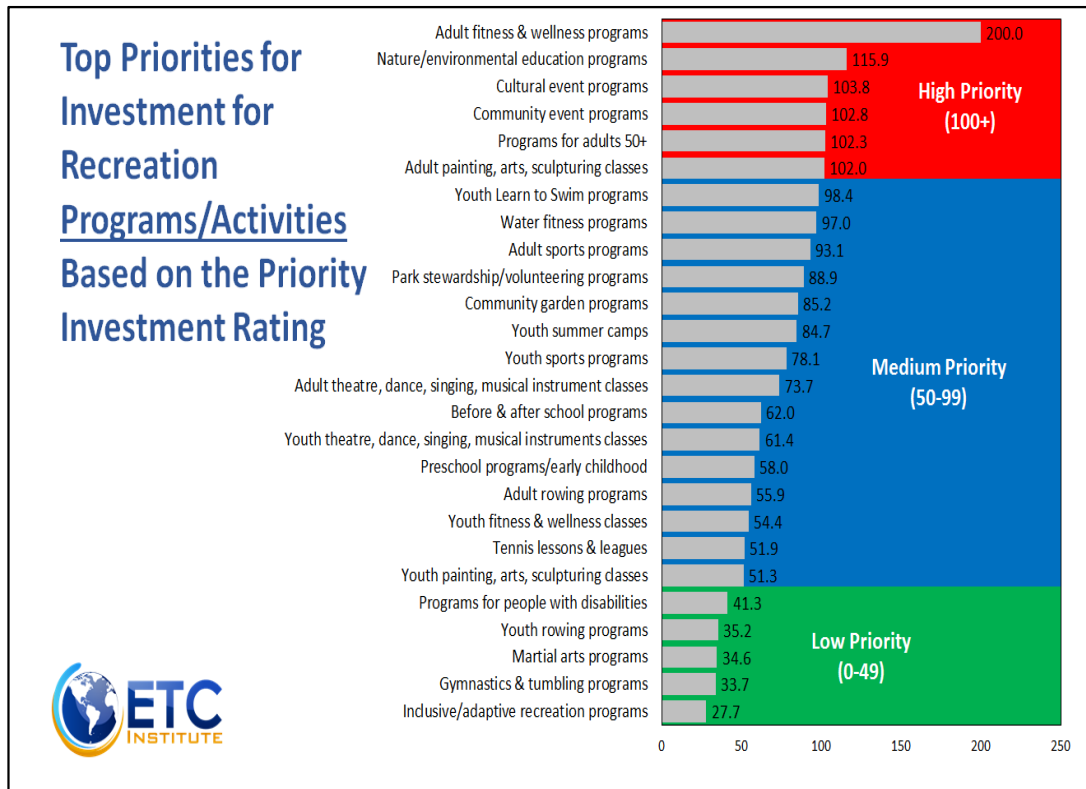
The percentage of residents who selected each program/activity as one of their top four choices is shown in the table at the top of the following page.



Priorities for Program/Activity Investments. Based on the **Priority Investment Rating (PIR)**, which was described briefly on Page iv of this Executive Summary and is described in more detail in Section 2 of this report, the following six programs/activities were rated as “high priorities” for investment:

- Adult fitness and wellness programs (PIR=200)
- Nature/environmental education programs (PIR=115.9)
- Cultural event programs (PIR=103.8)
- Community event programs (PIR=102.8)
- Programs for adults 50+ (PIR=102.3)
- Adult painting, arts, sculpturing classes (PIR=102.0)

The chart at the top of the following page shows the **Priority Investment Rating (PIR)** for each of the 26 programs that were rated.



Improving and Expanding Parks and Recreation Facilities

Respondents were asked to rate their level of support for 18 potential actions the City of Kenmore could take in the future to improve and expand parks and recreation facilities in the City. The actions that received the highest levels of support, based upon the combined percentage of “very supportive” and “somewhat supportive” responses among respondents, were: acquiring shoreline for water/beach access (87%), developing multi-purpose paths/trails in parks (85%), developing multi-purpose trails connecting to parks (85%), acquiring properties to preserve natural open space and wildlife habitats (84%), and upgrading nature trails (84%). Developing skateboarding areas (28%) was the potential action that received the lowest levels of support.

Respondents were then asked to indicate which three of the potential actions are most important to their household. Based on the sum of respondents’ top three choices acquiring shoreline for water/beach access (39%), developing a new regional indoor community aquatic center (29%), and acquiring properties to preserve natural open space and wildlife habitats (25%) were the most important potential actions that are most important to households.

Additional Findings

- Most of respondents (95%) are aware of Log Boom Park and 94% of respondents are aware of Rhododendron Park.
- Sixty-nine percent (69%) of respondents' access City Parks and Recreation facilities by driving, 57% of respondent households access City Parks and Recreation facilities by walking, 17% of respondents access City Parks and Recreation facilities by biking, and 1% of respondent households ride the bus to access City Parks and Recreation facilities.
- Fifty-six percent (56%) of respondents indicated they currently get information about recreational, cultural, and community event programs in the City of Kenmore from friends and family/word of mouth, 46% use the City of Kenmore's printed newsletter, and 36% use the Bothell-Kenmore Reporter newspaper. The radio (4%) was the least used method of communication.
- Restrooms (73%), walking paths (67%), and parking (55%) were the most important park features to respondents and their households. Based on the sum of respondents' top three choices walking paths (47%), restrooms (45%), and parking (29%) are the three most important features to be added to or improved in the City of Kenmore.
- State parks (60%), King County Parks (55%), Cities of Bothell, Kirkland, Woodinville, and Lake Forest Park (53%), and the City of Kenmore (52%) are the organizations most used by households for parks, recreation, and cultural programs and facilities.
- Seventy-four percent (74%) of respondent households gave recreation opportunities in the City a rating between 6 to 8, on a 10-point scale (1 being "no opportunities" and 10 being "extensive opportunities").
- Seventy percent (70%) of respondent households gave the quality of recreation programs/classes in the City a rating between 6 to 8, on a 10-point scale (1 being "lowest quality" and 10 being "highest quality").
- Sixty-eight percent (68%) of respondent households gave the opportunity to attend community event(s) in the City a rating between 6 to 8, on a 10-point scale (1 being "no opportunities" and 10 being "extensive opportunities").
- Fifty-three percent (53%) of respondents indicated they or members of their household has attended community event(s) in the past 12-months. The most attended community events in the past 12 months include: Kenmore Fourth of July Fireworks (59%), Kenmore Summer Concert Series (57%), and Tree Lighting Festival and Holiday Market (30%).

Conclusions

The survey data suggests the City of Kenmore is currently meeting or exceeding most of the parks and recreation needs of residents in the community. Respondents are extremely satisfied with the physical condition of the parks and recreation facilities they visit (92% gave "excellent" or "good" ratings), there are high usage rates of the City's facilities and parks, and most respondents

(79%) are satisfied with the number of City-owned parks and recreation facilities available to their household. More than half (54%) of respondents indicated they are either “very satisfied” or “satisfied” with the overall value their household receives from the City of Kenmore for parks, recreation, and community events and respondents are satisfied with the progress the City is making in improving and investing in parks and recreation facilities.

To ensure the City of Kenmore continues to meet the needs and expectations of the community, ETC Institute suggests the Parks and Recreation Department sustain and/or improve the performance in areas that were identified as “high priorities” by the **Priority Investment Rating (PIR)**. In addition to focusing on the “high priority” areas identified by the Priority Investment Ratings, City leaders should take note of the overwhelming support for and importance of shoreline water/beach access. Acquiring shoreline for water/beach access received the highest levels of support from respondents and was also found to be the most important potential improvement to households. The facilities and programs/activities with the highest PIR ratings are listed below.

Facility Priorities

- Indoor swimming pool/aquatic center (PIR=195.2)
- Nature trails (PIR=153.4)
- Paved walking/biking paths (PIR=144.4)
- Indoor exercise/fitness facilities (PIR=134.4)
- Off-leash dog parks (PIR=126.8)
- Natural areas/reserves (PIR=119.3)
- Community/recreation center (PIR=113.3)

Program/Activity Priorities

- Adult fitness and wellness programs (PIR=200)
- Nature/environmental education programs (PIR=115.9)
- Cultural event programs (PIR=103.8)
- Community event programs (PIR=102.8)
- Programs for adults 50+ (PIR=102.3)
- Adult painting, arts, sculpturing classes (PIR=102.0)

Section 1

Charts and Graphs

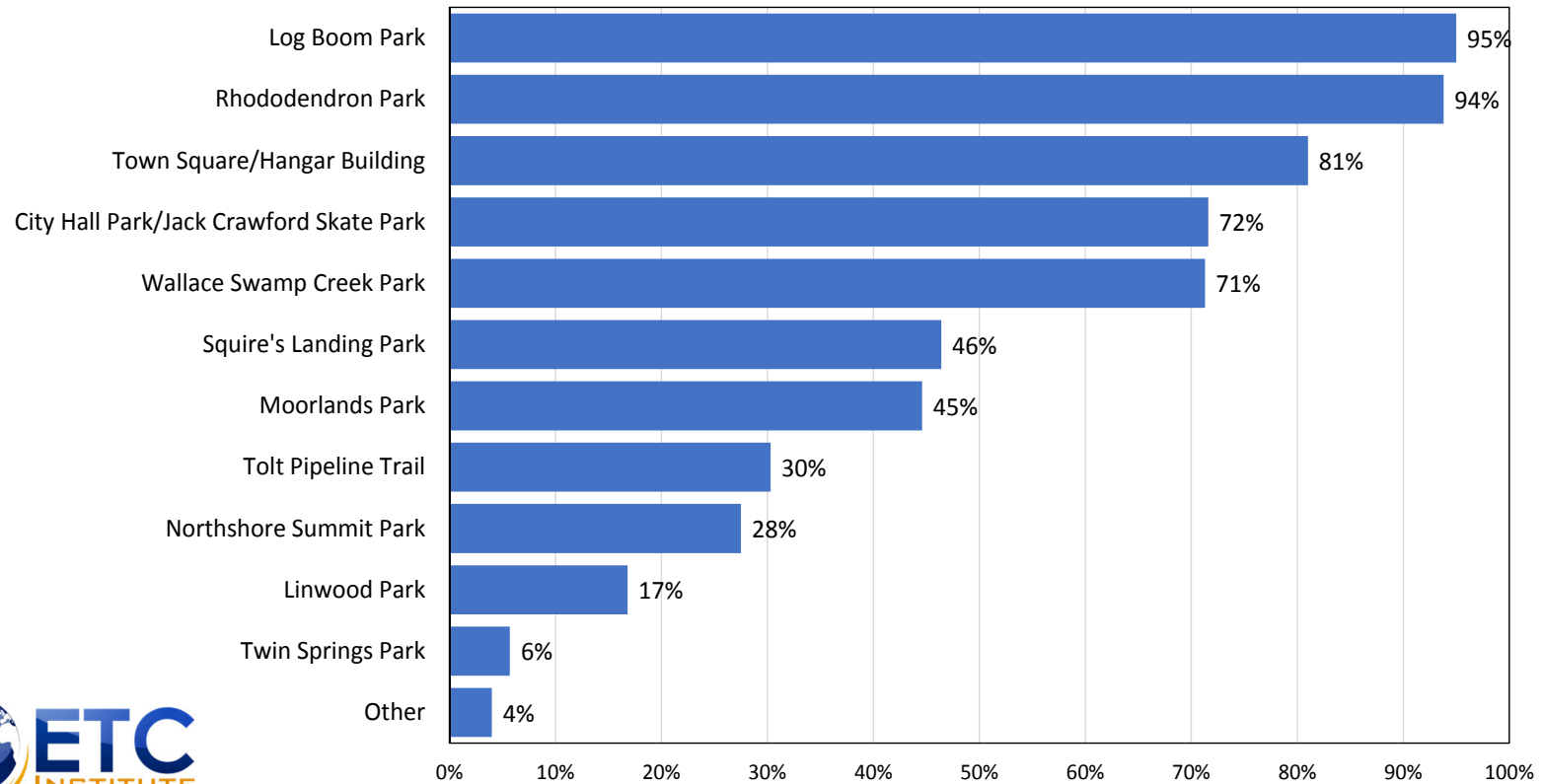
2019 City of Kenmore Parks and Recreation Survey Charts and Graphs of Overall Results



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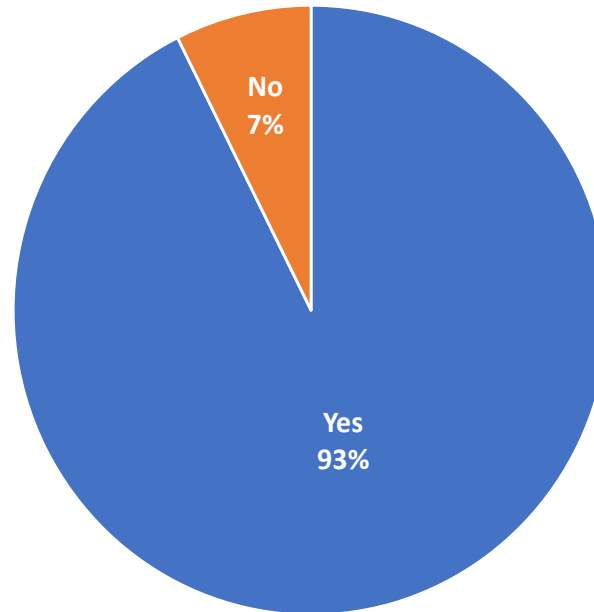
Q1. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities that you are aware of.

by percentage of respondents (multiple choices could be chosen)



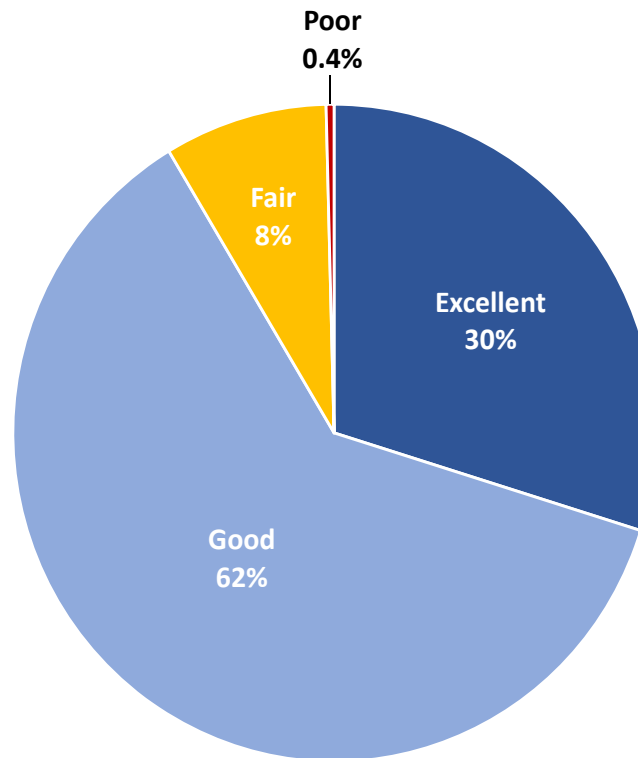
Q2. In the past 12 months, have you or any member of your household visited any of the City of Kenmore parks and recreation facilities listed in Question 1?

by percentage of respondents



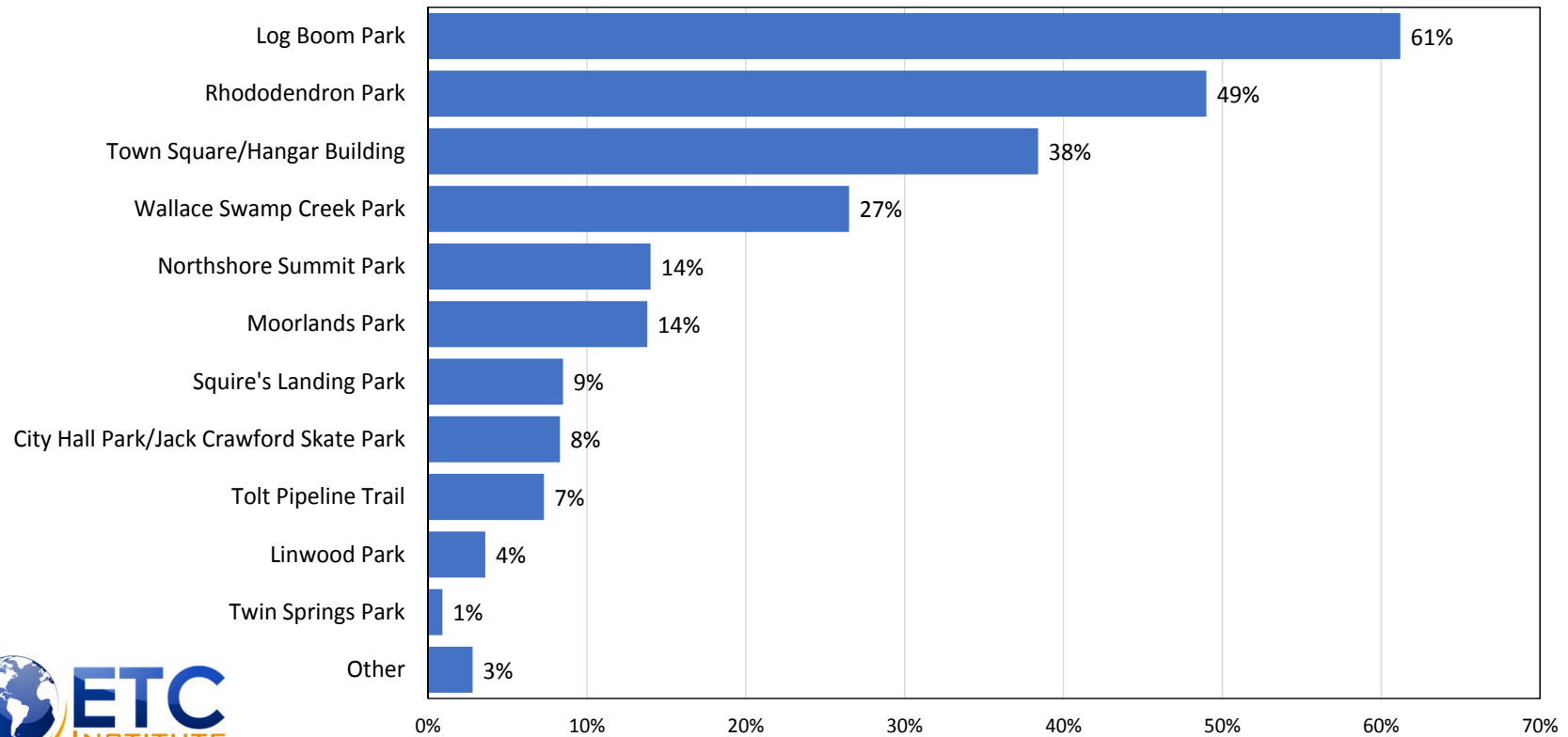
Q2a. Overall, how would you rate the physical condition of ALL the City of Kenmore parks and recreation facilities you have visited?

by percentage of respondents who have visited facilities in the past 12-months



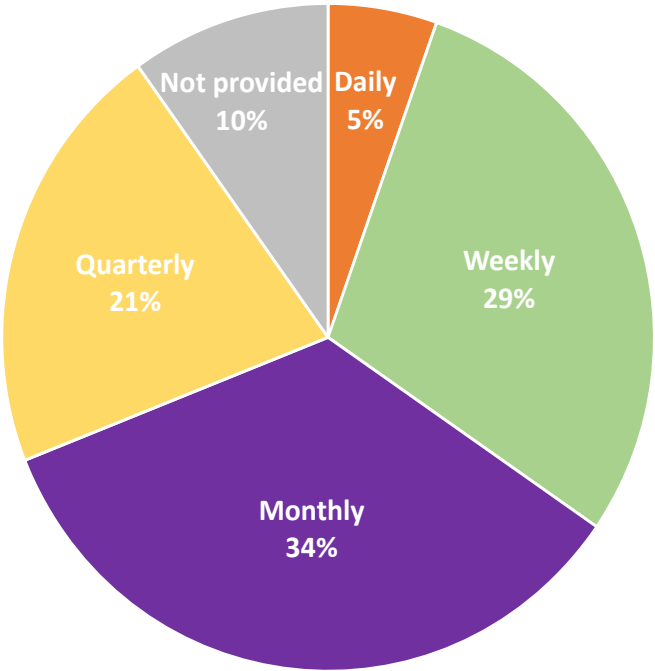
Q3. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities you visit regularly.

by percentage of respondents (multiple choices could be chosen)



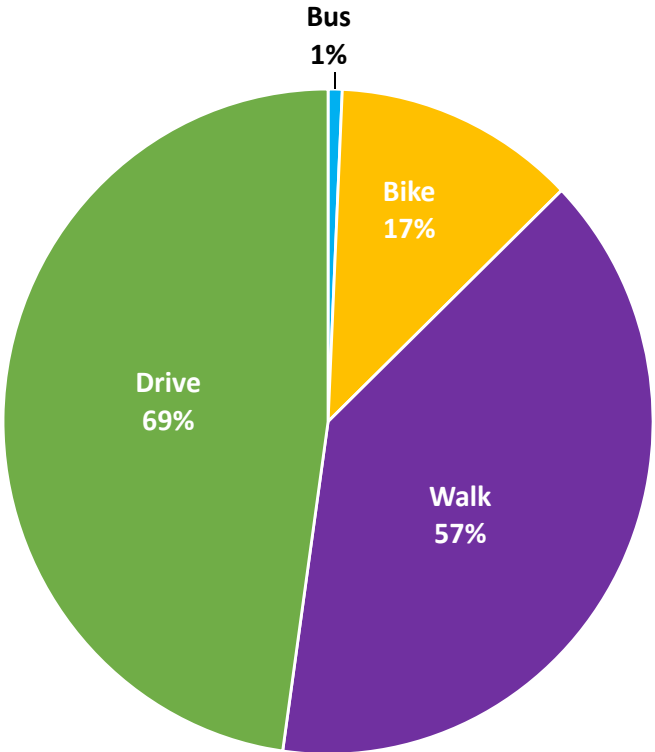
Q3a. How often do you visit the City of Kenmore park and recreation facilities you checked in Question 3?

by percentage of respondents



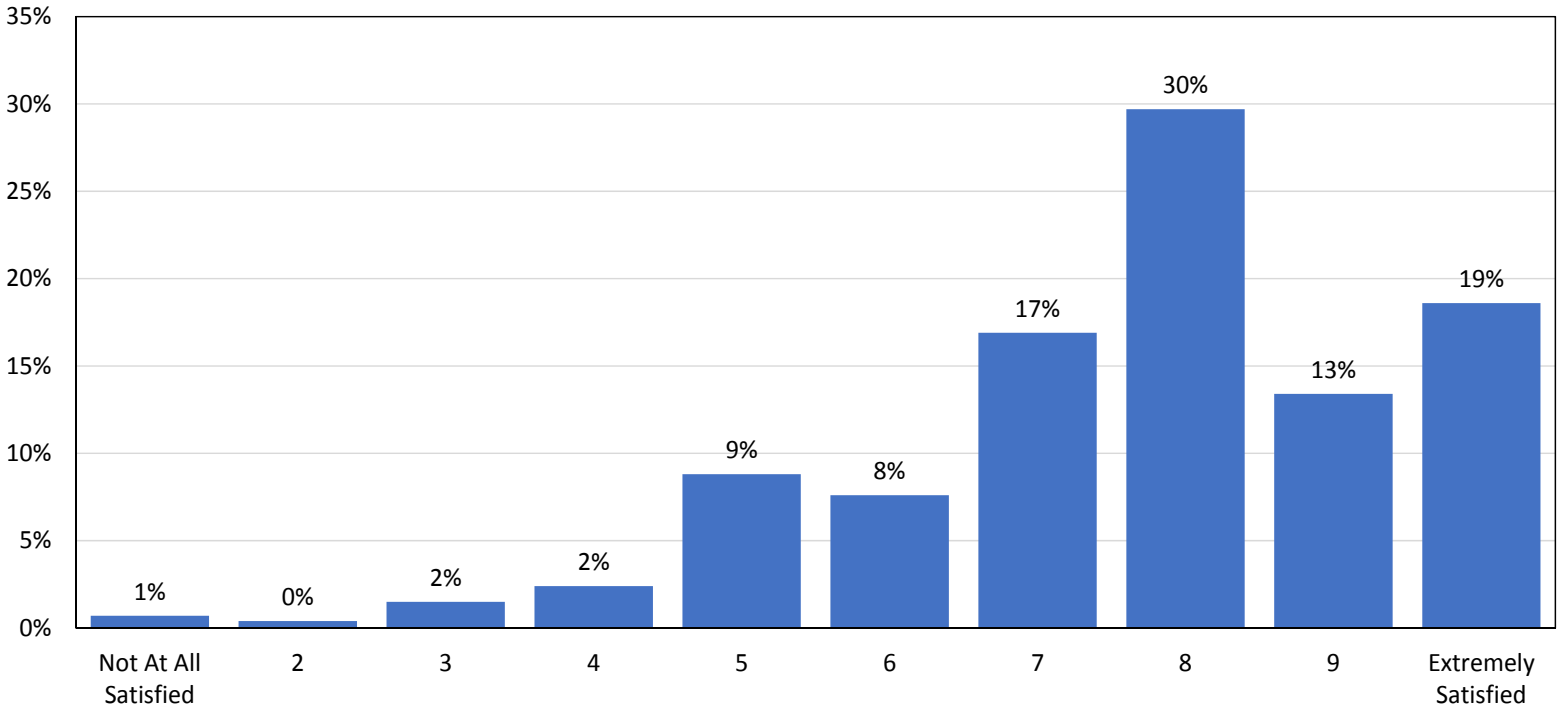
Q3b. How do you access the City of Kenmore parks and recreation facilities
you checked in Question 3?

by percentage of respondents



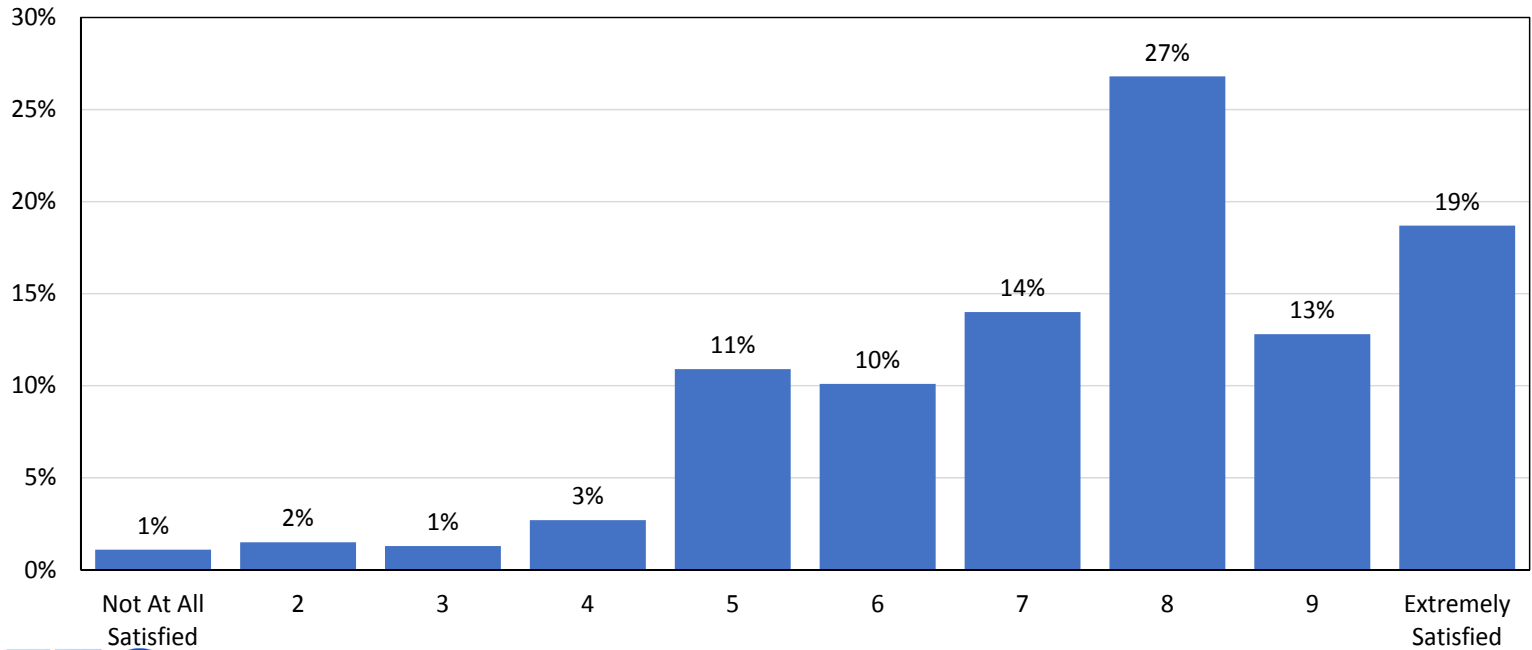
Q4. How satisfied are you with the number of City-owned parks and recreation facilities in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



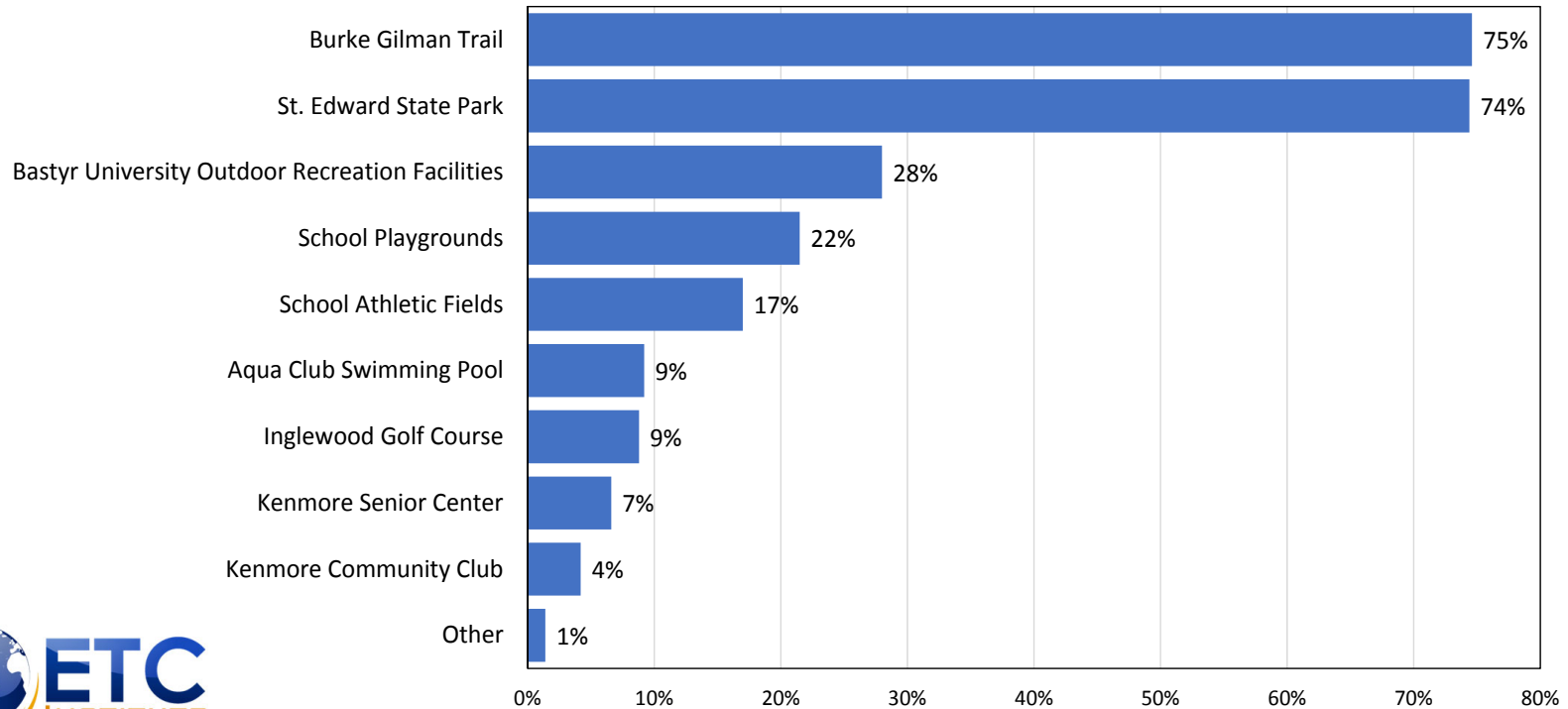
Q5. How satisfied are you with the progress that the City is making in improving and investing in parks and recreation facilities in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



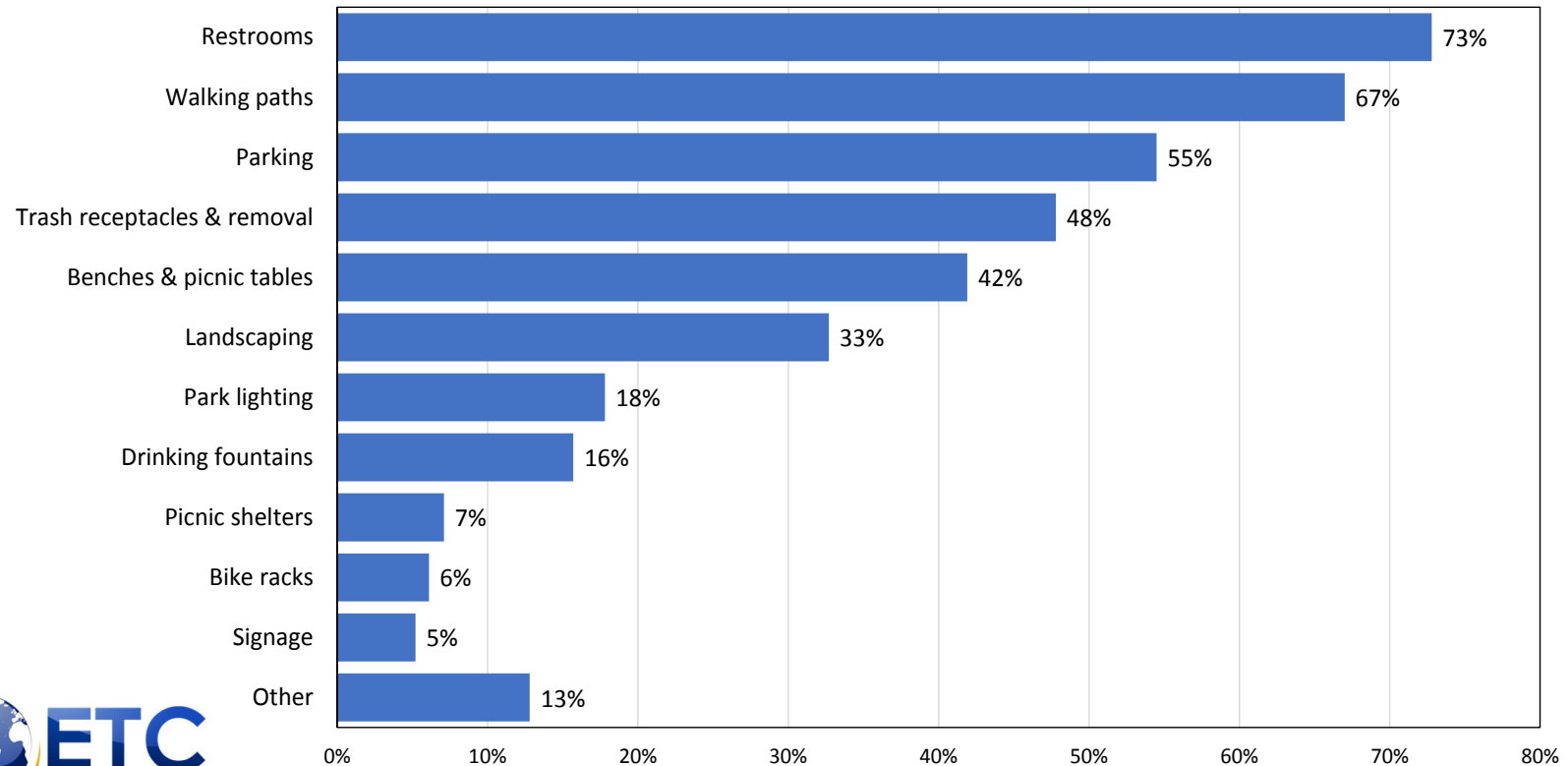
Q6. From the following list, please CHECK ALL the parks and recreation facilities operated by OTHER providers that you visit regularly in the City of Kenmore.

by percentage of respondents (multiple choices could be chosen)



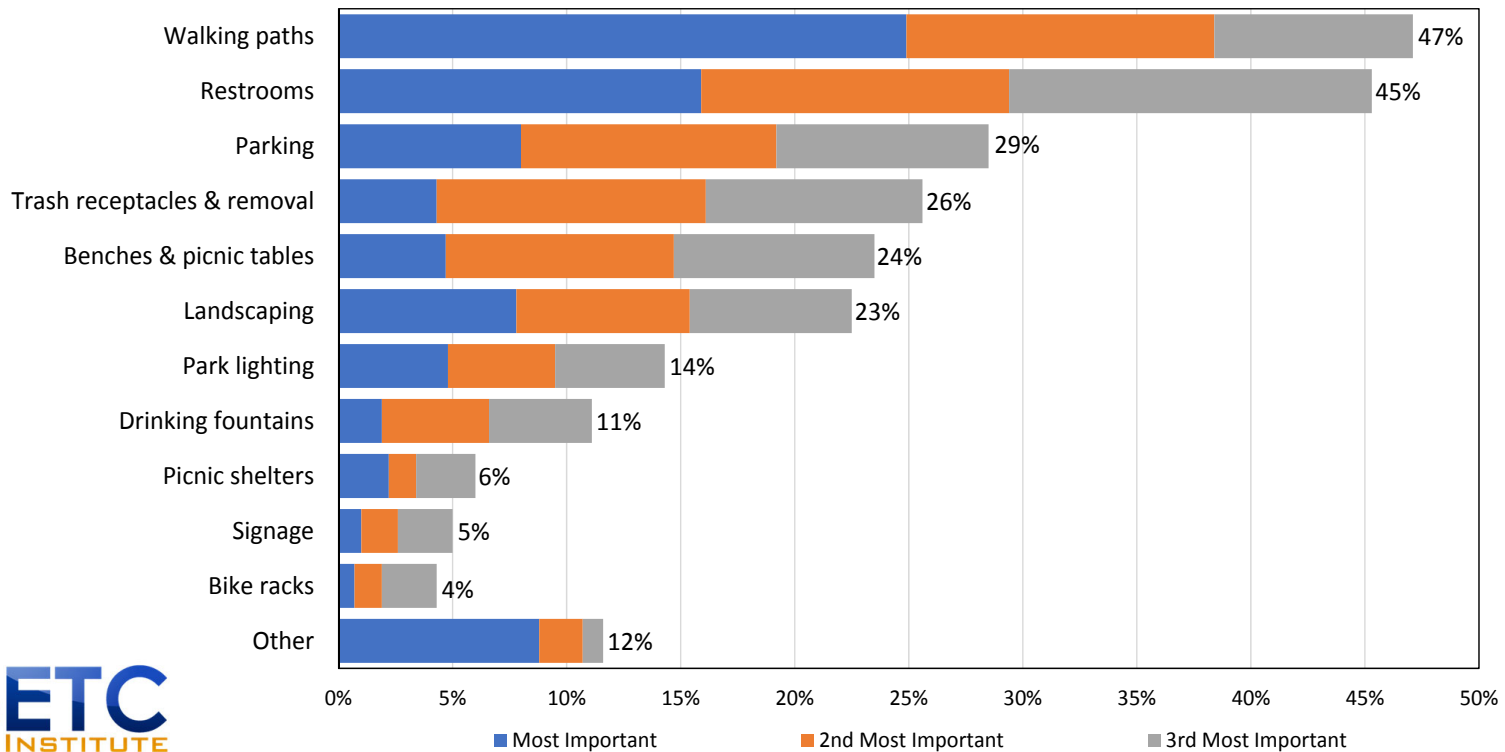
Q7. From the following list, please check the FOUR park features found in public parks that are MOST IMPORTANT to you and your household.

by percentage of respondents who selected the items as one of their top four choices



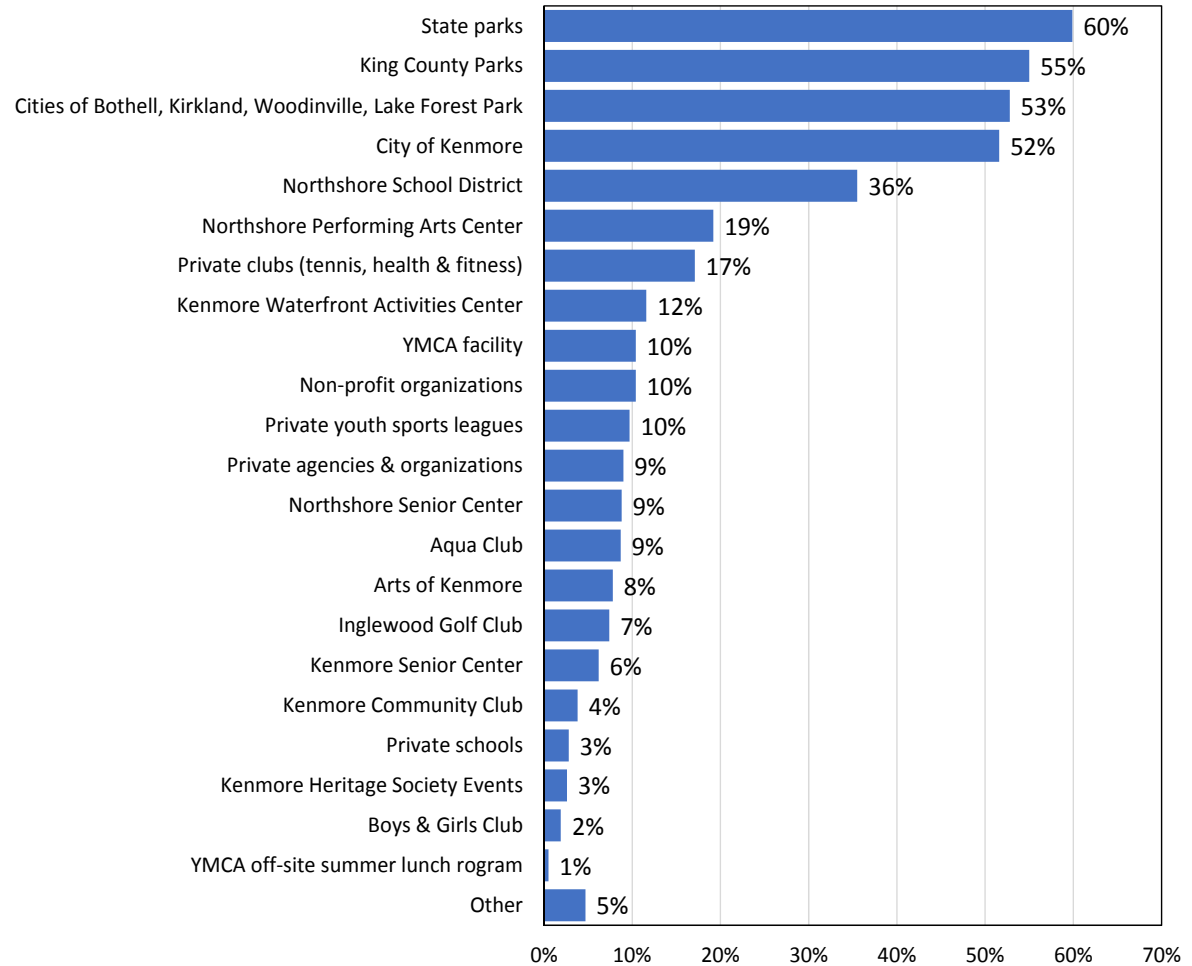
Q8. Of the park features listed in Question 7, please choose the **THREE** park features you feel are **MOST IMPORTANT** to be added or improved in Kenmore?

by percentage of respondents who selected the items as one of their top three choices



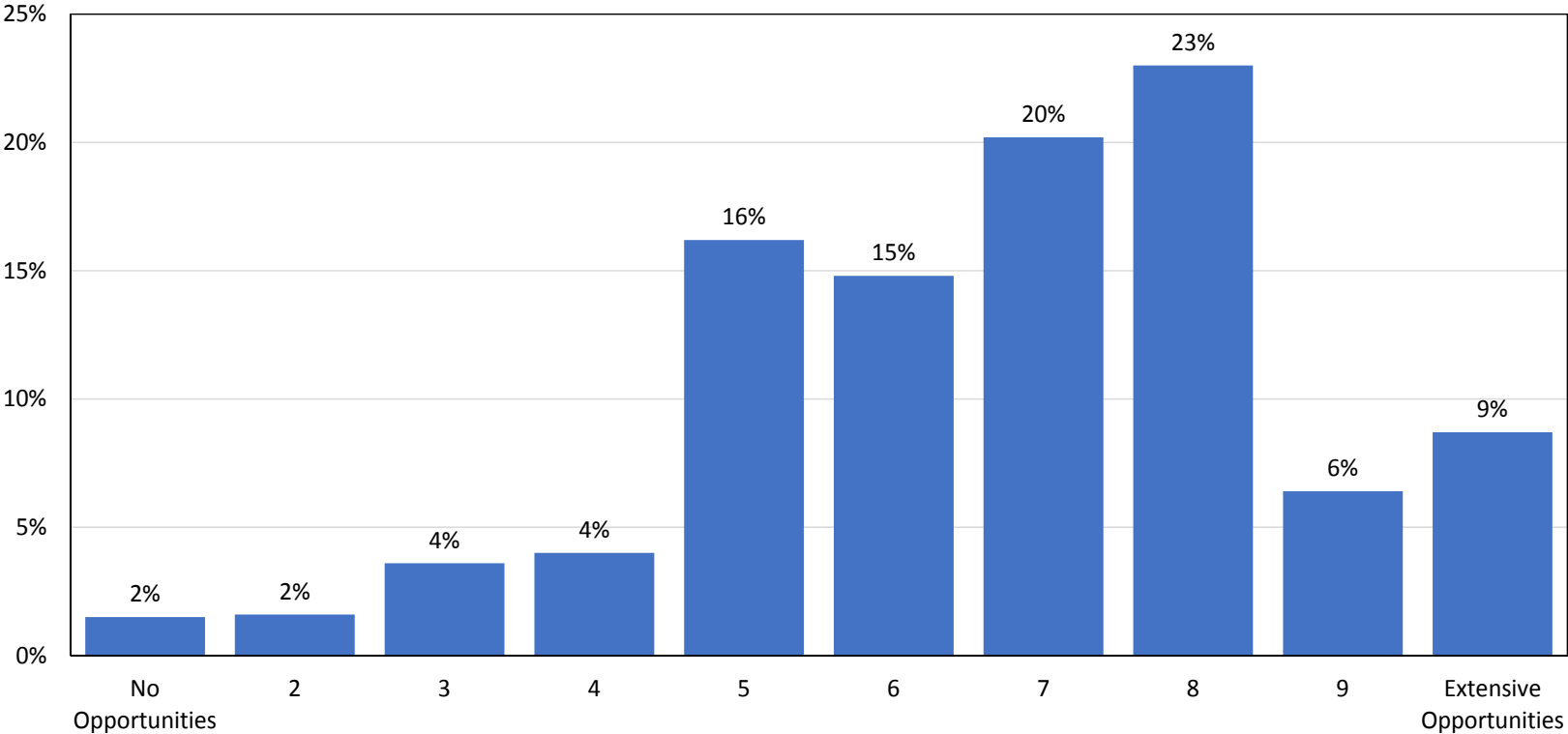
Q9. From the following list, please CHECK ALL the organizations that you and members of your household use for parks, recreation and cultural programs and facilities.

*by percentage of respondents
(multiple choices could be chosen)*



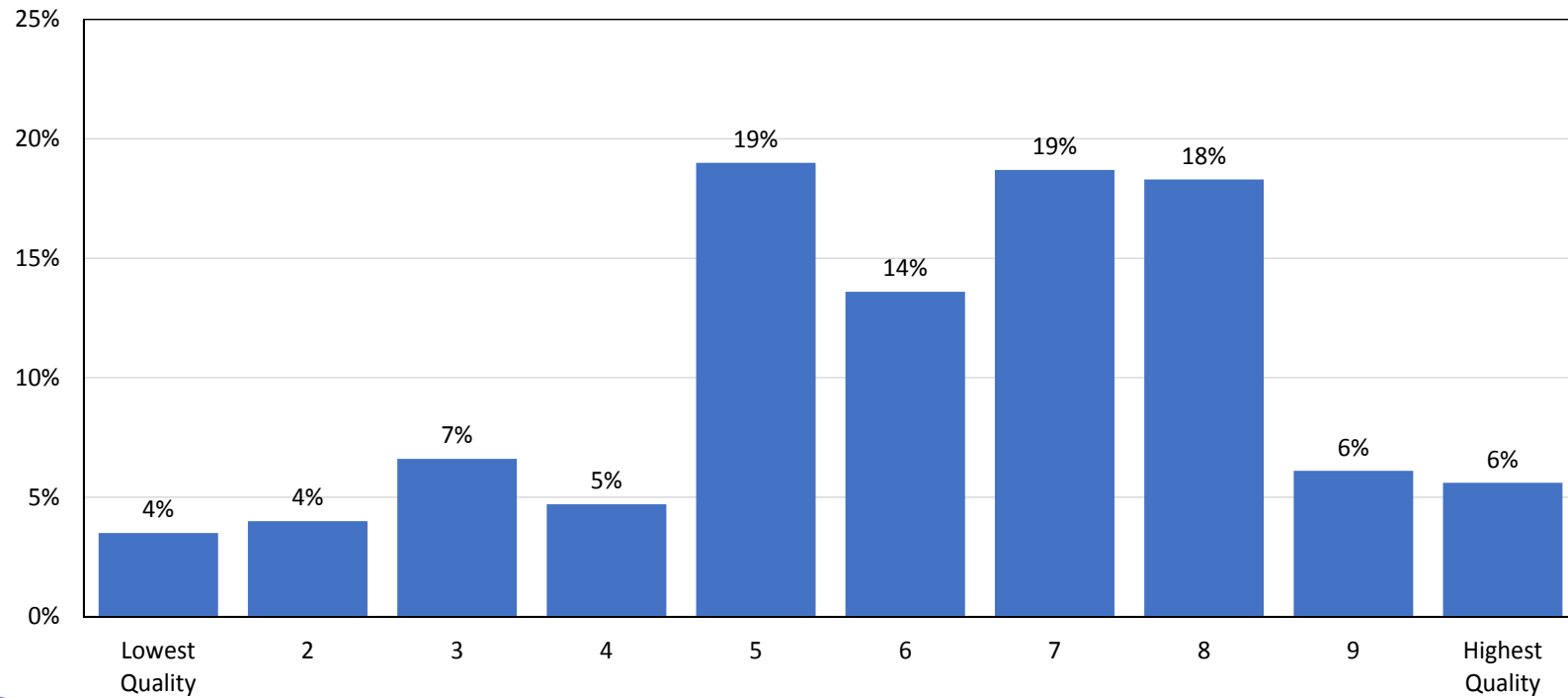
Q10. How would you rate the recreational opportunities in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



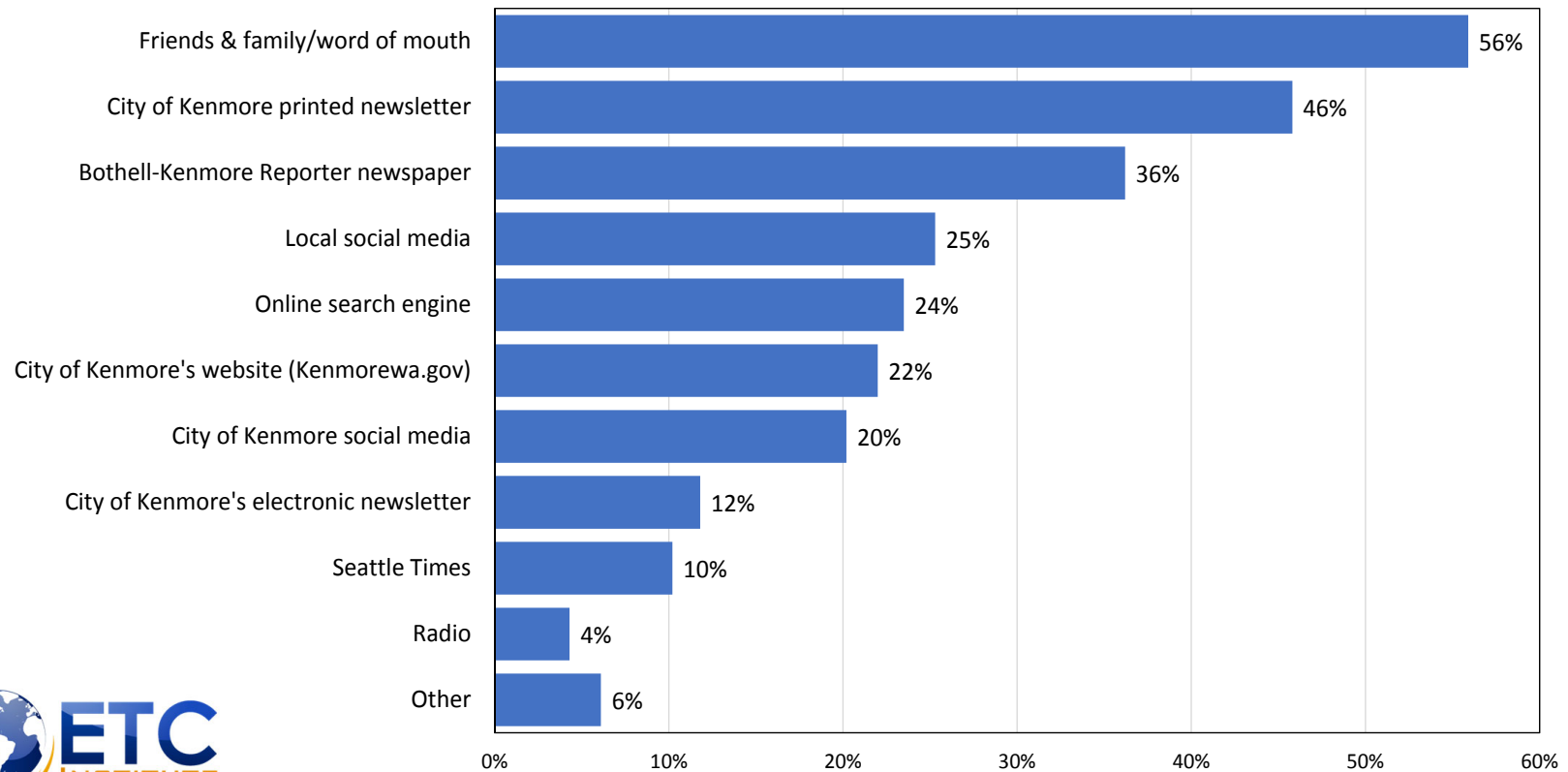
Q11. How would you rate the quality of recreation programs or classes in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



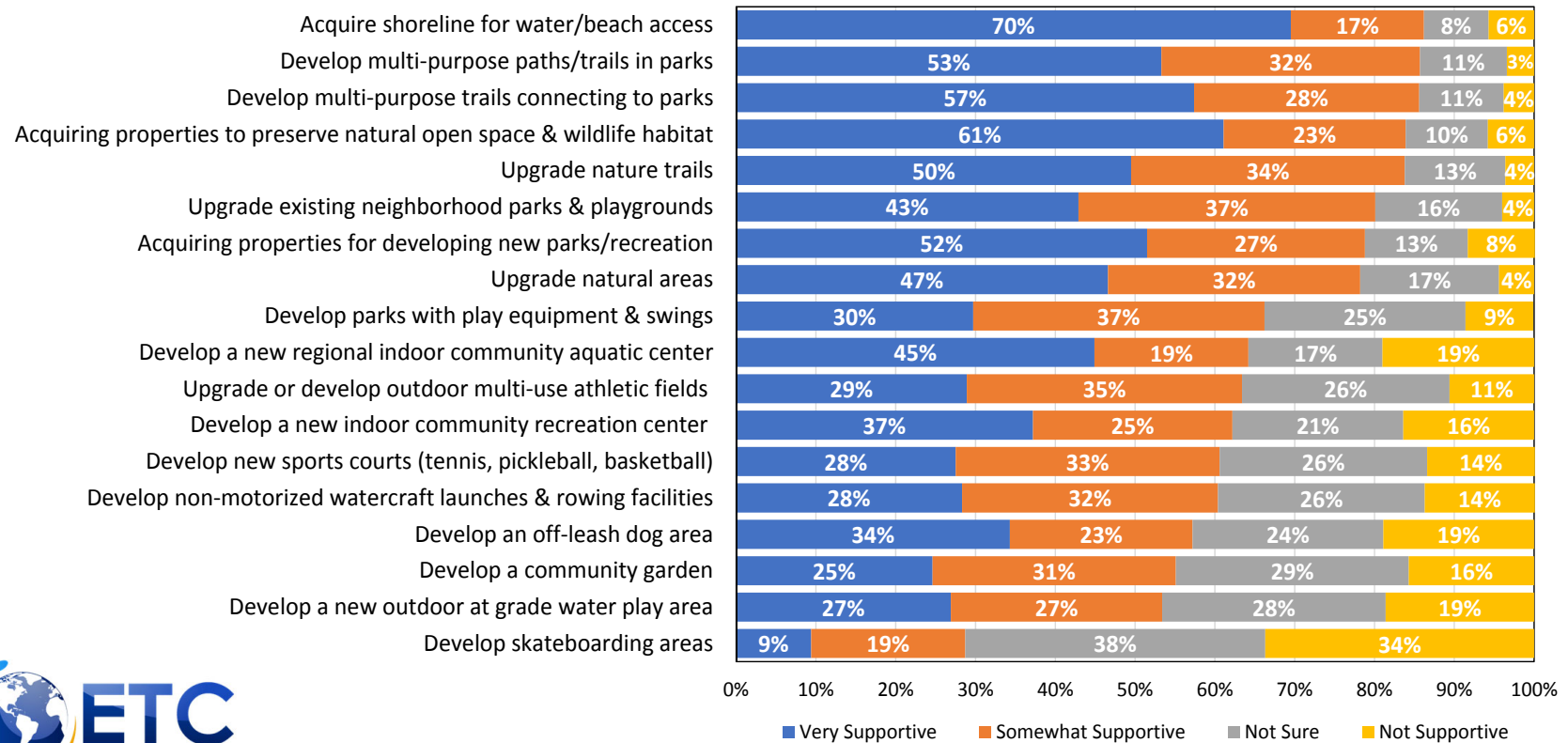
Q12. How do you currently get information about recreational, cultural, and community event programs in the City of Kenmore?

by percentage of respondents



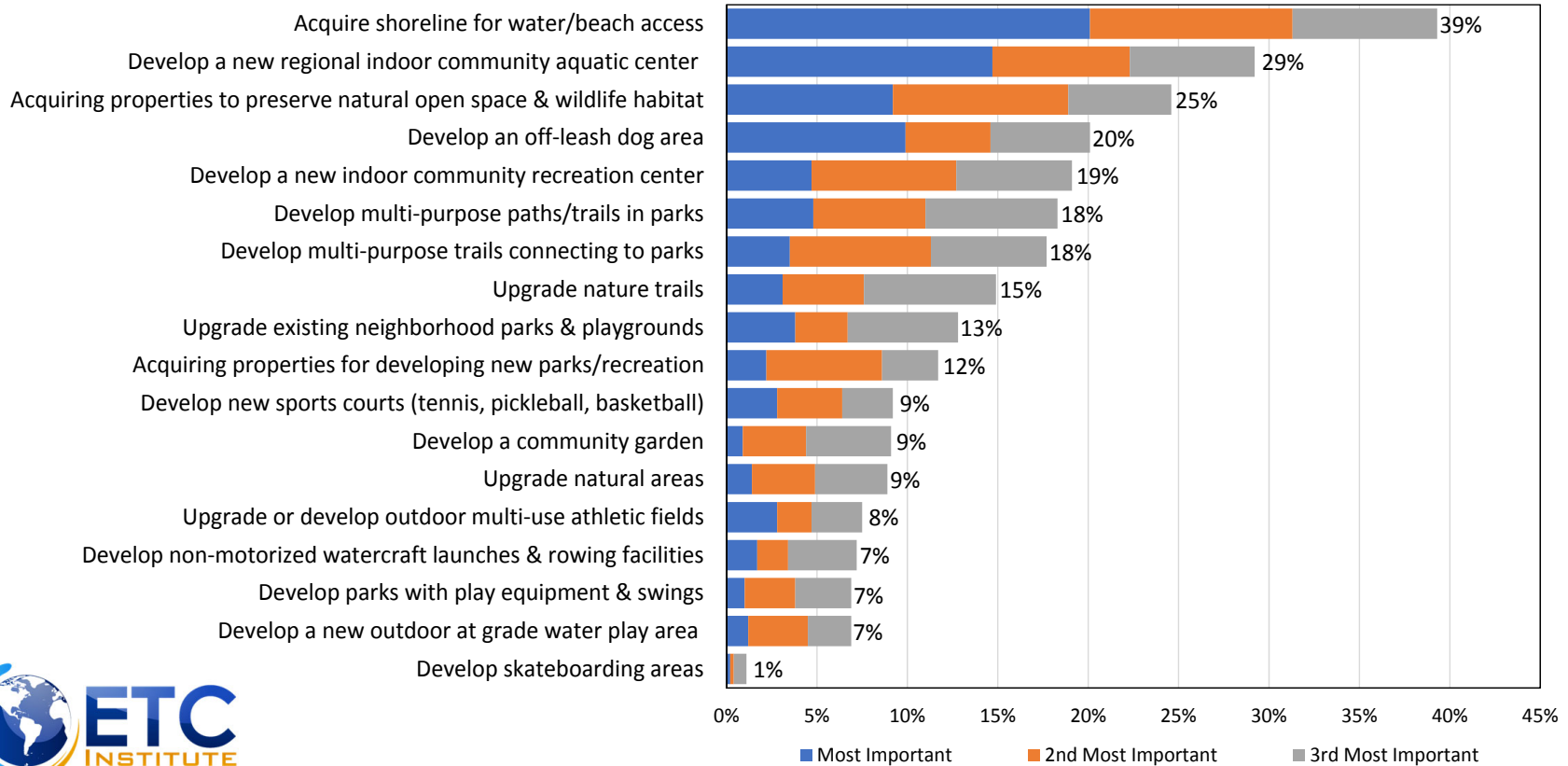
Q13. How supportive are you and your household of the City taking each of the following actions in the future to improve and expand parks and recreation facilities?

by percentage of respondents who rated the item as a 1 to 4 on a 4-point scale (excluding "not provided")



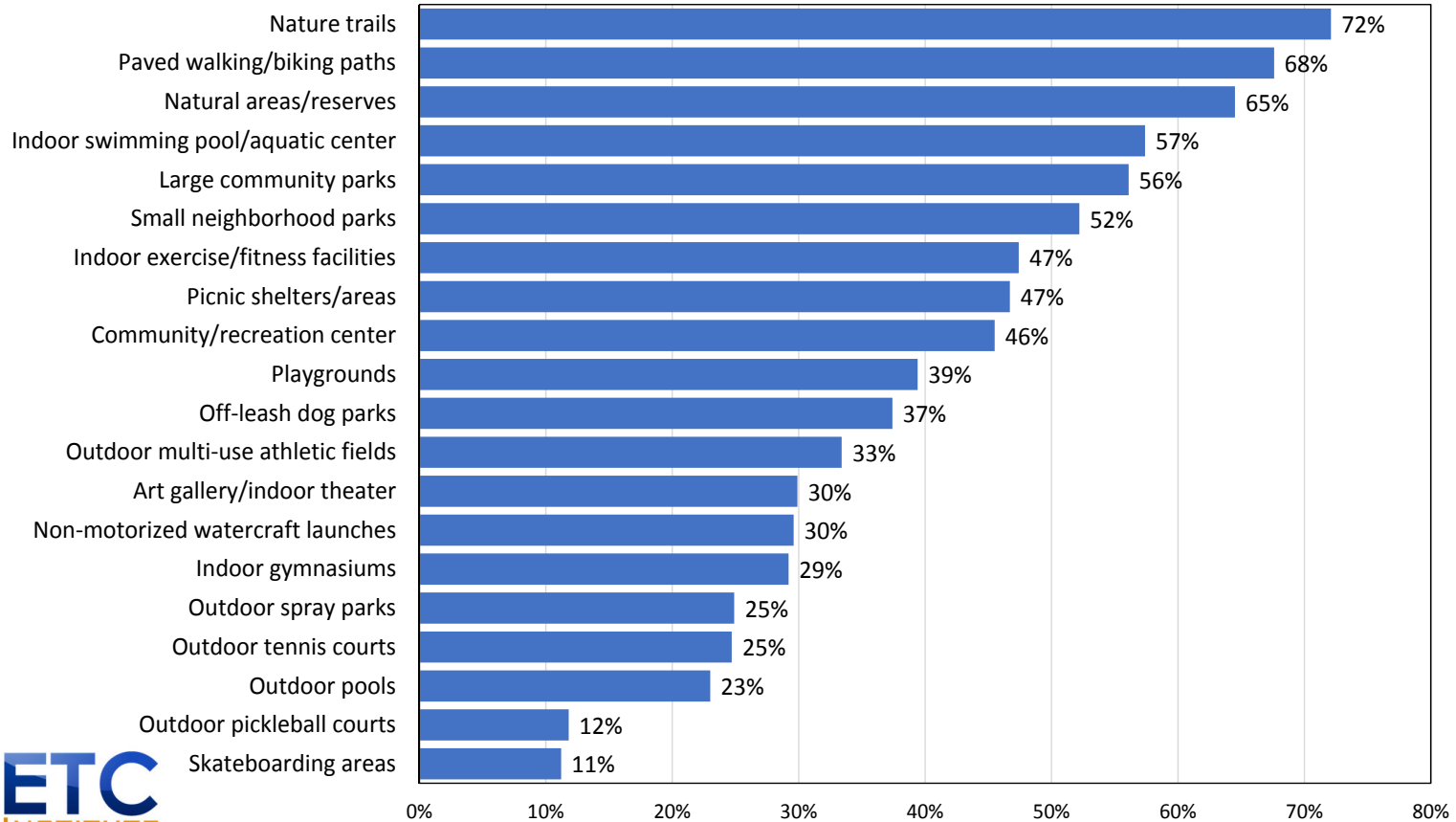
Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household?

by percentage of respondents who selected the items as one of their top three choices



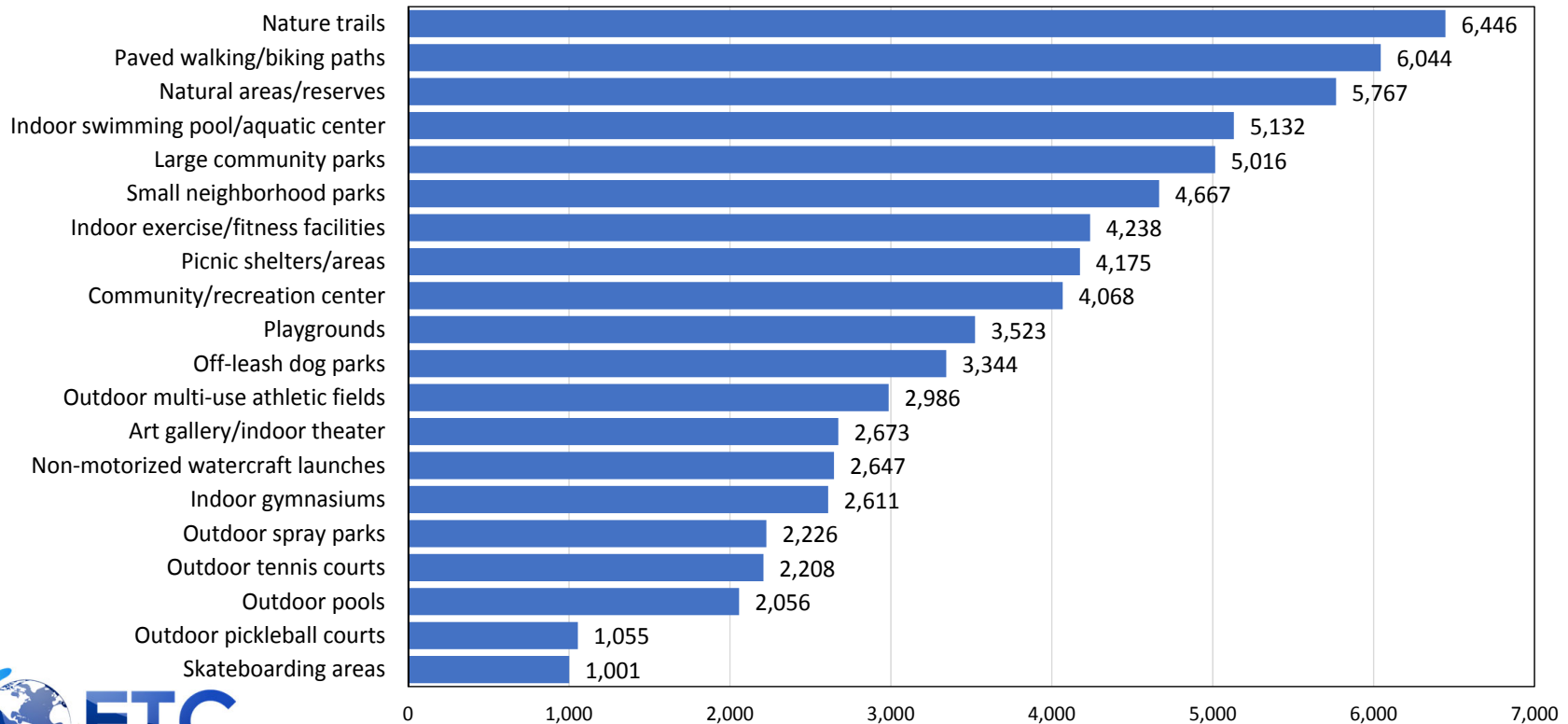
Q15. Facilities Respondent Households Have a Need For

by percentage of respondents (multiple choices could be made)



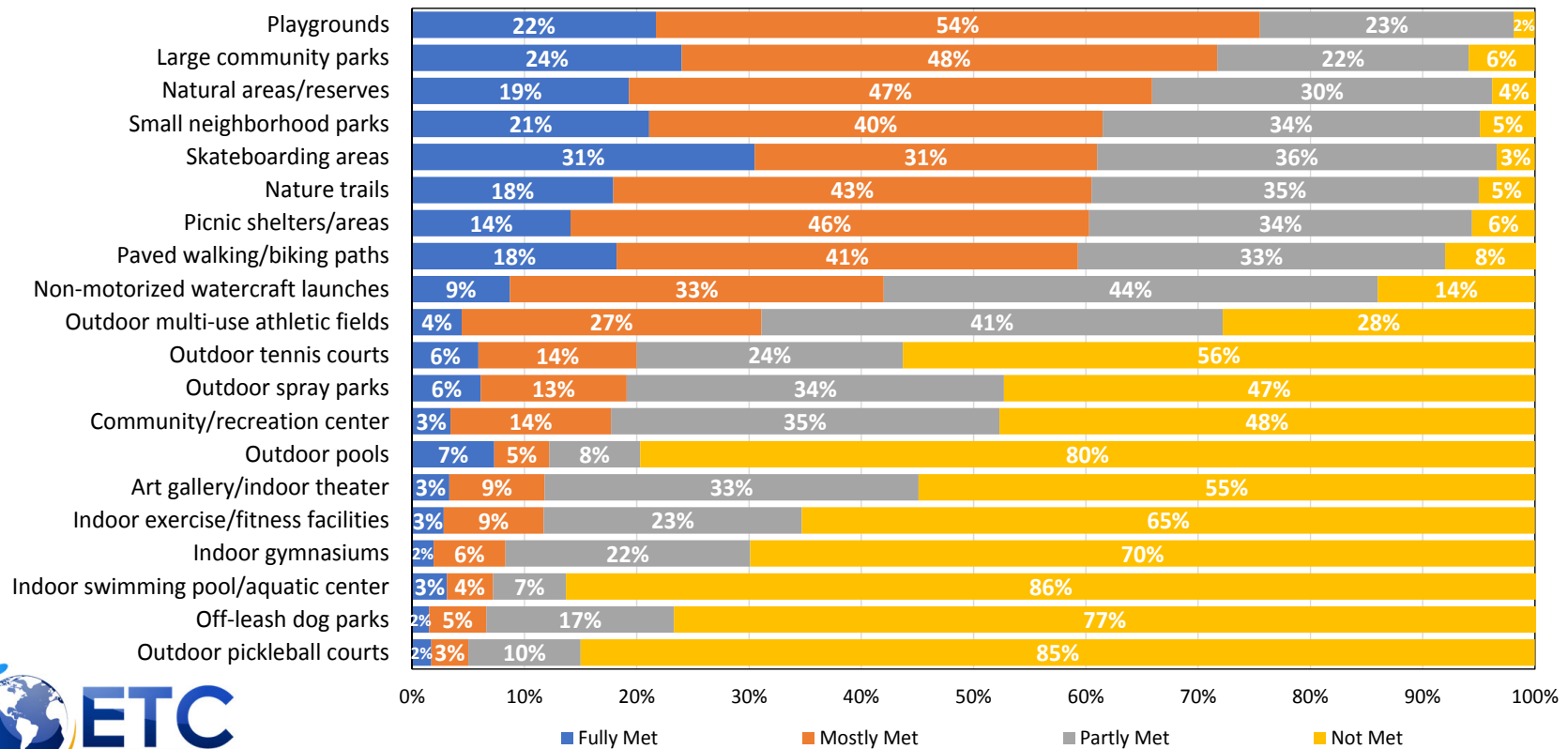
Q15. Estimated Number of Households That Have a Need for Various Facilities

by number of households based on 8,941 households in the City of Kenmore, Washington



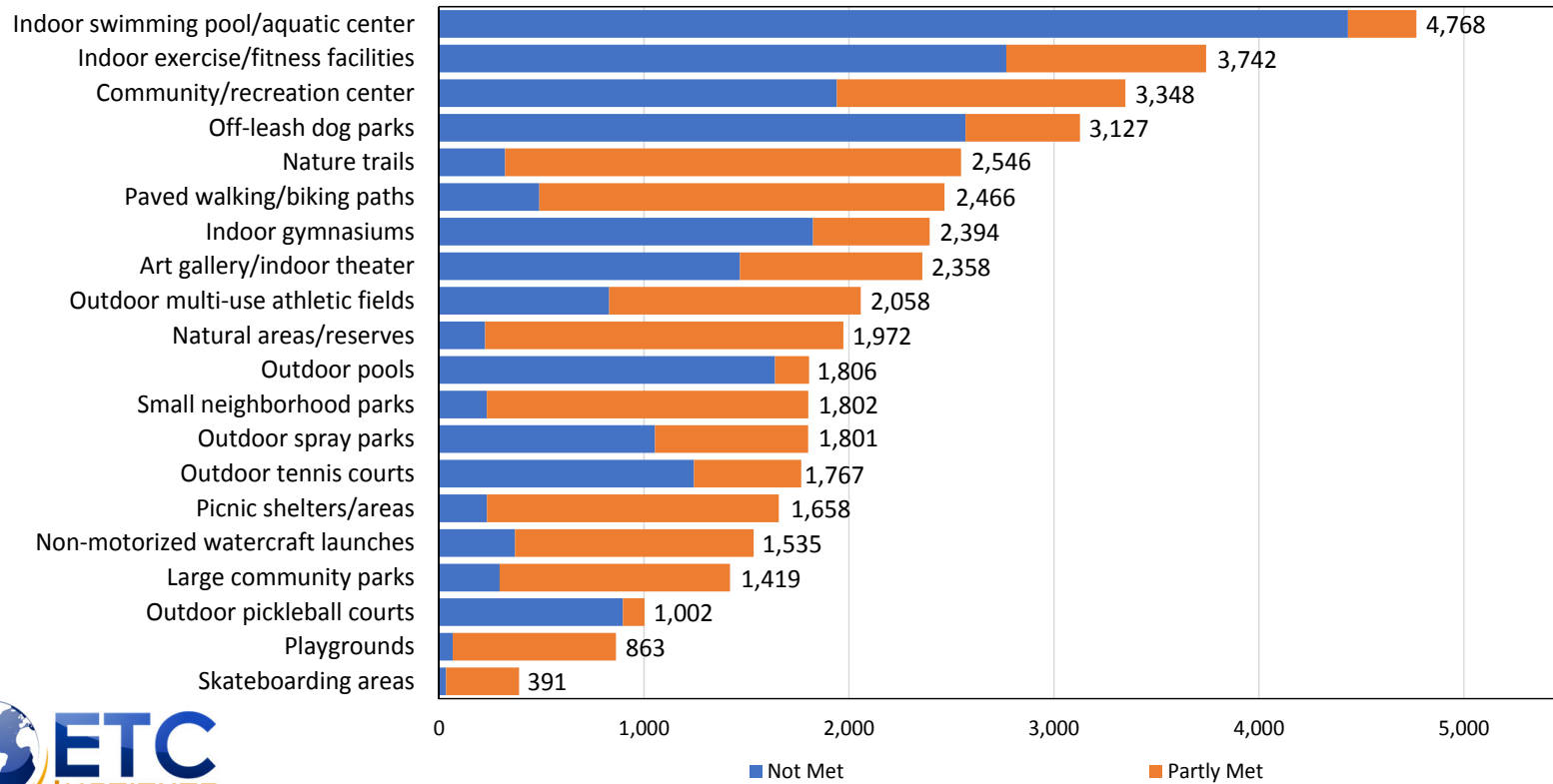
Q15. How Well Parks and Recreation Facilities Meet the Needs for Respondent Households

by percentage of respondents with a need for facilities



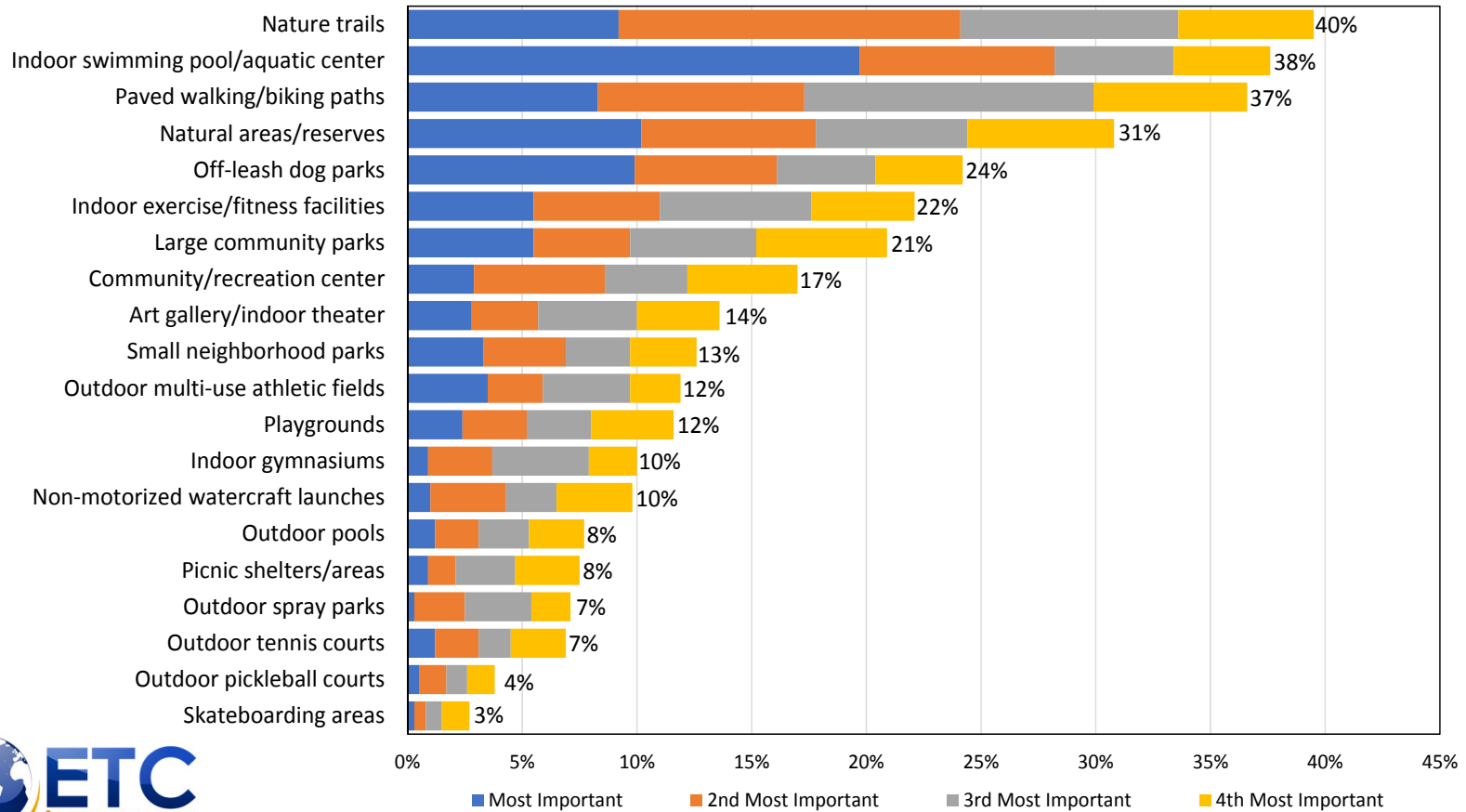
Q15. Estimated Number of Households Whose Needs for Facilities Are Being Not Met or Partly Met

by number of households based on 8,941 households in the City of Kenmore, Washington



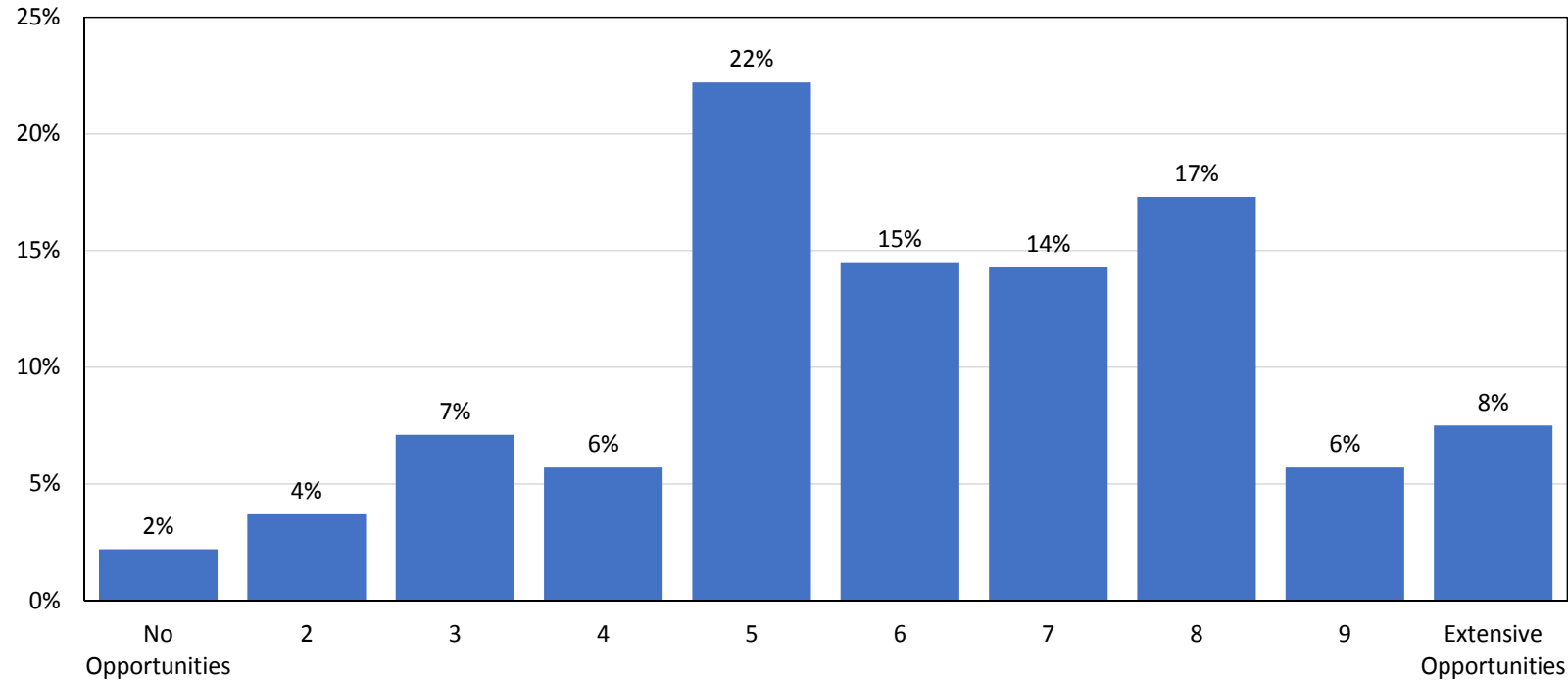
Q16. Facilities That Are Most Important to Households

by percentage of respondents who selected the items as one of their top four choices



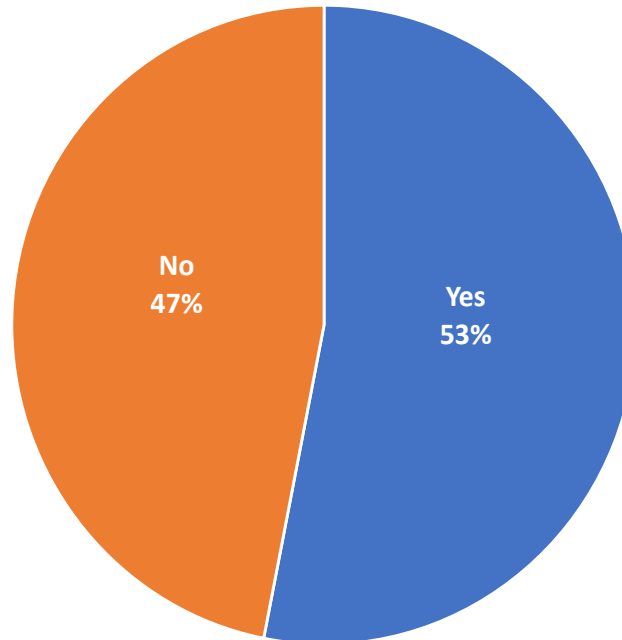
Q17. How would you rate the opportunity to attend community event(s) in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale



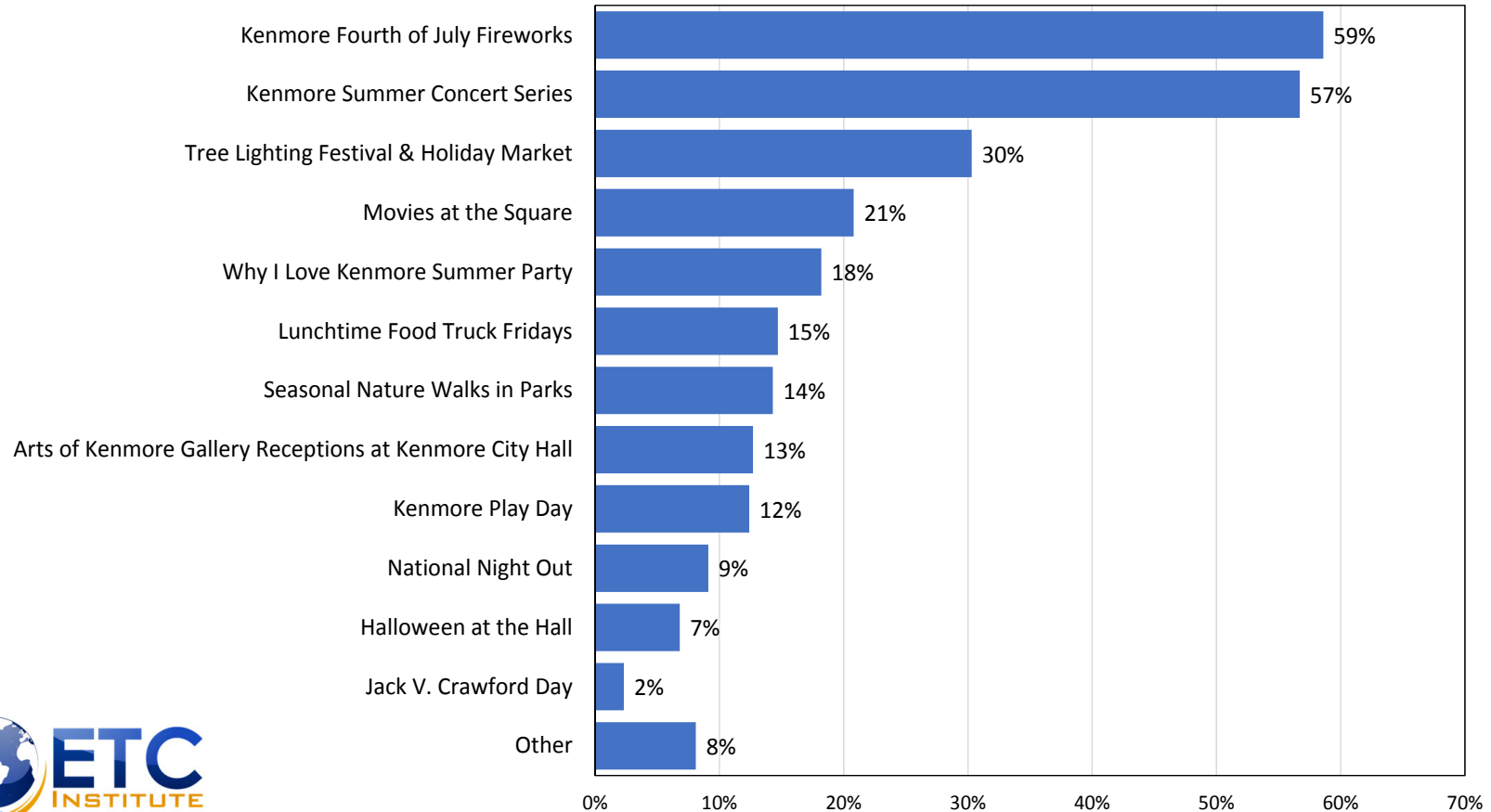
Q18. In the past 12 months, have you or any member of your household attended any community event(s) in the City of Kenmore?

by percentage of respondents



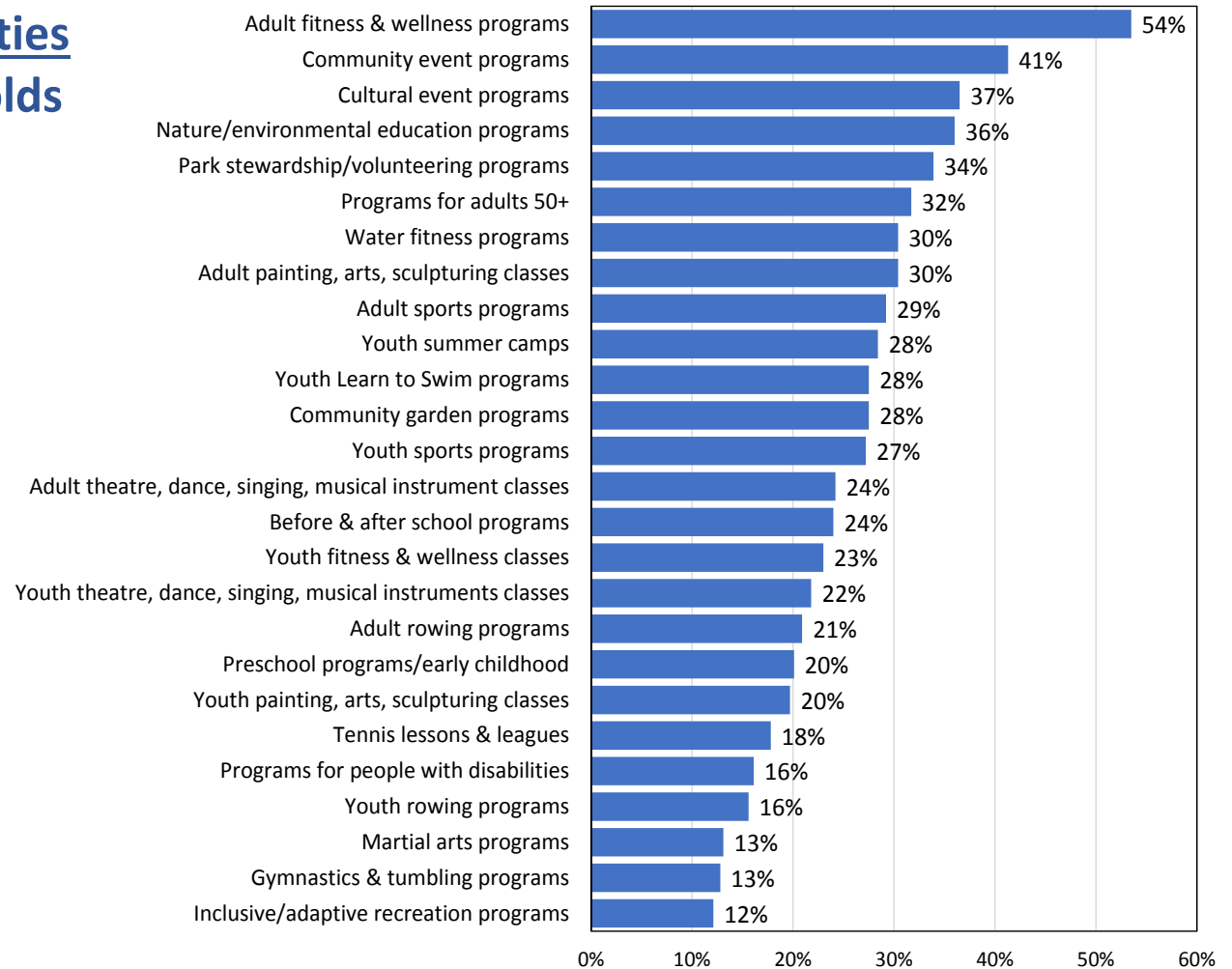
Q18a. Which of the following community event(s) did you attend?

by percentage of respondents who attended community event(s) in the past 12-months



Q19. Programs/Activities Respondent Households Have a Need For

*by percentage of respondents
(multiple choices could be chosen)*



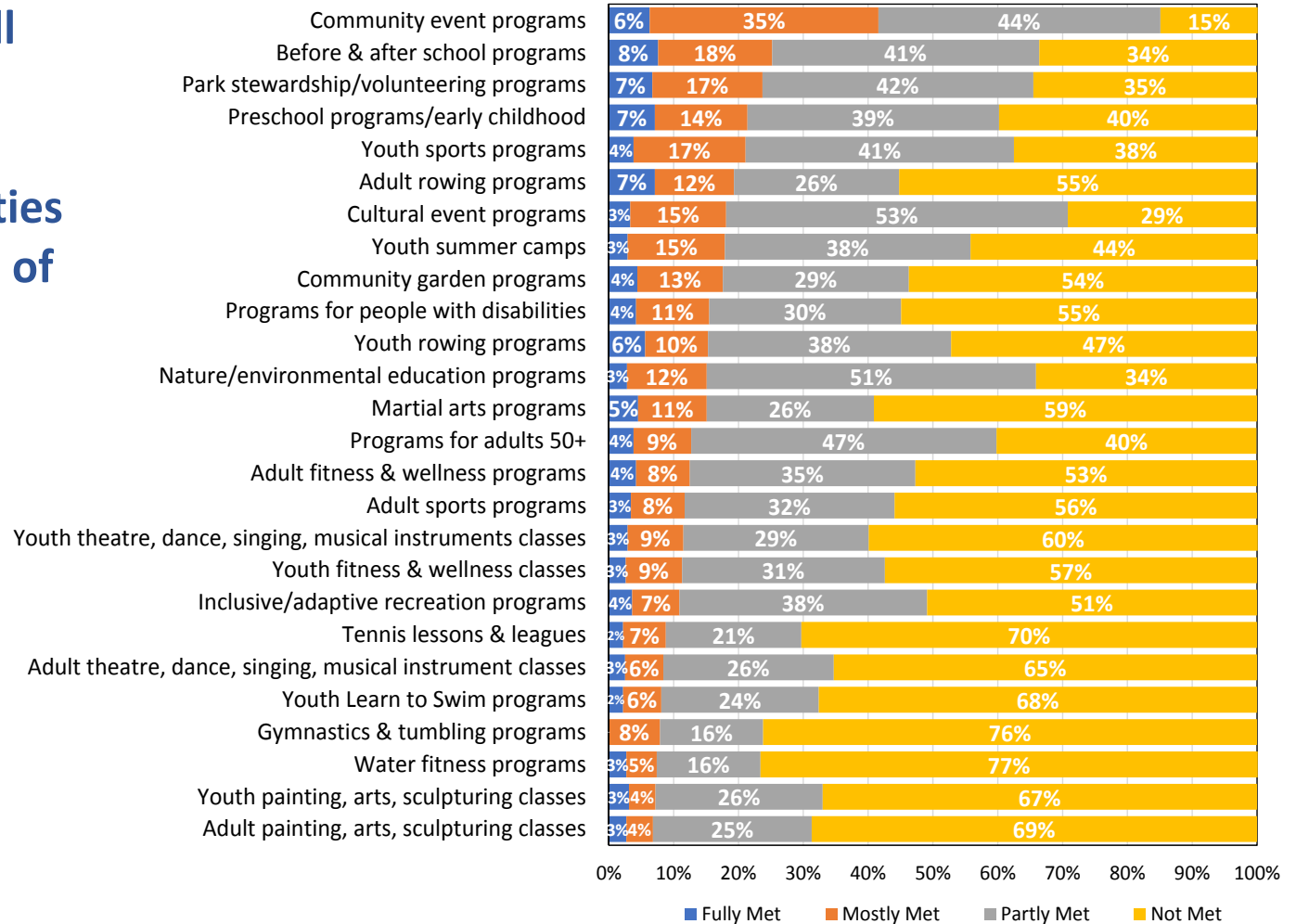
Q19. Estimated Number of Households That Have a Need for Various Programs/Activities

*by number of households based on 8,941 households
in the City of Kenmore, Washington*



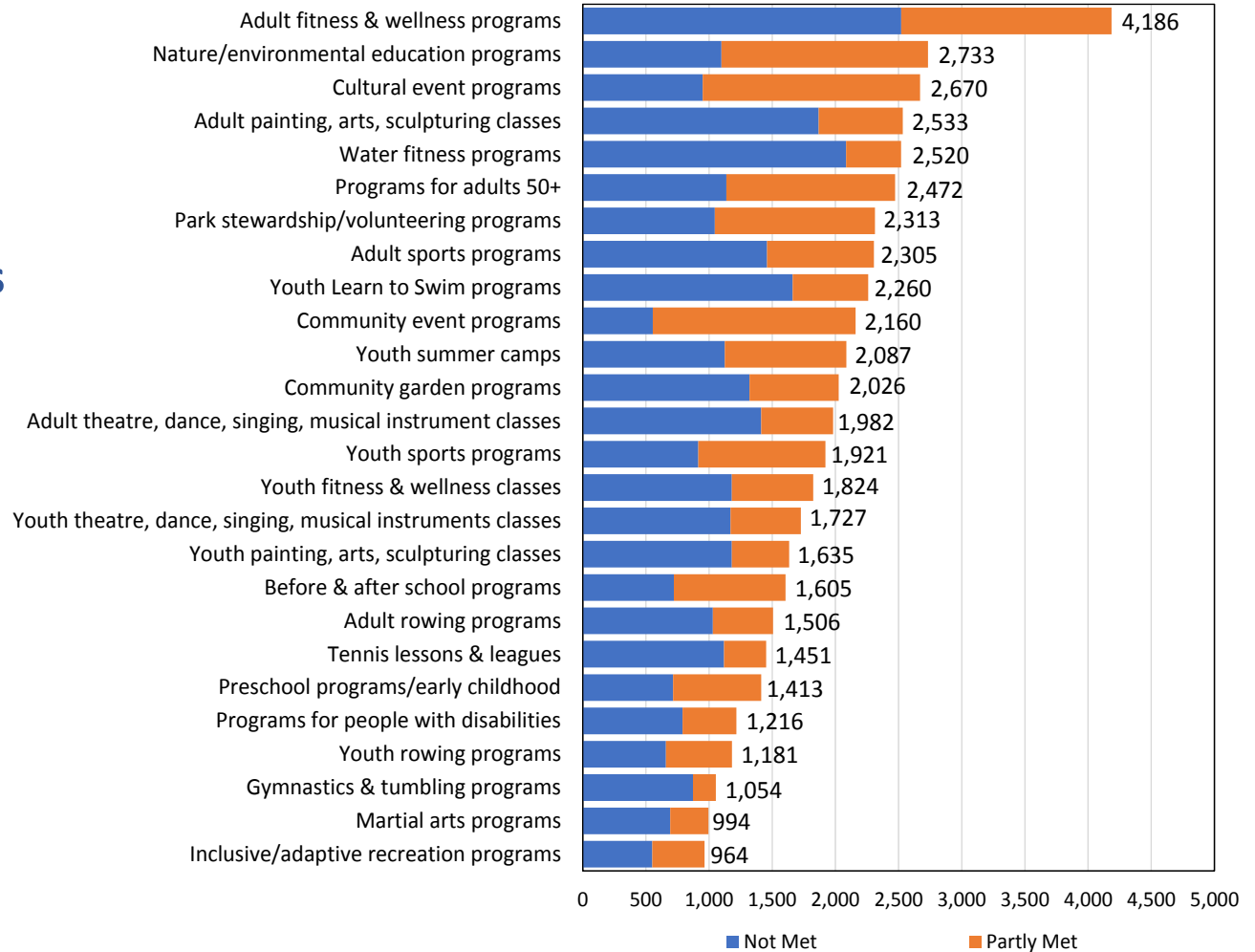
Q19. How Well Parks and Recreation Programs/Activities Meet the Needs of Respondent Households

*by percentage of respondents
with a need for
programs/activities*



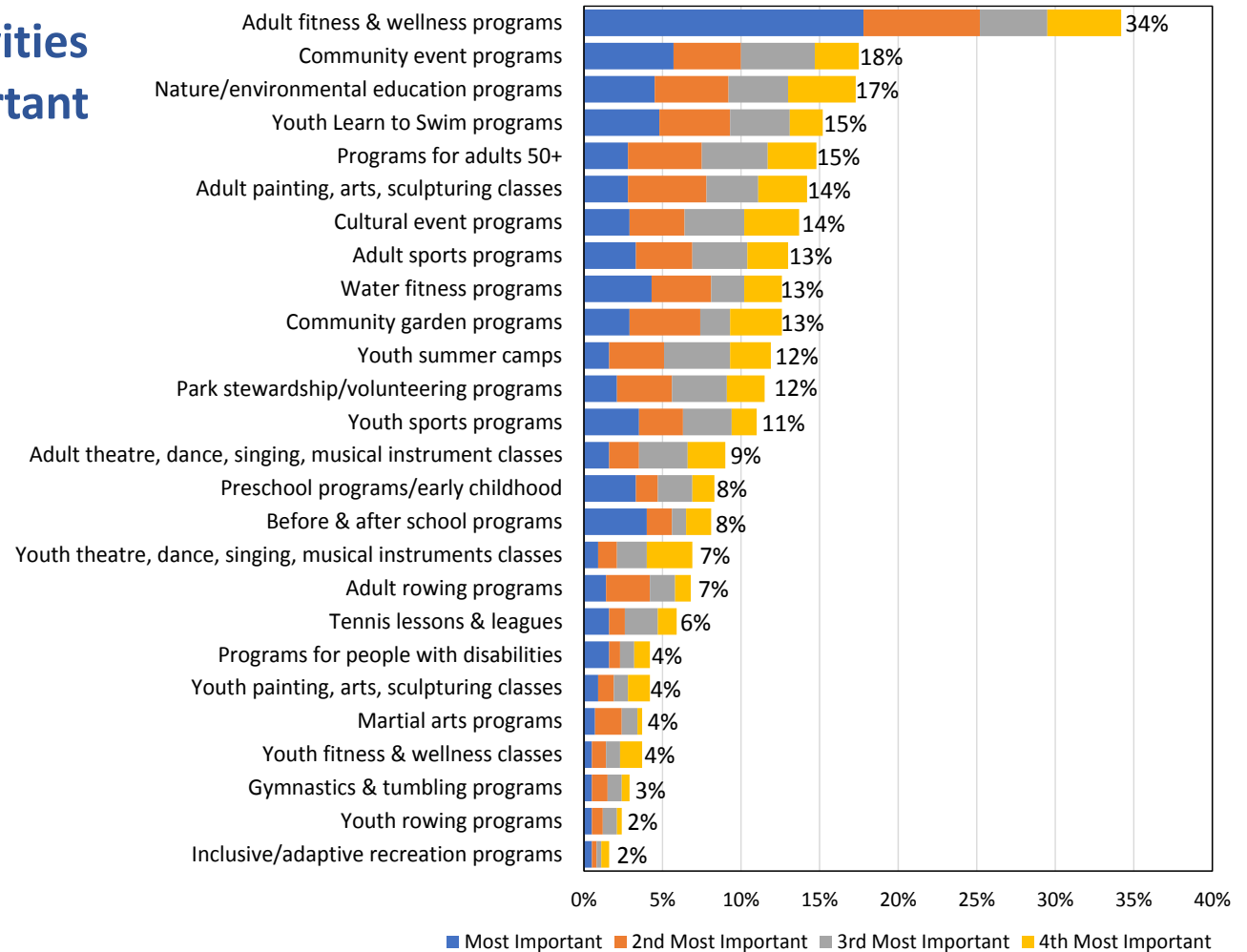
Q19. Estimated Number of Households Whose Needs for Programs/Activities Are Being Not Met or Partly Met

*by number of households based on
8,941 households in the City of
Kenmore, Washington*



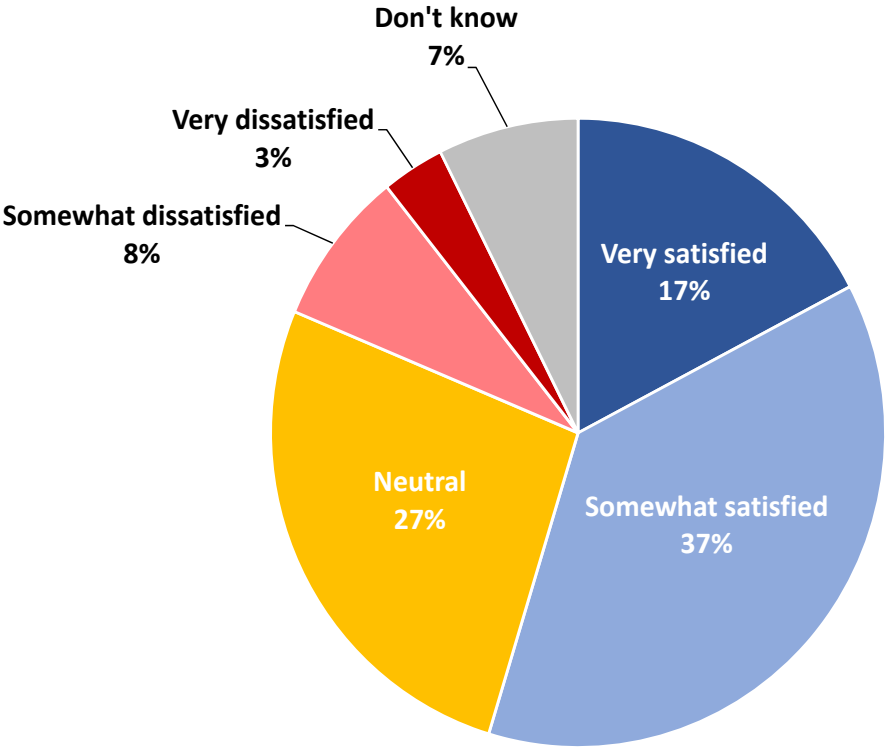
Q20. Programs/Activities That Are Most Important to Respondent Households

by percentage of respondents who selected the items as one of their top four choices



Q21. Please rate your level of satisfaction with the overall value your household receives from the City of Kenmore for parks, recreation and community events.

by percentage of respondents



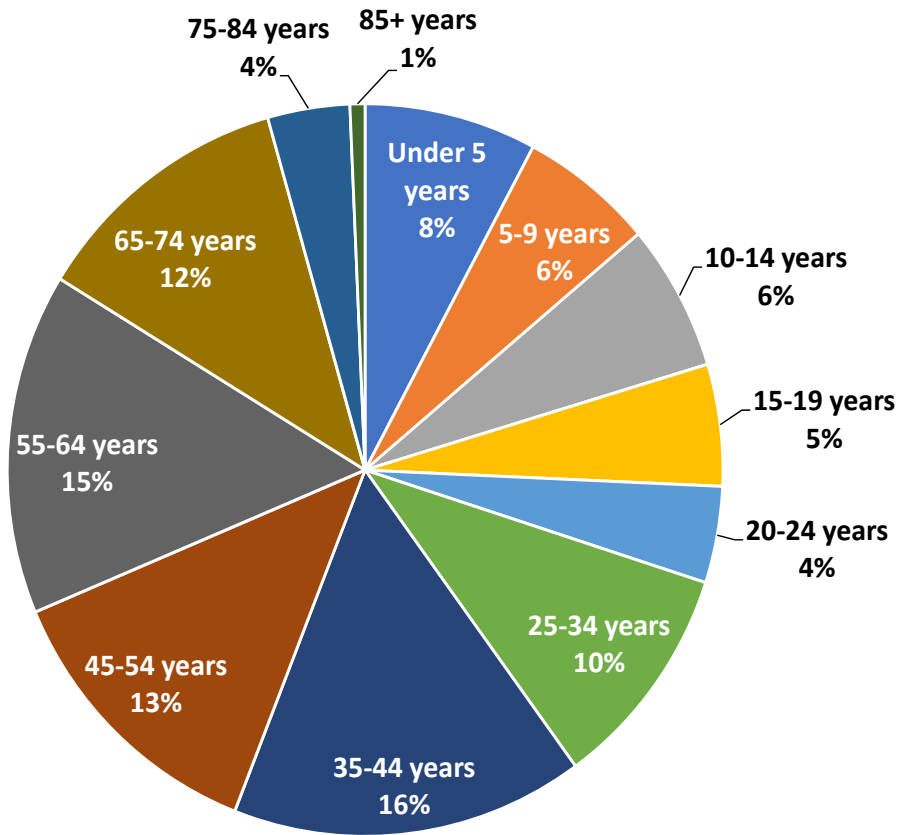
Demographics



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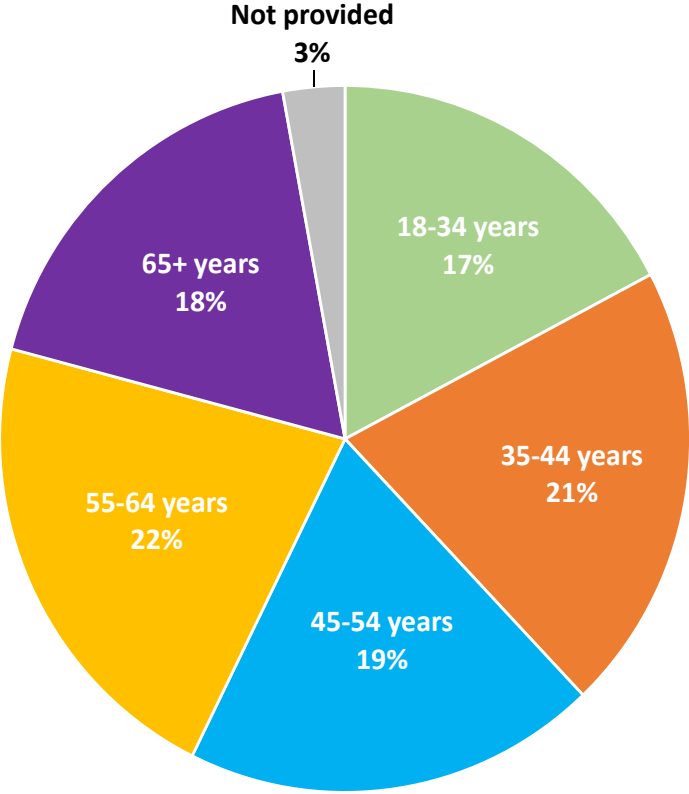
Q22. Counting yourself, how many people in your household are...

by percentage of respondents



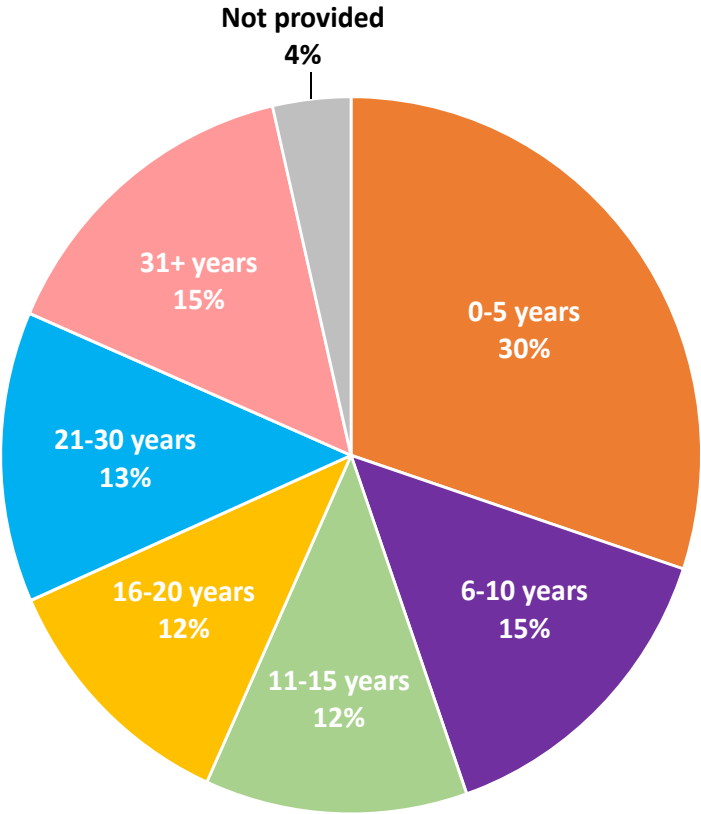
Q23. What is your age?

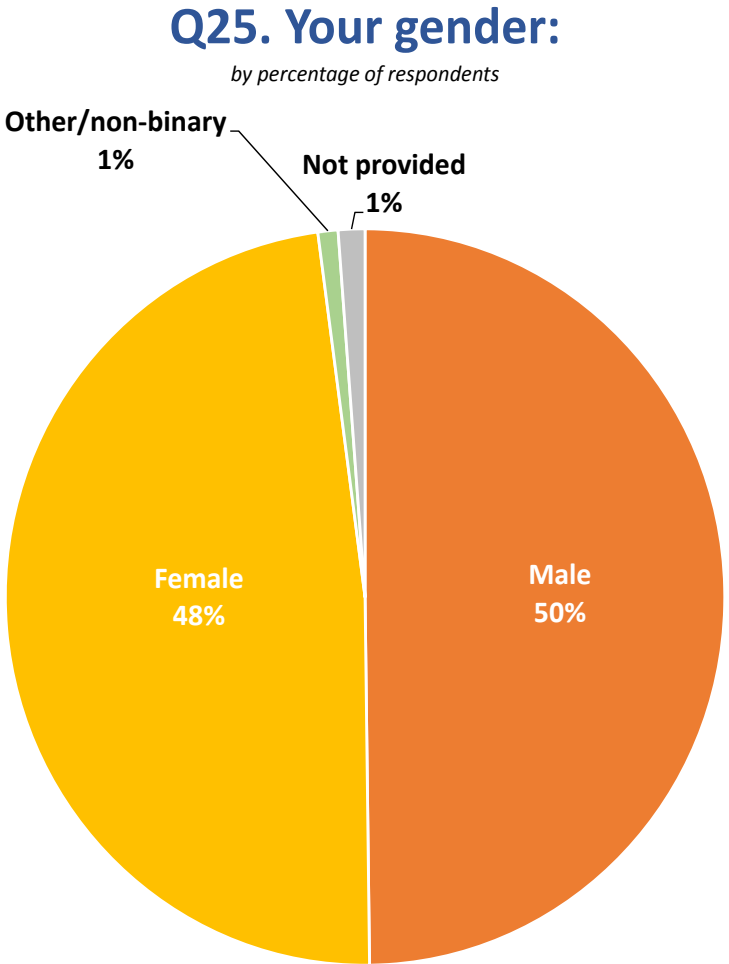
by percentage of respondents



Q24. How many years have you lived in the City of Kenmore?

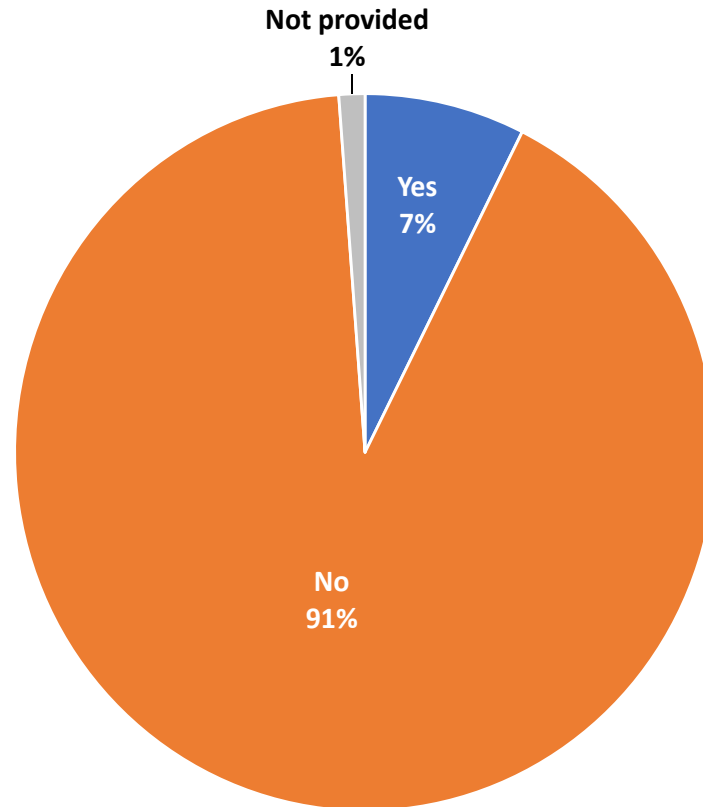
by percentage of respondents



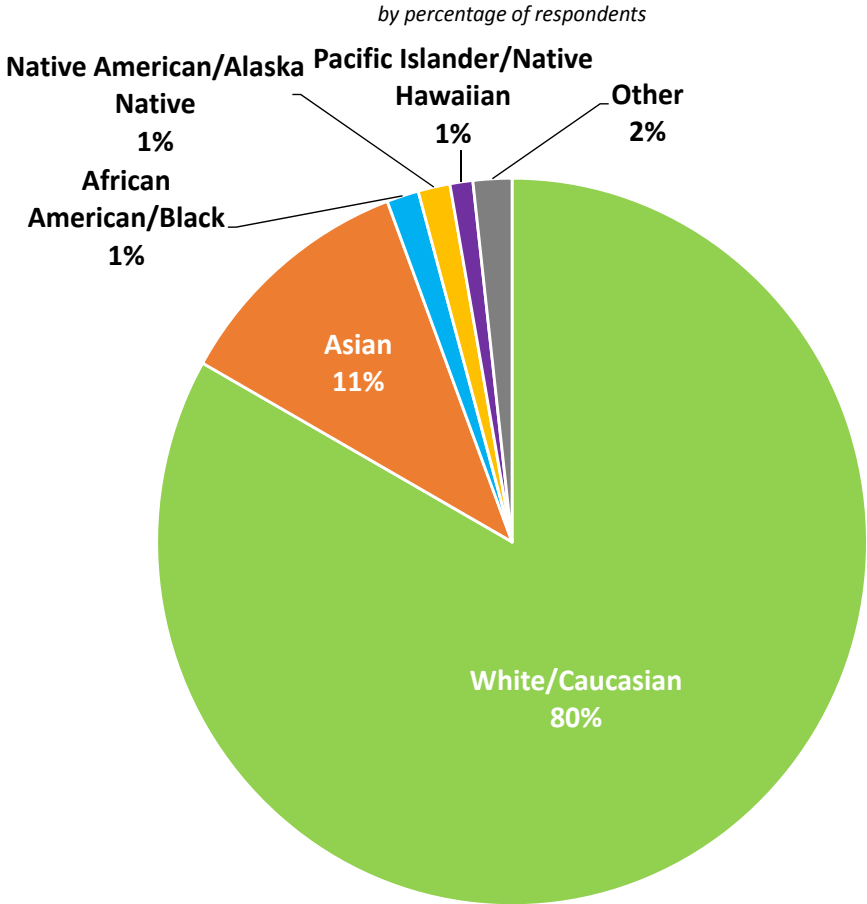


Q26. Are you of Hispanic or Latino ancestry?

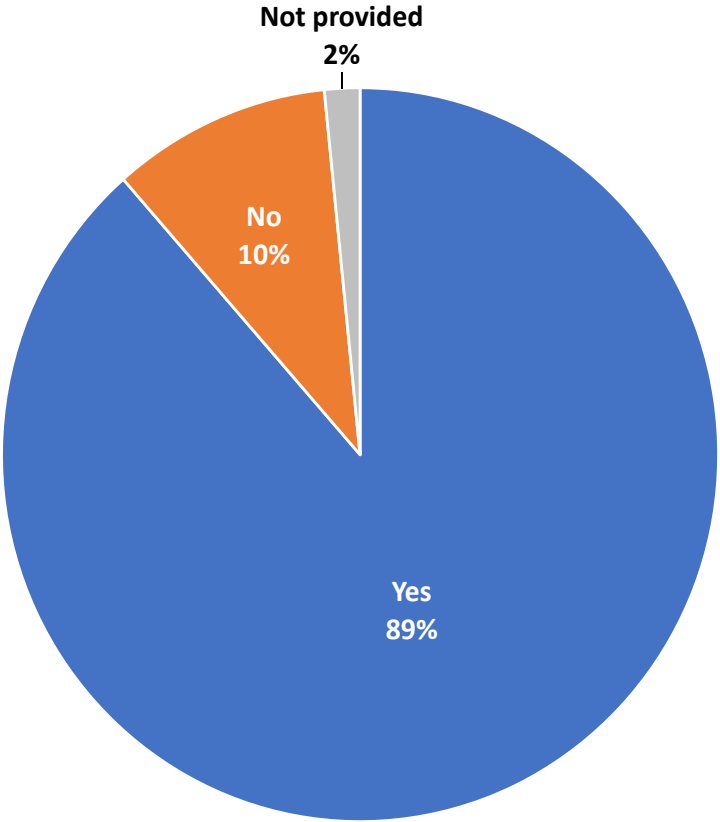
by percentage of respondents



Q27. Which of the following best describes your race/ethnicity?

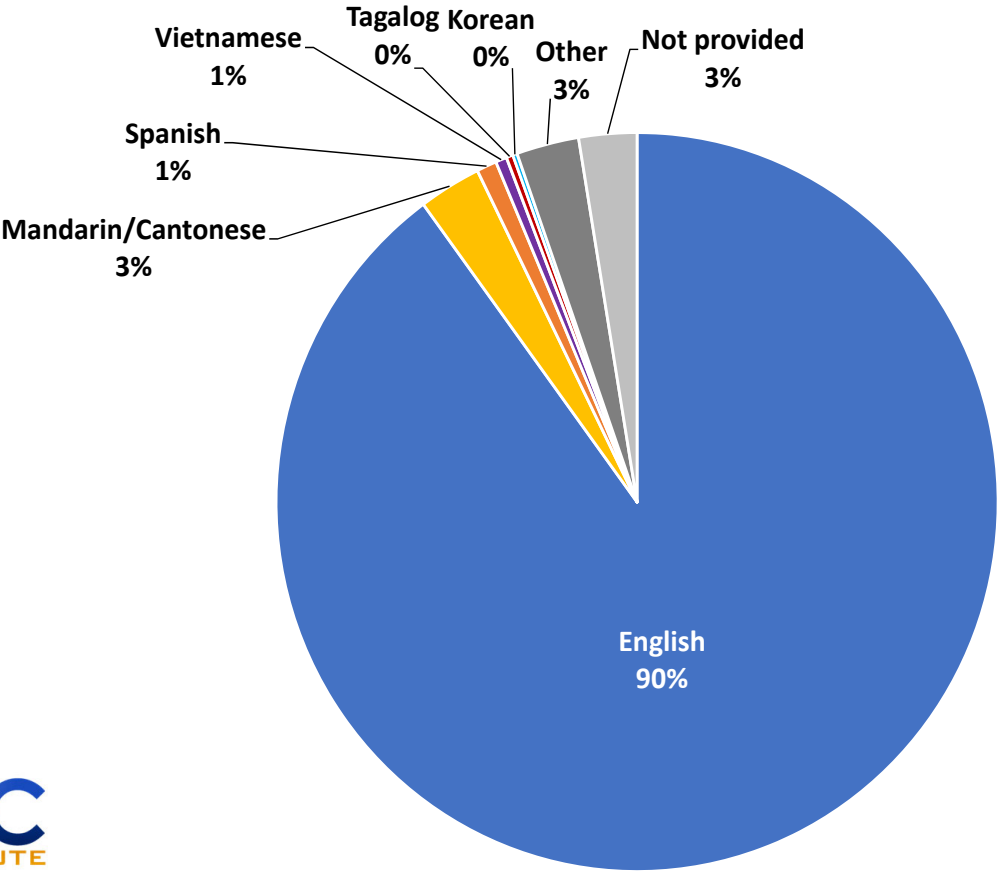


Q28. Is English your first language? *by percentage of respondents*



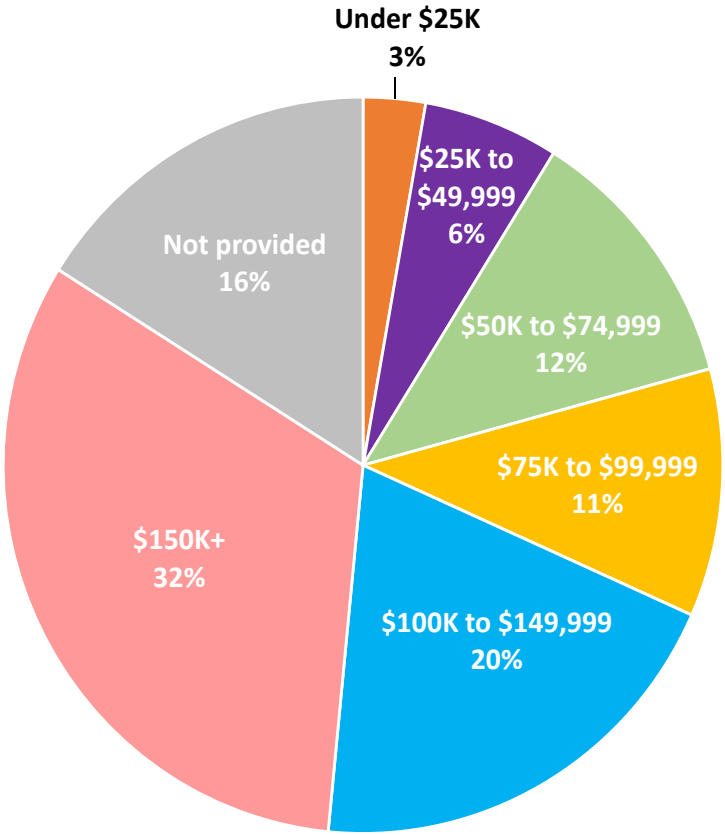
Q29. What is your primary language spoken in your home?

by percentage of respondents



Q30. What is your total annual household income?

by percentage of respondents



Section 2

Priority Investment Rating

Priority Investment Rating

City of Kenmore, Washington

The **Priority Investment Rating (PIR)** was developed by ETC Institute to provide governments with an objective tool for evaluating the priority that should be placed on parks and recreation investments. The Priority Investment Rating was developed by ETC Institute to identify the facilities and programs residents think should receive the highest priority for investment. The priority investment rating reflects the importance residents place on items (sum of top 4 choices) and the unmet needs (needs that are only being partly or not met) for each facility/program relative to the facility/program that rated the highest overall. Since decisions related to future investments should consider both the level of unmet need and the importance of facilities and programs, the PIR weights each of these components equally.

The PIR reflects the sum of the Unmet Needs Rating and the Importance Rating as shown in the equation below:

$$\text{PIR} = \text{UNR} + \text{IR}$$

For example, suppose the Unmet Needs Rating for indoor exercise/fitness facilities is 78.5 (out of 100) and the Importance Rating for indoor exercise/fitness facilities is 55.9 (out of 100), the Priority Investment Rating for indoor exercise/fitness facilities is 134.4 (out of 200).

How to Analyze the Charts:

- **High Priority Areas** are those with a PIR of at least 100. A rating of 100 or above generally indicates there is a relatively high level of unmet need and residents generally think it is important to fund improvements in these areas. Improvements in this area are likely to have a positive impact on the greatest number of households.
- **Medium Priority Areas** are those with a PIR of 50-99. A rating in this range generally indicates there is a medium to high level of unmet need or a significant percentage of residents generally think it is important to fund improvements in these areas.
- **Low Priority Areas** are those with a PIR below 50. A rating in this range generally indicates there is a relatively low level of unmet need and residents do not think it is important to fund improvements in these areas. Improvements may be warranted if the needs of very specialized populations are being targeted.

The following pages show the Unmet Needs Rating, Importance Rating, and Priority Investment Rating for facilities and programs/activities.

2019 City of Kenmore Parks and Recreation Survey Priority Investment Ratings for Parks and Recreation Facilities and Programs/Activities

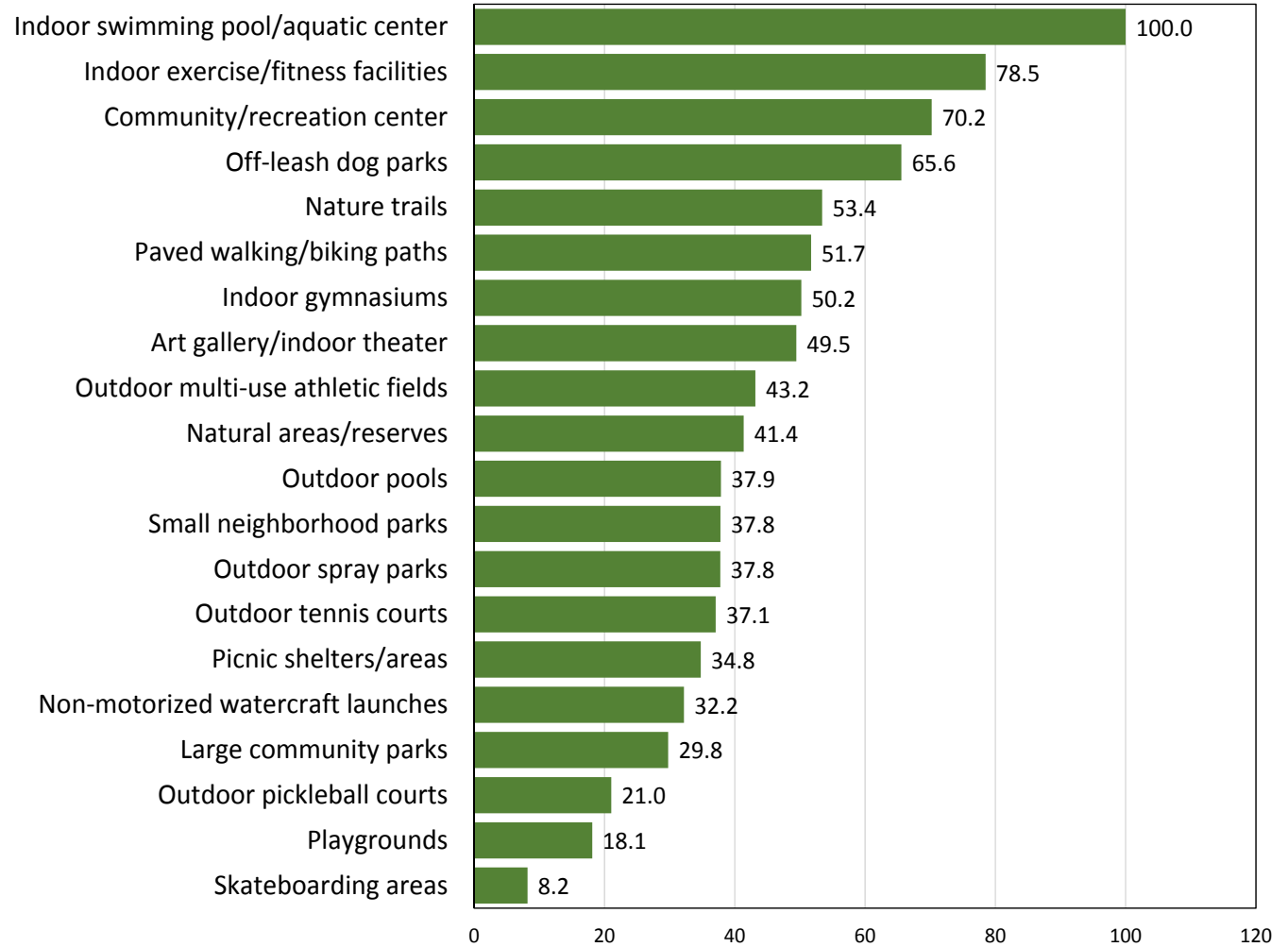


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Unmet Needs Rating for Recreation Facilities

*the rating for the item with the
most unmet need=100*

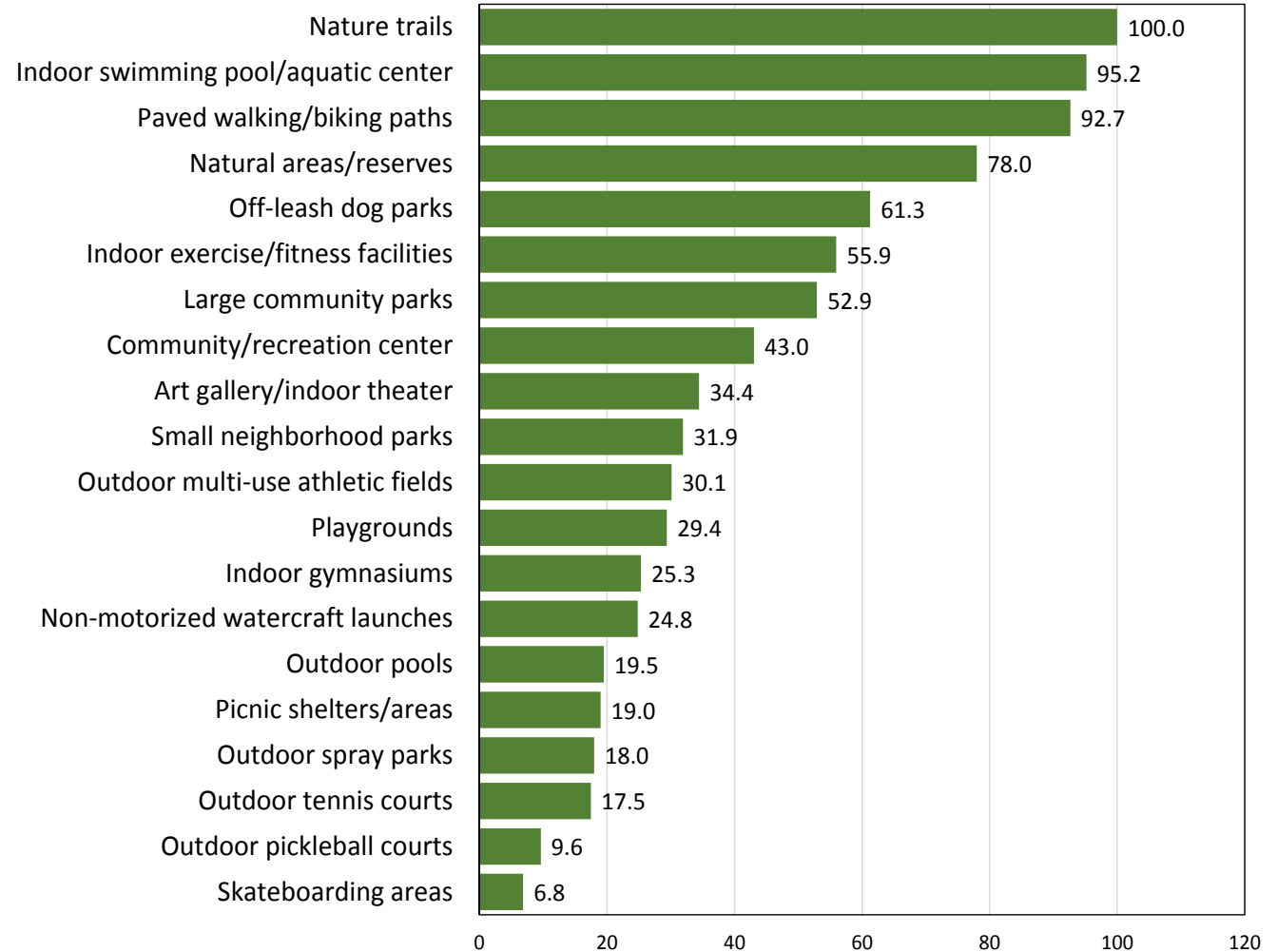
*the rating of all other items
reflects the relative amount of
unmet need for each item
compared to the item with the
most unmet need*



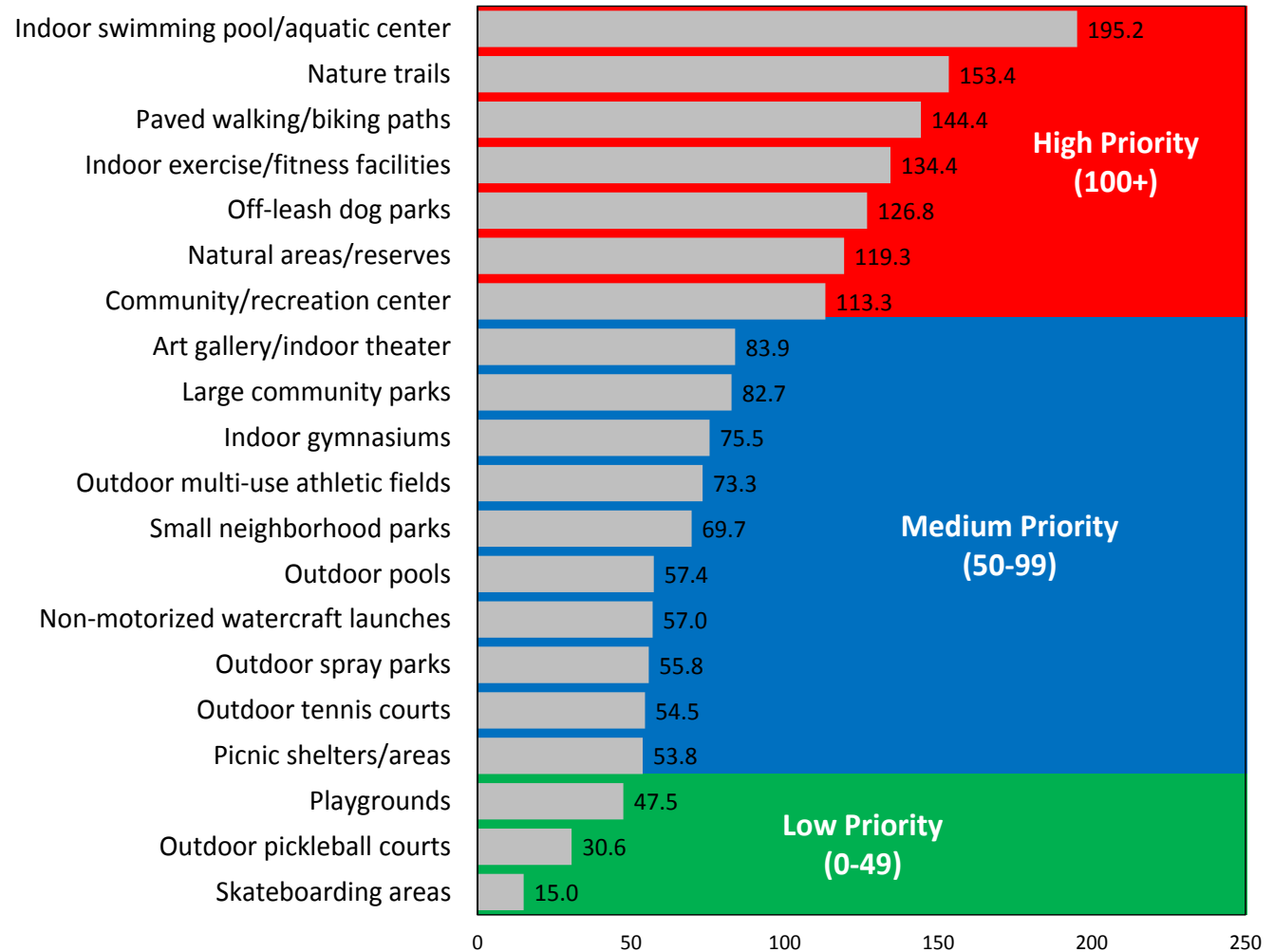
Importance Rating for Recreation Facilities

*the rating for the item with the
most unmet need=100*

*the rating of all other items
reflects the relative amount of
unmet need for each item
compared to the item with the
most unmet need*



Top Priorities for Investment for Recreation Facilities Based on the Priority Investment Rating



Unmet Needs Rating for Recreation Programs/Activities

*the rating for the item with the
most unmet need=100*

*the rating of all other items
reflects the relative amount of
unmet need for each item
compared to the item with the
most unmet need*



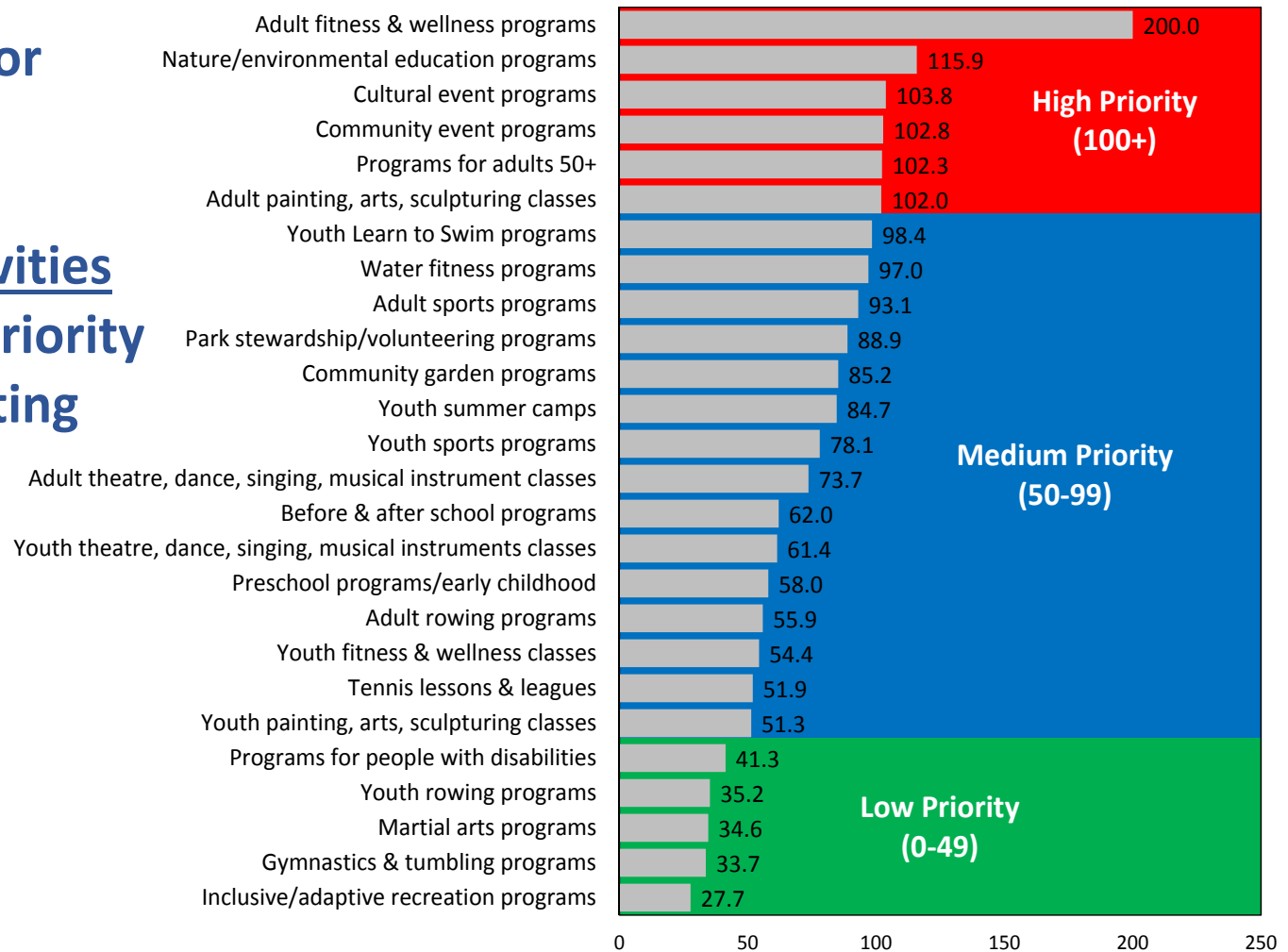
Importance Rating for Recreation Programs/Activities

*the rating for the item with the
most unmet need=100*

*the rating of all other items
reflects the relative amount of
unmet need for each item
compared to the item with the
most unmet need*



Top Priorities for Investment for Recreation Programs/Activities Based on the Priority Investment Rating



Section 3

Benchmarking Analysis

Benchmarking Summary Report

City of Kenmore, Washington

Since 1998, ETC Institute has conducted household surveys for needs assessments, feasibility studies, customer satisfaction, fees and charges comparisons, and other parks and recreation issues in more than 400 communities in 49 states across the country.

The results of these surveys has provided an unparalleled data base of information to compare responses from household residents in client communities to “National Averages” and therefore provide a unique tool to “assist organizations in better decision making.”

Communities within the data base include a full-range of municipal and county governments from 20,000 in population through over 1 million in population. They include communities in warm weather climates and cold weather climates, mature communities and some of the fastest growing cities and counties in the country.

“National Averages” have been developed for numerous strategically important parks and recreation planning and management issues including: customer satisfaction and usage of parks and programs; methods for receiving marketing information; reasons that prevent members of households from using parks and recreation facilities more often; priority recreation programs, parks, facilities and trails to improve or develop; priority programming spaces to have in planned community centers and aquatic facilities; potential attendance for planned indoor community centers and outdoor aquatic centers; etc.

Results from household responses for Kenmore, Washington were compared to National Benchmarks to gain further strategic information. A summary of all tabular comparisons are shown on the following page.

Note: The benchmarking data contained in this report is protected intellectual property. Any reproduction of the benchmarking information in this report by persons or organizations not directly affiliated with the City of Kenmore is not authorized without written consent from ETC Institute.

Benchmarking for Kenmore, Washington		
	National Average	Kenmore 2019
Have you or members of your household visited any City/County/Park District facilities over the past year?		
Yes	78%	93%
No	22%	7%
How would you rate the quality of all the parks you've visited?		
Excellent	30%	30%
Good	53%	62%
Fair	14%	8%
Poor	3%	0%

Benchmarking for Kenmore, Washington		
	National Average	Kenmore 2019
Ways respondents learn about recreation programs and activities		
Friends & family/word of mouth	49%	56%
City of Kenmore printed newsletter	24%	46%
Bothell-Kenmore Reporter newspaper	34%	36%
Local social media	25%	25%
City of Kenmore's website	37%	22%
City of Kenmore social media	25%	20%
City of Kenmore's electronic newsletter	24%	12%
Seattle Times	34%	10%
Radio	14%	4%
Organizations used for parks and recreation programs and facilities		
State Parks	38%	60%
County Parks	38%	55%
Other Cities/Park Districts	29%	53%
City Parks & Recreation Department	52%	52%
School District (Northshore School District)	24%	36%
Private Clubs	22%	17%
YMCA facilities	17%	10%
Private Youth Sports Leagues	14%	10%
Private sports clubs/leagues	13%	9%
Private schools	11%	3%
Boys/Girls Clubs	3%	2%

Benchmarking for Kenmore, Washington		
	National Average	Kenmore 2019
Recreation programs that respondent households have a need for		
Adult fitness and wellness programs	49%	54%
Nature programs/environmental education	30%	36%
Seniors/Adult programs for 50 years and older	25%	32%
Water fitness programs	27%	30%
Adult sports programs	23%	29%
Youth summer camp programs	19%	28%
Youth Learn to Swim programs	22%	28%
Youth sports programs	22%	27%
Adult arts, dance, performing arts	21%	24%
Before and after school programs	16%	24%
Youth fitness and wellness programs	17%	23%
Youth art, dance, performing arts	15%	22%
Preschool programs	13%	20%
Tennis lessons and leagues	15%	18%
Programs for people with disabilities	10%	16%
Martial arts programs	13%	13%
Gymnastics/tumbling programs	13%	13%

Benchmarking for Kenmore, Washington		
	National Average	Kenmore 2019
Most important recreation programs (sum of top choices)		
Adult fitness and wellness programs	30%	34%
Nature programs/environmental education	14%	17%
Youth Learn to Swim programs	11%	15%
Seniors/Adult programs for 50 years and older	16%	15%
Adult sports programs	10%	13%
Water fitness programs	11%	13%
Youth summer camp programs	8%	12%
Youth sports programs	12%	11%
Adult arts, dance, performing arts	9%	9%
Preschool programs	6%	8%
Before and after school programs	8%	8%
Youth art, dance, performing arts	5%	7%
Tennis lessons and leagues	5%	6%
Programs for people with special needs/disabled	4%	4%
Martial arts programs	4%	4%
Youth fitness and wellness programs	6%	4%
Gymnastics/tumbling programs	4%	3%

Benchmarking for Kenmore, Washington		
	National Average	Kenmore 2019
Parks and recreation facilities that respondent households have a need for		
Nature Center/Nature Trails	51%	72%
Walking & Biking Trails	70%	68%
Natural areas/wildlife habitats (Greenspace and natural areas)	54%	65%
Indoor Swimming Pools/Aquatic Center	39%	57%
Large Multi Use Community Parks	51%	56%
Small neighborhood parks	55%	52%
Indoor Fitness and Exercise Facilities	47%	47%
Picnic Areas and Shelters	49%	47%
Community/Recreation Centers	32%	46%
Playground Equipment	41%	39%
Off-Leash Dog Park	30%	37%
Outdoor field space	21%	33%
Community Arts Installations	25%	30%
Indoor Gyms/Multi-Purpose Rec Center	29%	29%
Splash park/pad	25%	25%
Tennis Courts	21%	25%
Outdoor Swimming Pools/Aquatic Center	41%	23%
Skateboarding Park/Area	11%	11%

Benchmarking for Kenmore, Washington		
	National Average	Kenmore 2019
Most important parks and recreation facilities (sum of top choices)		
Nature Center/Nature Trails (Nature trails/nature parks)	20%	40%
Indoor Swimming Pools/Aquatic Facilities	17%	38%
Walking & Biking Trails	45%	37%
Natural areas/wildlife habitats (Greenspace and natural areas)	21%	31%
Off-Leash Dog Park	15%	24%
Indoor Fitness and Exercise Facilities	20%	22%
Large Community Parks	20%	21%
Community/Recreation Centers	11%	17%
Community Arts Installations	8%	14%
Small Neighborhood Parks	24%	13%
Outdoor field space	7%	12%
Playground Equipment	18%	12%
Indoor Gyms/Multi-Purpose Rec Centers	10%	10%
Outdoor Swimming Pools/Aquatic Facilities	17%	8%
Picnic Areas and Shelters	14%	8%
Splash park/pad	8%	7%
Tennis Courts	6%	7%
Skateboarding Area	2%	3%
Satisfaction with the overall value received from the parks and recreation department		
Very Satisfied	24%	17%
Somewhat Satisfied	35%	37%
Neutral	22%	27%
Somewhat Dissatisfied	6%	8%
Very Dissatisfied	3%	3%
Don't Know	12%	7%

Section 4

Tabular Data

Q1. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities that you are aware of.

Q1. What are all City parks or recreation facilities you are aware of	Number	Percent
City Hall Park/Jack Crawford Skate Park	414	71.6 %
Linwood Park	97	16.8 %
Log Boom Park	549	95.0 %
Moorlands Park	258	44.6 %
Northshore Summit Park	159	27.5 %
Rhododendron Park	542	93.8 %
Squire's Landing Park	268	46.4 %
Tolt Pipeline Trail	175	30.3 %
Town Square/Hangar Building	468	81.0 %
Twin Springs Park	33	5.7 %
Wallace Swamp Creek Park	412	71.3 %
<u>Other</u>	23	4.0 %
Total	3398	

Q1-12. Other

Q1-12. Other	Number	Percent
St. Edward State Park	12	52.2 %
Park by Bastyr	1	4.3 %
Burke Gilman Trail, access to Log Boom	1	4.3 %
Blyth Park	1	4.3 %
Inglesmoor HS, Kenmore MS, Arrowhead Elem, and Kenmore Elem play fields	1	4.3 %
Burke Gilman Trail and other state facilities	1	4.3 %
Bothel Landing	1	4.3 %
WAYNES GOLF COURSE	1	4.3 %
Brier Park/St Edward	1	4.3 %
SHELTON VIEW FOREST	1	4.3 %
68th Ave Bridge over river walkways	1	4.3 %
<u>Boat launch/dock</u>	1	4.3 %
Total	23	100.0 %

Q2. In the past 12 months, have you or any member of your household visited any of the City of Kenmore parks and recreation facilities listed in Question 1?

Q2. Have you visited any City parks & recreation facilities in past 12 months	Number	Percent
Yes	535	92.6 %
No	43	7.4 %
Total	578	100.0 %

Q2a. Overall, how would you rate the physical condition of ALL the City of Kenmore parks and recreation facilities you have visited?

Q2a. How would you rate overall physical condition of all City parks & recreation facilities you have visited	Number	Percent
Excellent	157	29.3 %
Good	324	60.6 %
Fair	43	8.0 %
Poor	2	0.4 %
Not provided	9	1.7 %
Total	535	100.0 %

WITHOUT "NOT PROVIDED"

Q2a. Overall, how would you rate the physical condition of ALL the City of Kenmore parks and recreation facilities you have visited? (without "not provided")

Q2a. How would you rate overall physical condition of all City parks & recreation facilities you have visited	Number	Percent
Excellent	157	29.8 %
Good	324	61.6 %
Fair	43	8.2 %
Poor	2	0.4 %
Total	526	100.0 %

Q3. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities you visit regularly.

Q3. What are City parks or recreation facilities you visit regularly	Number	Percent
City Hall Park/Jack Crawford Skate Park	48	8.3 %
Linwood Park	21	3.6 %
Log Boom Park	354	61.2 %
Moorlands Park	80	13.8 %
Northshore Summit Park	81	14.0 %
Rhododendron Park	283	49.0 %
Squire's Landing Park	49	8.5 %
Tolt Pipeline Trail	42	7.3 %
Town Square/Hangar Building	222	38.4 %
Twin Springs Park	5	0.9 %
Wallace Swamp Creek Park	153	26.5 %
<u>Other</u>	16	2.8 %
Total	1354	

Q3-12. Other

Q3-12. Other	Number	Percent
St. Edward State Park	11	68.8 %
Burke Gilman, not City owned, but accesses many areas like Log Boom	1	6.3 %
Blyth Park	1	6.3 %
Bastyr	1	6.3 %
School playground	1	6.3 %
WAYNE GOLF COURSE 2-3 TIMES A WEEK	1	6.3 %
Total	16	100.0 %

Q3a. How often do you visit the City of Kenmore park and recreation facilities you checked in Question 3?

Q3a. How often do you visit City parks & recreation facilities	Number	Percent
Daily	31	5.4 %
Weekly	169	29.2 %
Monthly	199	34.4 %
Quarterly	122	21.1 %
Not provided	57	9.9 %
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q3a. How often do you visit the City of Kenmore park and recreation facilities you checked in Question 3? (without "not provided")**

Q3a. How often do you visit City parks & recreation facilities	Number	Percent
Daily	31	6.0 %
Weekly	169	32.4 %
Monthly	199	38.2 %
Quarterly	122	23.4 %
Total	521	100.0 %

Q3b. How do you access the City of Kenmore parks and recreation facilities you checked in Question 3?

Q3b. How do you access City parks & recreation facilities	Number	Percent
Walk	327	56.6 %
Bike	100	17.3 %
Bus	6	1.0 %
Drive	396	68.5 %
Total	829	

Q4. On a scale from 1 to 10, where 1 is "not at all satisfied" and 10 is "extremely satisfied," how satisfied are you with the number of City-owned parks and recreation facilities in the City of Kenmore?

(N=578)

	Not at all satisfied	2	3	4	5	6	7	8	9	Extreme- ly satisfied	Not provided
Q4. How satisfied are you with number of City-owned parks & recreation facilities in City of Kenmore	0.7%	0.3%	1.4%	2.2%	8.3%	7.1%	15.9%	27.9%	12.6%	17.5%	6.1%

WITHOUT "NOT PROVIDED"

Q4. On a scale from 1 to 10, where 1 is "not at all satisfied" and 10 is "extremely satisfied," how satisfied are you with the number of City-owned parks and recreation facilities in the City of Kenmore? (without "not provided")

(N=578)

	Not at all satisfied	2	3	4	5	6	7	8	9	Extreme- ly satisfied
Q4. How satisfied are you with number of City-owned parks & recreation facilities in City of Kenmore	0.7%	0.4%	1.5%	2.4%	8.8%	7.6%	16.9%	29.7%	13.4%	18.6%

Q5. On a scale from 1 to 10, where 1 is "not at all satisfied" and 10 is "extremely satisfied," how satisfied are you with the progress that the City is making in improving and investing in parks and recreation facilities in the City of Kenmore?

(N=578)

	Not at all satisfied	2	3	4	5	6	7	8	9	Extreme- ly satisfied	Not provided
Q5. How satisfied are you with progress that City is making in improving & investing in parks & recreation facilities in City of Kenmore	1.0%	1.4%	1.2%	2.4%	9.9%	9.2%	12.6%	24.2%	11.6%	17.0%	9.5%

WITHOUT "NOT PROVIDED"

Q5. On a scale from 1 to 10, where 1 is "not at all satisfied" and 10 is "extremely satisfied," how satisfied are you with the progress that the City is making in improving and investing in parks and recreation facilities in the City of Kenmore? (without "not provided")

(N=578)

	Not at all satisfied	2	3	4	5	6	7	8	9	Extreme- ly satisfied
Q5. How satisfied are you with progress that City is making in improving & investing in parks & recreation facilities in City of Kenmore	1.1%	1.5%	1.3%	2.7%	10.9%	10.1%	14.0%	26.8%	12.8%	18.7%

Q6. From the following list, please CHECK ALL the parks and recreation facilities operated by OTHER providers that you visit regularly in the City of Kenmore.

Q6. What are all parks & recreation facilities operated by other providers you visit regularly	Number	Percent
Aqua Club Swimming Pool	53	9.2 %
Bastyr University Outdoor Recreation Facilities	162	28.0 %
Burke Gilman Trail	431	74.6 %
Inglewood Golf Course	51	8.8 %
Kenmore Community Club	24	4.2 %
Kenmore Senior Center	38	6.6 %
School Athletic Fields	98	17.0 %
School Playgrounds	124	21.5 %
St. Edward State Park	430	74.4 %
<u>Other</u>	8	1.4 %
Total	1419	

Q6-10. Other

Q6-10. Other	Number	Percent
WAYNE GOLF COURSE	2	25.0 %
Bastyr baseball & soccer fields, King & Snohomish County Athletic Fields	1	12.5 %
MLT Pool	1	12.5 %
Bothell	1	12.5 %
PRIVATE CLUBS	1	12.5 %
Kenmore boat launch area	1	12.5 %
<u>Lynwood Recreation Center Pool</u>	1	12.5 %
Total	8	100.0 %

Q7. From the following list, please check the FOUR park features found in public parks that are MOST IMPORTANT to you and your household.

Q7. What are park features found in public parks that are most important to you & your household	Number	Percent
Benches & picnic tables	242	41.9 %
Bike racks	35	6.1 %
Drinking fountains	91	15.7 %
Landscaping	189	32.7 %
Park lighting	103	17.8 %
Parking	315	54.5 %
Picnic shelters	41	7.1 %
Restrooms	421	72.8 %
Signage	30	5.2 %
Trash receptacles & removal	276	47.8 %
Walking paths	387	67.0 %
Other	74	12.8 %
Total	2204	

Q7-12. Other

Q7-12. Other	Number	Percent
Playground	16	21.6 %
Play equipment	8	10.8 %
Playground equipment	2	2.7 %
Dog friendly area	2	2.7 %
Lake access	2	2.7 %
POOL	2	2.7 %
Off leash area	2	2.7 %
We need a dog park	1	1.4 %
Condition of athletic fields or fields that can be used for sports	1	1.4 %
Children's play equipment	1	1.4 %
Paddle board kayak launches	1	1.4 %
Accessibility by direct footpaths through easements and protected sidewalks	1	1.4 %
Playground equipment and space for children to play	1	1.4 %
Basketball court	1	1.4 %
Need a dog run area	1	1.4 %
Bike & running trails	1	1.4 %
Views, open spaces, access to river or lake	1	1.4 %
LARGER/BETTER BOAT LAUNCH	1	1.4 %
Baseball fields	1	1.4 %
Kids play structures	1	1.4 %
Pickleball courts	1	1.4 %
PLAY AREAS	1	1.4 %
BALL FIELDS	1	1.4 %
Natural habitat & wildlife along Sammamish and Swamp Creek shorelines/areas	1	1.4 %
Sidewalks	1	1.4 %
Natural woods or shoreline	1	1.4 %
VOTER ACCESS/WATER VIEWS	1	1.4 %
PRESERVE NATURAL AREAS	1	1.4 %
Public art	1	1.4 %
Kids playground	1	1.4 %
REGULAR SERVICE AND MAINTAINED	1	1.4 %
DOGS ALLOWED	1	1.4 %
Shade	1	1.4 %
BIKE PATHS	1	1.4 %
Play structures	1	1.4 %
SIDEWALKS TO PARK	1	1.4 %
Waterfront access/view from car for birding	1	1.4 %
WATERFRONT AMENITIES	1	1.4 %
BEACH	1	1.4 %
Fence enclosure for children safety	1	1.4 %
SAFETY	1	1.4 %
Children's play area	1	1.4 %
Playgrounds/places to play	1	1.4 %
Swings for babies and play areas for little ones	1	1.4 %

Q7-12. Other

<u>Q7-12. Other</u>	<u>Number</u>	<u>Percent</u>
Dogs allowed off leash	1	1.4 %
Basketball hoops, baseball fields	1	1.4 %
<u>MOUNTAIN BIKE TRAILS</u>	<u>1</u>	<u>1.4 %</u>
Total	74	100.0 %

Q8. Of the park features listed in Question 7, please choose the THREE park features you feel are MOST IMPORTANT to be added or improved in Kenmore?

Q8. Top choice	Number	Percent
Benches & picnic tables	27	4.7 %
Bike racks	4	0.7 %
Drinking fountains	11	1.9 %
Landscaping	45	7.8 %
Park lighting	28	4.8 %
Parking	46	8.0 %
Picnic shelters	13	2.2 %
Restrooms	92	15.9 %
Signage	6	1.0 %
Trash receptacles & removal	25	4.3 %
Walking paths	144	24.9 %
Other	51	8.8 %
None chosen	86	14.9 %
Total	578	100.0 %

Q8. Of the park features listed in Question 7, please choose the THREE park features you feel are MOST IMPORTANT to be added or improved in Kenmore?

Q8. 2nd choice	Number	Percent
Benches & picnic tables	58	10.0 %
Bike racks	7	1.2 %
Drinking fountains	27	4.7 %
Landscaping	44	7.6 %
Park lighting	27	4.7 %
Parking	65	11.2 %
Picnic shelters	7	1.2 %
Restrooms	78	13.5 %
Signage	9	1.6 %
Trash receptacles & removal	68	11.8 %
Walking paths	78	13.5 %
Other	11	1.9 %
None chosen	99	17.1 %
Total	578	100.0 %

Q8. Of the park features listed in Question 7, please choose the THREE park features you feel are MOST IMPORTANT to be added or improved in Kenmore?

Q8. 3rd choice	Number	Percent
Benches & picnic tables	51	8.8 %
Bike racks	14	2.4 %
Drinking fountains	26	4.5 %
Landscaping	41	7.1 %
Park lighting	28	4.8 %
Parking	54	9.3 %
Picnic shelters	15	2.6 %
Restrooms	92	15.9 %
Signage	14	2.4 %
Trash receptacles & removal	55	9.5 %
Walking paths	50	8.7 %
Other	5	0.9 %
None chosen	133	23.0 %
Total	578	100.0 %

SUM OF THE TOP THREE CHOICES

Q8. Of the park features listed in Question 7, please choose the THREE park features you feel are MOST IMPORTANT to be added or improved in Kenmore? (top 3)

Q8. Top choice	Number	Percent
Benches & picnic tables	136	23.5 %
Bike racks	25	4.3 %
Drinking fountains	64	11.1 %
Landscaping	130	22.5 %
Park lighting	83	14.4 %
Parking	165	28.5 %
Picnic shelters	35	6.1 %
Restrooms	262	45.3 %
Signage	29	5.0 %
Trash receptacles & removal	148	25.6 %
Walking paths	272	47.1 %
Other	67	11.6 %
None chosen	86	14.9 %
Total	1502	

Q9. From the following list, please CHECK ALL the organizations that you and members of your household use for parks, recreation and cultural programs and facilities.

Q9. What are organizations you use for parks, recreation & cultural programs & facilities	Number	Percent
Aqua Club	50	8.7 %
Arts of Kenmore	45	7.8 %
Boys & Girls Club	11	1.9 %
Cities of Bothell, Kirkland, Woodinville, Lake Forest Park	305	52.8 %
City of Kenmore	298	51.6 %
Inglewood Golf Club	43	7.4 %
Kenmore Community Club	22	3.8 %
Kenmore Heritage Society Events	15	2.6 %
Kenmore Senior Center	36	6.2 %
Kenmore Waterfront Activities Center (KWAC)	67	11.6 %
King County Parks	318	55.0 %
Non-profit organizations	60	10.4 %
Northshore Performing Arts Center	111	19.2 %
Northshore School District	205	35.5 %
Northshore Senior Center	51	8.8 %
Private agencies & organizations	52	9.0 %
Private clubs (tennis, health & fitness)	99	17.1 %
Private schools	16	2.8 %
Private youth sports leagues	56	9.7 %
State parks	346	59.9 %
YMCA facility	60	10.4 %
YMCA off-site summer lunch program	3	0.5 %
Other	27	4.7 %
Total	2296	

Q9-23. Other

<u>Q9-23. Other</u>	<u>Number</u>	<u>Percent</u>
King County Library System	2	7.4 %
I use City of Seattle for public pool fitness activities	1	3.7 %
Public recreation center	1	3.7 %
Dog parks	1	3.7 %
We used Carole Anne Wald Pool at St Eds	1	3.7 %
City/County trails like Samammish Lake Trail, Interurban Trail	1	3.7 %
Arrowhead School	1	3.7 %
CAMP ROOTS	1	3.7 %
Seattle Community Centers	1	3.7 %
Kenmore Library	1	3.7 %
Kenmore Gun Club	1	3.7 %
Shoreline Pool	1	3.7 %
National parks, DNR, etc.	1	3.7 %
Lynnwood Community Center	1	3.7 %
Kenmores new As If Theatre	1	3.7 %
Kenmore shooting range	1	3.7 %
CITIES OF SEATTLE & LAKE FOREST PARKS, EDMONDS WATERFRONT	1	3.7 %
Mount Lake Terrace Pool, Shoreline Summer Camps, YMCA Summer Camps	1	3.7 %
VOLUNTEER ENDEAVORS	1	3.7 %
Bothell United Methodist Church	1	3.7 %
Third Place Books	1	3.7 %
Lynnwood Recreation Center Pool, Indoor Playgrounds at Rec Centers	1	3.7 %
Preschool	1	3.7 %
Adult intramural sports teams	1	3.7 %
Lynwood Recreation Center Pool	1	3.7 %
<u>COLUMBIA ATHLETIC CLUB</u>	<u>1</u>	<u>3.7 %</u>
Total	27	100.0 %

Q10. On a scale from 1 to 10, where 1 is "no opportunities" and 10 is "extensive opportunities," how would you rate the recreational opportunities in the City of Kenmore?

(N=578)

	No opportu- nities	2	3	4	5	6	7	8	9	Extensi- ve opportu- nities	Not provided
Q10. How would you rate recreational opportunities in City of Kenmore	1.4%	1.6%	3.5%	3.8%	15.4%	14.0%	19.2%	21.8%	6.1%	8.3%	5.0%

WITHOUT "NOT PROVIDED"

Q10. On a scale from 1 to 10, where 1 is "no opportunities" and 10 is "extensive opportunities," how would you rate the recreational opportunities in the City of Kenmore? (without "not provided")

(N=578)

	No opportu- nities	2	3	4	5	6	7	8	9	Extensi- ve opportu- nities
Q10. How would you rate recreational opportunities in City of Kenmore	1.5%	1.6%	3.6%	4.0%	16.2%	14.8%	20.2%	23.0%	6.4%	8.7%

Q11. On a scale from 1 to 10, where 1 is "lowest quality" and 10 is "highest quality," how would you rate the quality of recreation programs or classes in the City of Kenmore?

(N=578)

	Lowest quality	2	3	4	5	6	7	8	9	Highest quality	Not provided
Q11. How would you rate quality of recreation programs or classes in City of Kenmore	2.6%	2.9%	4.8%	3.5%	14.0%	10.0%	13.8%	13.5%	4.5%	4.2%	26.1%

WITHOUT "NOT PROVIDED"

Q11. On a scale from 1 to 10, where 1 is "lowest quality" and 10 is "highest quality," how would you rate the quality of recreation programs or classes in the City of Kenmore? (without "not provided")

(N=578)

	Lowest quality	2	3	4	5	6	7	8	9	Highest quality
Q11. How would you rate quality of recreation programs or classes in City of Kenmore	3.5%	4.0%	6.6%	4.7%	19.0%	13.6%	18.7%	18.3%	6.1%	5.6%

Q12. How do you currently get information about recreational, cultural, and community event programs in the City of Kenmore?

Q12. How do you currently get information about recreational, cultural, & community event programs	Number	Percent
Bothell-Kenmore Reporter newspaper	209	36.2 %
City of Kenmore printed newsletter	265	45.8 %
City of Kenmore social media	117	20.2 %
City of Kenmore's electronic newsletter	68	11.8 %
City of Kenmore's website (Kenmorewa.gov)	127	22.0 %
Friends & family/word of mouth	323	55.9 %
Local social media	146	25.3 %
Online search engine	136	23.5 %
Radio	25	4.3 %
Seattle Times	59	10.2 %
Other	35	6.1 %
Total	1510	

Q12-11. Other

Q12-11. Other	Number	Percent
Mail	2	5.7 %
Nextdoor	2	5.7 %
Emails	2	5.7 %
I'm administrator of Facebook Kenmore Neighbors & Our Neighbor St Edward State Park	1	2.9 %
Exploring on my own	1	2.9 %
Uplake newsletters	1	2.9 %
Emails sent out by various non-profit organizations	1	2.9 %
Family members	1	2.9 %
ROAD SIGNS	1	2.9 %
DRIVING BY AND SEEING AN EVENT TAKING PLACE	1	2.9 %
Kenmore Library	1	2.9 %
Signs	1	2.9 %
NORTHSORE SENIOR CENTER NEWSLETTER	1	2.9 %
Non profit network	1	2.9 %
BANNER 68TH & BOTHER HWY	1	2.9 %
SIGNS/BANNERS	1	2.9 %
ADVERTISEMENT BANNER	1	2.9 %
Signage	1	2.9 %
KENMORE NEIGHBORS FACEBOOK PAGE	1	2.9 %
BANNERS/POSTERS/AD BOARDS	1	2.9 %
Signs, reader boards, outdoor advertising, business easels	1	2.9 %
SANDWICH BOARDS AT CITY HALL	1	2.9 %
GOOGLE	1	2.9 %
Postings at Swamp Creek Park	1	2.9 %
Don't know where to look	1	2.9 %
Kenmore neighbors	1	2.9 %
Facebook/internet, signs for outdoor music/events	1	2.9 %
School	1	2.9 %
Postings in library	1	2.9 %
KENMORE SENIOR CENTER BULLETIN BOARD AND HANGER	1	2.9 %
I don't but wish I did and knew how to	1	2.9 %
GETTING OUTSIDE AND EXPLORING	1	2.9 %
Total	35	100.0 %

Q13. Listed below are a number of potential actions the City of Kenmore could take in the future to improve and expand parks and recreation facilities in Kenmore. Using a scale of 1 to 4, where 4 means "very supportive" and 1 means "not supportive," please indicate how supportive you and your household are of the City taking each of the following actions.

(N=578)

	Very supportive	Somewhat supportive	Not sure	Not supportive	Not provided
Q13-1. Acquire shoreline for water/beach access	67.0%	16.1%	7.8%	5.5%	3.6%
Q13-2. Acquiring properties for developing new parks/recreation	49.0%	26.0%	12.3%	8.0%	4.8%
Q13-3. Acquiring properties to preserve natural open space & wildlife habitat	58.5%	21.8%	9.9%	5.5%	4.3%
Q13-4. Develop a community garden	23.4%	28.9%	27.7%	14.9%	5.2%
Q13-5. Develop new sports courts (tennis, pickleball, basketball)	26.1%	31.5%	24.7%	12.8%	4.8%
Q13-6. Develop a new indoor community recreation center with a gymnasium, weight room, rental/meeting space, fitness/dance room	35.3%	23.7%	20.2%	15.6%	5.2%
Q13-7. Develop a new outdoor at grade water play area (splash pad/spray park)	25.3%	24.9%	26.3%	17.5%	6.1%
Q13-8. Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	42.6%	18.3%	15.9%	18.0%	5.2%

Q13. Listed below are a number of potential actions the City of Kenmore could take in the future to improve and expand parks and recreation facilities in Kenmore. Using a scale of 1 to 4, where 4 means "very supportive" and 1 means "not supportive," please indicate how supportive you and your household are of the City taking each of the following actions.

	Very supportive	Somewhat supportive	Not sure	Not supportive	Not provided
Q13-9. Develop an off-leash dog area	32.4%	21.6%	22.5%	17.8%	5.7%
Q13-10. Develop multi-purpose paths/trails in parks	50.9%	31.0%	10.4%	3.3%	4.5%
Q13-11. Develop multi-purpose trails connecting to parks	54.5%	26.8%	10.0%	3.6%	5.0%
Q13-12. Develop non-motorized watercraft launches & rowing facilities	26.6%	30.3%	24.4%	13.0%	5.7%
Q13-13. Develop parks with play equipment & swings	27.7%	34.1%	23.5%	8.0%	6.7%
Q13-14. Develop skateboarding areas	8.8%	18.0%	35.1%	31.5%	6.6%
Q13-15. Upgrade existing neighborhood parks & playgrounds	40.7%	35.3%	15.1%	3.8%	5.2%
Q13-16. Upgrade natural areas	44.1%	29.9%	16.4%	4.2%	5.4%
Q13-17. Upgrade nature trails	46.9%	32.5%	11.9%	3.5%	5.2%
Q13-18. Upgrade or develop outdoor multi-use athletic fields (soccer/ lacrosse/ultimate frisbee/ baseball/softball, etc.)	27.0%	32.2%	24.2%	9.9%	6.7%
Q13-19. Other	97.8%	0.0%	2.2%	0.0%	0.0%

WITHOUT "NOT PROVIDED"

Q13. Listed below are a number of potential actions the City of Kenmore could take in the future to improve and expand parks and recreation facilities in Kenmore. Using a scale of 1 to 4, where 4 means "very supportive" and 1 means "not supportive," please indicate how supportive you and your household are of the City taking each of the following actions. (without "not provided")

(N=578)

	Very supportive	Somewhat supportive	Not sure	Not supportive
Q13-1. Acquire shoreline for water/beach access	69.5%	16.7%	8.1%	5.7%
Q13-2. Acquiring properties for developing new parks/recreation	51.5%	27.3%	12.9%	8.4%
Q13-3. Acquiring properties to preserve natural open space & wildlife habitat	61.1%	22.8%	10.3%	5.8%
Q13-4. Develop a community garden	24.6%	30.5%	29.2%	15.7%
Q13-5. Develop new sports courts (tennis, pickleball, basketball)	27.5%	33.1%	26.0%	13.5%
Q13-6. Develop a new indoor community recreation center with a gymnasium, weight room, rental/meeting space, fitness/dance room	37.2%	25.0%	21.4%	16.4%
Q13-7. Develop a new outdoor at grade water play area (splash pad/spray park)	26.9%	26.5%	28.0%	18.6%
Q13-8. Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	44.9%	19.3%	16.8%	19.0%
Q13-9. Develop an off-leash dog area	34.3%	22.9%	23.9%	18.9%
Q13-10. Develop multi-purpose paths/trails in parks	53.3%	32.4%	10.9%	3.4%
Q13-11. Develop multi-purpose trails connecting to parks	57.4%	28.2%	10.6%	3.8%
Q13-12. Develop non-motorized watercraft launches & rowing facilities	28.3%	32.1%	25.9%	13.8%

WITHOUT "NOT PROVIDED"

Q13. Listed below are a number of potential actions the City of Kenmore could take in the future to improve and expand parks and recreation facilities in Kenmore. Using a scale of 1 to 4, where 4 means "very supportive" and 1 means "not supportive," please indicate how supportive you and your household are of the City taking each of the following actions. (without "not provided")

	Very supportive	Somewhat supportive	Not sure	Not supportive
Q13-13. Develop parks with play equipment & swings	29.7%	36.5%	25.2%	8.5%
Q13-14. Develop skateboarding areas	9.4%	19.3%	37.6%	33.7%
Q13-15. Upgrade existing neighborhood parks & playgrounds	42.9%	37.2%	15.9%	4.0%
Q13-16. Upgrade natural areas	46.6%	31.6%	17.4%	4.4%
Q13-17. Upgrade nature trails	49.5%	34.3%	12.6%	3.6%
Q13-18. Upgrade or develop outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	28.9%	34.5%	26.0%	10.6%
Q13-19. Other	97.8%	0.0%	2.2%	0.0%

Q13-19. Other

<u>Q13-19. Other</u>	<u>Number</u>	<u>Percent</u>
Please put sidewalks into your plans, they make walking safer	1	2.2 %
Preserving natural habitats of Sammamish/Swamp Creek shorelines	1	2.2 %
Provide off leash trails for dogs	1	2.2 %
Cycling, running, paddling access to Burke-Gilman & Sammamish River/Lake	1	2.2 %
Rowing facility	1	2.2 %
Off leash dog park	1	2.2 %
Develop new baseball and soccer fields	1	2.2 %
Build a multi-sport turf & lighted field complex with parking & concessions	1	2.2 %
Develop boardwalk and bridges at mouth of Sammamish River	1	2.2 %
Community space with cafe	1	2.2 %
Remove seagrass/seaweed Log Boom	1	2.2 %
Safe walking to parks	1	2.2 %
Sidewalks	1	2.2 %
LARGER BOAT LAUNCH LIKE COULON PARK	1	2.2 %
PUBLIC GOLF COURSE	1	2.2 %
Stop spending on random art at intersection corners	1	2.2 %
GOLF COURSE (CONVERT 9 HOLES OF WAYNES)	1	2.2 %
SIDEWALKS IN ALL KENMORE NEIGHBORHOODS	1	2.2 %
BIKE FREE WALKING PATHS ON THE WATER FRONT	1	2.2 %
UNDERGROUND POWERLINES	1	2.2 %
MAKE KENMORE FERRY TO ACCESS WAKE WAYS	1	2.2 %
Swimming pool	1	2.2 %
Community level composting able to bring stuff from multi-family apts	1	2.2 %
Spend wisely	1	2.2 %
DEVELOP WATERFRONT/SHORELINE	1	2.2 %
Public art in the Parks	1	2.2 %
WATERFRONT DEVELOPMENT LIKE DT KIRKLAND	1	2.2 %
We need a pool	1	2.2 %
Acquiring properties to preserve natural open space and wildlife habitat	1	2.2 %
ENHANCE WALKABILITY IN CITY	1	2.2 %
Youth sailing classes	1	2.2 %
CONVERT EXISTING CITY OWNED SHORELINES FOR PUBLIC RECREATION	1	2.2 %
SWIMMING POOLS/ICE ARENAS	1	2.2 %
DEVELOP DOWNTOWN	1	2.2 %

Q13-19. Other

Q13-19. Other	Number	Percent
Develop a park for inclement weather	1	2.2 %
INVEST IN BUSINESSES	1	2.2 %
NATURAL AREAS RESTORATION PROGRAM	1	2.2 %
Build a park/garden/wildlife reserve on the vacant lot at 7032 NE 182nd St	1	2.2 %
Handicap access	1	2.2 %
PROVIDE BETTER VIEW OF LAKE FROM LOG BOOM PARK	1	2.2 %
COMMUNITY CENTER, WATER ACCESS, DOG PARKS AND SPORTS FIELDS	1	2.2 %
UPGRADE AND OFFER FREE ACCESS AT ST EDWARDS POOL	1	2.2 %
MORE SIDEWALKS	1	2.2 %
MINDFUL DEVELOPMENT OF WATERFRONT	1	2.2 %
PUBLIC FLOATING DOCK AT LOG BOOM PARK/ PIER FOR BOATS	1	2.2 %
Total	45	100.0 %

Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household?

Q14. Top choice	Number	Percent
Acquire shoreline for water/beach access	116	20.1 %
Acquiring properties for developing new parks/recreation	13	2.2 %
Acquiring properties to preserve natural open space & wildlife habitat	53	9.2 %
Develop a community garden	5	0.9 %
Develop new sports courts (tennis, pickleball, basketball)	16	2.8 %
Develop a new indoor community recreation center with a gymnasium, weight room, rental/meeting space, fitness/dance room	27	4.7 %
Develop a new outdoor at grade water play area (splash pad/spray park)	7	1.2 %
Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	85	14.7 %
Develop an off-leash dog area	57	9.9 %
Develop multi-purpose paths/trails in parks	28	4.8 %
Develop multi-purpose trails connecting to parks	20	3.5 %
Develop non-motorized watercraft launches & rowing facilities	10	1.7 %
Develop parks with play equipment & swings	6	1.0 %
Develop skateboarding areas	1	0.2 %
Upgrade existing neighborhood parks & playgrounds	22	3.8 %
Upgrade natural areas	8	1.4 %
Upgrade nature trails	18	3.1 %
Upgrade or develop outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	16	2.8 %
Other	21	3.6 %
None chosen	49	8.5 %
Total	578	100.0 %

Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household?

Q14. 2nd choice	Number	Percent
Acquire shoreline for water/beach access	65	11.2 %
Acquiring properties for developing new parks/recreation	37	6.4 %
Acquiring properties to preserve natural open space & wildlife habitat	56	9.7 %
Develop a community garden	20	3.5 %
Develop new sports courts (tennis, pickleball, basketball)	21	3.6 %
Develop a new indoor community recreation center with a gymnasium, weight room, rental/meeting space, fitness/dance room	46	8.0 %
Develop a new outdoor at grade water play area (splash pad/spray park)	19	3.3 %
Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	44	7.6 %
Develop an off-leash dog area	27	4.7 %
Develop multi-purpose paths/trails in parks	36	6.2 %
Develop multi-purpose trails connecting to parks	45	7.8 %
Develop non-motorized watercraft launches & rowing facilities	10	1.7 %
Develop parks with play equipment & swings	16	2.8 %
Develop skateboarding areas	1	0.2 %
Upgrade existing neighborhood parks & playgrounds	17	2.9 %
Upgrade natural areas	20	3.5 %
Upgrade nature trails	26	4.5 %
Upgrade or develop outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	11	1.9 %
Other	3	0.5 %
None chosen	58	10.0 %
Total	578	100.0 %

Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household?

Q14. 3rd choice	Number	Percent
Acquire shoreline for water/beach access	46	8.0 %
Acquiring properties for developing new parks/recreation	18	3.1 %
Acquiring properties to preserve natural open space & wildlife habitat	33	5.7 %
Develop a community garden	27	4.7 %
Develop new sports courts (tennis, pickleball, basketball)	16	2.8 %
Develop a new indoor community recreation center with a gymnasium, weight room, rental/meeting space, fitness/dance room	37	6.4 %
Develop a new outdoor at grade water play area (splash pad/spray park)	14	2.4 %
Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	40	6.9 %
Develop an off-leash dog area	32	5.5 %
Develop multi-purpose paths/trails in parks	42	7.3 %
Develop multi-purpose trails connecting to parks	37	6.4 %
Develop non-motorized watercraft launches & rowing facilities	22	3.8 %
Develop parks with play equipment & swings	18	3.1 %
Develop skateboarding areas	4	0.7 %
Upgrade existing neighborhood parks & playgrounds	35	6.1 %
Upgrade natural areas	23	4.0 %
Upgrade nature trails	42	7.3 %
Upgrade or develop outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	16	2.8 %
Other	4	0.7 %
None chosen	72	12.5 %
Total	578	100.0 %

SUM OF THE TOP THREE CHOICES

Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household? (top 3)

Q14. Top choice	Number	Percent
Acquire shoreline for water/beach access	227	39.3 %
Acquiring properties for developing new parks/recreation	68	11.8 %
Acquiring properties to preserve natural open space & wildlife habitat	142	24.6 %
Develop a community garden	52	9.0 %
Develop new sports courts (tennis, pickleball, basketball)	53	9.2 %
Develop a new indoor community recreation center with a gymnasium, weight room, rental/meeting space, fitness/dance room	110	19.0 %
Develop a new outdoor at grade water play area (splash pad/spray park)	40	6.9 %
Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	169	29.2 %
Develop an off-leash dog area	116	20.1 %
Develop multi-purpose paths/trails in parks	106	18.3 %
Develop multi-purpose trails connecting to parks	102	17.6 %
Develop non-motorized watercraft launches & rowing facilities	42	7.3 %
Develop parks with play equipment & swings	40	6.9 %
Develop skateboarding areas	6	1.0 %
Upgrade existing neighborhood parks & playgrounds	74	12.8 %
Upgrade natural areas	51	8.8 %
Upgrade nature trails	86	14.9 %
Upgrade or develop outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	43	7.4 %
Other	28	4.8 %
None chosen	49	8.5 %
Total	1604	

Q15. Facility Needs. Please indicate if YOU or any member of your household has a need for each type of facility listed below.

(N=578)

	Yes	No
Q15-1. Art gallery/indoor theater	29.9%	70.1%
Q15-2. Community/recreation center	45.5%	54.5%
Q15-3. Indoor exercise/fitness facilities	47.4%	52.6%
Q15-4. Indoor gymnasiums (basketball, volleyball, etc.)	29.2%	70.8%
Q15-5. Indoor swimming pool/aquatic center	57.4%	42.6%
Q15-6. Large community parks	56.1%	43.9%
Q15-7. Natural areas/reserves	64.5%	35.5%
Q15-8. Nature trails	72.1%	27.9%
Q15-9. Non-motorized watercraft launches	29.6%	70.4%
Q15-10. Off-leash dog parks	37.4%	62.6%
Q15-11. Outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	33.4%	66.6%
Q15-12. Outdoor pickleball courts	11.8%	88.2%
Q15-13. Outdoor pools	23.0%	77.0%
Q15-14. Outdoor spray parks	24.9%	75.1%
Q15-15. Outdoor tennis courts	24.7%	75.3%
Q15-16. Paved walking/biking paths	67.6%	32.4%
Q15-17. Picnic shelters/areas	46.7%	53.3%
Q15-18. Playgrounds	39.4%	60.6%
Q15-19. Skateboarding areas	11.2%	88.8%

Q15. Facility Needs. Please indicate if YOU or any member of your household has a need for each type of facility listed below.

	Yes	No
Q15-20. Small neighborhood parks	52.2%	47.8%
Q15-21. Other	3.1%	96.9%

Q15. If "YES," please rate how well your needs are being met in the City of Kenmore.

(N=548)

	Fully met	Mostly met	Partly met	Not met
Q15-1. Art gallery/indoor theater	3.3%	8.5%	33.3%	54.9%
Q15-2. Community/recreation center	3.4%	14.3%	34.6%	47.7%
Q15-3. Indoor exercise/fitness facilities	2.8%	8.9%	23.0%	65.3%
Q15-4. Indoor gymnasiums (basketball, volleyball, etc.)	1.9%	6.4%	21.8%	69.9%
Q15-5. Indoor swimming pool/aquatic center	3.1%	4.1%	6.5%	86.4%
Q15-6. Large community parks	24.0%	47.7%	22.4%	5.9%
Q15-7. Natural areas/reserves	19.3%	46.6%	30.3%	3.9%
Q15-8. Nature trails	17.9%	42.6%	34.5%	5.0%
Q15-9. Non-motorized watercraft launches	8.7%	33.3%	44.0%	14.0%
Q15-10. Off-leash dog parks	1.5%	5.1%	16.7%	76.8%
Q15-11. Outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball, etc.)	4.4%	26.7%	41.1%	27.8%
Q15-12. Outdoor pickleball courts	1.7%	3.3%	10.0%	85.0%
Q15-13. Outdoor pools	7.3%	4.9%	8.1%	79.7%
Q15-14. Outdoor spray parks	6.1%	13.0%	33.6%	47.3%
Q15-15. Outdoor tennis courts	5.9%	14.1%	23.7%	56.3%
Q15-16. Paved walking/biking paths	18.2%	41.1%	32.7%	8.1%
Q15-17. Picnic shelters/areas	14.1%	46.2%	34.1%	5.6%
Q15-18. Playgrounds	21.7%	53.8%	22.6%	1.9%
Q15-19. Skateboarding areas	30.5%	30.5%	35.6%	3.4%
Q15-20. Small neighborhood parks	21.1%	40.4%	33.6%	5.0%
Q15-21. Other	11.1%	0.0%	16.7%	72.2%

Q15-21. Other

<u>Q15-21. Other</u>	<u>Number</u>	<u>Percent</u>
Walkable neighborhoods with raised-sidewalk pedestrian access	1	5.6 %
Waterfront	1	5.6 %
Auto repair area	1	5.6 %
Lake swimming area clear of weeds	1	5.6 %
PROPER BOAT LAUNCH	1	5.6 %
DRIVING RANGE GOLF	1	5.6 %
GOLF COURSE	1	5.6 %
Shoreline access just to enjoy, not for boating	1	5.6 %
Youth hangout	1	5.6 %
DEVELOP WATERFRONT LIKE KIRKLAND	1	5.6 %
LIBRARY	1	5.6 %
BEACH TO PLAY ON, THINK SEATTLE LAKE		
WA PARKS SEWARD	1	5.6 %
BEACH AREA	1	5.6 %
Waterfront Civic Club similar to Lake Forest Park	1	5.6 %
Boathouse/launch for Inglemoor Crew team that community could also use	1	5.6 %
Litter deterrent signage and more trash cans along popular pedestrian routes	1	5.6 %
Indoor play space	1	5.6 %
<u>RESTROOMS AT AREAS</u>	<u>1</u>	<u>5.6 %</u>
Total	18	100.0 %

Q16. Which FOUR of the facilities from the list in Question 15 are MOST IMPORTANT to your household?

Q16. Top choice	Number	Percent
Art gallery/indoor theater	16	2.8 %
Community/recreation center	17	2.9 %
Indoor exercise/fitness facilities	32	5.5 %
Indoor gymnasiums (basketball, volleyball, etc.)	5	0.9 %
Indoor swimming pool/aquatic center	114	19.7 %
Large community parks	32	5.5 %
Natural areas/reserves	59	10.2 %
Nature trails	53	9.2 %
Non-motorized watercraft launches	6	1.0 %
Off-leash dog parks	57	9.9 %
Outdoor multi-use athletic fields (soccer/lacrosse/ ultimate frisbee/baseball/softball, etc.)	20	3.5 %
Outdoor pickleball courts	3	0.5 %
Outdoor pools	7	1.2 %
Outdoor spray parks	2	0.3 %
Outdoor tennis courts	7	1.2 %
Paved walking/biking paths	48	8.3 %
Picnic shelters/areas	5	0.9 %
Playgrounds	14	2.4 %
Skateboarding areas	2	0.3 %
Small neighborhood parks	19	3.3 %
Other	7	1.2 %
None chosen	53	9.2 %
Total	578	100.0 %

Q16. Which FOUR of the facilities from the list in Question 15 are MOST IMPORTANT to your household?

Q16. 2nd choice	Number	Percent
Art gallery/indoor theater	17	2.9 %
Community/recreation center	33	5.7 %
Indoor exercise/fitness facilities	32	5.5 %
Indoor gymnasiums (basketball, volleyball, etc.)	16	2.8 %
Indoor swimming pool/aquatic center	49	8.5 %
Large community parks	24	4.2 %
Natural areas/reserves	44	7.6 %
Nature trails	86	14.9 %
Non-motorized watercraft launches	19	3.3 %
Off-leash dog parks	36	6.2 %
Outdoor multi-use athletic fields (soccer/lacrosse/ ultimate frisbee/baseball/softball, etc.)	14	2.4 %
Outdoor pickleball courts	7	1.2 %
Outdoor pools	11	1.9 %
Outdoor spray parks	13	2.2 %
Outdoor tennis courts	11	1.9 %
Paved walking/biking paths	52	9.0 %
Picnic shelters/areas	7	1.2 %
Playgrounds	16	2.8 %
Skateboarding areas	3	0.5 %
Small neighborhood parks	21	3.6 %
Other	5	0.9 %
None chosen	62	10.7 %
Total	578	100.0 %

Q16. Which FOUR of the facilities from the list in Question 15 are MOST IMPORTANT to your household?

Q16. 3rd choice	Number	Percent
Art gallery/indoor theater	25	4.3 %
Community/recreation center	21	3.6 %
Indoor exercise/fitness facilities	38	6.6 %
Indoor gymnasiums (basketball, volleyball, etc.)	24	4.2 %
Indoor swimming pool/aquatic center	30	5.2 %
Large community parks	32	5.5 %
Natural areas/reserves	38	6.6 %
Nature trails	55	9.5 %
Non-motorized watercraft launches	13	2.2 %
Off-leash dog parks	25	4.3 %
Outdoor multi-use athletic fields (soccer/lacrosse/ ultimate frisbee/baseball/softball, etc.)	22	3.8 %
Outdoor pickleball courts	5	0.9 %
Outdoor pools	13	2.2 %
Outdoor spray parks	17	2.9 %
Outdoor tennis courts	8	1.4 %
Paved walking/biking paths	73	12.6 %
Picnic shelters/areas	15	2.6 %
Playgrounds	16	2.8 %
Skateboarding areas	4	0.7 %
Small neighborhood parks	16	2.8 %
Other	4	0.7 %
None chosen	84	14.5 %
Total	578	100.0 %

Q16. Which FOUR of the facilities from the list in Question 15 are MOST IMPORTANT to your household?

Q16. 4th choice	Number	Percent
Art gallery/indoor theater	21	3.6 %
Community/recreation center	28	4.8 %
Indoor exercise/fitness facilities	26	4.5 %
Indoor gymnasiums (basketball, volleyball, etc.)	12	2.1 %
Indoor swimming pool/aquatic center	24	4.2 %
Large community parks	33	5.7 %
Natural areas/reserves	37	6.4 %
Nature trails	34	5.9 %
Non-motorized watercraft launches	19	3.3 %
Off-leash dog parks	22	3.8 %
Outdoor multi-use athletic fields (soccer/lacrosse/ ultimate frisbee/baseball/softball, etc.)	13	2.2 %
Outdoor pickleball courts	7	1.2 %
Outdoor pools	14	2.4 %
Outdoor spray parks	10	1.7 %
Outdoor tennis courts	14	2.4 %
Paved walking/biking paths	39	6.7 %
Picnic shelters/areas	16	2.8 %
Playgrounds	21	3.6 %
Skateboarding areas	7	1.2 %
Small neighborhood parks	17	2.9 %
Other	4	0.7 %
None chosen	160	27.7 %
Total	578	100.0 %

SUM OF THE TOP FOUR CHOICES

Q16. Which FOUR of the facilities from the list in Question 15 are MOST IMPORTANT to your household? (top 4)

Q16. Top choice	Number	Percent
Art gallery/indoor theater	79	13.7 %
Community/recreation center	99	17.1 %
Indoor exercise/fitness facilities	128	22.1 %
Indoor gymnasiums (basketball, volleyball, etc.)	57	9.9 %
Indoor swimming pool/aquatic center	217	37.5 %
Large community parks	121	20.9 %
Natural areas/reserves	178	30.8 %
Nature trails	228	39.4 %
Non-motorized watercraft launches	57	9.9 %
Off-leash dog parks	140	24.2 %
Outdoor multi-use athletic fields (soccer/lacrosse/ ultimate frisbee/baseball/softball, etc.)	69	11.9 %
Outdoor pickleball courts	22	3.8 %
Outdoor pools	45	7.8 %
Outdoor spray parks	42	7.3 %
Outdoor tennis courts	40	6.9 %
Paved walking/biking paths	212	36.7 %
Picnic shelters/areas	43	7.4 %
Playgrounds	67	11.6 %
Skateboarding areas	16	2.8 %
Small neighborhood parks	73	12.6 %
Other	20	3.5 %
None chosen	53	9.2 %
Total	2006	

Q17. On a scale from 1 to 10, where 1 is "no opportunities" and 10 is "extensive opportunities," how would you rate the opportunity to attend community event(s) in the City of Kenmore?

(N=578)

	No opportu- nities	2	3	4	5	6	7	8	9	Extensi- ve opportu- nities
Q17. How would you rate opportunit- y to attend communit- y event(s) in City of Kenmore	2.2%	3.7%	7.1%	5.7%	22.2%	14.5%	14.3%	17.3%	5.7%	7.5%

Q18. In the past 12 months, have you or any member of your household attended any community event(s) in the City of Kenmore?

Q18. Have you attended any community event(s)? in City of Kenmore in past 12 months	Number	Percent
Yes	307	53.1 %
No	271	46.9 %
Total	578	100.0 %

Q18a. Which of the following community event(s) did you attend?

Q18a. What community event(s) did you attend	Number	Percent
Arts of Kenmore Gallery Receptions at Kenmore City Hall	39	12.7 %
Halloween at the Hall	21	6.8 %
Jack V. Crawford Day	7	2.3 %
Kenmore Fourth of July Fireworks	180	58.6 %
Kenmore Play Day	38	12.4 %
Kenmore Summer Concert Series	174	56.7 %
Lunchtime Food Truck Fridays	45	14.7 %
Movies at the Square	64	20.8 %
National Night Out	28	9.1 %
Seasonal Nature Walks in Parks	44	14.3 %
Tree Lighting Festival & Holiday Market	93	30.3 %
Why I Love Kenmore Summer Party	56	18.2 %
<u>Other</u>	25	8.1 %
Total	814	

Q18a-13. Other

Q18a-13. Other	Number	Percent
City council meeting	2	8.0 %
20-year Kenmore birthday	1	4.0 %
Concerts at St Edwards	1	4.0 %
Art show	1	4.0 %
Slough races	1	4.0 %
Meetings	1	4.0 %
HYDROPLANE IN SLEW	1	4.0 %
KAYAK RACING	1	4.0 %
CHURCH CRAFTS FAIR-KENMORE	1	4.0 %
Hangar Events	1	4.0 %
Summer reading at the Hangar	1	4.0 %
HOLIDAY WINE TASTING AT AQUA CLUB	1	4.0 %
Station 51 open house	1	4.0 %
Arts of Kenmore Art Show	1	4.0 %
Arts of Kenmore Art Show at Bastyr	1	4.0 %
Memorial service at the hanger	1	4.0 %
Christmas ships	1	4.0 %
BRT meeting with Metro	1	4.0 %
Breakfast Fire Hall	1	4.0 %
ART SHOW AT BOASTY AREA	1	4.0 %
Fishing at Log Boom Park	1	4.0 %
Special Olympics	1	4.0 %
Kids to Parks Day at St Edwards	1	4.0 %
COMMUNITY INFORMATION AND MEETINGS	1	4.0 %
Total	25	100.0 %

Q19. Program/Activity Needs. Please indicate if YOU or any member of your HOUSEHOLD has a need for each type of program or activity listed below.

(N=578)

	Yes	No
Q19-1. Adult fitness & wellness programs	53.5%	46.5%
Q19-2. Adult painting, arts, sculpturing classes	30.4%	69.6%
Q19-3. Adult rowing programs	20.9%	79.1%
Q19-4. Adult sports programs	29.2%	70.8%
Q19-5. Adult theatre, dance, singing, musical instrument classes	24.2%	75.8%
Q19-6. Before & after school programs	24.0%	76.0%
Q19-7. Community event programs	41.3%	58.7%
Q19-8. Community garden programs	27.5%	72.5%
Q19-9. Cultural event programs	36.5%	63.5%
Q19-10. Gymnastics & tumbling programs	12.8%	87.2%
Q19-11. Inclusive/adaptive recreation programs	12.1%	87.9%
Q19-12. Martial arts programs	13.1%	86.9%
Q19-13. Nature/environmental education programs	36.0%	64.0%
Q19-14. Park stewardship/volunteering programs	33.9%	66.1%
Q19-15. Preschool programs/early childhood	20.1%	79.9%
Q19-16. Programs for adults 50+	31.7%	68.3%
Q19-17. Programs for people with disabilities	16.1%	83.9%
Q19-18. Tennis lessons & leagues	17.8%	82.2%

Q19. Program/Activity Needs. Please indicate if YOU or any member of your HOUSEHOLD has a need for each type of program or activity listed below.

	Yes	No
Q19-19. Water fitness programs	30.4%	69.6%
Q19-20. Youth fitness & wellness classes	23.0%	77.0%
Q19-21. Youth Learn to Swim programs	27.5%	72.5%
Q19-22. Youth painting, arts, sculpturing classes	19.7%	80.3%
Q19-23. Youth rowing programs	15.6%	84.4%
Q19-24. Youth sports programs	27.2%	72.8%
Q19-25. Youth summer camps	28.4%	71.6%
Q19-26. Youth theatre, dance, singing, musical instruments classes	21.8%	78.2%
Q19-27. Other	1.7%	98.3%

Q19. If "YES," please rate how well your needs are being met in the City of Kenmore.

(N=506)

	Fully met	Mostly met	Partly met	Not met
Q19-1. Adult fitness & wellness programs	4.2%	8.3%	34.8%	52.7%
Q19-2. Adult painting, arts, sculpturing classes	2.7%	4.1%	24.5%	68.7%
Q19-3. Adult rowing programs	7.1%	12.2%	25.5%	55.1%
Q19-4. Adult sports programs	3.4%	8.3%	32.4%	55.9%
Q19-5. Adult theatre, dance, singing, musical instrument classes	2.5%	5.9%	26.3%	65.3%
Q19-6. Before & after school programs	7.6%	17.6%	41.2%	33.6%
Q19-7. Community event programs	6.3%	35.3%	43.5%	15.0%
Q19-8. Community garden programs	4.4%	13.2%	28.7%	53.7%
Q19-9. Cultural event programs	3.3%	14.8%	52.7%	29.1%
Q19-10. Gymnastics & tumbling programs	0.0%	7.9%	15.9%	76.2%
Q19-11. Inclusive/adaptive recreation programs	3.6%	7.3%	38.2%	50.9%
Q19-12. Martial arts programs	4.5%	10.6%	25.8%	59.1%
Q19-13. Nature/environmental education programs	2.8%	12.3%	50.8%	34.1%
Q19-14. Park stewardship/volunteering programs	6.7%	17.0%	41.8%	34.5%
Q19-15. Preschool programs/early childhood	7.1%	14.3%	38.8%	39.8%
Q19-16. Programs for adults 50+	3.8%	8.9%	47.1%	40.1%
Q19-17. Programs for people with disabilities	4.2%	11.3%	29.6%	54.9%
Q19-18. Tennis lessons & leagues	2.2%	6.6%	20.9%	70.3%
Q19-19. Water fitness programs	2.7%	4.7%	16.0%	76.7%

Q19. If "YES," please rate how well your needs are being met in the City of Kenmore.

	Fully met	Mostly met	Partly met	Not met
Q19-20. Youth fitness & wellness classes	2.6%	8.7%	31.3%	57.4%
Q19-21. Youth Learn to Swim programs	2.2%	5.9%	24.3%	67.6%
Q19-22. Youth painting, arts, sculpturing classes	3.1%	4.1%	25.8%	67.0%
Q19-23. Youth rowing programs	5.6%	9.7%	37.5%	47.2%
Q19-24. Youth sports programs	3.8%	17.3%	41.4%	37.6%
Q19-25. Youth summer camps	2.9%	15.0%	37.9%	44.3%
Q19-26. Youth theatre, dance, singing, musical instruments classes	2.9%	8.6%	28.6%	60.0%
Q19-27. Other	12.5%	0.0%	12.5%	75.0%

Q19-27. Other

<u>Q19-27. Other</u>	<u>Number</u>	<u>Percent</u>
Adult Yoga	1	10.0 %
Game nights, cards	1	10.0 %
Language classes	1	10.0 %
Pickleball lessons and leagues	1	10.0 %
Foreign languages classes	1	10.0 %
Tai Chi at Moorland Park	1	10.0 %
WALKING PATHS/TRAILS	1	10.0 %
Adult learn to swim programs	1	10.0 %
None of the above, needs already met elsewhere	1	10.0 %
<u>COMMUNITY SAILING PROGRAM</u>	<u>1</u>	<u>10.0 %</u>
Total	10	100.0 %

Q20. Which FOUR of the programs or activities from the list in Question 19 are MOST IMPORTANT to your household?

Q20. Top choice	Number	Percent
Adult fitness & wellness programs	103	17.8 %
Adult painting, arts, sculpturing classes	16	2.8 %
Adult rowing programs	8	1.4 %
Adult sports programs	19	3.3 %
Adult theatre, dance, singing, musical instrument classes	9	1.6 %
Before & after school programs	23	4.0 %
Community event programs	33	5.7 %
Community garden programs	17	2.9 %
Cultural event programs	17	2.9 %
Gymnastics & tumbling programs	3	0.5 %
Inclusive/adaptive recreation programs	3	0.5 %
Martial arts programs	4	0.7 %
Nature/environmental education programs	26	4.5 %
Park stewardship/volunteering programs	12	2.1 %
Preschool programs/early childhood	19	3.3 %
Programs for adults 50+	16	2.8 %
Programs for people with disabilities	9	1.6 %
Tennis lessons & leagues	9	1.6 %
Water fitness programs	25	4.3 %
Youth fitness & wellness classes	3	0.5 %
Youth Learn to Swim programs	28	4.8 %
Youth painting, arts, sculpturing classes	5	0.9 %
Youth rowing programs	3	0.5 %
Youth sports programs	20	3.5 %
Youth summer camps	9	1.6 %
Youth theatre, dance, singing, musical instruments classes	5	0.9 %
Other	2	0.3 %
None chosen	132	22.8 %
Total	578	100.0 %

Q20. Which FOUR of the programs or activities from the list in Question 19 are MOST IMPORTANT to your household?

Q20. 2nd choice	Number	Percent
Adult fitness & wellness programs	43	7.4 %
Adult painting, arts, sculpturing classes	29	5.0 %
Adult rowing programs	16	2.8 %
Adult sports programs	21	3.6 %
Adult theatre, dance, singing, musical instrument classes	11	1.9 %
Before & after school programs	9	1.6 %
Community event programs	25	4.3 %
Community garden programs	26	4.5 %
Cultural event programs	20	3.5 %
Gymnastics & tumbling programs	6	1.0 %
Inclusive/adaptive recreation programs	2	0.3 %
Martial arts programs	10	1.7 %
Nature/environmental education programs	27	4.7 %
Park stewardship/volunteering programs	20	3.5 %
Preschool programs/early childhood	8	1.4 %
Programs for adults 50+	27	4.7 %
Programs for people with disabilities	4	0.7 %
Tennis lessons & leagues	6	1.0 %
Water fitness programs	22	3.8 %
Youth fitness & wellness classes	5	0.9 %
Youth Learn to Swim programs	26	4.5 %
Youth painting, arts, sculpturing classes	6	1.0 %
Youth rowing programs	4	0.7 %
Youth sports programs	16	2.8 %
Youth summer camps	20	3.5 %
Youth theatre, dance, singing, musical instruments classes	7	1.2 %
Other	2	0.3 %
None chosen	160	27.7 %
Total	578	100.0 %

Q20. Which FOUR of the programs or activities from the list in Question 19 are MOST IMPORTANT to your household?

Q20. 3rd choice	Number	Percent
Adult fitness & wellness programs	25	4.3 %
Adult painting, arts, sculpturing classes	19	3.3 %
Adult rowing programs	9	1.6 %
Adult sports programs	20	3.5 %
Adult theatre, dance, singing, musical instrument classes	18	3.1 %
Before & after school programs	5	0.9 %
Community event programs	27	4.7 %
Community garden programs	11	1.9 %
Cultural event programs	22	3.8 %
Gymnastics & tumbling programs	5	0.9 %
Inclusive/adaptive recreation programs	2	0.3 %
Martial arts programs	6	1.0 %
Nature/environmental education programs	22	3.8 %
Park stewardship/volunteering programs	20	3.5 %
Preschool programs/early childhood	13	2.2 %
Programs for adults 50+	24	4.2 %
Programs for people with disabilities	5	0.9 %
Tennis lessons & leagues	12	2.1 %
Water fitness programs	12	2.1 %
Youth fitness & wellness classes	5	0.9 %
Youth Learn to Swim programs	22	3.8 %
Youth painting, arts, sculpturing classes	5	0.9 %
Youth rowing programs	5	0.9 %
Youth sports programs	18	3.1 %
Youth summer camps	24	4.2 %
Youth theatre, dance, singing, musical instruments classes	11	1.9 %
None chosen	211	36.5 %
Total	578	100.0 %

Q20. Which FOUR of the programs or activities from the list in Question 19 are MOST IMPORTANT to your household?

Q20. 4th choice	Number	Percent
Adult fitness & wellness programs	27	4.7 %
Adult painting, arts, sculpturing classes	18	3.1 %
Adult rowing programs	6	1.0 %
Adult sports programs	15	2.6 %
Adult theatre, dance, singing, musical instrument classes	14	2.4 %
Before & after school programs	9	1.6 %
Community event programs	16	2.8 %
Community garden programs	19	3.3 %
Cultural event programs	20	3.5 %
Gymnastics & tumbling programs	3	0.5 %
Inclusive/adaptive recreation programs	3	0.5 %
Martial arts programs	2	0.3 %
Nature/environmental education programs	25	4.3 %
Park stewardship/volunteering programs	14	2.4 %
Preschool programs/early childhood	8	1.4 %
Programs for adults 50+	18	3.1 %
Programs for people with disabilities	6	1.0 %
Tennis lessons & leagues	7	1.2 %
Water fitness programs	14	2.4 %
Youth fitness & wellness classes	8	1.4 %
Youth Learn to Swim programs	12	2.1 %
Youth painting, arts, sculpturing classes	8	1.4 %
Youth rowing programs	2	0.3 %
Youth sports programs	9	1.6 %
Youth summer camps	15	2.6 %
Youth theatre, dance, singing, musical instruments classes	17	2.9 %
Other	2	0.3 %
None chosen	261	45.2 %
Total	578	100.0 %

SUM OF THE TOP FOUR CHOICES

Q20. Which FOUR of the programs or activities from the list in Question 19 are MOST IMPORTANT to your household? (top 4)

Q20. Top choice	Number	Percent
Adult fitness & wellness programs	198	34.3 %
Adult painting, arts, sculpturing classes	82	14.2 %
Adult rowing programs	39	6.7 %
Adult sports programs	75	13.0 %
Adult theatre, dance, singing, musical instrument classes	52	9.0 %
Before & after school programs	46	8.0 %
Community event programs	101	17.5 %
Community garden programs	73	12.6 %
Cultural event programs	79	13.7 %
Gymnastics & tumbling programs	17	2.9 %
Inclusive/adaptive recreation programs	10	1.7 %
Martial arts programs	22	3.8 %
Nature/environmental education programs	100	17.3 %
Park stewardship/volunteering programs	66	11.4 %
Preschool programs/early childhood	48	8.3 %
Programs for adults 50+	85	14.7 %
Programs for people with disabilities	24	4.2 %
Tennis lessons & leagues	34	5.9 %
Water fitness programs	73	12.6 %
Youth fitness & wellness classes	21	3.6 %
Youth Learn to Swim programs	88	15.2 %
Youth painting, arts, sculpturing classes	24	4.2 %
Youth rowing programs	14	2.4 %
Youth sports programs	63	10.9 %
Youth summer camps	68	11.8 %
Youth theatre, dance, singing, musical instruments classes	40	6.9 %
Other	6	1.0 %
<u>None chosen</u>	<u>132</u>	<u>22.8 %</u>
Total	1680	

Q21. Please rate your level of satisfaction with the overall value your household receives from the City of Kenmore for parks, recreation and community events.

Q21. Your level of satisfaction with overall value your household receives from City of Kenmore for parks, recreation & community events	Number	Percent
Very satisfied	100	17.3 %
Somewhat satisfied	216	37.4 %
Neutral	154	26.6 %
Somewhat dissatisfied	46	8.0 %
Very dissatisfied	19	3.3 %
Don't know	43	7.4 %
Total	578	100.0 %

WITHOUT "DON'T KNOW"

Q21. Please rate your level of satisfaction with the overall value your household receives from the City of Kenmore for parks, recreation and community events. (without "don't know")

Q21. Your level of satisfaction with overall value your household receives from City of Kenmore for parks, recreation & community events	Number	Percent
Very satisfied	100	18.7 %
Somewhat satisfied	216	40.4 %
Neutral	154	28.8 %
Somewhat dissatisfied	46	8.6 %
Very dissatisfied	19	3.6 %
Total	535	100.0 %

Q22. Counting yourself, how many people in your household are...

	Mean	Sum
number	2.8	1618
Under 5 years	0.2	126
5-9 years	0.2	98
10-14 years	0.2	105
15-19 years	0.2	87
20-24 years	0.1	69
25-34 years	0.3	162
35-44 years	0.4	258
45-54 years	0.4	206
55-64 years	0.4	244
65-74 years	0.3	192
75-84 years	0.1	60
85+ years	0.0	11

Q23. What is your age?

<u>Q23. Your age</u>	<u>Number</u>	<u>Percent</u>
18-34	100	17.3 %
35-44	119	20.6 %
45-54	112	19.4 %
55-64	126	21.8 %
65+	104	18.0 %
Not provided	17	2.9 %
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q23. What is your age? (without "not provided")**

<u>Q23. Your age</u>	<u>Number</u>	<u>Percent</u>
18-34	100	17.8 %
35-44	119	21.2 %
45-54	112	20.0 %
55-64	126	22.5 %
65+	104	18.5 %
Total	561	100.0 %

Q24. How many years have you lived in the City of Kenmore?

Q24. How many years have you lived in City of?

<u>Kenmore</u>	<u>Number</u>	<u>Percent</u>
0-5	174	30.1 %
6-10	84	14.5 %
11-15	70	12.1 %
16-20	67	11.6 %
21-30	76	13.1 %
31+	86	14.9 %
<u>Not provided</u>	<u>21</u>	<u>3.6 %</u>
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q24. How many years have you lived in the City of Kenmore? (without "not provided")**

Q24. How many years have you lived in City of

<u>Kenmore</u>	<u>Number</u>	<u>Percent</u>
0-5	174	31.2 %
6-10	84	15.1 %
11-15	70	12.6 %
16-20	67	12.0 %
21-30	76	13.6 %
31+	86	15.4 %
Total	557	100.0 %

Q25. Your gender:

<u>Q25. Your gender</u>	<u>Number</u>	<u>Percent</u>
Male	288	49.8 %
Female	278	48.1 %
Other/non-binary	5	0.9 %
<u>Not provided</u>	<u>7</u>	<u>1.2 %</u>
Total	578	100.0 %

WITHOUT “NOT PROVIDED”**Q25. Your gender: (without "not provided")**

<u>Q25. Your gender</u>	<u>Number</u>	<u>Percent</u>
Male	288	50.4 %
Female	278	48.7 %
Other/non-binary	5	0.9 %
Total	571	100.0 %

Q26. Are you of Hispanic or Latino ancestry?

<u>Q26. Are you of Hispanic or Latino ancestry</u>	<u>Number</u>	<u>Percent</u>
Yes	43	7.4 %
No	528	91.3 %
<u>Not provided</u>	7	1.2 %
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q26. Are you of Hispanic or Latino ancestry? (without "not provided")**

<u>Q26. Are you of Hispanic or Latino ancestry</u>	<u>Number</u>	<u>Percent</u>
Yes	43	7.5 %
No	528	92.5 %
Total	571	100.0 %

Q27. Which of the following best describes your race/ethnicity?

<u>Q27. Your race/ethnicity</u>	<u>Number</u>	<u>Percent</u>
African American/Black	8	1.4 %
Asian	62	10.7 %
Native American/Alaska Native	8	1.4 %
Pacific Islander/Native Hawaiian	6	1.0 %
White/Caucasian	463	80.1 %
<u>Other</u>	10	1.7 %
Total	557	

Q27-6. Other

<u>Q27-6. Other</u>	<u>Number</u>	<u>Percent</u>
Mixed	3	30.0 %
Middle Eastern	2	20.0 %
Hispanic	1	10.0 %
European, Italian, Irish	1	10.0 %
Latino	1	10.0 %
Brazilian	1	10.0 %
<u>Puerto Rican</u>	1	10.0 %
Total	10	100.0 %

Q28. Is English your first language?

<u>Q28. Is English your first language</u>	<u>Number</u>	<u>Percent</u>
Yes	512	88.6 %
No	57	9.9 %
<u>Not provided</u>	9	1.6 %
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q28. Is English your first language? (without "not provided")**

<u>Q28. Is English your first language</u>	<u>Number</u>	<u>Percent</u>
Yes	512	90.0 %
No	57	10.0 %
Total	569	100.0 %

Q29. What is your primary language spoken in your home?

Q29. What is primary language spoken in your home	Number	Percent
English	520	90.0 %
Spanish	5	0.9 %
Mandarin/Cantonese	16	2.8 %
Vietnamese	3	0.5 %
Korean	1	0.2 %
Tagalog	2	0.3 %
Other	16	2.8 %
<u>Not provided</u>	15	2.6 %
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q29. What is your primary language spoken in your home? (without "not provided")**

Q29. What is primary language spoken in your home	Number	Percent
English	520	92.4 %
Spanish	5	0.9 %
Mandarin/Cantonese	16	2.8 %
Vietnamese	3	0.5 %
Korean	1	0.2 %
Tagalog	2	0.4 %
<u>Other</u>	16	2.8 %
Total	563	100.0 %

Q29-8. Other

Q29. Other	Number	Percent
Portuguese	2	12.5 %
Russian	2	12.5 %
German	2	12.5 %
Japanese	1	6.3 %
Assamese	1	6.3 %
Serbian	1	6.3 %
Romanian	1	6.3 %
FARSI	1	6.3 %
Tamil	1	6.3 %
TBLUGU	1	6.3 %
BULGARIAN	1	6.3 %
INDONESIAN	1	6.3 %
<u>Malayalam</u>	1	6.3 %
Total	16	100.0 %

Q30. What is your total annual household income?

Q30. What is your total annual household income	Number	Percent
Under \$25K	16	2.8 %
\$25K to \$49,999	35	6.1 %
\$50K to \$74,999	69	11.9 %
\$75K to \$99,999	63	10.9 %
\$100K to \$149,999	115	19.9 %
\$150K+	187	32.4 %
Not provided	93	16.1 %
Total	578	100.0 %

WITHOUT "NOT PROVIDED"**Q30. What is your total annual household income? (without "not provided")**

Q30. What is your total annual household income	Number	Percent
Under \$25K	16	3.3 %
\$25K to \$49,999	35	7.2 %
\$50K to \$74,999	69	14.2 %
\$75K to \$99,999	63	13.0 %
\$100K to \$149,999	115	23.7 %
\$150K+	187	38.6 %
Total	485	100.0 %

Section 5

Survey Instrument

January 2019

Dear Kenmore Resident,

The City of Kenmore is beginning to update its Parks, Recreation, and Open Space (PROS) Plan, a long-range planning document updated every five to seven years. We are conducting a survey to objectively assess leisure and recreation needs in our community as part of our PROS Plan update. We need your input on this survey to help us plan for the future parks and recreation needs of the community.

We realize this survey will take about 10-15 minutes to complete, but every question is important. The time you invest now will influence dozens of decisions that will be made about the future of the City's parks and recreation programs and facilities.

If possible, please have the youngest adult (age 18 or older) in your household complete the survey.

Please return your survey during the next week. You may return your completed survey in the postage-paid envelope that has been provided or by e-mailing a scanned copy to Ryan.Murray@etcinstitute.com. If you prefer, you may also complete the survey on-line by going to www.KenmoreParkSurvey.org. Your individual responses will remain confidential.

If you have any questions, please contact Parks Project Manager, Maureen Colaizzi at mcolaizzi@kenmorewa.gov or (425) 398-8900.

Thank you for your support of this important initiative.

Sincerely,

Rob Karlinsey
City Manager
City of Kenmore

La Ciudad de Kenmore esta pidiendo su opinion sobre servicios recreos. Si usted prefiere hacer la encuesta en espanol, por favor llame gratis al (844) 811-0411. Sus respuestas individuales seran mantenidas de forma confidencial. Necesitamos recibir sus respuestas en los proximos dias. Muchas gracias.



The City of Kenmore would like your input to help determine parks and recreation priorities for our community. This survey will take approximately 10-15 minutes to complete. When you are finished, please return your survey in the enclosed postage paid return-reply envelope. If you prefer, this survey may be completed online instead at this unique link www.KenmoreParkSurvey.org that only can be used once by you. Your responses will remain completely confidential. We greatly appreciate your time.

La Ciudad de Kenmore esta pidiendo su opinion sobre servicios recreos. Si usted prefiere hacer la encuesta en espanol, por favor llame gratis al (844) 811-0411. Sus respuestas individuales seran mantenidas de forma confidencial. Muchas gracias.

1. **From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities that you are aware of.**

☐ (01) City Hall Park/Jack Crawford Skate Park	☐ (07) Squire's Landing Park
☐ (02) Linwood Park	☐ (08) Tolt Pipeline Trail
☐ (03) Log Boom Park	☐ (09) Town Square/Hangar Building
☐ (04) Moorlands Park	☐ (10) Twin Springs Park
☐ (05) Northshore Summit Park	☐ (11) Wallace Swamp Creek Park
☐ (06) Rhododendron Park	☐ (12) Other: _____

2. **In the past 12 months, have you or any member of your household visited any of the City of Kenmore park and recreation facilities listed in Question 1?**

☐ (1) Yes [Answer Q2a.] ☐ (2) No [Skip to Q3.]

- 2a. **Overall, how would you rate the physical condition of ALL the City of Kenmore parks and recreation facilities you have visited?**

☐ (1) Excellent ☐ (2) Good ☐ (3) Fair ☐ (4) Poor

3. **From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities you visit regularly.**

☐ (01) City Hall Park/Jack Crawford Skate Park	☐ (07) Squire's Landing Park
☐ (02) Linwood Park	☐ (08) Tolt Pipeline Trail
☐ (03) Log Boom Park	☐ (09) Town Square/Hangar Building
☐ (04) Moorlands Park	☐ (10) Twin Springs Park
☐ (05) Northshore Summit Park	☐ (11) Wallace Swamp Creek Park
☐ (06) Rhododendron Park	☐ (12) Other: _____

- 3a. **How often do you visit the City of Kenmore park and recreation facilities you checked in Question 3?**

☐ (1) Daily ☐ (2) Weekly ☐ (3) Monthly ☐ (4) Quarterly

- 3b. **How do you access the City of Kenmore parks and recreation facilities you checked in Question 3?**

☐ (1) Walk ☐ (2) Bike ☐ (3) Bus ☐ (4) Drive

4. **On a scale from 1 to 10, where 1 is "Not at all satisfied" and 10 is "Extremely satisfied," how satisfied are you with the number of city-owned parks and recreation facilities in the City of Kenmore?**

Your rating: _____

5. On a scale from 1 to 10, where 1 is "Not at all satisfied" and 10 is "Extremely satisfied," how satisfied are you with the progress that the city is making in improving and investing in parks and recreation facilities in the City of Kenmore?

Your rating: _____

6. From the following list, please **CHECK ALL** the parks and recreation facilities operated by **OTHER** providers that you visit regularly in the City of Kenmore.

____(01) Aqua Club Swimming Pool	____(06) Kenmore Senior Center
____(02) Bastyr University Outdoor Recreation Facilities	____(07) School Athletic Fields
____(03) Burke Gilman Trail	____(08) School Playgrounds
____(04) Inglewood Golf Course	____(09) St. Edward State Park
____(05) Kenmore Community Club	____(10) Other: _____

7. From the following list, please check the **FOUR** park features found in public parks that are **MOST IMPORTANT** to you and your household.

____(01) Benches and Picnic Tables	____(05) Park Lighting	____(09) Signage
____(02) Bike Racks	____(06) Parking	____(10) Trash Receptacles and Removal
____(03) Drinking Fountains	____(07) Picnic Shelters	____(11) Walking Paths
____(04) Landscaping	____(08) Restrooms	____(12) Other: _____

8. Of the park features listed in Question 7, please choose the **THREE** park features you feel are **MOST IMPORTANT** to be added or improved in Kenmore? [Using the numbers in Question 7, please write in the numbers of the park features that are your 1st, 2nd, and 3rd, choices, or circle "NONE."]

1st: _____ 2nd: _____ 3rd: _____ NONE

9. From the following list, please **CHECK ALL** the organizations that you and members of your household use for parks, recreation and cultural programs and facilities.

____(01) Aqua Club	____(14) Northshore School District
____(02) Arts of Kenmore	____(15) Northshore Senior Center
____(03) Boys and Girls Club	____(16) Private agencies and organizations
____(04) Cities of Bothell, Kirkland, Woodinville, Lake Forest Park	____(17) Private clubs (tennis, health and fitness)
____(05) City of Kenmore	____(18) Private schools
____(06) Inglewood Golf Club	____(19) Private youth sports leagues
____(07) Kenmore Community Club	____(20) State Parks
____(08) Kenmore Heritage Society Events	____(21) YMCA Facility
____(09) Kenmore Senior Center	____(22) YMCA Off-Site Summer Lunch Program
____(10) Kenmore Waterfront Activities Center (KWAC)	____(23) Other: _____
____(11) King County Parks	
____(12) Non-profit organizations	
____(13) Northshore Performing Arts Center	

10. On a scale from 1 to 10, where 1 is "No opportunities" and 10 is "Extensive opportunities," how would you rate the recreational opportunities in the City of Kenmore?

Your rating: _____

11. On a scale from 1 to 10, where 1 is "Lowest quality" and 10 is "Highest quality," how would you rate the quality of recreation programs or classes in the City of Kenmore?

Your rating: _____

12. How do you currently get information about recreational, cultural, and community event programs in the City of Kenmore?

- ☐ (01) Bothell-Kenmore Reporter newspaper ☐ (07) Local social media
☐ (02) City of Kenmore printed newsletter ☐ (08) Online search engine
☐ (03) City of Kenmore social media ☐ (09) Radio
☐ (04) City of Kenmore's electronic newsletter ☐ (10) Seattle Times
☐ (05) City of Kenmore's website(Kenmorewa.gov) ☐ (11) Other: _____
☐ (06) Friends and family/word of mouth

13. Listed below are a number of potential actions the City of Kenmore could take in the future to improve and expand parks and recreation facilities in Kenmore. Using a scale of 1 to 4, where 4 means "Very Supportive" and 1 means "Not Supportive," please indicate how supportive you and your household are of the City taking each of the following actions.

How supportive are you of having the City of Kenmore...		Very Supportive	Somewhat Supportive	Not Sure	Not Supportive
01.	Acquire shoreline for water/beach access	4	3	2	1
02.	Acquiring properties for developing new parks/recreation facilities	4	3	2	1
03.	Acquiring properties to preserve natural open space and wildlife habitat	4	3	2	1
04.	Develop a community garden	4	3	2	1
05.	Develop new sports courts (Tennis, Pickleball, Basketball)	4	3	2	1
06.	Develop a new indoor community recreation center with gymnasium, weight room, rental/meeting space, fitness/dance room	4	3	2	1
07.	Develop a new outdoor at grade water play area (Splash Pad/Spray Park)	4	3	2	1
08.	Develop a new regional indoor community aquatic center with features such as water slides, zero depth/walk in entry, lap lanes for exercise, spray fountains, etc.	4	3	2	1
09.	Develop an off-leash dog area	4	3	2	1
10.	Develop multipurpose paths/trails in parks	4	3	2	1
11.	Develop multipurpose trails connecting to parks	4	3	2	1
12.	Develop non-motorized water craft launches and rowing facilities	4	3	2	1
13.	Develop parks with play equipment and swings	4	3	2	1
14.	Develop skateboarding areas	4	3	2	1
15.	Upgrade existing neighborhood parks and playgrounds	4	3	2	1
16.	Upgrade natural areas	4	3	2	1
17.	Upgrade nature trails	4	3	2	1
18.	Upgrade or develop outdoor multi-use athletic fields (soccer/lacrosse/ultimate Frisbee/ baseball/softball, etc.)	4	3	2	1
19.	Other: _____	4	3	2	1

14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household? [Using the numbers in Question 13, please write in the numbers of the park features that are your 1st, 2nd, and 3rd, choices, or circle "NONE."]

1st: ____ 2nd: ____ 3rd: ____ NONE

- 15. Facility Needs. Please indicate if YOU or any member of your household has a need for each type of facility listed below by circling YES or NO to the right of each type of facility. If YES, please answer the questions to the right of the facility regarding "How well are your needs being met in the City of Kenmore?."**

Type of Facility	Have a Need for this Facility in Kenmore?		How well are your needs met in Kenmore?			
	Yes	No	Fully Met	Mostly Met	Partly Met	Not Met
01. Art gallery/indoor theater	Yes	No	4	3	2	1
02. Community/Recreation Center	Yes	No	4	3	2	1
03. Indoor exercise/fitness facilities	Yes	No	4	3	2	1
04. Indoor gymnasiums (basketball, volleyball, etc.)	Yes	No	4	3	2	1
05. Indoor swimming pool/aquatic center	Yes	No	4	3	2	1
06. Large community parks	Yes	No	4	3	2	1
07. Natural areas/reserves	Yes	No	4	3	2	1
08. Nature trails	Yes	No	4	3	2	1
09. Non-motorized watercraft launches	Yes	No	4	3	2	1
10. Off-leash dog parks	Yes	No	4	3	2	1
11. Outdoor multi-use athletic fields (soccer/lacrosse/ultimate Frisbee/ baseball/softball, etc.)	Yes	No	4	3	2	1
12. Outdoor pickleball courts	Yes	No	4	3	2	1
13. Outdoor pools	Yes	No	4	3	2	1
14. Outdoor spray parks	Yes	No	4	3	2	1
15. Outdoor tennis courts	Yes	No	4	3	2	1
16. Paved walking/biking paths	Yes	No	4	3	2	1
17. Picnic shelters/areas	Yes	No	4	3	2	1
18. Playgrounds	Yes	No	4	3	2	1
19. Skateboarding areas	Yes	No	4	3	2	1
20. Small neighborhood parks	Yes	No	4	3	2	1
21. Other: _____	Yes	No	4	3	2	1

- 16. Which FOUR of the facilities from the list in Question 15 are MOST IMPORTANT to your household? [Using the numbers in Question 15, please write in the numbers of the facilities that are your 1st, 2nd, 3rd, and 4th choices, or circle "NONE."]**

1st: _____ 2nd: _____ 3rd: _____ 4th: _____ NONE

- 17. On a scale from 1 to 10, where 1 is "No opportunities" and 10 is "Extensive opportunities," how would you rate the opportunity to attend community event(s) in the City of Kenmore?**

Your rating: _____

- 18. In the past 12 months, have you or any member of your household attended any community event(s) in the City of Kenmore?**

____(1) Yes [Answer Question 18a.] ____ (2) No [Go to Question 19.]

- 18a. Which of the following community event(s) did you attend?**

____(01) Arts of Kenmore Gallery	____(07) Lunchtime Food Truck Fridays
____(02) Halloween at the Hall	____(08) Movies at the Square
____(03) Jack V. Crawford Day	____(09) National Night Out
____(04) Kenmore Fourth of July Fireworks	____(10) Seasonal Nature Walks in Parks
____(05) Kenmore Play Day	____(11) Tree Lighting Festival and Holiday Market
____(06) Kenmore Summer Concert Series	____(12) Why I Love Kenmore Summer Party
	____(13) Other: _____

19. **Program/Activity Needs.** Please indicate if YOU or any member of your HOUSEHOLD has a need for each type of program or activity listed below by circling YES or NO to the right of each type of program or activity. If YES, please answer the questions to the right of the program or activity regarding "How well are your needs being met in the City of Kenmore?."

Type of Program/Activity	Have a Need for this Program in Kenmore?		How well are your needs met in Kenmore?			
	Yes	No	Fully Met	Mostly Met	Partly Met	Not Met
01. Adult fitness and wellness programs	Yes	No	4	3	2	1
02. Adult painting, arts, sculpturing classes	Yes	No	4	3	2	1
03. Adult rowing programs	Yes	No	4	3	2	1
04. Adult sports programs	Yes	No	4	3	2	1
05. Adult theatre, dance, singing, musical instrument classes	Yes	No	4	3	2	1
06. Before and after school programs	Yes	No	4	3	2	1
07. Community event programs	Yes	No	4	3	2	1
08. Community garden programs	Yes	No	4	3	2	1
09. Cultural event programs	Yes	No	4	3	2	1
10. Gymnastics and tumbling programs	Yes	No	4	3	2	1
11. Inclusive/adaptive recreation programs	Yes	No	4	3	2	1
12. Martial arts programs	Yes	No	4	3	2	1
13. Nature/environmental education programs	Yes	No	4	3	2	1
14. Park stewardship/volunteering programs	Yes	No	4	3	2	1
15. Preschool programs/early childhood	Yes	No	4	3	2	1
16. Programs for adults 50 and over	Yes	No	4	3	2	1
17. Programs for people with disabilities	Yes	No	4	3	2	1
18. Tennis lessons and leagues	Yes	No	4	3	2	1
19. Water fitness programs	Yes	No	4	3	2	1
20. Youth fitness and wellness classes	Yes	No	4	3	2	1
21. Youth Learn to Swim programs	Yes	No	4	3	2	1
22. Youth painting, arts, sculpturing classes	Yes	No	4	3	2	1
23. Youth rowing programs	Yes	No	4	3	2	1
24. Youth sports programs	Yes	No	4	3	2	1
25. Youth summer camps	Yes	No	4	3	2	1
26. Youth theatre, dance, singing, musical instruments classes	Yes	No	4	3	2	1
27. Other: _____	Yes	No	4	3	2	1

20. Which FOUR of the programs or activities from the list in Question 19 are MOST IMPORTANT to your household? [Using the numbers in Question 19, please write in the numbers of the programs or activities that are your 1st, 2nd, 3rd, and 4th choices or circle "NONE."]

1st: _____ 2nd: _____ 3rd: _____ 4th: _____ NONE

21. Please rate your level of satisfaction with the overall value your household receives from the City of Kenmore for parks, recreation and community events.

____(1) Very satisfied ____ (3) Neutral ____ (5) Very dissatisfied
 ____ (2) Somewhat satisfied ____ (4) Somewhat dissatisfied ____ (9) Don't know

Demographics

22. Counting yourself, how many people in your household are...

Under 5 years: ____	15-19 years: ____	35-44 years: ____	65-74 years: ____
5-9 years: ____	20-24 years: ____	45-54 years: ____	75-84 years: ____
10-14 years: ____	25-34 years: ____	55-64 years: ____	85+ years: ____

23. What is your age? ____ years**24. How many years have you lived in the City of Kenmore?** ____ years**25. Your gender:** ____ (1) Male ____ (2) Female ____ (3) Other/Non-Binary**26. Are you of Hispanic or Latino Ancestry?** ____ (1) Yes ____ (2) No**27. Which of the following best describes your race/ethnicity? [Check all that apply.]**

____ (1) African American/Black	____ (4) Pacific Islander/Native Hawaiian
____ (2) Asian	____ (5) White/Caucasian
____ (3) Native American/Alaska Native	____ (6) Other: _____

28. Is English your first language? ____ (1) Yes ____ (2) No**29. What is your primary language spoken in your home?**

____ (1) English	____ (4) Vietnamese	____ (7) Tagalog
____ (2) Spanish	____ (5) Amharic/Tigrinya	____ (8) Other: _____
____ (3) Mandarin/Cantonese	____ (6) Korean	

30. What is your total annual household income?

____ (1) Under \$25,000	____ (3) \$50,000 to \$74,999	____ (5) \$100,000 to \$149,999
____ (2) \$25,000 to \$49,999	____ (4) \$75,000 to \$99,999	____ (6) \$150,000 or more

This concludes the survey. Thank you for your time!

Please return your completed survey in the enclosed return-reply envelope addressed to:
ETC Institute, 725 W. Frontier Circle; Olathe, Kansas 66061

Your responses will remain completely confidential. The address information printed to the right will ONLY be used to help identify geographic areas with special interests.

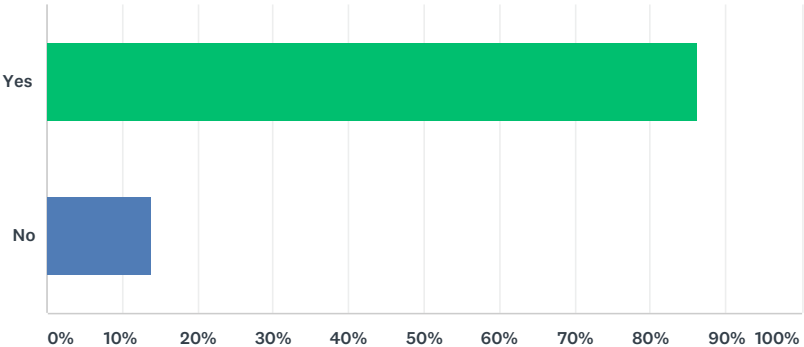
Sus respuestas serán completamente confidenciales. La información de la dirección impresa a la derecha se usará SOLAMENTE para ayudar a identificar áreas geográficas con intereses especiales.

Appendix C

SurveyMonkey

Q1 Are you a Kenmore resident?

Answered: 532 Skipped: 0

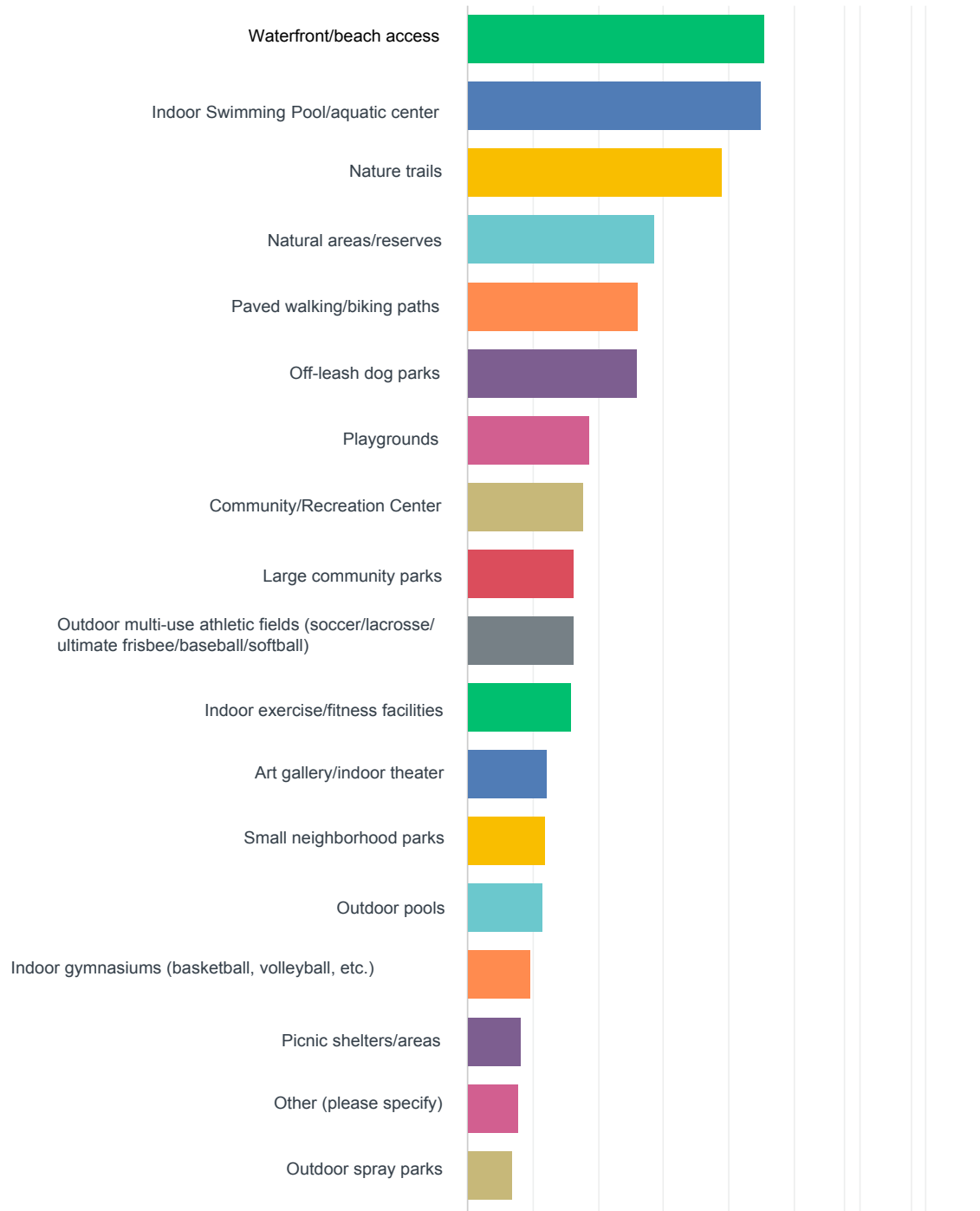


ANSWER CHOICES		RESPONSES	
Yes		86.28%	459
No		13.72%	73
TOTAL			532

Survey responses of non-residents have been included in the following data summary. To exclude them would adjust results by less than 2%, a statistically-insignificant amount.

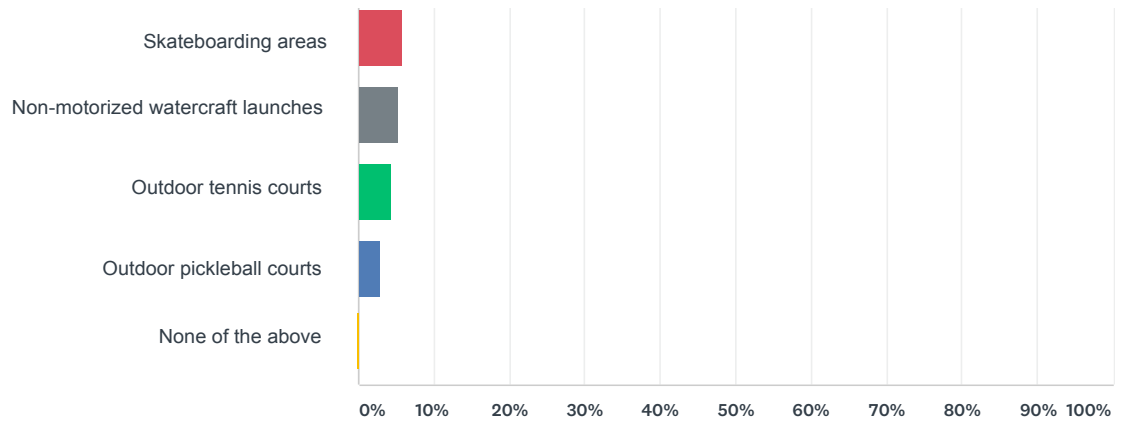
Q2 Please select up to four park and recreation facilities that you or any member of your household has a need for in Kenmore.

Answered: 532 Skipped: 0



Parks, Recreation and Open Space - Follow Up Survey

SurveyMonkey



ANSWER CHOICES	RESPONSES	
Waterfront/beach access	45.30%	241
Indoor Swimming Pool/aquatic center	44.92%	239
Nature trails	38.91%	207
Natural areas/reserves	28.57%	152
Paved walking/biking paths	26.13%	139
Off-leash dog parks	25.94%	138
Playgrounds	18.61%	99
Community/Recreation Center	17.86%	95
Large community parks	16.35%	87
Outdoor multi-use athletic fields (soccer/lacrosse/ultimate frisbee/baseball/softball)	16.35%	87
Indoor exercise/fitness facilities	15.98%	85
Art gallery/indoor theater	12.03%	64
Small neighborhood parks	11.84%	63
Outdoor pools	11.47%	61
Indoor gymnasiums (basketball, volleyball, etc.)	9.59%	51
Picnic shelters/areas	8.08%	43
Other (please specify)	7.71%	41
Outdoor spray parks	6.95%	37
Skateboarding areas	5.83%	31
Non-motorized watercraft launches	5.26%	28
Outdoor tennis courts	4.32%	23
Outdoor pickleball courts	3.01%	16
None of the above	0.38%	2

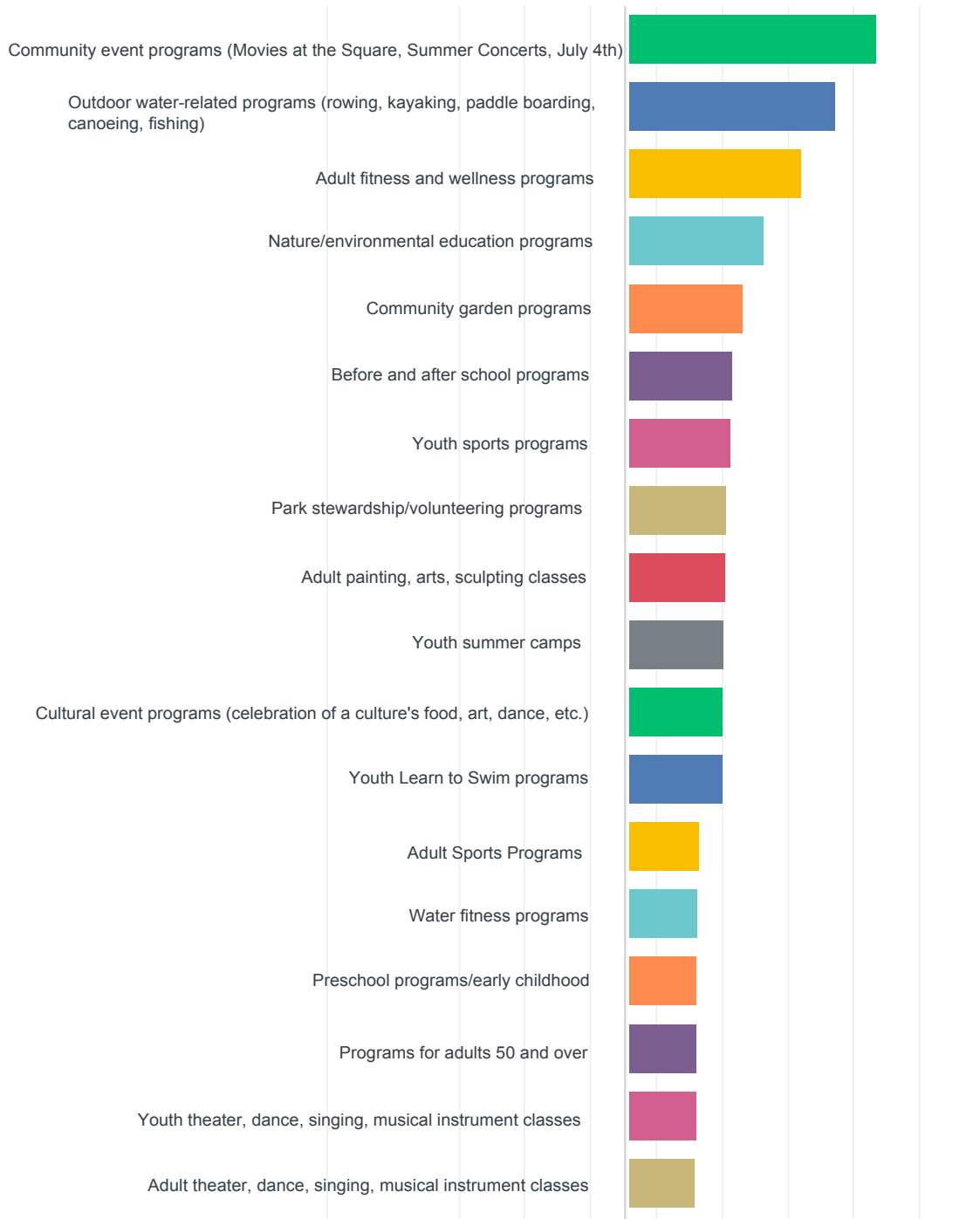
Parks, Recreation and Open Space - Follow Up Survey

SurveyMonkey

Total Respondents: 532

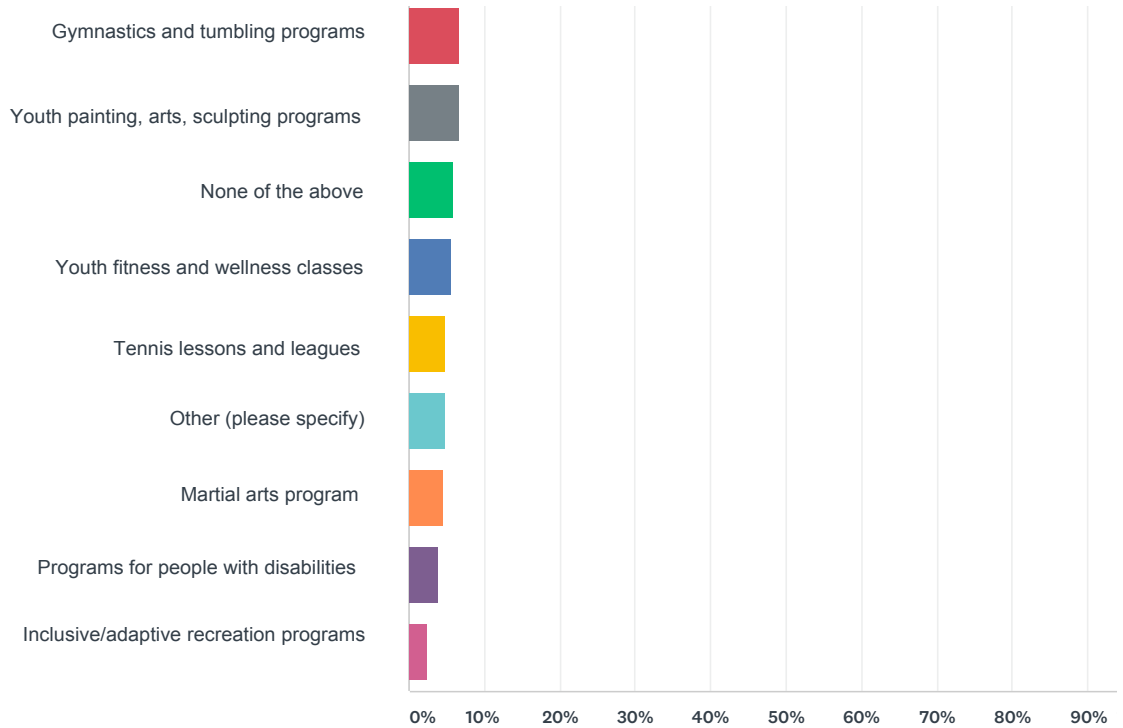
Q3 Please select up to four recreation programs that you or any member of your household has a need for in Kenmore.

Answered: 532 Skipped: 0



Parks, Recreation and Open Space - Follow Up Survey

SurveyMonkey



ANSWER CHOICES	RESPONSES	
Community event programs (Movies at the Square, Summer Concerts, July 4th)	37.59%	200
Outdoor water-related programs (rowing, kayaking, paddle boarding, canoeing, fishing)	31.39%	167
Adult fitness and wellness programs	26.13%	139
Nature/environmental education programs	20.49%	109
Community garden programs	17.29%	92
Before and after school programs	15.79%	84
Youth sports programs	15.41%	82
Park stewardship/volunteering programs	14.85%	79
Adult painting, arts, sculpting classes	14.66%	78
Youth summer camps	14.47%	77
Cultural event programs (celebration of a culture's food, art, dance, etc.)	14.29%	76
Youth Learn to Swim programs	14.29%	76
Adult Sports Programs	10.71%	57
Water fitness programs	10.53%	56
Preschool programs/early childhood	10.15%	54
Programs for adults 50 and over	10.15%	54
Youth theater, dance, singing, musical instrument classes	10.15%	54

Parks, Recreation and Open Space - Follow Up Survey

SurveyMonkey

Adult theater, dance, singing, musical instrument classes	9.96%	53
Gymnastics and tumbling programs	6.77%	36
Youth painting, arts, sculpting programs	6.77%	36
None of the above	5.83%	31
Youth fitness and wellness classes	5.64%	30
Tennis lessons and leagues	4.89%	26
Other (please specify)	4.89%	26
Martial arts program	4.51%	24
Programs for people with disabilities	3.95%	21
Inclusive/adaptive recreation programs	2.44%	13
Total Respondents: 532		

Appendix D

Kenmore PROS Plan Open House - September 25th 2019





Summation of PROS Plan Open-House

TELL US WHAT YOU THINK, ARE WE MISSING ANYTHING ?

Approximately 50 people attended the Parks, Recreation, and Open Space (PROS) Plan Update Open House meeting on Wednesday, September 25th, 2019. Residents engaged with staff about their ideas for Kenmore's future park and recreation system, filled out a three question survey and submitted comments on the draft goals, recommendations, and implementation projects. Participants were asked to vote for their preferred recommendation.

Structure of Material Presented at PROS Open-House:

A total of 13 Boards were produced for viewing at the Open-House. They have been reproduced in this transcription of the event with comments made by the public included along with their votes.

- Board 1: PROS Plan Update Planning Process
- Board 2: Existing Park System
- Board 3: Walkability to Parks & Trails
- Board 4: Walkability to Parks & Trails Continued
- Board 5: Mission & Goals
- Board 6: Recommendation One
- Board 7: Recommendation Two
- Board 8: Recommendation Three
- Board 9: Recommendation Four
- Board 10: Recommendation Five
- Board 11: Implementation Projects
- Board 12: Implementation Projects Map
- Board 13: Implementation Projects Feedback Section



PROS PLAN UPDATE PLANNING PROCESS

Timeline



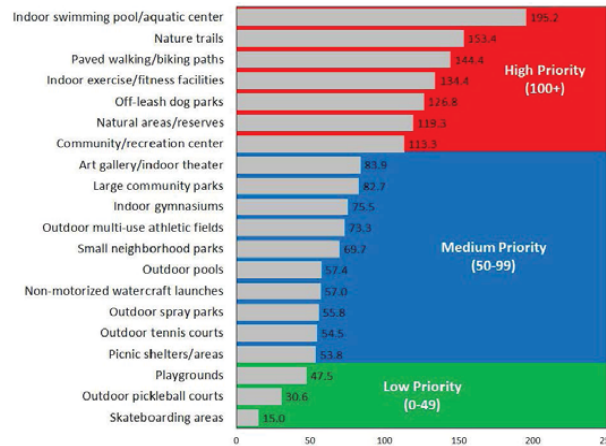
We want your feedback!

Review the presentation boards and let us know what you think. You can also take our 3 question follow-up survey at: kenmorewa.gov/prosplan.

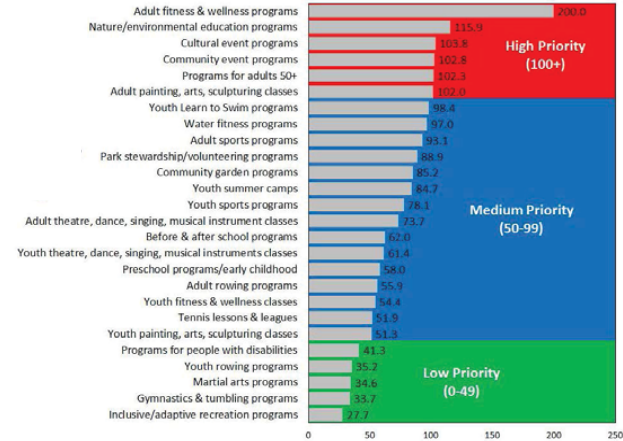
Community Engagement

A statistically valid survey was conducted to identify community priorities for recreation facilities and programs.

FACILITIES



PROGRAMS



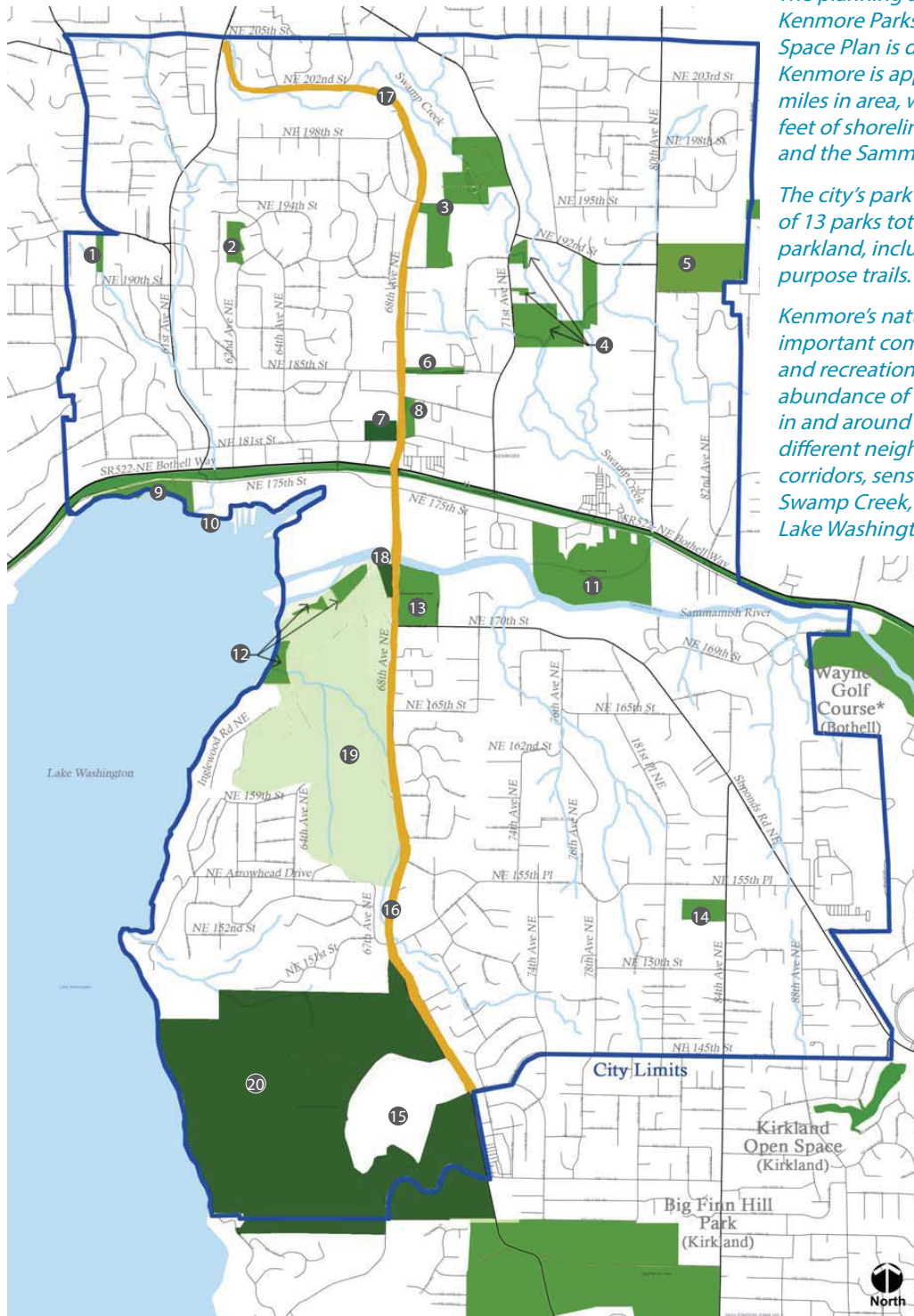
PARKS, RECREATION & OPEN SPACE PLAN UPDATE | Open House

25 September 2019



○ Place a dot on where you live or work...

EXISTING PARK SYSTEM



The planning area for the City of Kenmore Parks, Recreation and Open Space Plan is defined by the city limits. Kenmore is approximately 6.15 square miles in area, with roughly 39,000 lineal feet of shoreline along Lake Washington and the Sammamish River.

The city's park system currently consists of 13 parks totaling over 146 acres of parkland, including 3.8 miles of multi-purpose trails.

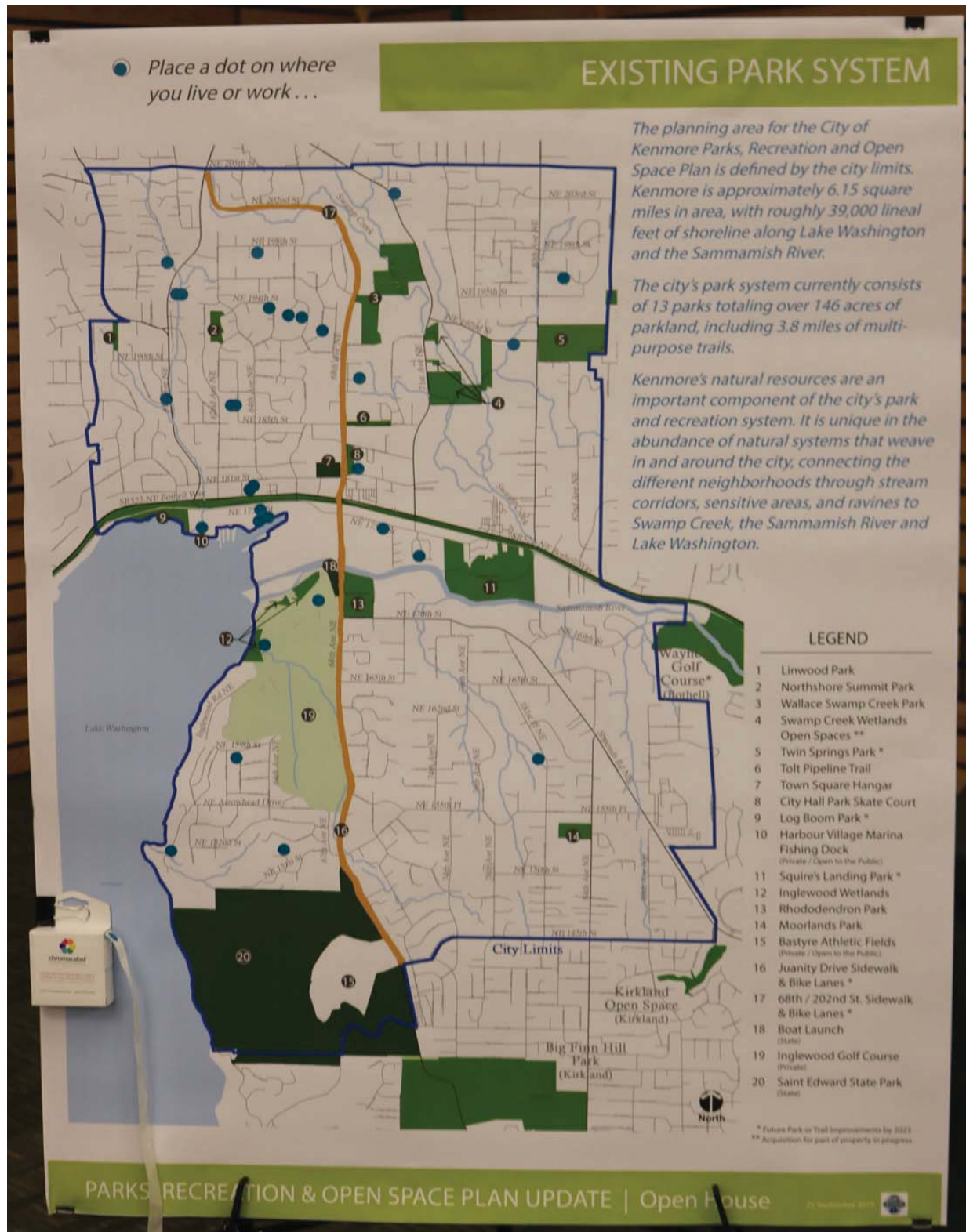
Kenmore's natural resources are an important component of the city's park and recreation system. It is unique in the abundance of natural systems that weave in and around the city, connecting the different neighborhoods through stream corridors, sensitive areas, and ravines to Swamp Creek, the Sammamish River and Lake Washington.

LEGEND

- 1 Linwood Park
- 2 Northshore Summit Park
- 3 Wallace Swamp Creek Park
- 4 Swamp Creek Wetlands Open Spaces **
- 5 Twin Springs Park *
- 6 Tolt Pipeline Trail
- 7 Town Square Hangar
- 8 City Hall Park Skate Court
- 9 Log Boom Park *
- 10 Harbour Village Marina Fishing Dock (Private / Open to the Public)
- 11 Squire's Landing Park *
- 12 Inglewood Wetlands
- 13 Rhododendron Park
- 14 Moorlands Park
- 15 Bastyre Athletic Fields (Private / Open to the Public)
- 16 Juanity Drive Sidewalk & Bike Lanes *
- 17 68th / 202nd St. Sidewalk & Bike Lanes *
- 18 Boat Launch (State)
- 19 Inglewood Golf Course (Private)
- 20 Saint Edward State Park (State)

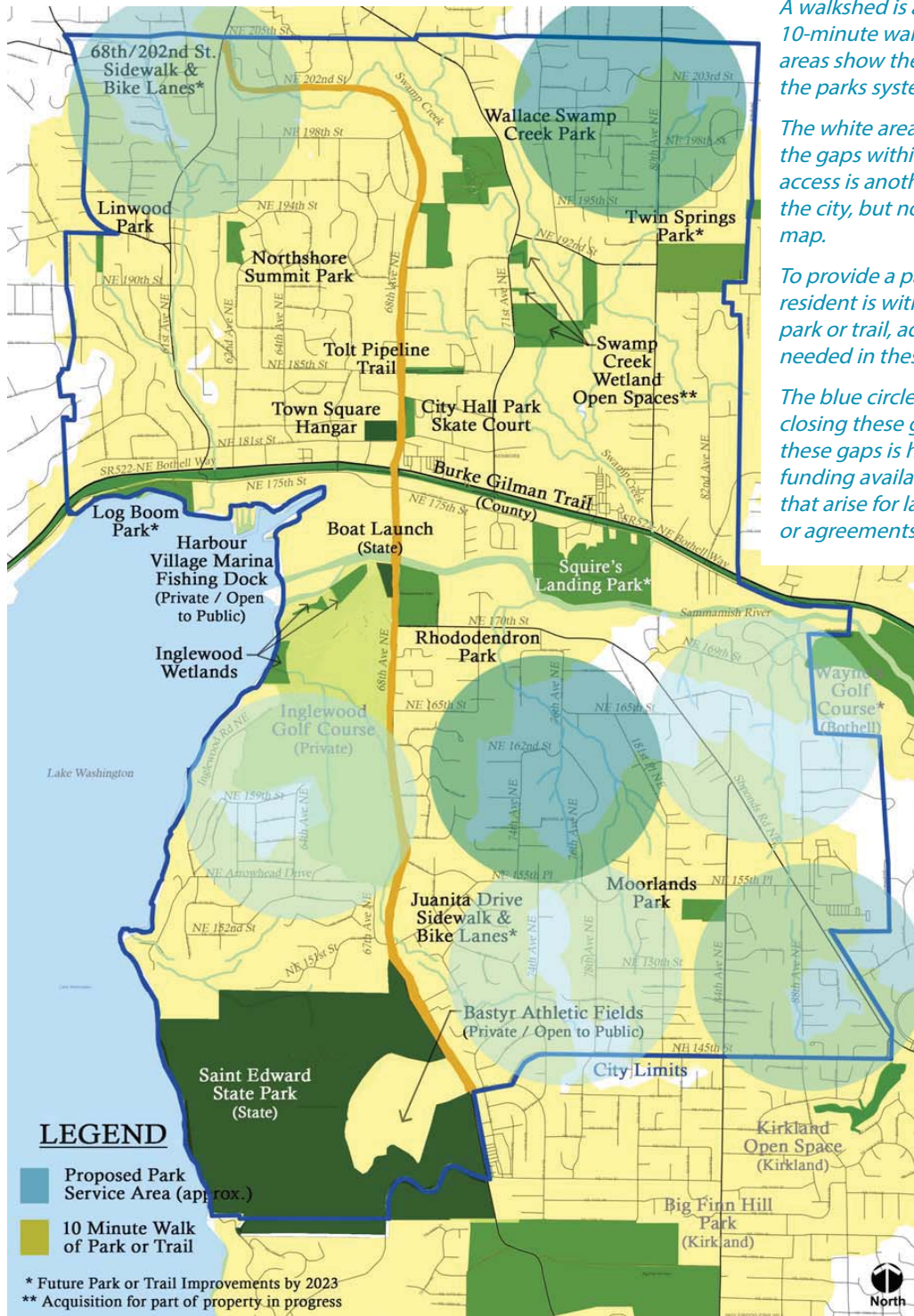
* Future Park or Trail Improvements by 2023
 ** Acquisition for part of property in progress







WALKABILITY TO PARKS & TRAILS



A walkshed is an area equal to a 10-minute walk. The yellow highlighted areas show the approximate walkshed for the parks system.

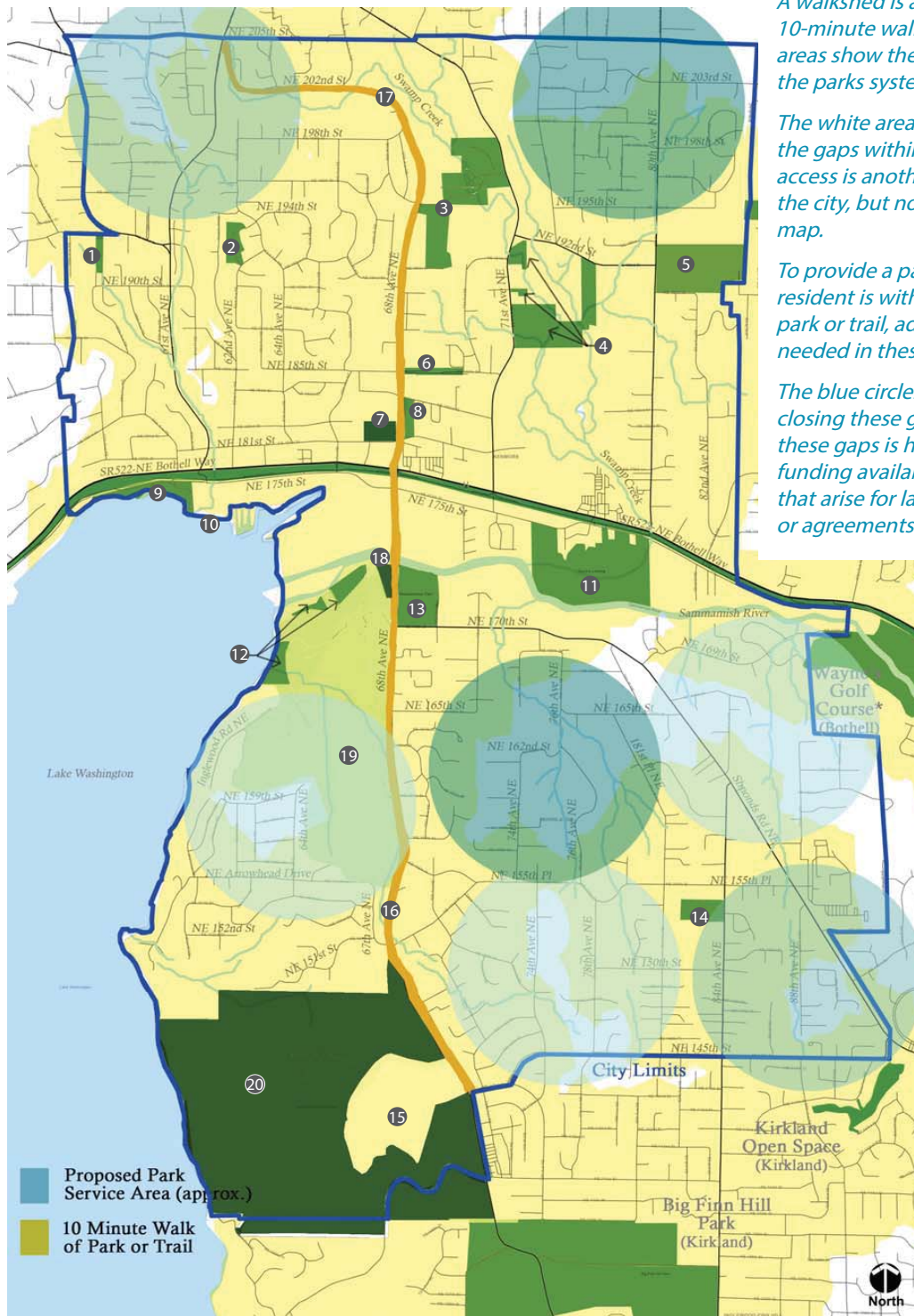
The white areas on this map highlight the gaps within this walkshed. Waterfront access is another gap that is important to the city, but not specifically shown on this map.

To provide a park system where every resident is within a 10-minute walk of a park or trail, additional facilities will be needed in these gap areas.

The blue circles are areas of priority for closing these gaps. The ability to close these gaps is highly dependent on funding availability and opportunities that arise for land acquisition, easements, or agreements with other agencies.



WALKABILITY TO PARKS & TRAILS



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The white areas on this map highlight the gaps within this walkshed. Waterfront access is another gap that is important to the city, but not specifically shown on this map.

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MISSION & GOALS

MISSION

The City of Kenmore's vision and mission is . . .

Propelling Kenmore Upward -

We create a thriving community where people love where they live.



Aerial view of Kenmore

GOALS

These seven goals represent the direction that Kenmore strives toward for the park, open space and recreation system.

1. Provide waterfront access.
2. Provide safe routes to park, recreation & open space facilities.
3. Preserve, maintain and enhance built and natural facilities to ensure quality opportunities exist.
4. Create a balance of passive and active recreation opportunities in parks.
5. Provide equitable opportunities for diverse and affordable recreation programs and community events.
6. Engage the community in parks, recreation and open space decisions and activities.
7. Create a financially sustainable park and recreation system through partnerships and stewardship.

TELL US WHAT YOU THINK, ARE WE MISSING ANYTHING



MISSION & GOALS

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7. Create a financially sustainable park and recreation system through partnerships and stewardship.



Aerial view of Kenmore

TELL US WHAT YOU THINK, ARE WE MISSING ANYTHING ?

I like the idea of having a park near the waterfront.

I like the idea of having a park near the waterfront.

I like the idea of having a park near the waterfront.

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I like the idea of having a park near the waterfront.

PARKS, RECREATION & OPEN SPACE PLAN UPDATE | Open House

Page 267

X. F. Approve Resolution 20-334 to Adopt the Final PROS Plan

TELL US WHAT YOU THINK, ARE WE MISSING ANYTHING ?

MISSION & GOALS: Public Comments

1. "Don't develop any more parks like Moorlands, which is only public accessible for 3 months/year. Misuse of public funds." – Mark – 9/24/19
2. "Listen to constituents See Survey NO ARTIFICIAL TURF only sod @ St Edwards Fix S Edwards Pool." – 9/25/19
3. "Improve and maintain all City open spaces and parks, including surplus swamp creek properties and street ROW's. These properties provide important environmental opportunities." - Anonymous - 9/25/19
4. "Turn large portion of LakePointe into a Park as iconic as Gasworks & Marymoore." – Todd Banks – 9/26/19
5. "Preservation of nature sustainability should be a priority. So much of our forests have been getting torn down to put up housing that we are losing an important part of what makes Kenmore special." – Anonymous - 9/25/19
6. "You did not mention playgrounds for us kids to play on." - Annie Stoklin (aged 9) - 9/25/19
7. "Balancing access and land use of people w/ protecting & promoting natural habitat for wildlife & natural areas." – J. Alderman – 09/25/19
8. "Open space and parks can be a key element in increasing Kenmore's environmental sustainability. I suggest adding an environmental sustainability goal." - Anonymous - 9/25/19
9. "Protect and maintain our Tree Canopies" - Anonymous - 9/25/19
10. "Walking trails/waterwalk with beautiful Native plants and many Seats for viewing & conversations. Also add art. Think of lovely Edmonds." – Lyn Koski – 9/25/19
11. "If these projects do have our best interest in mind for the next 20 years, then environmental sustainability will be a must. I would like to see that goal added." – Seaver R. – 9/25/19

SHARE YOUR THOUGHTS!

Place your dot HERE if you feel this is most important recommendation for the city to pursue.

RECOMMENDATIONS

The plan recommendations are organized in broad topics. They correspond to the major themes resulting from the demand and need analysis, the PROS Plan Goals, and from community input.

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Improve access to park, recreation and open space facilities.

Access related to this recommendation includes adequate ADA access within each park; providing additional parks so everyone in the city can walk to a park or recreation facility; and providing the types of recreation programs and facilities that residents want in the park system.

The implementation strategies associated with this recommendation meet Goal 4 and 5.

IMPLEMENTATION STRATEGIES

Facility Examples:

- ADA access improvements
- Well-marked park entries, clear views into parks
- Amenities such as dog tie-up stations, bike racks, benches, parking, etc.
- Wayfinding signage to parks

Program Ideas (in partnership with others):

- Walking map noting safe routes to parks



Safe walking routes to parks

TELL US WHAT YOU THINK !



SHARE YOUR THOUGHTS!

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TELL US WHAT YOU THINK!

Handwritten note: I think we need more parks in the city, especially in the downtown area. (I think we need more parks in the city.)

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22 September 2015

TELL US WHAT YOU THINK !

RECOMMENDATION 1: Public Comments

Three votes

1. "There are many sidewalks in Kenmore that are currently unsafe <such as 61st>. Please include these in your plan." – Kate Sylwester – 9/25/19

2. "Walkability to commercial areas is also important, and can enhance public health and quality of life. I suggest adding this." - Anonymous - 9/25/19

SHARE YOUR THOUGHTS!

Place your dot HERE if you feel this is most important recommendation for the city to pursue.

RECOMMENDATIONS

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2**Access to the waterfront**

Kenmore is a city uniquely located where the Sammamish River meets Lake Washington. It is a community that identifies itself, in part, through its proximity to water, whether it be the lake or the river that bisects the city. Our residents highly value access to the water, visual and physical, as part of their recreational needs. This is a priority expressed in the community outreach and is reflected in every parks and recreation plan developed since the city's original incorporation.

The implementation strategies associated with this recommendation meet Goal 1 and 2.

IMPLEMENTATION STRATEGIESFacility Examples:

- Trails along the waterfront
- Expanding water access at beach areas
- Overlooks at unique views of the water or river
- New public access along the river or lake

Program Ideas (in partnership with others):

- Kayak / SUP summer camps
- Year-round recreational rentals (kayak, SUP, etc.)
- Fishing events
- Dragon boat / kayak clubs



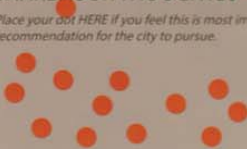
Waterfront programs

TELL US WHAT YOU THINK !



SHARE YOUR THOUGHTS!

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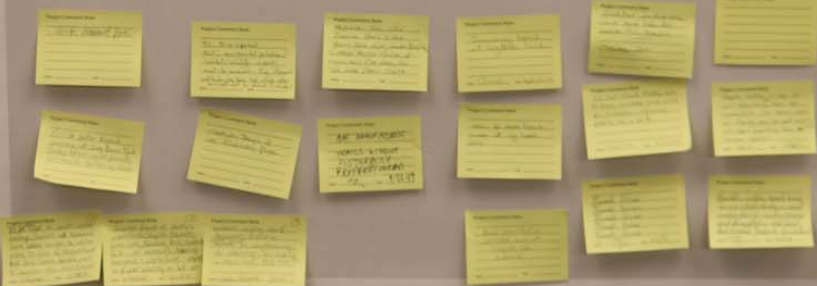
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Waterfront programs

TELL US WHAT YOU THINK !



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20 September 2019 

TELL US WHAT YOU THINK !

RECOMMENDATION 2: Public Comments

Twelve Votes

1. "Yes. This is important. But, environmental protection/habitat/wildlife impacts must be avoided. E.g. Inglewood wetland may have high wildlife value, and would not be suitable for development." - Anonymous -
2. "LakePoint development. Have some shops, food, covered picnic shelters, Marina, Docks." - Anonymous - 9/25/19
3. "Swimming beach at LogBoom Park." – Chuck – Sept. 25, 19
4. "REPLACE TALL VIEW BLOCKING TREES @ LOG BOOM PARK WITH LOWER PLANTINGS TO CREATE BETTER VIEWING OF X-MASS SHIPS, FIRE WORKS AND THE LAKE FROM SHORE." - Anonymous - [date??]
5. "Beach Access Beach Access Beach Access Beach Access Beach Access." – T. Pj- 9/25/19
6. "Build a public boat house so we could develop a small sailing fleet for sailing lessons and competition like Sand Point, Kirkland, Madison Pk, Rainier Beach." – T. Pj – 9/25/19
7. "Adequate facilities is key, not just programming alone. Public boat launches/docks, rinse stations, lockers, etc. Magnuson park has good facilities that support the programming there. Should Kenmore replicate?" – Alfred – 9/25/19
8. "If that cement factory ever becomes available, that would be fantastic waterfront property for a park." – Seaver R. – 9/25/19

TELL US WHAT YOU THINK !

RECOMMENDATION 2: Public Comments Continued

9. "Beach access that is NATURAL and not "citified" like Kirkland." - Anonymous - 9/25/19
10. "ADD BEACH ACCESS TRAILS WITHOUT DISTURBING PROPERTY AROUND." – z – 9/25/19
11. "If Kenmore has so much water frontage, cannot we humans have better access to water along the lines of Meydenbauer and Gene Coulon beaches, not to mention the traditional beaches found at Seattle's waterfronts (Myrtle Edwards, Green Lake, Seward Park, Gasworks Park...ad nauseum). Much of Kenmore's waterfront vegetation is of poor quality so let us humans enjoy one of Kenmore's resources. Water views for daydreaming, for dipping in one's toes. PLEASE!!!" – Susan Gardner- 9/25/19
12. "Provide better beach access at Log Boom Park. Sandy beach would provide community gathering space." - Anonymous - 9/25/19

SHARE YOUR THOUGHTS!

Place your dot *HERE* if you feel this is most important recommendation for the city to pursue.

RECOMMENDATIONS

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3

Support active and healthy lifestyles.

An active lifestyle is an important part of healthy living no matter your age, ability or interests. The facility and program ideas below are centered around active sports or new recreation facilities. Some active recreation examples may also appear on other recommendation boards.

The implementation strategies associated with this recommendation meet Goal 4, 5 and 6.

IMPLEMENTATION STRATEGIES

Facility Examples:

- Loop paths and nature trails
- Sports fields and courts
- Fitness stations, climbing walls, etc.

Program Ideas (in partnership with others):

- Hosted park walks and fun runs
- Yoga in the park
- Weekly fitness classes (Zumba, Pilates, etc.)
- Lunchtime health talks



Kids and adults being active

TELL US WHAT YOU THINK !



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Kids and adults being active

TELL US WHAT YOU THINK !

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TELL US WHAT YOU THINK !

RECOMMENDATION 3: Public Comments

Seven Votes

1. "When selecting sites for ballfields, etc. It should be somewhere that has already been developed. Getting rid of forests for baseball doesn't seem like the right thing to do." – 9/25/19
2. "A community park at Lakepoint that provides a variety of active sport activities. This could become the "Heart" of Kenmore." - Anonymous - 9/25/19
3. "Right location for right purpose. What makes Lakepointe unique is that it's on the water. Will ballfields enhance that location? Why not a promenade w/ stage, food vendors, meeting space like the Hanger?" -Alfred -9/25/19
4. "Tennis Court & Wall's To Hit Against." - Anonymous - 9/25/19
5. "Please build Ballfields!! @ Lake Point! We spend tons of time playing, eating, staying in neighboring cities." -Anonymous - 9/25/19
6. "A consolidated giant sports complex is not the answer. We don't want a 'mall'. Instead, integrate sports fields, aquatics center, gyms, etc into the community Spread it out. Give each area something unique." – Alfred – 9/25/19
7. "Please put playfields/ballparks somewhere besides St. Edwards Park!" - Anonymous - 9/25/19
8. "Ballfields at Lakepoint would" - Anonymous - 9/25/19

TELL US WHAT YOU THINK !

RECOMMENDATION 3: Public Comments Continued

9. "Ballfields should be centrally located. NOT at St. Edward St. Park. -Amy McKenday - 9/25/19
- 10."Downtown Kenmore - Lakepointe is the appropriate location for a sports complex. NOT St. Edward State" - Anonymous - 9/25/19
- 11."More ball fields is a good idea, but only in appropriate locations St. Edwards is not an appropriate location. I suggest partnering with schools for development of ball fields." - Anonymous - 9/25/19
- 12."Lakepoint should be a sports complex. Baseball, soccer, tennis, basketball Also, a dog park would be great!" – Sarah – 9/25/19
- 13."Woodinville has sports complex so should Kenmore. Lakepointe would be a great site. A sports complex would generate significant business for hotel, restaurants, etc by providing opportunities for Soccer, baseball, softball tournaments." – Todd Banks – 9/26/19

SHARE YOUR THOUGHTS!

Place your dot HERE if you feel this is most important recommendation for the city to pursue.

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4 Conservation of the built and natural environment.

So much of what makes Kenmore unique and draws people to want to live here is the city's harmony between the built and natural landscape. The abundance of natural areas, the streams, wetlands, forest and ravines that weave their way through the community and help define the character of the city. The preservation and restoration of these natural systems is reflected in the examples listed below. Renovation and maintenance of the built environment is equally important to preserve the recreational value, safety, sustainability and function of the park system as a whole.

The implementation strategies associated with this recommendation meet Goal 3.

IMPLEMENTATION STRATEGIES

Facility Examples:

- Restoration of urban forests and natural areas in parks
- Trails and elevated walkways through natural areas
- Renovation or repair of existing facilities such as restrooms and playground equipment

Program Ideas (in partnership with others):

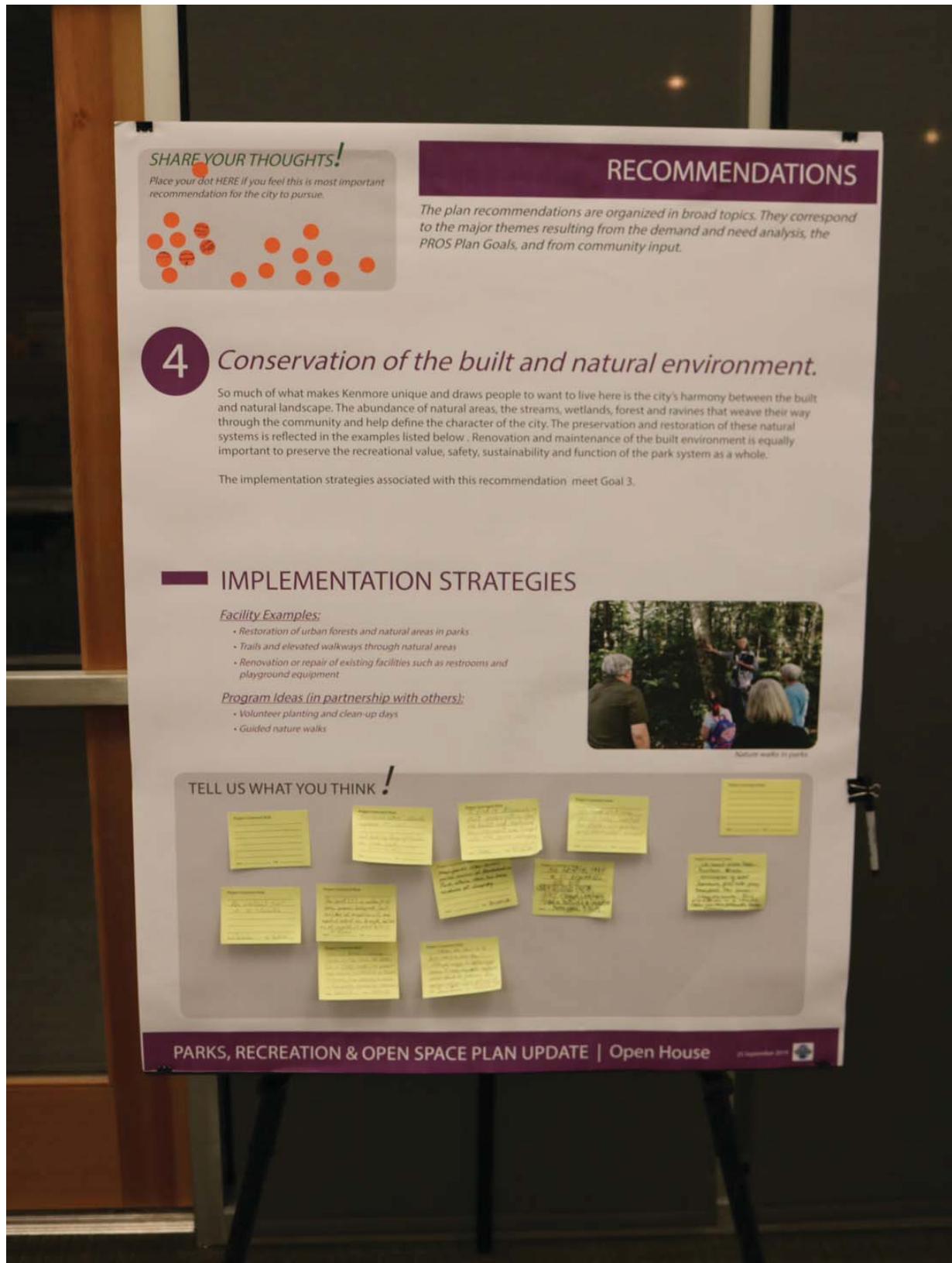
- Volunteer planting and clean-up days
- Guided nature walks



Nature walks in parks

TELL US WHAT YOU THINK !





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TELL US WHAT YOU THINK !

RECOMMENDATION 4: Public Comments

Seventeen Votes

1. "No Artificial Turf AT St EDWARDS USE SOD USE FIELDS@ BASTYR WAIT + Request Developer To put in Ballfield @ LAKEPOINT - Anonymous - 9/25/19
2. "I believe this should be the basic underling park idea. – Although, access to water, picnic areas, & some physically challenging areas should be enhanced from natural settings (think parks east off I-90 - w/ very little alteration of cover) - Nancy Hansen - 9/25/19
3. "This will become a pressing issue in the next 20 years. It is vital that we preserve the natural environment of Kenmore. Connecting the community to nature is the greatest advocacy for sustainability." – Seaver R. – 9/25/19
4. "The point (4) is unclear to me Some proposed developments (built env) are not compatible with some aspects of natural env. For example, ballfields are not compatible with natural habitat at St. Edward. - Anonymous - 9/25/19
5. "Keep parks clean-better police control of Rhododendron Park, where there has been evidence of camping." – 9/25/19
6. "City should plant more street trees. Important for shade, air quality and storm water management." - Anonymous - 9/25/19
7. "'Preserve and restore' natural systems – yes! But destroy them if they're on state land. (St. Edward State Park!?)" - Anonymous - 9/25/19
8. "We need more trees. Restore. Make developers of new housing projects pay to replace the trees they remove. Blind population is in trouble. Trees are the planet's things. - Karen - 9/25/19
9. "No artificial turf at St Edwards." – Chuck – 9/25/19
10. "I find it disconcerting that conservation of the built and natural environment are lumped into the same category." – Ann – 9/25/2019

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5

Provide for a diverse range of park, recreation and open space interests, and ensure flexibility in the system to respond to changing interests overtime.

What happens in park facilities – the physical improvements, activities and programs – is equally important to creating a quality parks system for Kenmore residents. Improvements within parks should support opportunities for future recreation programs, whether those programs are offered by the city or by others. Parks should be flexible to accommodate new trends, a shift in the demographics of the community over time, and be inclusive of all Kenmore residents.

The implementation strategies associated with this recommendation meet Goal 5 and 6.

IMPLEMENTATION STRATEGIES**Facility Examples:**

- Picnic shelters and plazas
- Multi-purpose fields and courts
- Splash pads, climbing rocks, emerging sports facilities like gaga ball courts and pickleball

Programs Ideas (in partnership with others):

- Community celebrations and events
- Diversity day, food trucks around the world, etc.



Gaga ball court

TELL US WHAT YOU THINK !



SHARE YOUR THOUGHTS!

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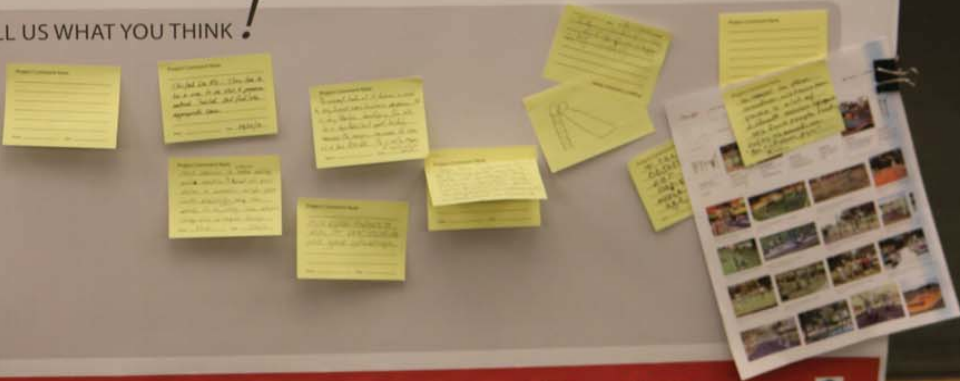
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gaga ball court

TELL US WHAT YOU THINK !



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TELL US WHAT YOU THINK !

RECOMMENDATION 5: Public Comments

Four Votes

1. "I'd like a free-standing slides (photo of slide attached to comment). Tree house observatory for swampcreek park." - Annie Stockin - 9/25/19
2. "In travel to other countries, we have seen parks w/ a lot of different exercise equipment. It's fun & people really enjoy themselves." (attached to comment was a printout with photos of outdoor exercise equipment) – Karen - 9/25/19
3. "Has the city considered partnering with county & state to purchase the pre mix-concrete area (now private) for park development (non-commercial)? The time of opportunity for acquiring and preserving quality recreational public waterfront property is disappearing fast –as is most of our environment. Kenmore should be known for the quality of its preservation of natural resources. - Mark Moore - 9/24/19
4. "This feels like #3...There has to be a way to do this & preserve natural habitat. And fine/use appropriate space." – Anonymous -9/25/19
5. "Smart additions to enhance existing park amenities. Eg spread out picnic shelters to accommodate multiple groups. Locate playgrounds away from parking lots. For children safety. Clean bathrooms, Grassy areas w/ adequate drainage." – Alfred – 9/25/19
6. "More picnic shelters to allow for year round use and group gatherings." - Anonymous - 9/25/19
7. "The current field at St. Edward is used b very diverse users for diverse purposes. It is very flexible. Developing this site to a synthetic turf sports facility narrows the users, narrows the uses, and is less flexible. This is another reason it should not be built." - Anonymous - 9/25/19

The following is a list of recreation facilities and programs considered for implementation.

IMPLEMENTATION PROJECTS

RECOMMENDATIONS

1

Improve access to park, recreation and open space facilities.

- New Park Land to Fill Walkability Gap *
- Tolt-Pipeline Phase 2
- Moorlands Park Property Expansion
- Moorlands Neighborhood Trail Connector
- Twin Springs Park Improvements
- Safe Routes to Parks *
- ADA and Universal Access *

2

Access to the waterfront.

- Waterfront Trail (WaterWalk)
- New Parkland on Lake Washington
- New Parkland on Sammamish River
- Waterfront Recreation Programming *
- Rhododendron Park Completed Boatshed
- Log Boom Park Waterfront Access Improvements
- Squire's Landing Park Renovation (Water Access)

3

Support active and healthy lifestyles.

- Aquatic/Community Center (In Partnership) *
- Linwood Park Renovation
- City Hall Park Phase 2 Improvements
- Saint Edward State Park Ballfield Renovation
- New Athletic Field(s)
- Support Active Recreation Providers *

4

Conservation of the built and natural environment.

- Swamp Creek Wetland Acquisition & Nature Trail
- Restoration of Natural Areas (In Partnership) *
- Park Operational and Maintenance Needs *
- Park Facility Major Repairs / Replacement *
- Outdoor Environmental Educational Programming *

5

Provide for a diverse range of park, recreation and open space interests and ensure flexibility in the system to respond to changing interests over time.

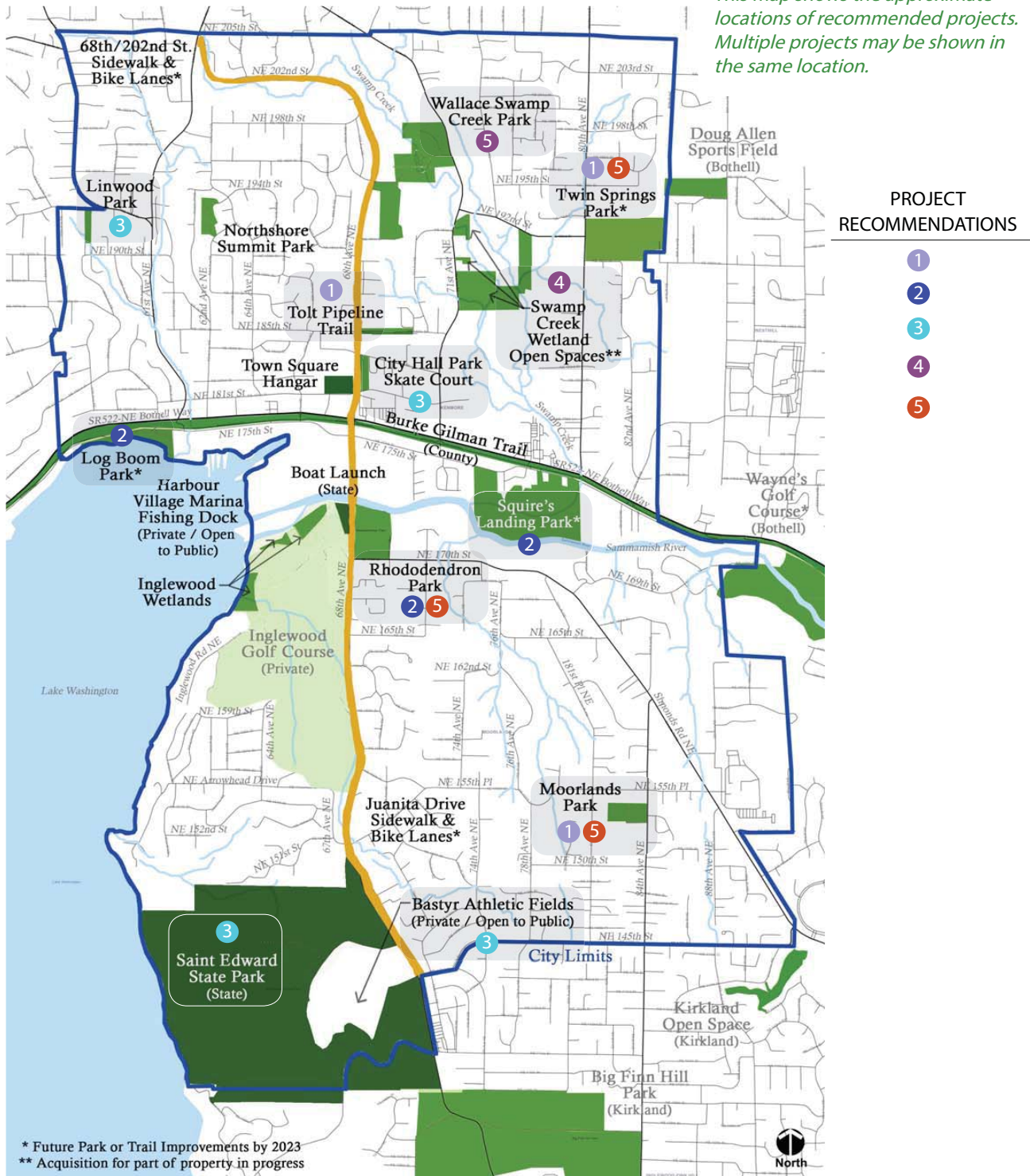
- Community Events and Gathering *
- Community Engagement *
- Public Arts and Culture *
- Dog Off-Leash Area *
- Wallace Swamp Creek Park Improvements
- Twin Springs Park Nature Play & Picnic
- Rhododendron Park Trail Improvements
- Adding Recreation Facilities in Parks (e.g. pickleball court, splash pad) *

Projects with an asterisk () are not shown on the map.*



IMPLEMENTATION PROJECTS

This map shows the approximate locations of recommended projects. Multiple projects may be shown in the same location.

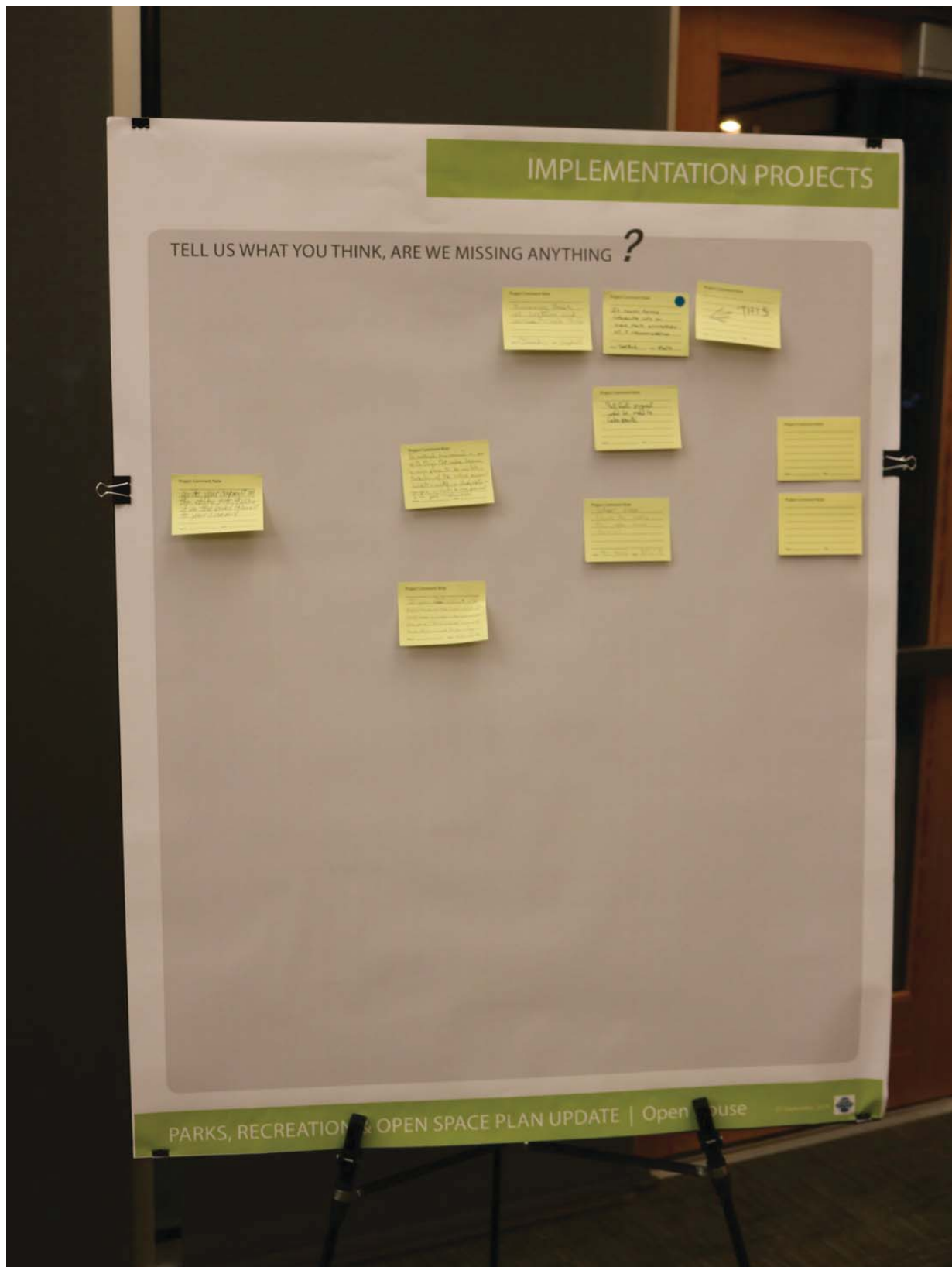




IMPLEMENTATION PROJECTS

TELL US WHAT YOU THINK, ARE WE MISSING ANYTHING ?





IMPLEMENTATION PROJECTS

TELL US WHAT YOU THINK, ARE WE MISSING ANYTHING ?

1. In response to survey: "Forget all this and ask yourselves one question: Why is this list, i.e. your, allowed to be so dominated by things catering to "elders" and comparatively short of things for children?" - Anonymous - 9/25/19
2. "The natural environment is one of the things that makes Kenmore a nice place to be & live. Protection of the natural environment, habitats & wildlife is closely related to open space, and should be more prominent in the goals + explanation" - Anonymous - 9/25/19
3. "If you launch a boat at the boat launch on the west side of 68th and head towards lake Washington you pass "Bird Island." Can we save Bird Island for the city." – Anonymous - 9/25/19
4. "GREAT IDEA! Thanks for hosting this open-house format!" - Paul Stocklin – 9/25/19
5. "Ball field proposal could be moved to Lakepointe." - Anonymous - 9/25/19
6. "It seems turning Lakepointe into an iconic park accomplishes all 5 recommendations." – Todd Baker – 9/26/19
7. "THIS" (w/ arrow pointing at the previous comment, number 6) - Anonymous - 9/25/19
8. "Swimming Beach at Logboom and and Wallace Creek Park." – Chuck – 9/25/19

Appendix E



CITY OF KENMORE PARKS AND RECREATION IMPACT FEE RATE STUDY REPORT

May 2019

Prepared by:



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Seattle, WA 98116

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INTRODUCTION

RCW 82.02.050 through 82.02.110 (“Impact Fee Law”) authorizes cities to impose impact fees for publicly-owned parks, open space and recreation facilities (hereafter “park facilities”). These impact fees for park facilities (“impact fees”) can be imposed on development as a condition of development approval to pay for park facilities that are needed to serve new growth and development activity means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for park facilities.

Under the Impact Fee Law, the park impact fees must be used for system improvements, which are public facilities that are included a city’s capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements, which are site improvements and facilities that are planned and designed to provide service to a particular development project and that are necessary for the use and convenience of the occupants or users of the project. The impact fees cannot be used to pay for maintenance and repair, and cannot exceed the development’s proportionate share of the public facilities costs. The impact fees must be spent or encumbered within ten years of receipt (unless there is an extraordinary and compelling reason for the fees to be held longer than ten years. In addition, a city cannot finance public facilities entirely with impact fees; the financing of public facilities must have a balance of impact fees and other sources of public funds.

Under the Impact Fee Law, cities can set a “level of service” standard for park facilities that is different from level of service standards for other facilities that are not financed in part by impact fees. If a city’s current system of park facilities has less investment than called for by the level of service standard, then there is a “deficiency;” if the current system of park facilities exceeds the level of service standard, then there is a “reserve capacity.” Impact fees cannot be used to address deficiencies, though they can be used to reimburse a city for reserve capacity.

The City of Kenmore has elected to use a standard that is equal to the current level of public facilities per capita. This means that there is no deficiency and no reserve capacity, and that the impact fees will sustain the current level of service by keeping up with growth.

Updating the City’s park impact fee rates (hereafter “impact fees”) is one of the 2019 budget goals for the City. The City first adopted park impact fees in 2001 set by a rate study. Since then, the City has purchased park lands and built park facilities for all residents. Thus, park level of service has increased significantly. The City wants to make sure that the current park level of service is maintained for all citizens and that new residents will pay for their fair share of future park facilities.

CALCULATIONS

Population Forecast

The City's estimated population in 2035 will be 28,473, based on the City's Comprehensive Plan. This represents a 5,553 population increase from the City's current population of 22,920 (2018).

Per Capita Park Value

The City's per capita park level of service is determined by taking the value of the current park facilities and dividing it by the current city population. Table 1 below shows the list of current park facilities and the value of the City's park system facilities.

Total Value of Existing Park Facilities System ÷ Current Kenmore Population = Per Capita Park Value (LOS)

Per Capita Park Value (LOS) is = \$74,705,497 ÷ 22,920 = **\$3,259**

Table 1 – Value of City’s Park Facilities System

Asset Type	Total	Unit	Unit Measure (4)	Value/Unit (2)	Total
Public Art	2	2	Each	\$5,000.00	\$10,000
Ped Bridges	2	2	Each	\$117,885	\$235,770
Pier	1	17500	Square Feet	\$600.00	\$10,500,000
Floating Docks	3	3	Each	\$160,000	\$480,000
Trails- Boardwalk	1	1872	Square Feet	\$129.50	\$242,424
Outdoor Restrooms	3	1263	Square Feet	\$145.00	\$183,135
Buildings	2	10640	Square Feet	\$300.00	\$3,192,000
Minor Structures		3695		\$80.00	\$295,600
Basketball Courts	1	3165	each	\$31.60	\$100,014
Skate Court	1	5542	Square Feet	\$60.00	\$332,520
Drinking Fountains	4	4	Each	\$12,000.00	\$48,000
Fencing	11	4043	Linear Feet	\$30.00	\$121,290
Baseball Field	1	55780	Square Feet	\$10.75	\$599,635
General Use Field Area 8+		106841	Square Feet	\$2.10	\$224,366
Litter Receptacle	43	43	Each	\$500.00	\$21,500
Benches	49	49	Each	\$750.00	\$36,750
Picnic Tables	31	31	Each	\$1,500.00	\$46,500
Picnic Shelter	2	1250	Square Feet	\$70.00	\$87,500
Playgrounds	7	25869	Square Feet	\$18.65	\$482,457
Railings		648	Linear Feet	\$90.00	\$58,320
Signs- Entry	21	21	Each	\$13,000.00	\$273,000
Signs-Educational	19	19	Each	\$1,000.00	\$19,000
Signs- Regulatory	46	46	Each	\$250.00	\$11,500
Signs-Directional	7	7	Each	\$3,000.00	\$21,000
Plaques	1	1	Each	\$500.00	\$500
Lights-Pedestrian	4	4	Each	\$1,000.00	\$4,000
Lights-Security	1	1	Each	\$6,250.00	\$6,250
Lights-Street	3	3	Each	\$6,250.00	\$18,750
Trails - Asphalt		4339	Square Yard	\$28.00	\$121,492
Trails - Concrete		2796	Square Yard	\$32.00	\$89,472
Trails - Gravel		2873	Square Yard	\$75.00	\$215,475
Trails - Native		1148	Square Yard	\$37.00	\$42,476
Trails - Other (Step Stc	1	25	Square Yard	\$37.00	\$925
Walls	2	220	Linear Feet	\$38.00	\$8,360
Hardscape-Parking Lot	7	6419	Square Yard	\$37.00	\$237,503
Hardscape-Plazas		1338	Square Yard	\$32.00	\$42,816
Hardscape-Roads		191	Square Yard	\$37.00	\$7,067
Landscape		171613	Square Feet	\$10.00	\$1,716,130
Irrigation		10	Acre	\$20,000	\$200,000
(1)(3) Parkland	12	138	Acre	\$394,000	\$54,372,000
			TOTAL PARK SYSTEM VALUE:		\$74,705,497

Footnotes:

- (1) Park land and per unit costs provided by City of Kenmore staff unless otherwise stated.
- (2) Costs per unit were established based on the cost of current (2016-18) capital improvement project costs in Kenmore and throughout the region.
- (3) Unit cost for the City of Kenmore parkland is based on the average land value per acre from recently appraised City of Kenmore properties.
- (4) Unit Cost Assumptions are available in Appendix A.

Service Area Consideration

It is assumed that all City citizens have access to all park facilities. Thus, all land within the City is the service area for purposes of these calculations.

Investment Needed for Growth

Multiplying existing per capita park value by the projected population growth over the 2019-2035 period yields the total dollar investment in parks facilities that will be needed in present value to keep up with growth demands and provide the same level of service currently enjoyed by Kenmore citizens.

$$\text{Investment Needed for Growth} = \text{Per Capita Park Value} \times \text{Population Increase}$$

Table 2 – Investment Needed for Growth

Current Population	22,920
Projected 2035 Population (Per Comp. Plan)	28,473
Population Increase	5,553
Per Capita Park Value	\$ 3,259
Investment Needed for Growth = (\$3,259 X 5,553)	\$ 18,097,227

CAPITAL FACILITIES PLAN

Because impact fees can only be spent on park facilities that are included in a capital facilities plan (as mentioned above), the City adopted the Park Capital Facilities Plan (2015-2035) as part of the City's Comprehensive Plan in 2015 ("CFP").

As mentioned above, impact fees can be imposed on development only to pay for park facilities that needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for park facilities, that is a proportionate cost of park facilities, and that is used for park facilities that reasonably benefit the new development.

Table 3 below depicts all parks facilities in the CFP which have not been built yet, since the plan was adopted in 2015 and revised in 2018. The cost and determination of "growth related" versus "non-growth related" was analyzed and updated by the City Staff. Total CFP project cost is \$42,136,420, of which \$39,037,528 is growth related and \$3,099,022 is non-growth related (maintaining the existing park facilities).

The "investment needed for growth" in Table 2 is a representation of the growth-related capital needed to sustain the current level of service. It is important to compare that figure with the total CFP, because the CFP represents an estimate of the capital needs that is practical, not theoretical. The City cannot use the calculated "investment needed for growth"

number calculated in Table 2 as the basis for the impact fee unless there is least that amount in identified park facility projects that the City has planned to spend money on over the forecast period. Clearly, the City has more growth-related park facility costs than the investment needed for growth. If the reverse were true, investment needed for the future would have to be reduced accordingly.

Table 3 – Capital Facilities Plan – Growth and Non-Growth-Related Projects

Project Number	Project Description	2013 Cost Assumptions	2019 Total Cost	% Respond to Growth	Growth Related	Non-Growth Related
A1/D1	Water Walk Master Plan	\$200,000	\$200,000	100%	\$ 200,000	\$0
A3	Lake Washington Waterfront Park Acquisitions	Unknown	\$3,707,190	100%	\$ 3,707,190	\$0
A5	Sammamish River Waterfront Park Acquisitions	\$3,300,000	\$8,897,256	100%	\$ 8,897,256	\$0
A7	Swamp Creek Open Space Acquisitions	\$1,060,000	\$4,800,000	100%	\$ 4,800,000	\$0
A8	Heron Rookery Acquisition	\$0	\$800,000	100%	\$ 800,000	\$0
A9	Community Park Land Acquisition	\$10 Mil to \$15 Mil	\$6,698,000	100%	\$ 6,698,000	\$0
A10	Moorlands Park Property Expansion	\$624K to \$1 Mil	\$394,000	100%	\$ 394,000	\$0
A11	Partnership Community Center Acquisition	\$ 2,799,000	\$1,576,000	100%	\$ 1,576,000	\$0
D3	Log Boom Park Waterfront Access Development	\$ 2,640,000	\$423,644	46%	\$ 194,876	\$228,768
D5	Wallace Swamp Creek Park Development	\$ 721,000	\$1,081,500	90%	\$ 973,350	\$108,150
D7	City Gateway Entry Signs	\$ 287,000	\$80,000	0%	\$ -	\$80,000
D9	Twin Springs Park Development	\$1.3 to \$2.4 Mil	\$400,000	100%	\$ 400,000	\$0
D10	Athletic Field Development	\$2.7 Mil	\$7,000,000	75%	\$ 5,250,000	\$1,750,000
D11	Picnic Facility Developments	Unknown	\$100,000	0%	\$ -	\$100,000
D12	Swamp Creek Nature Trail Development	\$ 1,150,000	\$2,000,000	100%	\$ 2,000,000	\$0
D13	Sport Court Developments	Unknown	\$150,000	0%	\$ -	\$150,000
D14	Off-Leash Dog Area Development	\$ 739,000	\$739,000	100%	\$ 739,000	\$0
D18	Tolt Pipeline Trail Phase 2 Development	\$ 136,000	\$500,000	100%	\$ 500,000	\$0
D19	Squire's Landing Waterfront Access Development	\$ 15,305,000	\$1,532,190	90%	\$ 1,378,971	\$153,219
R3	Linwood Park Renovation	\$ 587,000	\$1,057,770	50%	\$ 528,885	\$528,885
	TOTAL		\$42,136,550		\$ 39,037,528	\$3,099,022
(1) Capital Facilities Project costs are established by specific project cost estimates.						
(2) Costs include: project administration, acquisition, design, construction & contingency, escalation.						
(3) Unit Cost Assumptions are available in Appendix A.						
(4) Waterfront Property Cost Estimate is taken from average of all land value in Kenmore by KC Assessor's \$741,438.						
(5) All other land acquisition costs for parks is based on average recent park appraisals - \$394,000						
(6) Wetland land acquisition costs are based on approx half of average recent park appraisals - \$200,000						

PROPORTIONATE SHARE ADJUSTMENTS

The Impact Fee Law requires the City to make various adjustments to the “Investment Needed for Growth” number. The City has identified five specific areas to review to estimate proportionate share of new growth; 1) existing impact fees collected, 2) amount of City revenues paying for growth, 3) general obligation bonds related to park facilities, 4) surface water management capital facilities revenues related to park facilities, and 5) reserve capacity value.

1 Impact Fee Revenue Adjustment

City has collected \$430,748 of impact fees as of March 2019. Even though some of these funds are obligated for the future park facilities in the CFP, they need to be deducted from the investment needed for growth to avoid double payment for the same facilities.

2 Non-Impact Fee Revenue Adjustment

Based on the City’s last five-year historical park funding data and five-year future park facilities improvement plan, the City estimates it will contribute \$235,535 per year for the park facilities (growth and non-growth-related projects).

Table 4 – Non-Impact Fee Revenues

King County Levy	\$ 53,335
Real Estate Excuse Tax (REET)	\$ 180,000
Donations	\$ 2,000
TOTAL	\$ 235,335

Following calculations in Table 5 were performed to identify \$1,618,559 to be deducted from the investment needed for growth number.

Table 5 – Non-Impact Fee Reduction

Total Annual City Contributions	\$ 235,535
Total Non-Impact Fee Revenues for 16 Years = \$235,535 X 16	\$ 3,768,560
City will use non-Impact fee revenues to fund entire Capital Facilities Plan.	
Percentage of Non-Impact Fee Contribution = Non-Impact Fee Revenues / Planned Park Improvements	
Percentage of Non-Impact Fee Contribution = \$3,768,560 / \$42,136,550	8.94%
Future Investment Needed for Growth= Future Investment Needed for Growth X 11.27%	
Amount to be Adjusted = \$18,097,227 X 8.94%	\$ 1,618,559

3 General Obligation Bonds

City issued general obligation bonds to pay a portion of capacity related to two park facilities: Squire's Landing Park and Log Boom Park. Total bond fund contribution for these facilities is \$8,300,000. New development activity will assume its proportionate share of this bond obligation through payment of property taxes. The City estimates this share to be \$1,618,723 as shown in Table 6 below:

Table 6 – General Obligation Bond Reduction

Bond Contributions	\$8,300,000
<i>Growth Share of this bond contribution is = Future Population Growth / Total Future Population</i>	
Growth Share = 5,553 / 28,473	19.50%
Bond related reduction amount is = (\$8,300,000 X 19.5%)	\$1,618,723

4 Surface Water Management (SWM) Capital Facilities Charge (CFC) Reduction.

The City recently adopted a Stormwater Capital Facilities Charge (CFC). The City anticipates collecting \$310,000 in CFC's from the new growth for the Squire's Landing and the Log Boom Parks. This amount will also have to be deducted from the investment needed from growth.

5 Value of Reserve Capacity (if any):

The City has chosen for its park system standard for the current level of parks and recreation facilities per capita. This means that there is no deficiency and no reserve capacity; the impact fee is simply designed to sustain the current level of service by keeping up with growth.

Table 7 - Total Adjustments

1 Existing Collected Impact Fees	\$ 430,748
2 Non-Impact Fees	\$ 1,618,559
3 General Obligation Bond	\$ 1,618,723
4 Surface Water Management	\$ 310,000
5 Reserve Capacity	\$ -
Total Adjustments	\$ 3,978,030

PROPOSED PARK IMPACT FEE

Total adjustments (\$3,978,230) need to be deducted from the Investment Needed for Growth (\$18,099,460) to calculate the impact fee. That number is divided by the population growth number to determine a per capita park impact fee. Multiplying the per capita impact fee number with single family and multifamily occupancy rates would result in the final impact fee calculations as shown in Table 8 below:

Table 8 – Final Impact Fee Calculations

Investment Needed for Growth	\$ 18,097,227
Total Deductions/Credits	\$ 3,978,030
Impact Fee Amount = (Investment Needed for Growth - Total Deductions/Credits)	\$ 14,119,197
Population growth	5553
Impact Fee Per Capita = (Impact Fee Amount / Number of People)	\$ 2,543
Average Occupancy of a Single Family in Kenmore	2.62
Average Occupancy of a Multi Family in Kenmore	2.34
*Park Impact Fee for Single Family = Impact Fee Per Capita X 2.62	\$ 6,663
*Park Impact Fee for Multi Family = Impact Fee Per Capita X 2.34	\$ 5,951
<i>*Source- 2017 American Community Survey</i>	
<i>Single Family occupancy rate category includes manufactured homes.</i>	
<i>Multi Family occupancy rate category includes owned/leased apartments and townhomes.</i>	

CONCLUSION

High quality parks facilities have made and will make the City an appealing location for new homes and apartments. Rapid development, in turn, drives up land values, which increases the cost of expanding and improving the parks system to keep up with growth. Keeping the park impact fee up-to-date will provide funding to sustain the City's level of service for parks facilities, which benefits new residents and provides for growth to pay for growth.

APPENDIX A

Asset Type	Unit Cost Assumptions
Public Art	Value of similar public art pieces.
Ped Bridges	2016 Log Boom Park Pedestrian Bridge Replacement.
Pier	2017 Seattle's Pier 62 Rebuild Project.
Floating Docks	2017 Float costs at Rhododendron, Log Boom and Squires Landing Parks
Trails- Boardwalk	2017 Rhododendron Park Boardwalk.
Outdoor Restrooms	2017 Moorlands Park Restroom.
Buildings	2016 Hangar Building.
Minor Structures	2017 Moorlands Park Shed.
Basketball Courts	2010 City of Shoreline Cromwell Park Basketball Court with 6% escalation per year for 2019 dollars.
Skate Court	2015 City Hall Skate Court with 6% escalation per year for 2019 dollars.
Drinking Fountains	2019 Elkay Drinking Fountain Website.
Fencing	2019 Public Works Yard Fence.
Baseball Field	2017 Moorlands Park Baseball/Softball Field
General Use Field Areas	2017 Moorlands Park Baseball/Softball Field
Litter Receptacle	2017 Moorlands Park Project
Benches	2017 Moorlands Park Project
Picnic Tables	2017 Moorlands Park Project
Picnic Shelter	2017 Moorlands Park Project
Playgrounds	2017 Moorlands Park Project
Railings	2017 City of Shoreline Park Impact Fee Rate Study Asset Inventory and Capital Values

APPENDIX A continued

Signs- Entry	2017 Moorlands Park Entry Sign
Signs-Educational	City of Shoreline Educational Signage Quotes 2017 PIF -Folia
Signs- Regulatory	Moorland Park Directional Sign
Signs-Directional	Moorlands Park Regulatory Sign
Plaques	City of Shoreline Project Dedication Plaques
Lights-Pedestrian	City of Shoreline 2017 Park PIF Rate Study Asset Inventory and Capital Value
Trails – Other Step Stone	2018 Pacific Top Soil Website
Walls	City of Shoreline 2017 Park PIF Rate Study Asset Inventory and Capital Value
Hardscape-Parking Lots	City of Shoreline 2017 Park PIF Rate Study Asset Inventory and Capital Value
Hardscape-Plazas	2018 Squire’s Landing Park Project
Hardscape-Roads	2018 Squire’s Landing Park Project
Landscape	2018 Squire’s Landing Park Project
Irrigation	2017 Moorlands Park Project
Parkland	Based on average of recent City of Kenmore Park Project appraised properties - removed highest and lowest appraised values.

APPENDIX B

Park Impact Fee Rate Comparison by City

Yr. Study Updated	City	Single Family	Multi Family
2017	Redmond	\$4,585	\$3,183
2017	Bothell	\$4,165	\$3,412
2015	Kirkland	\$4,168	\$3,168
2017	Shoreline	\$4,090	\$2,683
2015	Woodinville	\$3,175	\$3,175
2017	Mount Lake Terrace	\$3,126	\$2,260

Appendix F

City of Kenmore
Comprehensive Plan

NATURAL ENVIRONMENT SUB-ELEMENT

INTRODUCTION

Natural systems play an important part in defining the character of the City of Kenmore. The different waterways provide recreational opportunities as well as visual amenities for the community. Some of the smaller, unnamed creeks perform an important role in surface water management by channeling runoff from impervious surfaces to the Sammamish River and/or Lake Washington. Streams and wetlands provide habitat for fish and wildlife and the tree-covered hillsides protect the slopes from erosional processes while also providing habitat. Future development will impact the natural systems and should be carefully reviewed to prevent undue adverse impacts that would lead to degradation of critical areas and to property damage.

Purpose

The purpose of the Natural Environment Sub-Element is to clarify the relationship between the natural environment and the built environment and to secure a balanced approach to future development. Sensitive areas such as wetlands, open spaces, and fish and wildlife habitat contain much of the natural wealth valued by City residents. Other sensitive areas, such as land prone to flooding and geologically hazardous areas are important because of the risk to lives and property posed by developing them.

Federal and State Requirements

Under the Growth Management Act (GMA) all jurisdictions are required to protect and enhance the natural ecosystems through comprehensive plans and policies, and to develop regulations that reflect natural constraints and protect sensitive features. Land use and development is to be regulated in a manner that respects fish and wildlife habitat in conjunction with natural features and functions, including air and water quality. Natural resources and the built environment are to be managed to protect, improve and sustain environmental quality.

Additionally, under the federal Clean Water Act, administered by the Washington Department of Ecology, local waterways are to be managed for multiple beneficial uses, including flood and erosion hazard reduction, fish and wildlife habitat, agriculture, open space, water supply, and hydropower. Use of water resources for one purpose should, to the fullest extent possible, preserve and promote opportunities for other uses.

Countywide Planning Policies

The King County Countywide Planning Policies (CPP) seek to restore the quality of the natural environment and to protect it for future generations. The policies require all jurisdictions to manage natural drainage systems to improve water quality and habitat functions, minimize erosion and sedimentation, protect public health, reduce flood risks, and moderate peak storm water runoff rates. Jurisdictions in shared basins are to coordinate approaches and standards. Jurisdictions also are directed to encourage low impact development approaches and to plan for land use patterns and transportation systems that minimize air pollution and greenhouse gas emissions.

All jurisdictions are to collaborate with the Puget Sound Partnership to implement the Puget Sound Action Agenda for the benefit of Puget Sound and its watersheds.

EXISTING CONDITIONS

Geology

Much of the City of Kenmore is comprised of undulating uplands formed as a result of different glacial depositional processes. Stream erosion, subsequent to glaciation, carved gullies and ravines in the uplands. Drift plains and alternating valleys create a north-south trending “ridge and valley” regional topography, with one major east-west lowland bisecting Kenmore – the Sammamish River Valley where the river empties into Lake Washington. The general topography of Kenmore is varied, ranging from hills up to 500 feet in elevation to the Lake Washington shoreline at 20 feet above sea level.

The Vashon glaciation left a layer of till and recessional sand and gravel deposits that mantle the upland plateaus north and east of Lake Washington. The till and recessional deposits overlie Vashon outwash sand and gravel, and older glacial and nonglacial deposits that overlie bedrock at great depths.

The Vashon and older deposits in the Kenmore area form a sequence of sand and gravel layers separated by finer grained layers of clay and silt or tight, well-graded soils, which are exposed in places along the steep slopes that lie between the upland plateaus and the lowland drainages. The Vashon and older deposits comprise several aquifers and aquitards within the subsurface, which control subsurface water movement from the upland to the lowland as well as to the locations of streams and creeks that occupy former outwash channels.

Lodgment till from the Vashon glaciation mantles much of the upland area but is generally absent from the steeper slopes at the edge of uplands and in the lowland. Lodgment till is an unsorted mixture of sand, gravel, silt, and clay deposited at the base of a glacier that has been compacted to a very dense state by the great weight of the overriding ice. This type of till has very low permeability and typically acts as an aquitard, restricting the downward flow of groundwater and reducing recharge of deeper aquifers. Till occurs at or very near the ground surface in the higher elevations of the watershed where north-south ridges and swales left by the passage of glacial ice cross the upland surface.

The ground surface along the upland margins and within former large outwash channels is underlain by a veneer of recessional outwash and ice contact deposits. Ice contact deposits were deposited during stagnation and melting of the ice sheet. These deposits consist of sand and gravel, similar to recessional outwash, but are more variable and often contain lenses of very silty material, till, and lacustrine silt and clay, which impede infiltration and groundwater flow.

Recent, unconsolidated deposits of alluvium, organic-rich deposits, and fill overlie the Vashon glacial soils. Recent alluvium, consisting of sand and gravel with interbeds of organic silt, peat and silty clay, exists within the floodplains of the Sammamish River and Swamp Creek. In general, the recent alluvium is poorly drained and associated with hydric soil conditions.

Geologic Hazards

Geologic hazard areas in Kenmore include lands with erosion, landslide, and seismic hazards. Erosion hazard areas, identified on the City’s Geologic Hazard Areas map, occur along the northwest City limits, along 61st Avenue NE, land south of NE 170th Street, and along the shoreline in the Inglewood neighborhood and St. Edward State Park.

The identification of areas susceptible to landsliding is necessary in the assessment of grading, building, foundation design, housing density, and other land development regulations. Steeply sloping unconsolidated glacial deposits are highly susceptible to landslides. Landslide hazard areas are found

along 61st Avenue NE, the area south of NE 170th Street, and the Inglewood/St. Edward State Park area along Lake Washington.

Seismic hazard areas are those areas subject to severe risk of earthquake damage as a result of seismically induced settlement or soil liquefaction. The City's Geologic Hazard Areas map identifies the region of Swamp Creek, the Sammamish River basin and the northern end of Lake Washington north of NE 166th Place as a seismic hazard area primarily due to the potential of soil liquefaction during times of seismic activity. Refer to **Figure LU-11** for the map indicating geologic hazard areas in Kenmore.

Air Quality

Air quality is generally assessed in terms of concentrations of air-borne pollutants being higher or lower than ambient air quality standards set to protect human health and welfare. To measure existing air quality, the Washington State Department of Ecology and the Puget Sound Clean Air Agency (PSCAA) maintain a network of monitoring stations throughout the Puget Sound region. Based on monitoring information collected over time, state (Ecology) and federal (U.S. Environmental Protection Agency) agencies designate regions as being "attainment" or "nonattainment" areas for particulate air pollutants. Attainment is a measure of whether National Ambient Air Quality Standards (NAAQS) are being met.

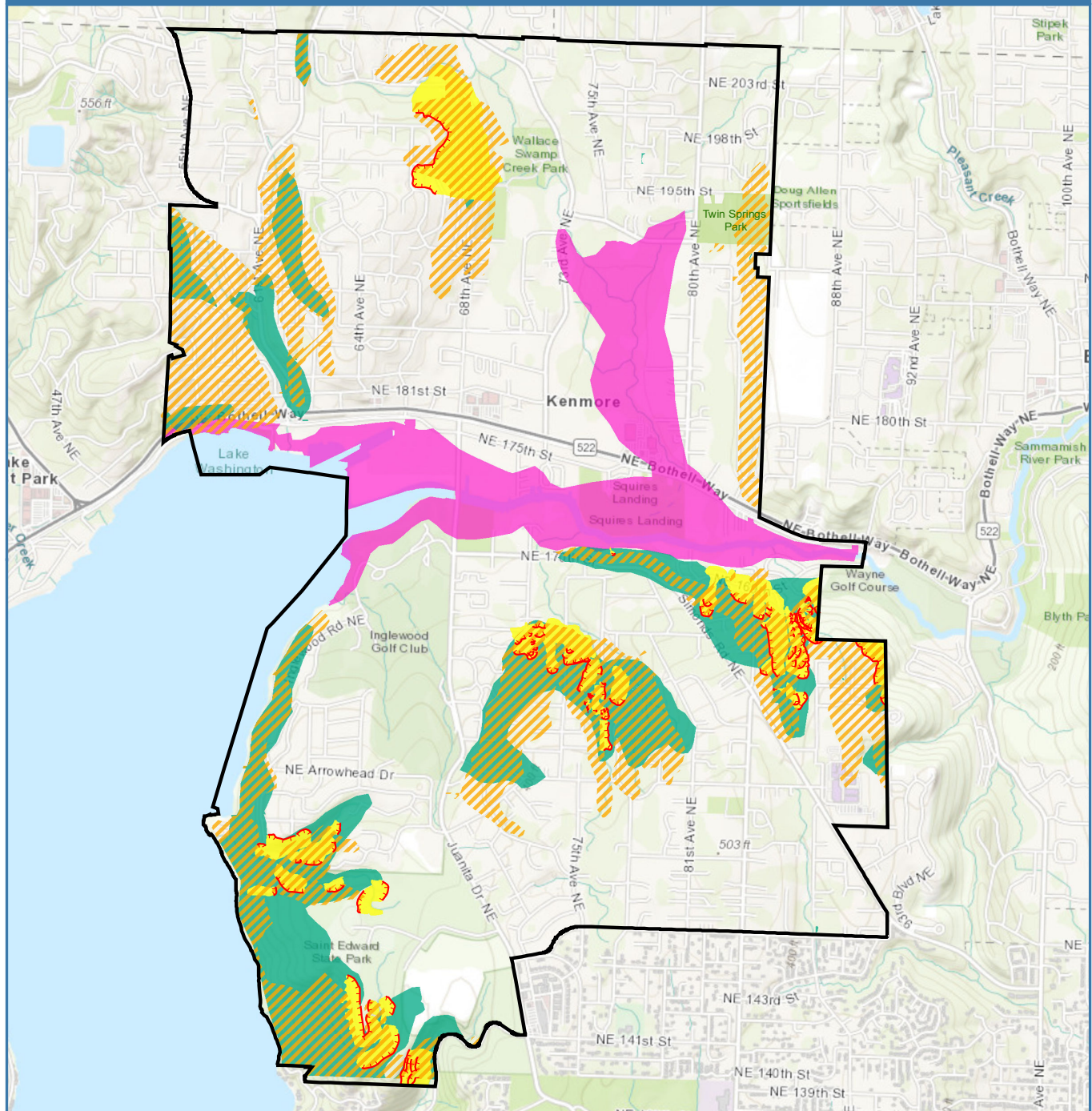
King County was designated as a nonattainment area in 1989. This designation brought about maintenance measures to bring the area back into attainment. The county now meets air quality standards and has a long-term plan for continuing to meet and maintain these standards and other requirements of the Clean Air Act. The county presently is designated as a "maintenance area."

Future Conditions

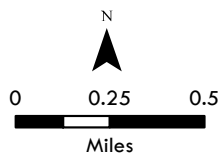
Air quality in Kenmore is predicted to remain much as it is today or to improve slightly. This is based on continuation of the State vehicle emissions inspection and monitoring program and decreased dependence on wood as a primary heating source as newer houses replace older ones.

Additionally, implementation of zoning responsive to air quality concerns can result in air pollution benefits Countywide and regionally. Decreased air pollution can be expected from zoning and development patterns that result in a reduction in vehicle miles traveled. Concentrated development and higher density development allows transit to serve people more efficiently and generally reduces the number of cars on the road. Although regional or Countywide emissions can be reduced with efficient land use patterns, air pollutant emissions would still occur in more populated areas and may affect more people.

Figure LU-11
Interim Geological Hazard Areas



- Kenmore City Boundary
- WA DNR - Scarps
- Erosion Hazard Areas
- Seismic Hazard Areas
- Landslide Hazard Areas**
- High Hazard
- Moderate Hazard



Sources: City of Kenmore, 2018.

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Map Date: November 2018

Water and Wetlands

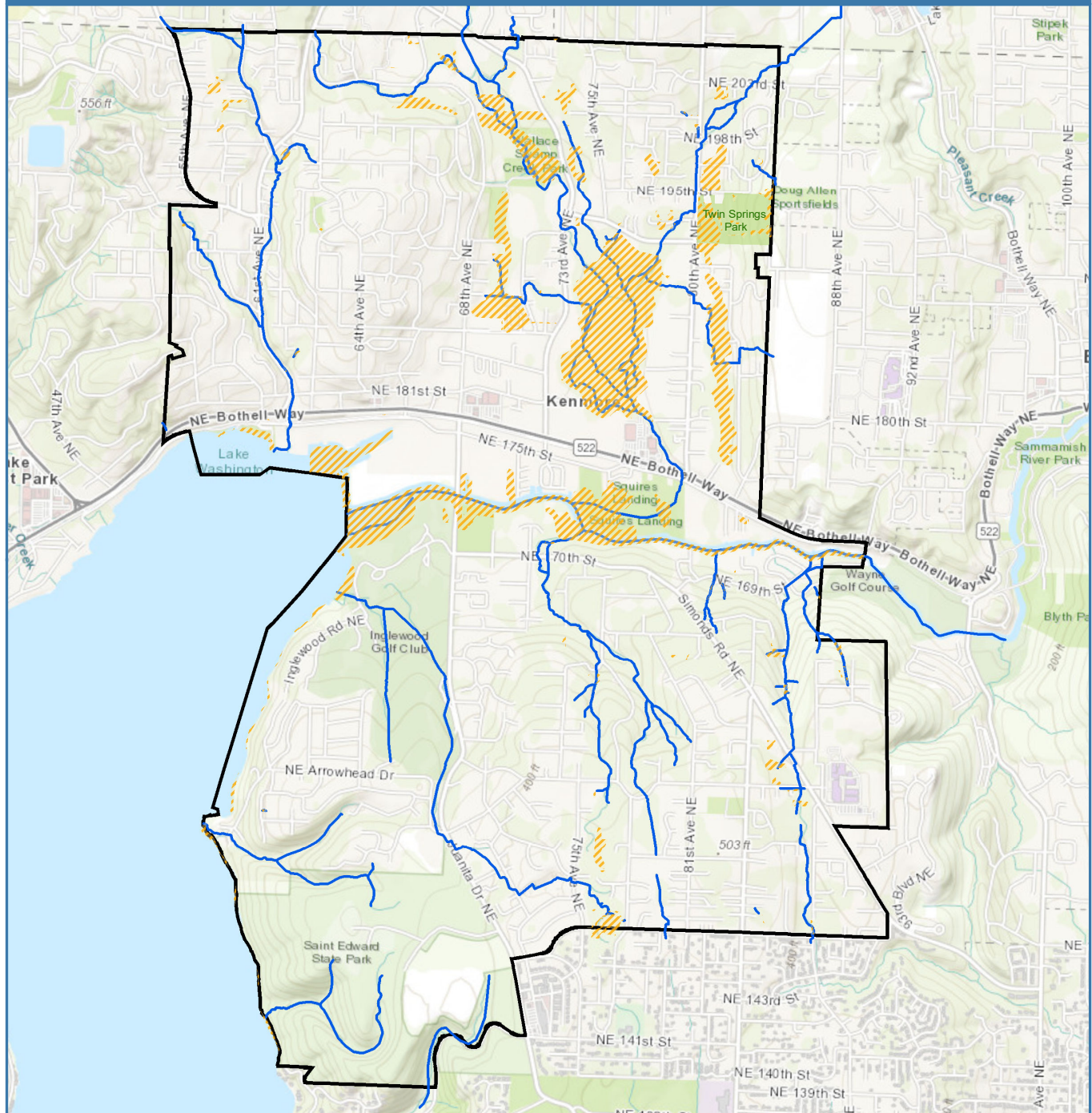
Predominant water features in the City include Swamp Creek as well as its tributaries and associated wetlands, the Sammamish River, and Lake Washington. In addition to these major water bodies, numerous small unnamed streams drain to these features.

Numerous wetlands also are located in the City—many within public open spaces such as Wallace Swamp Creek Park, Squire’s Landing Park, and Inglewood Wetlands. Wetlands are transitional areas between aquatic and upland habitats and are identified based upon three parameters: hydrology, soils and vegetation. Wetlands are formally identified and delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements. Under normal circumstances, wetlands include the following three components:

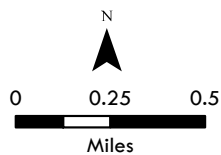
- Presence of water (hydrology) or an indication of at least the seasonal presence of water on the surface or in the soils;
- Unique soils (hydric soils) that differ from upland soils due to anaerobic conditions resulting from prolonged or frequent saturation or flooding; and
- A dominance of plants adapted to growing in wet conditions (hydrophytic vegetation).

Wetlands provide habitat for a variety of aquatic and terrestrial plant and animal species. The extent to which a wetland will provide wildlife habitat will depend upon several features including the condition of the site, its size, presence of habitat features (e.g. open water, snags, islands or perches), the variety and complexity of the different habitat types within the wetland, and the surrounding habitat in the immediate vicinity. The ability of a wetland to provide habitat can also be linked to the degree it has been fragmented by urbanization and the level of disruption of the hydrology and vegetative continuity with other wetland systems. See **Figure LU-11a** for a map of streams and wetlands in Kenmore.

Figure LU-11a
Streams and Wetlands



- Kenmore City Boundary
- Wetlands
- Streams



Sources: City of Kenmore, 2018.
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Map Date: November 2018

Swamp Creek

The main stem of Swamp Creek is approximately 14.6 miles long, extending from headwaters wetlands in south Everett, through portions of Everett, Lynnwood, Brier, Mountlake Terrace, Bothell, unincorporated Snohomish County, and Kenmore to the Sammamish River. Within the city of Kenmore, there are 2.5 miles of shoreline along the stream.

Swamp Creek is typical of Puget Sound lowland streams. It originates in upland areas with gently sloping hillsides and eventually flows through a broad valley to the mouth. Topography along the stream course varies from 450 feet above sea level at the headwaters to 20 feet above sea level at the mouth of the creek. The stream has a low to moderate gradient of 1 to 6 percent. Site and vegetation clearing and grading, increased impervious surfaces, inadequate storm detention and other factors, particularly with development in the watershed upstream from Kenmore, have increased flood frequencies and severity. Despite these changes, the Swamp Creek floodplain contains some of the largest and highest quality wetlands and wildlife habitat in the City. Swamp Creek has actively migrated within its floodplain.

Little Swamp Creek and Muck Creek join with Swamp Creek in Kenmore, along with a third, unnamed tributary.

Water quality issues include sedimentation and pollutants associated with stormwater runoff. Temperature and dissolved oxygen exceed the water quality standards for most of the summer and early fall. There also are frequent exceedances of the fecal coliform bacteria standard. Swamp Creek has been rated over time as either “moderate concern” or “high concern” since King County began monitoring water quality parameters in 2000.

To capture gravels and sediments, an in-stream sediment pond was created and is maintained in Wallace Swamp Creek Park.

Fish Habitat

Swamp Creek supports several salmonid fish species including coho salmon (federal species of concern), Chinook salmon (federally listed, threatened), coastal cutthroat trout (sea-run and resident), sockeye salmon, and steelhead trout (federally listed, threatened). Resident cutthroat trout are the dominant salmon species that spawn in the Swamp Creek basin. Swamp Creek also supports coho spawning and Little Swamp Creek is documented to support coho rearing. There is no designated critical habitat for any salmonid species in Swamp Creek or its tributaries.

Wildlife Habitat

Wildlife species are concentrated in small forested and wetland areas of the Swamp Creek watershed. The Swamp Creek wetland complex provides excellent forage and nesting habitat for birds and good forage and shelter habitat for amphibians, reptiles and small mammals. Ponded areas in the wetland provide resting sites for waterfowl. Of particular interest is the great blue heron rookery, described further below.

Sammamish River

The Sammamish River begins at the outlet of Lake Sammamish and ends at its confluence with Lake Washington. The total length of the river mainstem is approximately 14 miles. Within the City limits, the shoreline extends approximately 1.8 miles. The river has a low gradient (approximately 0.02%), dropping only 14' in elevation over its length. The volume and rate of surface water discharge from Lake Sammamish is moderated by a weir at Marymoor Park.

The River has been altered over time to control flooding. The natural Sammamish River floodplain historically covered a very large area as the river meandered extensively across the valley floor. Prior to channelization, land use in the valley was predominately agricultural and spring flooding regularly caused extensive damage to seed crops. To reduce this damage and to help regulate the level of Lake Sammamish, the U.S. Army Corps of Engineers, with King County as a local sponsor, dredged a deeper and straighter channel in the 1960s, filling in the former meanders. Levees were typically placed on the riverbanks to maximize the flood protection area. Miles of streambank were lined with rip-rap and are devoid of vegetation. In the 1980s and 1990s, dredging at the mouth of the river was undertaken for navigational purposes.

Consequences of the flood control projects include reduced frequency of overbank flooding, reduced riparian habitat, and elimination of extensive wetland areas. In Kenmore, approximately 35.3 acres of wetlands are mapped on the Sammamish River shoreline. The City has undertaken community restoration efforts to control invasive plants and replant native species in portions of the Rhododendron Park wetlands, portions of Squire's Landing Park wetlands, and in wetlands near the Wildcliffe Shores community.

The water quality of the Sammamish River is largely influenced by the slow-moving nature of this lowland system and by the backwater effect from Lake Washington. The slow movement, while enhancing sediment deposition, also allows for development of dense stands of aquatic plants and higher algal productivity. The backwater affect means that warmer lake water with lower dissolved oxygen concentrations is significantly influencing the conditions in the lower reach of the river, especially during summer months; both of these conditions are limiting for salmon. A 2015 study prepared for King County reported that "Elevated water temperatures may also adversely affect the fitness of adult Chinook salmon, delay their arrival at spawning grounds, or increase their susceptibility to disease/parasites," and have even resulted in mortality prior to spawning. Swamp Creek's cooler temperatures create an important thermal refuge for fish where the creek joins the river. Fecal coliform bacteria and various pollutants are additional water quality issues. Temperature, dissolved oxygen, and fecal coliform are water quality parameters that currently are listed by the Washington Department of Ecology as Category 5, a level of impairment that requires development of a Total Maximum Daily Load (TMDL) or water quality improvement plan. Ecology has been conducting studies in support of temperature and dissolved oxygen TMDL development since 2014.

The King County Water Quality Index rated the river at the Kenmore monitoring station as either of high or moderate concern with respect to water quality between 2000 and 2008.

Fish Habitat

The Sammamish River remains a major migratory pathway for salmon. The mouth of the River provides salmon rearing habitat and it is believed that outmigrating juvenile salmon may hold in the shallow beach area near the river mouth before moving into the lake. The basin supports rainbow trout, coho salmon (federal species of concern), Chinook salmon (federally listed, threatened), coastal cutthroat trout, kokanee salmon, sockeye salmon, and steelhead trout (federally listed, threatened).

Wildlife Habitat

Historically, the Sammamish River with its broad, shallow channels and numerous backwater sloughs and meanders provided prime habitat for a wide variety of animal species. This diversity of wildlife has been reduced and birds are the most visible form of wildlife along the river. Bald eagles, other raptors and cormorants have been observed flying along the River and great blue herons feed there.

Lake Washington

Lake Washington has a surface area of approximately 35 square miles. Kenmore's shoreline along the north end of Lake Washington is approximately 3.5 miles in length. The shoreline has little natural vegetation or habitat left due to urbanization. An exception is the waterfront along St. Edward State Park, which is roughly 3,000 feet in length and the longest undeveloped stretch of Lake Washington shoreline.

Construction of the Ship Canal in 1916 created the connection between Lake Washington and Puget Sound, causing the lake water surface elevation to drop approximately 9 feet. Currently the U.S. Army Corps of Engineers maintains the water level in the lake within a 2-foot range between 20 and 22 feet. The minimum water elevation is maintained during winter to allow for annual maintenance of docks and other structures, minimize damage during winter storms, and provide flood storage volume.

Water quality in Lake Washington has improved tremendously in the last 50 years. However, a continued concern is localized areas of eutrophication, wherein nutrients (particularly phosphorus) and bacteria from the watershed are transported to the lake, resulting in excessive plant growth including floating and attached algae and nuisance plants. Water quality concerns around increased water temperature, fecal coliform bacteria and chemical contaminants also are present.

Fish Habitat

Lake Washington supports over 30 fish species of which 12 are non-native and introduced to the lake. Native species of salmonids use the lake for migratory passage, rearing of juveniles, and foraging. No salmonid spawning typically occurs in Lake Washington. Salmonid species include Chinook (federally listed, threatened), coho (federal species of concern), sockeye salmon, steelhead trout (federally listed, threatened), resident rainbow trout, cutthroat trout, Dolly Varden/bull trout (federally listed, threatened) and kokanee salmon.

Wildlife Habitat

Mapped bald eagle nest sites are located on the east shore of Lake Washington and documented perch trees, including large black cottonwoods, are located along the lakeshore. Pileated woodpecker breeding (state candidate species) occurs in the forests of St. Edward State Park and extending onto forested portions of adjacent private and public properties. Other priority habitats associated with the lake include wetlands and biodiversity areas and corridors.

Endangered, Threatened, Sensitive Species

Federally Listed Species

Several federally listed species are known to occur or could potentially occur within the City's shorelines. Federally listed species that have been documented include Chinook salmon, designated by National Oceanic and Atmospheric National Marine Fisheries Division (NOAA Fisheries) as Threatened in 1999

and re-confirmed in 2005; bull trout, designated by U.S. Fish and Wildlife Service as Threatened in 1999; and steelhead trout, designated by NOAA Fisheries as Threatened in 2007 and re-confirmed in 2014.

As defined in the Endangered Species Act, critical habitat is “specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection.” In 2005, NOAA Fisheries designated “critical habitat” for Chinook salmon, including Kenmore’s Lake Washington shoreline and the lower portion of the Sammamish River.

In 2004, the U.S. Fish and Wildlife Service designated “critical habitat” for the Puget Sound Distinct Population Segment (DPS) of bull trout, including Kenmore’s Lake Washington shoreline.

In 2016, NOAA Fisheries designated “critical habitat” for the Puget Sound DPS steelhead which excludes all waters in the Lake Washington watershed, including in Kenmore.

State Priority Habitat and Species Program

The State of Washington Department of Fish and Wildlife has a Priority Habitat and Species (PHS) program which includes a catalog of habitats and species considered to be priorities for both conservation and management. Priority habitats are “habitat types or elements with unique or significant value to a diverse assemblage of species.” In Kenmore priority habitats include wetlands, biodiversity areas and corridors, and freshwater ponds.

The State lists designate *Endangered*, *Threatened*, *Sensitive*, and *Candidate* species. Priority species include those designations, as well as “animal aggregations (e.g. heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable.” Priority species documented in Kenmore include Chinook salmon, bull trout, coho salmon, sockeye salmon, kokanee salmon, steelhead trout, coastal cutthroat trout, pileated woodpecker, purple martin, and great blue heron. Recent information indicates that the purple martin is no longer nesting in Kenmore.

The bald eagle’s population status has improved to levels that resulted in the removal of the eagle from both federal and state listing. However, the eagle is still protected by the federal Golden and Bald Eagle Protection Act.

Due to the importance and size of Kenmore’s great blue heron colony, the great blue heron is addressed below.

Great Blue Heron

Great blue herons are a permanent resident in all of Washington except the higher Cascade and Olympic ranges. They are highly vulnerable to human disturbance, predation, and competition for nesting habitat.

More productive colonies tend to form near large areas of high quality foraging habitat. Most colonies are within 1.9 miles of key foraging grounds, although herons can nest anywhere within 6.2 miles of where they are foraging.

Ideal nesting habitat consists of mature forest. Although most colonies are found in forests free of human disturbance, some nesting occurs in areas of persistent human activity. The birds are less tolerant of disturbance in the pre-courtship and courtship periods between mid-February and mid-April.

Bald eagles are the heron’s primary predator (Azerrad, 2012).

A heron rookery has been established near the north end of the Kenmore Park and Ride, within Swamp Creek wetlands. It housed approximately 40 nesting pairs in 2009.

The colony established itself after the Kenmore Park and Ride lot was developed. There is a water barrier between the lot and the colony which may create a sense of safety. Other than encroaching development, factors which may cause the birds to move in the future include bald eagle intrusion, damage to nesting trees (trees can be damaged by the nesting as well as by flooding), reduction in foraging areas, and other factors (Norman 1999).

The birds are colonial during the breeding season but are noncolonial in the winter when they stay in the immediate area but separate into smaller groups. The winter roosting areas have not been identified. In winter, the birds will switch from foraging in wetland areas to upland areas where they will feed, for example, on rodents (Norman 1999).

Colonies usually exist at the same location for many years, and productivity (the number of fledglings/nesting herons) may be positively related to the number of years colonies have been in use. The herons may relocate their colonies in response to increased predation on eggs and young by mammals and birds such as eagles, declines in food availability, or human disturbance (State of Washington Department of Fish and Wildlife 1999).

The City of Kenmore's critical area regulations should require a year-round buffer around an active rookery, where unusually loud activities should be prohibited (Azerrad, 2012). Between February 1 and August 31, no clearing or grading or land disturbing activity should be allowed within the buffer unless approved by the Washington State Department of Fish and Wildlife (the SR-522 right of way is exempt from the buffer). Permits for activities within the heron rookery buffer require approval of a habitat management plan by the State and City.

Shoreline Master Program

The Shoreline Master Program applies to “shorelines of the State.” In Kenmore, these include Lake Washington, the Sammamish River, and the main stem of Swamp Creek. In addition, wetlands considered “associated” with State Shorelines, such as Swamp Creek No. 3, also are regulated by the Shoreline Master Program. The Shoreline Master Program regulations include Environment designations of Downtown Waterfront, Shoreline Residential, Urban Conservancy, Natural, and Aquatic. The Downtown Waterfront environment is more permissive in terms of uses and development standards than the other designations. The most restrictive environment designation is the Natural environment. The Shoreline Sub-Element of the Land Use Element addresses shoreline goals, objectives and policies.

GOALS, OBJECTIVES, AND POLICIES

Following are the natural environment goals, objectives and policies. In some cases, policies are cross-referenced in more than one Element or Sub-Element, and this is noted by a policy reference in italics (e.g., *Policy SW-42.3.1*).

GOAL 13. PRACTICE ENVIRONMENTAL STEWARDSHIP BY PROTECTING, ENHANCING, AND PROMOTING THE NATURAL ENVIRONMENT IN AND AROUND THE CITY OF KENMORE.

OBJECTIVE 13.1 Cooperate regionally and strive locally to improve air quality.

- Policy LU-13.1.1 Protect air quality from adverse impacts through the following measures:
- a. Encourage alternative modes of transportation to reduce reliance on the automobile as the primary method of transportation.
 - b. Promote mixed-use and compact development forms, particularly in the Downtown, to help reduce the need for automobile use.
 - c. Require air quality impact analysis for major new developments, which could adversely impact the air quality levels in the vicinity.
 - d. Work with other agencies to educate the public about air quality impacts due to vehicular travel and due to improper use of woodstoves and fireplaces.
 - e. Work with other agencies to monitor air quality within the planning area.

- Policy LU-13.1.2 Through development standards, reduce air pollution emissions from construction and land clearing activities.

OBJECTIVE 13.2 Encourage a reduction in overall noise levels throughout the community.

- Policy LU-13.2.1 Require new developments which could generate substantial levels of noise or could expose people to substantial levels of noise from existing noise generators to submit an analysis of potential noise impacts and propose mitigation.

Policy LU-13.2.2	Implement noise and nuisance ordinances to address various noise sources and require cessation or mitigation of noise.
Policy LU-13.2.3	Encourage residential or other noise-sensitive development proposed for location in noise-impacted areas to be oriented away from noise source, or to be constructed with materials that will maximize noise reductions, or to incorporate fencing, landscaping, or other noise-reducing features, appropriate to the situation. Noise impacted areas may include the vicinity of SR-522, or the vicinity of the Air Harbor, or other areas that may be determined through environmental review.
OBJECTIVE 13.3	Encourage a reduction in light and glare impacts throughout the community.
Policy LU-13.3.1	Through design standards or educational opportunities, discourage the use of building materials or signage materials that cause glare impacts to substantial numbers of motorists or surrounding neighborhoods.
Policy LU-13.3.2	Require appropriate illumination levels and light shields for lighting standards along streets and in public open spaces and parks.
Policy LU-13.3.3	Encourage residents to provide exterior lighting for security purposes which does not unduly impact their neighbors.
Policy LU-13.3.4	Restrict lights pointing up, affecting the view of the night sky.
OBJECTIVE 13.4	Cooperate regionally and strive locally to protect surface and ground water quality and quantity from degradation.
Policy LU-13.4.1	Actively work with communities upstream from Kenmore to develop and implement appropriate surface water regulations to adequately retain and detain surface water so as to minimize the adverse effects upon the environment in Kenmore.
Policy LU-13.4.2	Use incentives, regulations and programs to manage Kenmore's water resources (rivers, streams, lakes, wetlands and ground water) and to protect and enhance their multiple beneficial uses including fish and wildlife habitat, flood and erosion control, water supply, energy production, transportation, recreational opportunities and scenic beauty. Use of water resources for one purpose should, to the fullest extent practicable, preserve opportunities for other uses.
Policy LU-13.4.3	Allow development that supports continued ecological and hydrologic functioning of water resources. Development should not have a significant adverse impact on water quality or water quantity.
Policy LU-13.4.4	Participate in the development of watershed plans integrating surface water, ground water, drinking water and wastewater planning to provide efficient water resource management.
Policy LU-13.4.5	Actively encourage the use of environmentally safe methods of vegetation control.

OBJECTIVE 13.5 Adopt an urban forestry strategy to encourage the preservation and planting of trees on public and private property.

Policy LU-13.5.1 Adopt an urban forestry strategy which encourages the preservation and protection of trees on public and private properties.

Policy LU-13.5.2 Through urban forestry, street design standards and parks programs, encourage the planting of street trees throughout the City.

OBJECTIVE 13.6 Protect the natural, environmental, ecological, public access, aesthetic, and economic aspects of Lake Washington, the Sammamish River, and Swamp Creek.

Policy LU-13.6.1 In the City's Shoreline Sub-Element and Shoreline Master Program, balance the need to provide for shoreline protection, and public access, with the need to allow for water-oriented uses and economic development.

Policy LU-13.6.2 Allow development within the shoreline jurisdiction that preserves the resources and ecology of the water and shorelines; avoids natural hazards; promotes visual and physical access to the water; and preserves archeological resources, traditional cultural resources, and navigation rights. Protection of critical areas should be balanced with visual values and physical access as long as there is no net adverse impact to regulated shoreline ecological processes and functions.

Policy LU-13.6.3 Balance private property rights with the need for public physical and visual access to shorelines.

GOAL 14. PROTECT LIFE AND PROPERTY IN AREAS OF NATURAL HAZARDS.

OBJECTIVE 14.1 Strive to protect lives and public and private property from flooding.

Policy LU-14.1.1 Implement the Surface Water Element goals, objectives and policies to minimize flood hazards in the community.

Policy LU-14.1.2 Recognize the Swamp Creek basin as an environmentally sensitive area that has sustained repeated flooding impacts. Densities and services should reflect the environmental sensitivity of the Swamp Creek basin.

OBJECTIVE 14.2 Strive to protect slopes from erosion and sliding.

Policy LU-14.2.1 Require land uses permitted in mapped Erosion Hazard Areas to minimize soil disturbance and maximize retention and replacement of native vegetative cover.

Policy LU-14.2.2 Require new development to protect natural vegetation coverage at levels sufficient to moderate surface water runoff and erosion and to protect the integrity of stream channels. When revegetation is required, appropriate native vegetation should be used.

Policy LU-14.2.3 Require grading and construction activities to be conducted with erosion control Best Management Practices and other development controls as necessary to minimize sediment discharge from construction sites.

- Policy LU-14.2.4 Require increased surface water management in areas draining over steep and erosive slopes.
- Policy LU-14.2.5 Limit development on slopes with a grade of 40 percent or more unless the risks and adverse impacts associated with such development can be reduced to a non-significant level.
- Policy LU-14.2.6 Limit development in Landslide Hazard Areas unless the risks and adverse impacts associated with such development can be reduced to a non-significant level.

OBJECTIVE 14.3 Minimize the potential for damage due to liquefaction and seismic hazards.

- Policy LU-14.3.1 In areas with severe seismic hazards, apply Uniform Building Code, and any other necessary special building design and construction measures to minimize the risk of structural damage, fire and injury to occupants and to prevent post-seismic collapse.

GOAL 15. PROTECT AND ENHANCE UNIQUE, VALUABLE, AND CRITICAL PLANTS AND WILDLIFE.

OBJECTIVE 15.1 Protect wetlands from encroachment and degradation, and encourage wetland restoration.

- Policy LU-15.1.1 Determine wetland boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplements.
- Policy LU-15.1.2 Utilize a wetland classification system that is based on best available science.
- Policy LU-15.1.3 Strive to achieve no-net-loss of wetland functions or values within each drainage basin. Acquisition, enhancement, regulations, and incentive programs may be used independently or in combination with one another to protect and enhance wetlands functions.
- Policy LU-15.1.4 Require development adjacent to wetlands to be sited such that wetland functions are protected, an adequate buffer around the wetlands is provided, and significant adverse impacts to wetlands are prevented.
- Policy LU-15.1.5 Protect areas of native vegetation that connect wetland systems. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms should be used.
- Policy LU-15.1.6 Protect the unique hydrologic cycles, soil and water chemistries, and vegetation communities of bogs, fens and other legislatively designated unique wetland ecosystems through the use of Best Management Practices to control and/or treat stormwater within the wetland basin.
- Policy LU-15.1.7 Allow public access to wetlands for scientific, recreational use, and traditional cultural use where public access trails are carefully sited, sensitive habitats and species are protected, and hydrologic continuity is maintained.

Policy LU-15.1.8	Allow enhancement or restoration of degraded wetlands to maintain or improve wetland functions, provided that all wetland functions are evaluated in a wetland management plan, and adequate monitoring, code enforcement and evaluation is provided and assured by responsible parties. Restoration or enhancement must result in a net improvement to the functions of the wetland system. Technical assistance to small property owners should be considered.
Policy LU-15.1.9	Alterations to wetlands may be allowed, only after all wetland functions are evaluated, the least harmful and reasonable alternatives are identified, and affected significant functions are appropriately mitigated, in order to: a. Accomplish a public agency or utility development; b. Provide necessary utility and road crossings; c. Enhance an ecological function; or, d. Avoid a denial of all reasonable use of the property.
Policy LU-15.1.10	Approve wetland mitigation proposals if they would result in improved overall wetland functions within a drainage basin. All wetland functions should be considered. Ensure mitigation sites replace or augment the functions that would be lost as a result of the project proposal. Further, mitigation sites should be located strategically to alleviate habitat fragmentation.
Policy LU-15.1.11	Promote mitigation projects that contribute to an existing wetland system or restore an area that was historically a wetland. The goal for these mitigation projects is no net loss of wetland functions per drainage basin.
Policy LU-15.1.12	Preserve land used for wetland mitigation in perpetuity. Monitoring and maintenance should be provided until the success of the site is established.
Policy LU-15.1.13	Support a cooperative multi-jurisdictional effort to develop a plan for the establishment and utilization of a wetland mitigation banking program or in lieu fee program.
Policy LU-15.1.14	Apply appropriate penalties for current as well as previous wetland alteration violations, such as requiring wetland restoration, through code enforcement and stricter standards for development on sites where wetlands have been illegally filled.
OBJECTIVE 15.2	Protect streams from encroachment and degradation, and encourage stream restoration.
Policy LU-15.2.1	River and stream channels should be preserved, protected and enhanced for their hydraulic, ecological and aesthetic functions.
Policy LU-15.2.2	In partnership with other jurisdictions and interested parties, continue restoring stream and river channels and surrounding riparian areas to enhance water quality and fish and wildlife habitat and to mitigate flooding and erosion. Of particular interest is retention of forest communities along stream and river channels that provide shade and a source of woody debris to the aquatic habitat.

OBJECTIVE 15.3	Maintain and promote a diversity of native species and habitat within the City.
Policy LU-15.3.1	Protect native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants. Environmentally sound methods of vegetation control, including appropriate use of approved herbicides, should be used to control noxious weeds.
Policy LU-15.3.2	Recognize that aquatic weeds and toxic algae are a regional issue. Lobby King County to take the lead on a solution to control aquatic weeds and algae on the Sammamish River, Swamp Creek and Lake Washington. At the same time, facilitate the use of local resources, including volunteers, to reduce aquatic weeds.
Policy LU-15.3.3	Encourage the use of native plants in landscaping requirements, erosion control projects, and in the restoration of stream banks, lakes, shorelines, and wetlands. Provide incentives for using native plants, mature plantings, and higher densities of biomass.
Policy LU-15.3.4	Maintain fish and wildlife through conservation and enhancement of terrestrial, air, and aquatic habitats.
Policy LU-15.3.5	Preserve habitats for species which have been identified as endangered, threatened, or sensitive by the state or federal government.
Policy LU-15.3.6	Designate and protect Fish and Wildlife Habitats of Importance, including: a. Habitat for federal or state listed endangered or threatened species; b. Habitat for state sensitive, and candidate species; animal aggregations considered vulnerable; and those species of recreational, commercial, or tribal importance that are vulnerable as identified and mapped by the State Priority Habitats and Species program. c. Habitat for great blue herons; d. Habitat for bald eagles; e. Biodiversity areas and corridors designated and mapped in the Priority Habitats and Species program by the State Department of Fish and Wildlife; and, f. Riparian corridors.
Policy LU-15.3.8	Provide a mechanism for nomination and consideration of additional Fish and Wildlife Habitats of Importance.
Policy LU-15.3.9	Identify species which need protection during the development review process.
Policy LU-15.3.10	Stream and wetland buffer requirements may be increased to protect Fish and Wildlife Habitats of Importance. Whenever possible, density transfers and/or buffer averaging should be allowed.

- Policy LU-15.3.11 Protect salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the County, cities, tribes, service providers, and/or state and federal agencies. Development within basins that contain fish enhancement facilities should consider significant adverse impacts to those facilities.
- Policy LU-15.3.12 Work with adjacent jurisdictions, state and federal governments and tribes during land use plan development and site development review to identify and protect habitat networks at jurisdictional boundaries.
- Policy LU-15.3.13 Integrate fish and wildlife habitats into capital improvement projects whenever feasible.
- Policy LU-15.3.14 Promote voluntary fish and wildlife habitat enhancement projects by private individuals and businesses through educational and incentive programs.
- Policy LU-15.3.15 Actively participate in the Watershed Resource Inventory Area (WRIA) 8 Council to ensure that the City's planning, implementation, and enforcement efforts regarding surface and groundwater, environmentally sensitive areas, and development regulations are consistent with regional efforts. A central purpose of the watershed planning and implementation should be the recovery of endangered, threatened, or sensitive species such as Chinook salmon, steelhead trout and bull trout.
- Policy LU-15.3.16 Regularly review the City's capital projects, and planning and regulatory efforts to ensure consistency with the Federal 4(d) rule.

IMPLEMENTATION STRATEGIES

The Natural Environment Sub-Element policies would require new, continuing or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, or coordinate with adjacent jurisdictions.

New programs, rules, or regulations would be needed to address:

- Air quality and noise analyses for major new developments
- Urban forestry strategies
- Habitat enhancement educational, volunteer and incentive programs
- Aquatic weed and algae control.

A review of existing programs, rules and regulations would be needed to ensure they meet the policies, including:

- Control of air emissions from construction and land clearing activities
- Erosion control Best Management Practices
- Increased surface water management requirements on steep and erosive slopes

- Sufficiency of wetland, stream, fish and wildlife habitat, flood hazard, seismic hazard, landslide hazard, and erosion hazard regulations
- Sufficiency of design standards for building materials, critical area signage and lighting
- Sufficiency of noise standards
- Sufficiency of native vegetation requirements and tree management and protection requirements
- Sufficiency of aquatic weed prevention and invasive plant prevention
- Sufficiency of protection against pollutants, including fertilizer, entering streams, the river and the lake.

Additional or continuing efforts would need to be made to coordinate with adjacent jurisdictions or participate in regional programs, including:

- Working with adjacent, upstream communities on water quality and flooding issues
- Participating in the development of watershed plans
- Working with King County and the Sammamish River cities to control aquatic weeds and algae on the Sammamish River and Lake Washington
- Establishing a wetland mitigation banking program or in lieu fee program
- Restoring stream channels.

REFERENCES

- Azerrad, J.M. (2012). Management Recommendations for Washington's Priority Habitats and Species: Great Blue Heron. Washington Department of Fish and Wildlife, Olympia, WA.
- ESA Adolfson (2009). Kenmore Shoreline Master Program Update: Inventory and Analysis. Seattle, WA.
- King County (1990). Wetlands Inventory. Seattle, WA.
- King County Growth Management Planning Council (December 2012). Countywide Planning Policies. Seattle, WA.
- Norman, Don (November 23, 1999). Personal Communication, phone call from Don Norman, consulting biologist to Lisa Grueter, Bucher, Willis & Ratliff Corporation.
- State of Washington, Department of Fish and Wildlife (1999). "Great Blue Herons" in the Management Recommendations for Washington's Priority Species, Volume IV: Birds. Authors Timothy Quinn and Ruth Milner. Olympia, WA.



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Resolution No. 20-335 authorizing the duly authorized administrative agency for A Regional Coalition for Housing (ARCH) to execute all documents necessary to fund housing projects recommended by the ARCH Executive Board, utilizing funds from the City's Housing Trust Fund contributions Proposed Council Action/Motion: Approve Resolution No. 20-335	For Council Meeting Agenda of: February 24, 2020 Department: Executive Prepared by: Nancy Ousley, Assistant City Manager <u>Initial & Date</u> Approved by Department Head: <u>NKO</u> Approved by City Attorney: <u>[Signature]</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>NKO for RK</u> 14 Feb 2020 Exhibits/Attachments: Resolution No. 20-335 with Exhibit A, December 27, 2019 Memo from ARCH Executive Board RE: Fall 2019 Housing Trust Fund Recommendations
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INFORMATION/BACKGROUND:

Pursuant to the Amended and Restated Interlocal Agreement with ARCH, which was approved by the Kenmore City Council in 2010 (Contract No. 10-C866), the City of Bellevue keeps in trust and administers the accumulated funds annually set aside for the Housing Trust Fund by the City of Kenmore.

The ARCH Executive Board Fall 2019 Housing Trust Fund recommendation (see Exhibit A of Attachment 1) includes funding for seven projects, for a total of \$5,001,000, using member jurisdiction funds directed to the ARCH Housing Trust Fund (\$4,251,000) and Community Development Block Grant funds (\$750,000). The actual funding amount for the projects will depend on final action by the member jurisdiction City Councils. The requested funding contribution from the City of Kenmore's Trust Fund contributions is \$65,050 for five projects: Congregations For the Homeless Men's Shelter (\$7,980); Community Homes Adult Family Home 8 (\$2,400) and Shared Living 1 (\$1,600); Horizon Housing/Inland Together Center Redevelopment (\$43,890); and Inland Polaris at Eastgate (\$9,180).

Staff recommends Council approval of Resolution No. 20- 335, providing authorization for the duly appointed administering agency (City of Bellevue) to execute all documents necessary to enter into agreements for the funding of an affordable housing projects in the amount of \$65,050 as recommended by the ARCH Executive Board, utilizing funds from the City's Housing Trust Fund contributions.

This action has no budgetary impact as the funds have already been budgeted and contributed. The City's Housing Trust Fund uncommitted cash balance at the end of 2019 is \$96,986. Note that this does not count the 2020 contribution of \$40,000.

FISCAL CONSIDERATION:

The City of Kenmore 2019-2020 Budget includes \$80,000 in the General Fund as a commitment to the ARCH Housing Trust Fund.

COUNCIL PRIORITY/BUDGET OBJECTIVE BEING ADDRESSED: 2. Increase and preserve the options for affordable housing stock

CITY OF KENMORE, WASHINGTON

RESOLUTION NO. 20-335

A RESOLUTION authorizing the duly-appointed Administering agency for ARCH to execute all documents necessary to enter into Agreements for the funding of affordable housing projects, as recommended by the ARCH Executive Board, utilizing funds from the City's ARCH Housing Trust Fund.

WHEREAS, A Regional Coalition for Housing (ARCH) was created by interlocal agreement to help coordinate the efforts of Eastside cities to provide affordable housing; and

WHEREAS, the ARCH Executive Board has recommended that the City of Kenmore participate in the funding of certain affordable housing projects and programs hereinafter described; and

WHEREAS, the ARCH Executive Board has developed a number of recommended conditions to ensure that the City's affordable housing funds are used for their intended purpose and that projects maintain their affordability over time; and

WHEREAS, on March 8, 2010, the City Council approved the Amended and Restated Interlocal Agreement for ARCH; and

WHEREAS, the City Council desires to use \$65,050 from City funds as designated below to finance the projects recommended by the ARCH Executive Board; now, therefore,

THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council authorizes the duly-appointed administering agency of ARCH pursuant to the Amended and Restated Interlocal Agreement for ARCH to execute all documents and take all necessary actions to enter into Agreements on behalf of the City to fund: Congregations For the Homeless Men's Shelter (\$7,980); Community Homes Adult Family Home 8 (\$2,400) and Shared Living 1 (\$1,600); Horizon Housing/Inland Together Center Redevelopment (\$43,890); and Inland Polaris at Eastgate (\$9,180) in a combined total amount not to exceed \$65,050.

Section 2. The Agreements entered into pursuant to Section 1 of this resolution shall include terms and conditions to ensure that the City's funds are used for their intended purpose and that the projects maintain affordability over time. In determining what conditions should be included in the Agreements, the duly-appointed administering agency of ARCH shall be guided by the recommendations set forth in the ARCH

Executive Board's memorandum of December 27, 2019, a copy of which is attached hereto as Exhibit A.

PASSED by the City Council of the City of Kenmore this 24th day of February, 2020, and signed in authentication of its passage this _____ day of _____, 2020.

David Baker, Mayor

Attest:

Kelly Chelin, City Clerk



Together Center Campus
16225 NE 87th Street, Suite A-3 ♦ Redmond, Washington 98052
(425) 861-3677 ♦ Fax: (425) 861-4553 ♦ WEBSITE: www.archhousing.org

MEMORANDUM

TO: City of Bellevue Council Members City of Bothell Council Members City of Clyde Hill Council Members Town of Hunts Point Council Members City of Issaquah Council Members City of Kenmore Council Members City of Kirkland Council Members	City of Medina Council Members City of Mercer Island Council Members City of Newcastle Council Members City of Redmond Council Members City of Sammamish Council Members City of Woodinville Council Members Town of Yarrow Point Council Members
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FROM: Kurt Triplett, ARCH Executive Board Chair

DATE: December 27, 2019

RE: Fall 2019 Housing Trust Fund (HTF) Recommendations

The 2019 ARCH Housing Trust Fund round demonstrated historic levels of demand for funding to support affordable housing development in East King County, with nine applications representing requests for nearly \$20 million in local funds to develop close to 1,000 units or beds. After careful deliberation, the ARCH Executive Board concurred with the recommendations of the ARCH Citizen Advisory Board (CAB), and is recommending funding of \$5,001,000 for six new projects and one supplemental award to a previously funded project as shown in **Attachment 1: Recommended Projects and Funding Sources**.

These recommendations advance a significant number of projects that meet urgent local priorities, including the expansion of year-round emergency shelter on the Eastside, construction of permanent housing with services for homeless families, workforce housing for low and moderate income wage earners, affordable senior housing and special needs housing. Supporting these projects will result in meaningful progress toward our collective housing goals. As members of ARCH, we continue to value the coordination of local resources to leverage other public and private funding and meet local needs.

Because no projects were recommended in the 2018 round, the funding recommended this year represents the allocation of both 2018 and 2019 Trust Fund contributions, CDBG funding, and interest and revenue accrued in cities' accounts. Even with higher than typical available funding, the Executive Board had to make some difficult choices as to which projects to fund and which to invite back in future rounds. In some cases, a partial award is recommended to demonstrate local support to a project to allow it to advance in a future funding round.

Following is a description of the applications received, the Executive Board recommendation and rationale, and proposed contract conditions for the six proposals recommended for funding at this time. Also enclosed is an economic summary for the six projects recommended for funding, and a summary of past projects funded through the Trust Fund to date.

BEAUX ARTS VILLAGE ♦ BELLEVUE ♦ BOTHELL ♦ CLYDE HILL ♦ HUNTS POINT ♦ ISSAQUAH ♦ KENMORE ♦ KIRKLAND
MEDINA ♦ MERCER ISLAND ♦ NEWCASTLE ♦ REDMOND ♦ SAMMAMISH ♦ WOODINVILLE ♦ YARROW POINT ♦ KING COUNTY

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1. Imagine Housing Samma Senior Apartments

Funding Request: \$2,413,853 (Deferred, Contingent Loan)
54 affordable rental units

Exec Bd Recommendation: \$750,000 (Deferred, Contingent Loan – CDBG funds) for site acquisition

Project Summary:

Imagine Housing (IH), is proposing a 54-unit affordable senior rental project utilizing either 4% tax credits and tax-exempt bond financing or 9% tax credits. The project includes set asides of units for disabled persons and homeless veterans. Imagine hopes to secure Veterans Affairs Supportive Housing (VASH) rental vouchers to help pay down the rent for the Veteran units.

The project would be built on land to be acquired from the City of Bothell at a reduced price. The site is located on the Bus Rapid Transit corridor which is being expanded with ST3 funding. The City has indicated its strong support for the project.

The proposed affordable building is five levels of wood construction. Imagine is pursuing an Ultra High Energy Efficiency (UHEE) rating for this building. The design envisions around 40 surface parking spaces.

Funding Rationale:

The Executive Board sees merit in this application and recommends partially funding to allow acquisition of the site with conditions listed below for the following reasons:

- The City of Bothell is excited to support this affordable project through discounting land and working collaboratively to address land use issues.
- The project would increase affordability within the revitalized Bothell Landing.
- The project is sited at an excellent location for senior housing, with proximity to a major senior center, planned bus rapid transit, parks and trails, and shopping.
- The project aims to serve a range of lower income senior households including set asides for homeless and disabled, however the proposed services model relies on the creation or re-allocation of ongoing human services funding to support case management and resident services.
- The project is somewhat early in the development process; there appear to be opportunities for improving the design, and additional information about the environmental and geotechnical conditions of the site is needed to inform ultimate design and costs.
- The project as proposed exceeds cost limits set out by the Washington State Housing Finance Commission. There may be significant opportunities for reducing estimated project costs.
- CAB is interested in exploring other ways to layout the site.
- The project is competitive for King County funds but did not score as competitively for State Housing Trust Fund dollars this round.
- The scale of project fits developer's past track record and capabilities.

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Proposed Conditions:

Standard Conditions: Refer to list of standard conditions found at end of this memo

Special Conditions:

1. Funds shall be used by the Agency for acquisition of the site. Prior to accessing funds, the Agency must complete the following:
 - Conduct additional environmental, geotechnical and any other necessary investigation to determine that the project is developable on the property.
 - Provide an updated site plan maximizing the site, and schematic drawings showing unit reasonable layouts supportive of the needs of seniors.
 - Provide updated cost estimates demonstrating feasibility of proposed financing, taking into consideration Total Development Cost limits established by the Washington State Housing Finance Commission (WSHFC) cost limits.
2. Project must meet requirements associated with federal CDBG dollars. A purchase agreement cannot be entered into until the completion of the HUD required Environmental Assessment. The Agency may enter into an option agreement with language that addresses federal funds' "choice-limiting" restrictions. The portion of CDBG funds recommended from the 2020 HUD grant are estimated; funding is conditioned on a final grant agreement with HUD.
3. The Agency must re-submit a revised project proposal to ARCH and other funders in the 2020 funding round. Additional funding conditions will apply to any additional funds awarded.
4. ARCH's funding commitment shall continue for twelve (12) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. At that time, the applicant will provide a status report on progress to date. ARCH staff will consider up to a 12-month extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the applicant will demonstrate all capital funding is likely to be secured within a reasonable period of time.
3. Funds will be in the form of a deferred, contingent loan. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by ARCH Staff. The terms are expected to include a provision for the Agency to defer payment if certain conditions are met (e.g., low cash flow due to unexpected costs).
4. The Agency must demonstrate the City of Bothell's approval and satisfaction of all zoning requirements including parking, setbacks, curb cuts, and view corridors.
5. A covenant is recorded ensuring affordability for at least 50 years, with affordability generally as shown in the following table. (Note that changes to the matrix may be considered based on additional site investigation and revised financing assumptions that are presented for review and approval in the 2020 funding round.)

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Affordability	Studio	1 BR	2BR	Total
40%	4	4		8
50%	16	14		30
60%	9	6	1	16
Total	29	24	1	54

* The 60% AMI 2 BR unit is a manager's unit

2. Congregations for the Homeless East King County Men's Permanent Shelter

Funding Request: \$500,000 additional (Secured Grant)
100 beds

Exec Bd Recommendation: \$500,000 additional (Secured Grant)

Project Summary:

Congregations for the Homeless (CFH) is applying to ARCH for the acquisition and development of a permanent winter shelter and day center for men. The project was originally funded in the 2014 round as a 50-bed shelter proposal. Since then, the need has grown to 100 beds, and site selection activities have culminated in identifying a King County-owned site at Eastgate. CFH has operated the men's emergency winter shelter during that time at non-permanent locations, usually churches or civic buildings, in addition to their regular rotating men's shelter, drop in center, outreach and leased housing program. The permanent shelter is a low barrier shelter with few requirements on shelter guests other than to ensure they don't pose a danger to other guests. The objective of the permanent shelter is to get the homeless out from under the weather and connect them to services to start a pathway out of homelessness. The emergency shelter started out being open only on severe winter nights but moved to being open all nights and is currently located in a building scheduled for demolition in 2022.

The proposed shelter is now sized to provide sleeping accommodations for 100 men and serve 125 persons during the day. The proposed site is owned by King County Solid Waste, surplus from the creation of a waste transfer station off Eastgate Drive. The County is requiring fair market price for the property, with a final price to be determined based on necessary environmental remediation and other site constraints and requirements for the 10-acre site. Due to the size of the site and scope of predevelopment work needed, CFH has entered into a partnership with a development team that is proposing a larger residential development on the remainder of the site.

Funding Rationale:

The Executive Board recommends funding this application for the following reasons:

- The creation of a permanent men's shelter on the Eastside is a longstanding priority for ARCH and its member jurisdictions, particularly the City of Bellevue and King County.
- The project realizes a regional agreement to locate a men's shelter in Bellevue. It is the last of three planned Eastside shelter projects to get realized.
- The current location hosting the men's shelter must be vacated by 2022.
- CFH has successfully initiated outreach with nearby neighbors; no residential neighbors immediately abut the current site.
- Operating costs are known; cities are engaged in work to align human services funding.

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The Executive Board does recognize the following weaknesses with the proposal and has addressed them in the funding conditions associated with the project:

- The site does not have an agreed upon purchase price and was last appraised at \$28 million (not taking into account potential deductions for site conditions).
- King County requires the purchase of the site to transact by the end of 2020.
- The entire site must be purchased and other uses funded and developed concurrently, requiring CFH to rely on other entities to help realize the project.
- While the acquisition price will be reduced by estimated cost of remediation; the current agreement with King County does not provide relief if the actual costs of remediation exceed estimated costs.
- Large amounts of public capital and operating/services funding will be required; no revenue can ever be expected from shelter users.
- There is a possibility of neighborhood opposition, given opposition for siting up the street.
- The proposed entitlement timeline appears optimistic.
- Budgets are speculative, costs may vary significantly from pro forma provided.

Proposed Conditions:

Standard Conditions: Refer to list of standard conditions found at end of this memo

Special Conditions: (Note these conditions replace those of the 2014 Funding Round award)

1. By March 31, 2020, a final purchase price for the property must be determined, with updated budgets provided demonstrating a reasonable financing proposal to acquire the site by the date required by King County. An extension may be approved if both CFH and King County indicate a strong commitment to resolving all outstanding issues toward completion of the acquisition.
2. The funding commitment shall last for twelve (12) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. ARCH staff will approve an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion.
3. Funds shall be used by CFH toward design, developer fee and construction costs. Funds may not be used for any other purpose unless ARCH staff has given written authorization for the alternate use.
4. Funds will be in the form of a secured grant with no repayment, so long as affordability and target population is maintained, and the service funds necessary to provide services to this population are available.
5. A covenant is recorded ensuring affordability for one hundred (100) beds for at least fifty (50) years for homeless men without specificity to AMI.
6. CFH shall submit quarterly updates to ARCH on the progress of the Capital Campaign demonstrating active solicitation and amounts pledged and secured against campaign targets.

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7. Prior to the execution of funding contract, an outreach plan will be submitted to ARCH staff for review and approval. The outreach plan will include provisions such as:
 - Provide written notification to neighbors upon identification of a suitable site to include description of the project, and information regarding CFH that will include the website and contact number;
 - Send out invitations and provide an opportunity for neighbors to individually and/or as a group to meet with CFH in an Open House or other format regarding the project. Provide contact information for Congregations and information about what to do in case something out of the ordinary occurs.
8. Prior to release of funds, CFH shall submit to ARCH staff for review and approval drafts of all documents related to the provision of services to residents and management of the property, including any licensing-related management and service provider plans. These documents shall at a minimum address: management procedures to address tenant needs; services provided for or required of tenants; management and operation of the premises; community and neighbor relations procedures; a summary of ARCH's affordability requirements as well as annual monitoring procedure requirements.
9. In the event that any operating support funding levels will be reduced, the Agency shall inform ARCH Staff about the impacts the proposed reduction will have on the budget and plan for services to clients, and what steps shall be taken to address the impacts. A new budget or services plan must be approved by the ARCH.
10. Because of interest in the sustainability of the project and shortfalls in public subsidies, agency shall provide ARCH Staff (to be shared with the Citizen Advisory Board) historic, current and projected operating cost shortfalls bridged through fundraising, fundraising goals for those periods and the results of those fundraising efforts.

3. Inland Group Polaris at Eastgate Apartments

Funding Request: \$5,000,000 (Deferred Loan)
298 affordable units; 2 unregulated units

Exec Bd Recommendation: Partial funding of 575,000 (Deferred Loan)

Project Summary:

The Polaris at Eastgate project is a joint development between Inland Group and Congregations for the Homeless (CFH) to enable acquisition and development of a large 10-acre property with both a year-round shelter and rental housing. This partnership was created in order to accomplish the acquisition of the site in its entirety, which has both significant up-front predevelopment costs as well as an anticipated fair market purchase price that exceeds CFH's resources and capacity to carry.

Inland Group, along with another development partner, Horizon Housing Alliance, agreed to join the team and carry the costs of site investigation and entitlement process, provided a reasonable path to permanent financing of the residential component is defined in 2020. In addition to providing technical and financial support to carry the development of the shelter through initial phases, the project provides a benefit by creating a more comprehensive community surrounding the shelter. Absent full development of the site, the location of the shelter would be more isolated.

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The Project is proposed to be new construction of a 300-unit workforce housing community for families earning up to 60% of AMI. The unit mix including studios, one-bedroom, two-bedrooms and three-bedroom units is planned, accommodating a variety of households from singles through large families. In addition to the 60% AMI income and rent set-aside, 20% of the units will also be set-aside for households where one or more members is also disabled. This unit mix will be provided in two 5-story, elevator-serviced buildings over a subterranean parking garage.

Unit amenities within each building include full size washer and dryer in every apartment, fully equipped kitchens including microwave hoods, shaker style cabinets & laminate countertops in kitchen and bath, vinyl plank faux wood flooring in entry, kitchen, bath and hallways and carpet in bedrooms and living rooms. Common area amenity spaces are planned with a diverse resident mix in mind, and will include a business center, tutoring center, fitness center, resident lounge, theater, and multi-purpose room with kitchen. An internal courtyard with outdoor amenity space will offer a BBQ area, seating and significant landscaping.

The site of this building is separated by a grade change from the shelter. A third pad site with housing for homeless households is anticipated to be proposed in a future funding round.

Funding Rationale:

The Executive Board supported this application and recommends partially funding with conditions listed below for the following reasons:

- The project is necessary to realize the shelter at this location.
- The project creates 298 units of needed affordable rental units within a high opportunity area.
- The project estimates a relatively low per unit development cost compared to other recent projects.
- The project provides significant financial leverage of local resources.
- The applicant is an experienced developer with a strong track record of developing comparably scaled projects with similar financing.
- Site has convenient access to transit, shopping, and services.
- While available resources are not sufficient to fully fund the project, an initial commitment provides funding for predevelopment activities and demonstrates local commitment that increases the chance of securing other public resources.

The Executive Board recognizes the following weaknesses with the proposal which are addressed in the funding conditions:

- The site does not have an agreed upon purchase price and was last appraised at \$28 million (not taking into account potential deductions for site conditions).
- The proposed funding relies on an additional \$4 million in capital funds from King County, however the proposal was not prepared in time to meet King County application deadlines for the 2019 funding round.
- King County has required the purchase of the site to transact by the end of 2020; absent this deadline, the project could benefit from additional time to conduct due diligence and submit full funding applications.
- While the acquisition price will be reduced by estimated cost of remediation; the current agreement with King County does not provide relief if the actual costs of remediation exceed estimated costs.
- The entitlement timeline appears optimistic

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Proposed Conditions:

Standard Conditions: Refer to list of standard conditions found at end of this memo

Special Conditions:

1. The funding commitment shall continue for eighteen (18) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. ARCH staff will grant up to a 12-month extension.
2. Funds may be used by the Agency towards construction or other eligible uses approved by ARCH staff. Funds will be released only after all proposed financing has been assembled for the Project. A waiver may be considered by ARCH to allow for earlier release of funds for acquisition if the Agency has demonstrated a clear plan for assembling all needed acquisition and permanent project financing.
3. Funds will be in the form of a deferred, contingent loan. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by ARCH Staff. It is anticipated that loan payments will be based on a set repayment schedule and begin after repayment of deferred developer fee with 1% interest. The terms will also include a provision for the Agency to a deferment of a payment if certain conditions are met (e.g., low cash flow due to unexpected costs). Any requested deferment of loan payment is subject to approval by City or ARCH Staff, and any deferred payment would be repaid from future cash flow or at the end of the amortization period.
4. A covenant is recorded ensuring affordability for at least 50 years, with affordability as shown in the following table. Limited changes to the proposed unit mix may be made subject to ARCH approval.

Area Median Income/Unit Size	Studio	1BR	2BR	3BR	Total
60%	30	160	80	28	298
Unregulated					2
Total	30	160	80	30	300

5. The net developer fee shall be established at the time of finalizing the Contract Budget and will follow the ARCH Net Developer Fee Schedule.
6. If there is a charge for parking, then that amount shall be deducted from the maximum rents. A waiver of this requirement may be considered by ARCH staff if justified by requirements to achieve parking reductions.

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4. Inland Group/Horizon Housing Alliance Together Center Redevelopment

Funding Request: \$6,000,000 (Deferred, Contingent Loan)
80 affordable rental units in 9% deal and 204 affordable units in 4% deal

Exec Bd Recommendation: \$2,750,000 (Deferred, Contingent Loan)

Project Summary:

The Together Center is a nonprofit that has operated around a model of providing affordable commercial space for human service-related nonprofit organizations since 1991. In early 2019, after a long process of planning and visioning, the Together Center released a Request for Interest to solicit development proposals that would re-imagine the existing Together Center and take advantage of the development capacity on the property to provide affordable housing. Horizon Housing Alliance, along with its development partner, Inland Group, were selected in the summer of 2019 and have since been working steadily through the pre-development process.

The proposed project is two buildings on a single site with two separate programs. The existing Building A will be 204 studio, one, two, and three bedroom units affordable at 60% AMI called Polaris at Together Center. The existing Building B, called Horizon Housing at Together Center, will be 80 units of studio, one, two, and three-bedroom units affordable to households at 30% and 50% AMI, with 60 of the units set aside for those exiting homelessness. The residential units will be on floors two through five in both buildings. The ground floor of the buildings will be a condo owned by Together Center, a nonprofit that operates affordable office space for human service nonprofit organizations. Parking will be below grade in a structured parking garage. The collective project is called the Together Center Redevelopment.

The project is built around the vision of co-location of housing along with various behavioral health, physical health, and other resources to create a vibrant community and help families break the cycle of intergenerational poverty. Residents of Horizon Housing at Together Center will have access to social and health services in the commercial space with providers including HealthPoint, Ikron, and Sound Health all operating as tenants. The proposed population is intended to include homeless residents be referred by rapid rehousing providers including Catholic Community Services, as well as other transitional housing and shelter programs, rather than the through Coordinated Entry system. This is intended to provide a better balance within the building, as well as allow for prioritization of homeless populations in East King County.

Horizon Housing at Together Center will partner with Hopelink to provide service coordination and case management services on site. The project cashflow will contribute \$110,000 annually towards services. Hopelink and Horizon will apply for available service dollars to fund the remaining services for the families exiting homelessness. Horizon Housing at Together Center can refer tenants to the physical and behavioral health providers, including HealthPoint, who will be tenants in the ground floor commercial space on site. These “off-site” services will be paid through existing revenue streams with the providing agencies.

Funding Rationale:

The Executive Board recommends funding this application with partial funding at a minimum to advance the 9% portion of the project with conditions listed below for the following reasons:

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- The project helps to realize the redevelopment of the Together Center, a valued community asset that provides critical social services for people across the EKC region.
- Services at the Together Center will provide ongoing benefits to residents of the housing.
- Project will ultimately create 284 units of affordable housing; 60 of which are set aside for households exiting homelessness
- The initial funding commitment allows the project to secure highly competitive 9% tax credit resources for East King County while securing funding for the remainder of the project.
- Project maximizes utilization of the site per zoning.

Proposed Conditions:

Standard Conditions: Refer to list of standard conditions found at end of this memo

Special Conditions:

1. The funding commitment shall continue for eighteen (18) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. ARCH staff will grant up to a 12-month extension.
2. Funds shall be used by the Agency towards construction. Funds may not be used for any other purpose unless ARCH staff has given written authorization for the alternate use.
3. Funds will be in the form of a deferred, contingent loan. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by ARCH Staff. It is anticipated that loan payments will be based on a set repayment schedule and begin after repayment of deferred developer fee with 1% interest. The terms will also include a provision for the Agency to a deferment of a payment if certain conditions are met (e.g. low cash flow due to unexpected costs). Any requested deferment of loan payment is subject to approval by ARCH Staff, and any deferred payment would be repaid from future cash flow or at the end of the amortization period.
5. The net developer fee shall be established at the time of finalizing the Contract Budget, and will follow the ARCH Net Developer Fee Schedule.
6. A covenant is recorded ensuring affordability for at least 50 years, with affordability generally as shown in the following table. (Note that limited changes to the matrix may be considered based on reasonable justification as approved by ARCH staff.)

9% Project:

Affordability	Studio	1 BR	2BR	3BR	Total
30%		8	20	12	40
50%		8	20	12	40
Total		16	40	24	80

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4% Project:

Affordability	Studio	1 BR	2BR	3BR	Total
60%	20	80	84	20	204
Total	20	80	84	20	204

7. Submit for City or ARCH staff approval a management and services plan which includes coordination of services with outside providers and parking management.
8. Agency shall submit a marketing plan for approval by ARCH staff. The plan should include how the Agency will do local targeted marketing outreach to local, media business and community organizations.
10. If there is a charge for parking, then that amount shall be deducted from the maximum rents. A waiver of this requirement may be considered by ARCH staff if justified by requirements to achieve parking reductions.

5. Community Homes Shared Living 1

Funding Request: \$100,500 (Secured Grant)
 3 Beds

Exec Bd Recommendation: \$100,500 (Secured Grant)

Project Summary:

Community Homes, Inc. (CHI) is proposing to acquire a home that will serve three (3) low-income adults with developmental disabilities. The proposed setting accommodates both the DD residents and their care provider in a shared living arrangement. Each tenant will have their own bedroom. Residents will share living spaces with the care provider but will have a separate bathroom. CHI has a purchase and sales agreement on a suitable property in Newcastle.

Funding Rationale:

The Executive Board recommends funding this application for the following reasons:

- The project has site control and is able to move forward quickly.
- The project serves very low income developmentally disabled individuals.
- The project provides housing for a population (Special Needs housing) that currently is below long-term ARCH Trust goals.
- The residents will benefit from a live-in care provider who is directly funded by Development Disabilities Administration; the live-in care model provides greater stability of care and retention of staff compared to other models.
- Developer has a 24-year track record and good reputation with funders and the Department of Developmental Disabilities.
- The lower number of residents in the home allows the project to come online faster and avoid the lengthy licensing process for homes with more residents.
- The project qualifies for funding set-asides in the State Housing Trust Fund round.

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- Based on the proposed funding sources, ARCH funds would be leveraged with significant resources from King County and the State.

Proposed Conditions:

Standard Conditions: Refer to list of standard conditions found at end of this memo

Special / Revised Conditions:

1. The funding commitment shall continue for six (6) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. At that time, the applicant will provide a status report on progress to date and expected schedule for start of construction and project completion. ARCH staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the applicant will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time. ARCH staff will grant up to a 12-month extension. If necessary, a second extension of up to 6 months may be requested by following the same procedures as the first extension.
2. Funds shall be used by the Agency toward acquisition and related costs. Funds may not be used for any other purpose unless ARCH staff has given written authorization for the alternate use.
3. The Agency shall not proceed with searching for a home until all funding commitments have been received. The Agency shall only purchase unoccupied homes or owner-occupied homes in order to not trigger local and federal relocation regulations.
4. Prior to acquisition, the Agency shall submit an appraisal by a qualified appraiser. The appraisal shall be equal to or greater than the purchase price.
5. If federal sources are being provided by any funder, a purchase agreement cannot be entered into until the completion of the HUD required Environmental Assessment. The Agency may enter into an option agreement with language that addresses federal funds' "choice-limiting" restrictions.
6. Funds will be in the form of a secured grant with no repayment, so long as affordability and target population is maintained.
7. A covenant is recorded ensuring affordability for at least 50 years, with three beds for developmentally disabled individuals at or below 30% of area median income at move in.
8. Unless otherwise approved by ARCH staff, the development budget shall include:
 - Minimum of \$17,000 of private sources provided by the applicant.
 - Up to \$987,500 combined for acquisition and development. In the event total acquisition and development costs, including contingency, exceeds this amount, additional costs shall be covered by private sources from the applicant. If actual costs fall below this amount, the ARCH award may be adjusted downward accordingly.
 - Developer fee shall not exceed \$25,000.

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9. Reserves will be funded out of operations at \$3,000 for the first year with an annual increase of 3.5% per year for replacement reserves and \$1,000 for the first year with an annual increase of 3.5% per year for operating reserves.
10. All cash flow after payment of operating expenses (including respite care) shall be placed into a project reserve account that can be used by the applicant for project related operating, maintenance or services expenses. Any other use of these reserves must be approved by ARCH staff.
11. In the event that any operating support funding levels will be reduced, the Agency shall inform ARCH Staff about the impacts the proposed reduction will have on the budget and plan for services to the DD clients, and what steps shall be taken to address the impacts. A new budget or services plan must be approved by ARCH.
12. The Agency will notify ARCH when they enter into an option or purchase and sale agreement for any home, providing information on the location of the home and terms for acquiring the home. No home considered for acquisition will be within two blocks of another home owned by Agency unless otherwise approved by ARCH staff.
13. Prior to closing on the home, an individualized outreach plan will be submitted to ARCH staff for review and approval. The outreach plan will include provisions such as:
 - Provide written notification to neighbors upon mutual acceptance of the Purchase and Sales Agreement to include CHI's intention to purchase the house, description of the project, and information regarding CHI and the care provider that will include the website and contact number;
 - Provide an opportunity for neighbors to meet individually and/or as a group with CHI and the care provider regarding the project; such as having an Open House after the tenants move-in and include invitations to neighbors.
15. Once the home is selected the Agency shall include ARCH Staff in the inspection of the property and development of the final scope of work for the rehab. The final scope of work for the basic construction budget shall include, at a minimum, all work necessary for licensing of the home and correction of substandard health and safety conditions. Prior to start of construction, the Agency shall submit the final scope of work for ARCH Staff approval, along with evidence that construction costs have been confirmed by a qualified contractor and are within the basic construction budget. All uses of construction contingency funds must be approved by ARCH staff prior to authorization to proceed with such work.

6. Community Homes Adult Family Home 8

Funding Request: \$150,500 (Secured Grant)
5 Beds

Exec Bd Recommendation: \$150,500 (Secured Grant)

Project Summary:

Community Homes, Inc. (CHI) is proposing to acquire and remodel a home that will serve five (5) low-income adults with developmental disabilities. The community within the home allows them to live as

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independently as possible. A specific home will be identified once funding is committed. Criteria for selecting the particular property includes a minimum size of 2,500 square feet, the physical layout and ease of renovation of the house as well as neighborhood amenities such as sidewalks, access to stores, public services, transportation and recreation.

The residents will live in a shared living arrangement, along with a live-in care provider. Each tenant will have their own bedroom. Residents will share two bathrooms and a resident community living area with kitchen. If necessary, as in the case of prior homes, the existing garage may be converted to living space.

Funding Rationale:

The Executive Board supports funding this project as described in the application and recommends funding this application for the following reasons:

- Serves very low income developmentally disabled individuals
- The project provides housing for a population (Special Needs housing) that currently is below long-term ARCH Trust goals
- Residents will benefit from a live-in care provider who is directly funded by Development Disabilities Administration; the live-in care model provides greater stability of care and retention of staff compared to other models
- Developer has a 24-year track record and good reputation with funders and the Department of Developmental Disabilities
- The project qualifies for funding set-asides in the State Housing Trust Fund round
- Based on the proposed funding sources, ARCH funds would be leveraged with significant resources from King County and the State

Proposed Conditions:

Standard Conditions: Refer to list of standard conditions found at end of this memo

Special / Revised Conditions:

1. The funding commitment shall continue for six (6) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. At that time, the applicant will provide a status report on progress to date and expected schedule for start of construction and project completion. ARCH staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the applicant will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time. ARCH staff will grant up to a 12-month extension. If necessary, a second extension of up to 6 months may be requested by following the same procedures as the first extension.
2. Funds shall be used by the Agency toward acquisition and construction costs. Funds may not be used for any other purpose unless ARCH staff has given written authorization for the alternate use.
3. The Agency shall not proceed with searching for a home until all funding commitments have been received. The Agency shall only purchase unoccupied homes or owner-occupied homes in order to not trigger local and federal relocation regulations.

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4. Prior to acquisition, the Agency shall submit an appraisal by a qualified appraiser. The appraisal shall be equal to or greater than the purchase price.
5. If federal sources are being provided by any funder, a purchase agreement cannot be entered into until the completion of the HUD required Environmental Assessment. The Agency may enter into an option agreement with language that addresses federal funds' "choice-limiting" restrictions.
6. Funds will be in the form of a secured grant with no repayment, so long as affordability and target population is maintained, and the service/care providers have a contract with DDA for funds necessary to provide services to this population.
7. A covenant is recorded ensuring affordability for at least 50 years, with five beds for developmentally disabled individuals at or below 30% of area median income at move in.
8. Unless otherwise approved by ARCH staff, the development budget shall include:
 - Minimum of \$26,500 of private sources provided by the applicant.
 - Up to \$1,705,500 for combined cost of acquisition and development. In the event total acquisition and development costs, including contingency, exceeds this amount, additional costs shall be covered by private sources from the applicant. If actual costs fall below this amount, the ARCH award may be adjusted downward accordingly.
 - Developer fee shall not exceed \$50,000.
9. Reserves will be funded out of operations at \$4,000 for the first year with an annual increase of 3.5% per year for replacement reserves and \$2,000 for the first year with an annual increase of 3.5% per year for operating reserves.
10. Residents referred from DDA will not receive Section 8 assistance.
11. All cash flow after payment of operating expenses (including respite care) shall be placed into a project reserve account that can be used by the applicant for project related operating, maintenance or services expenses. Any other use of these reserves must be approved by ARCH staff.
12. In the event that any operating support funding levels will be reduced, the Agency shall inform ARCH Staff about the impacts the proposed reduction will have on the budget and plan for services to the DD clients, and what steps shall be taken to address the impacts. A new budget or services plan must be approved by ARCH.
13. The Agency will notify ARCH when they enter into an option or purchase and sale agreement for any home, providing information on the location of the home and terms for acquiring the home. No home considered for acquisition will be within two blocks of another home owned by Agency unless otherwise approved by ARCH staff.
14. Prior to closing on the home, an individualized outreach plan will be submitted to ARCH staff for review and approval. The outreach plan will include provisions such as:

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- Provide written notification to neighbors upon mutual acceptance of the Purchase and Sales Agreement to include CHI's intention to purchase the house, description of the project, and information regarding CHI and the care provider that will include the website and contact number;
- Provide an opportunity for neighbors to meet individually and/or as a group with CHI and the care provider regarding the project; such as having an Open House after the tenants move-in and include invitations to neighbors.

15. Once the home is selected the Agency shall include ARCH Staff in the inspection of the property and development of the final scope of work for the rehab. The final scope of work for the basic construction budget shall include, at a minimum, all work necessary for licensing of the home and correction of substandard health and safety conditions. Prior to start of construction, the Agency shall submit the final scope of work for ARCH Staff approval, along with evidence that construction costs have been confirmed by a qualified contractor and are within the basic construction budget. All uses of construction contingency funds must be approved by ARCH staff prior to authorization to proceed with such work.

7. Parkview Homes XV

Funding Request: \$225,450 (Secured Grant)
10 Beds

Exec Bd Recommendation: \$0

Project Summary:

Parkview Services, a Shoreline-based non-profit organization is proposing to develop three homes in East King County; one of those homes is in Kenmore, recently acquired by Parkview, the remainder are to yet be identified. The Kenmore Home is 4 beds and has short-term financing that must be taken out in the next year and a half. For the other two homes, they plan to acquire and remodel 1,600 square foot three-bedroom houses that will each serve three (3) low-income individuals with developmental disabilities referred by the Developmental Disabilities Administration. Specific homes will be identified once all funding is committed. Improvements will include remodeling to meet both Evergreen sustainability and ADA (Americans with Disabilities Act) accessibility standards.

Funding Rationale:

The Executive Board supports the concept of the Parkview proposal which serves the neediest of developmentally disabled persons but cannot recommend funding in the current round given the limited funding available. Parkview was awarded funding in 2014 for a similar project, whereas CHI has not received an award since 2012.

The current proposal's acquisition and development budget appears too low to be feasible given the targeted area. Given the amount of requested funds versus what was available, the Executive Board encourages a proposal from Parkview in the next funding round addressing this possible issue.

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8. Parkview Homes 9 Down Payment Assistance (DPA)

Funding Request: \$200,000 (Non-Recoverable Grant)
DPA for 6 Households

Executive Board Recommendation: \$0

Project Summary:

Since 2006, Parkview Services has created 131 new homeowners, including 12 households that transitioned from subsidies to public housing rental to homeownership. This project proposes to create first-time homebuyers using deferred down-payment assistance (DPA) loans from a combination of public and private funds to achieve affordability for 10 households (6 in East King County). The homebuyers will purchase in either King, Skagit or Snohomish counties at sites to be determined (TBD). Eligibility for the down-payment assistance loans will require that the household income is 80% or less of the area median income (AMI) and that household has a member who is a person with Intellectual and Developmental Disabilities (IDDs). All homebuyers will receive homebuyer education, one-on-one pre-purchase financial counseling, and follow-up services subsequent to the purchase of their home.

The project includes a partnership with HomeSight, which has applied to King County for funds to make DP loans. Parkview homebuyers who purchase in King County will be eligible to use HomeSight's KC DPA loan together with other Parkview Services DP loans. In turn, HomeSight homebuyers who purchase in east King County will be eligible to use Parkview Services ARCH DP loans. Parkview believes this collaborative funding model is the most effective way to create affordable homeownership opportunities for their target population. The collective layers of DPA result in \$150,000 in public assistance per household.

Funding Rationale:

The Executive Board potentially supports the concept of the Parkview proposal which serves households which have a disabled person in them, it does not recommend making a funding award at this time. ARCH has its own Down Payment Assistance program administered through the Washington State Housing Finance Commission which has had only limited activity in the past several years. Those DPA loans are available to all households, not just those with a disabled person. The Executive Board recommends that in the coming year it re-evaluate that program along with the Parkview proposal to determine why activity is limited, if changes to the ARCH program are warranted, and if a specialized program is more beneficial than ARCH's DPA program for the relative cost per household.

9. King County Housing Authority Preservation of Kirkland Heights and Juanita View

Funding Request: \$2,500,000 (Deferred, Unsecured)
137 affordable units; 135 market-rate rental units

Exec Bd Recommendation: \$0

Project Summary:

King County Housing Authority (KCHA) is proposing to refinance 272 units of Section 8 housing located in Kirkland which it acquired from the Machinists Union in July 2019. King County provided \$10 million earlier this year to facilitate the purchase of the two Kirkland properties. This is part of a larger 5 site

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acquisition. Rents would remain as they are currently. No renovations or modernization is contemplated with the funding. At about the same time as making their application to ARCH it was announced that Microsoft had made available \$60 million to KCHA for this purpose. The Microsoft money comes in the form of a 15 year loan bearing interest.

Funding Rationale:

The Executive Board does not recommend funding for this project for the following reasons:

- There is a potential to increase rents on certain units without cost burdening residents. This would allow getting higher Section 8 subsidies and the ability to carry conventional debt
- No renovations are planned with this refinance.
- No additional affordability is created with ARCH funding.
- KCHA secured other sources to immediately acquire the property.
- KCHA does portfolio lending which precludes securing individual properties with Deeds of Trust.

The Executive Board sees opportunity in the proposal if re-envisioned to create greater affordability or significant improvements to the property. The Executive Board would welcome an application in the next round. In the event KCHA does provide an application to ARCH in the upcoming round, the application should address the following issues raised above.

Applicable to all funded projects:

Standard Conditions:

1. The Applicant shall provide revised development and operating budgets based upon actual funding commitments, which must be approved by ARCH staff. If the Applicant is unable to adhere to the budgets, City or Administering Agency must be immediately notified and (a) new budget(s) shall be submitted by the Applicant for the City's approval. The City shall not unreasonably withhold its approval to (a) revised budget(s), so long as such new budget(s) does not materially adversely change the Project. This shall be a continuing obligation of the Applicant. Failure to adhere to the budgets, either original or as amended may result in withdrawal of the City's commitment of funds.
2. The Applicant shall submit evidence of funding commitments from all proposed public sources. In the event commitment of funds identified in the application cannot be secured in the time frame identified in the application, the Applicant shall immediately notify City or Administering Agency, and describe the actions it will undertake to secure alternative funding and the timing of those actions subject to City or Administering Agency's review and approval.
3. In the event federal funds are used, and to the extent applicable, federal guidelines must be met, including but not limited to: contractor solicitation, bidding and selection; wage rates; and Endangered Species Act (ESA) requirements. CDBG funds may not be used to repay (bridge) acquisition finance costs.
4. The Applicant shall maintain documentation of any necessary land use approvals and permits required by the city where the projects are located.

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5. Submit monitoring reports quarterly through completion of the project, and annually thereafter. Submit a final budget upon project completion. If applicable, submit initial tenant information as required by City or Administering Agency.

Supplemental Funding Request:

1. Catholic Community Services with Sophia Way, Women and Family Shelter

Funding Request: **\$175,000 supplemental funding (Secured Grant) to the \$3,397,000 award made in the 2017 round**

98 Beds (50 Family; 48 Unaccompanied Women)

Exec Bd Recommendation: up to \$175,000 (Secured Grant)

Project Summary:

The new development on the site required addressing storm water impact of the existing building which was constructed in 1952 with different requirements.

Funding Rationale:

The Executive Board supported the CAB recommendation for funding the additional request for the following reasons:

- Storm water detention was originally sized only for the new shelter building however regulations required the impact of the existing structure to also be addressed which was not budgeted for. Additionally, hazardous material was found on site and needed to be remediated.
- Agencies increased their capital campaign targets to match the public ask.
- The project is well underway and addresses an urgent public need.

Special / Revised Conditions:

1. Funds are an “up to” amount to be released only after ARCH staff review and approval of proposed construction change order.

Attachments

Attachment 1: Recommended 2019 Projects and Funding Sources

Attachment 2: Economic Summaries of Recommended Projects

Attachment 3: Past Projects Funded through the Trust Fund

Attachment 1: Recommended Projects and Funding Sources

	Recommended Projects						Supplemental		
	Imagine Housing Samma Senior Apartments	Congregations for the Homeless East King County Men's Permanent Shelter	Inland Group Polaris at Eastgate Apartments	Inland Group/Horizon Housing Alliance Together Center Redevelopment	Community Homes Shared Living 1	Community Homes Adult Family Home 8	Catholic Community Services with Sophia Way, Women and Family Shelter	Total Recommended Funding	
Total Recommended Funds	\$ 750,000	\$ 500,000	\$ 575,000	\$ 2,750,000	\$ 100,500	\$ 150,500	\$ 175,000	##	\$ 5,001,000
General Funds	\$ -	\$ 500,000	\$ 575,000	\$ 2,750,000	\$ 100,500	\$ 150,500	\$ 175,000		\$ 4,251,000
CDBG	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 750,000

Member City General Funds

Bellevue	\$ -	\$ 228,920	\$ 263,290	\$ 1,259,060	\$ 46,010	\$ 68,910	\$ -		\$ 1,866,190
Bothell	\$ -	\$ 10,910	\$ 12,550	\$ 60,030	\$ 2,190	\$ 3,290	\$ -		\$ 88,970
Clyde Hill	\$ -	\$ 4,570	\$ 5,250	\$ 25,100	\$ 920	\$ 1,370	\$ -		\$ 37,210
Hunts Point	\$ -	\$ 470	\$ 530	\$ 2,580	\$ 90	\$ 140	\$ -		\$ 3,810
Issaquah	\$ -	\$ 24,430	\$ 28,100	\$ 134,380	\$ 4,910	\$ 7,350	\$ -		\$ 199,170
Kenmore	\$ -	\$ 7,980	\$ 9,180	\$ 43,890	\$ 1,600	\$ 2,400	\$ -		\$ 65,050
Kirkland	\$ -	\$ 118,840	\$ 136,675	\$ 653,600	\$ 23,890	\$ 35,770	\$ 175,000		\$ 1,143,775
Medina	\$ -	\$ 2,340	\$ 2,680	\$ 12,860	\$ 470	\$ 700	\$ -		\$ 19,050
Mercer Island	\$ -	\$ 13,120	\$ 15,090	\$ 72,150	\$ 2,640	\$ 3,950	\$ -		\$ 106,950
Newcastle	\$ -	\$ 4,570	\$ 5,240	\$ 25,130	\$ 920	\$ 1,380	\$ -		\$ 37,240
Redmond	\$ -	\$ 59,980	\$ 68,980	\$ 329,910	\$ 12,060	\$ 18,050	\$ -		\$ 488,980
Sammamish	\$ -	\$ 17,560	\$ 20,200	\$ 96,600	\$ 3,530	\$ 5,290	\$ -		\$ 143,180
Woodinville	\$ -	\$ 5,430	\$ 6,235	\$ 29,860	\$ 1,090	\$ 1,630	\$ -		\$ 44,245
Yarrow Point	\$ -	\$ 880	\$ 1,000	\$ 4,850	\$ 180	\$ 270	\$ -		\$ 7,180
Total General Funds	\$ -	\$ 500,000	\$ 575,000	\$ 2,750,000	\$ 100,500	\$ 150,500	\$ 175,000		\$ 4,251,000

Community Development Block Grant (CDBG) Funds

N/E Subregion - ARCH Allocation	\$ 240,252	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 240,252
CDBG - Kirkland	\$ 267,425	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 267,425
CDBG - Redmond	\$ 242,323	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 242,323
Total CDBG Funds	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 750,000

ATTACHMENT 2: ECONOMIC SUMMARIES OF RECOMMENDED PROJECTS**ECONOMIC SUMMARY: IMAGINE HOUSING / SAMMA SENIOR APARTMENTS**

1. Applicant/Description: New construction of 54 affordable rental units for seniors

2. Project Location: 17816 Bothell Way NE, Bothell

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$2,413,853	\$750,000 for Acquisition
King County	\$3,000,000	To be applied for in 2020
Commerce Trust Fund	\$3,500,000	To be applied for in 2020
Tax Credits	\$7,521,213	To be applied for in 2021
Bonds/Private Debt	\$4,230,499	To be applied for in 2021
Deferred Developer Fee	\$567,308	Committed
TOTAL	\$21,232,873	

4. Development Budget:

ITEM	TOTAL	PER UNIT @ 54 units	HTF
Acquisition	\$750,000	\$13,889	\$750,000
Construction	\$14,675,260	\$271,764	\$1,262,123
Design	\$1,280,000	\$23,704	
Consultants	\$449,500	\$8,324	\$210,000
Developer fee	\$1,305,662	\$24,179	
Finance costs	\$788,220	\$14,597	\$32,697
Reserves	\$268,346	\$4,969	
Permits/Fees/Other	\$1,715,885	\$31,776	\$159,033
TOTAL	\$21,232,873	\$393,201	\$1,734,000

5. Debt Service Coverage: Debt service payments will be finalized upon commitment. Basic terms will include a 50-year amortization, deferral of payments until deferred developer fee is repaid, 1% interest, and ability to request a deferral of annual payment to preserve economic integrity of property.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

7. Rental Subsidy: None

ECONOMIC SUMMARY: EKC Men's Permanent Winter Shelter

1. Applicant/Description: Congregations for the Homeless/KCHA / Development of shelter with beds for 100 homeless men, plus day center

2. Project Location: 13620 SE Eastgate Way, Bellevue

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$1,200,000	Includes \$700,000 Awarded in 2014 Round
King County	\$5,802,574	\$3,801,923 Committed in 2019
Commerce Trust Fund	\$4,900,000	Committed in 2019, includes \$1.4M Earmark from 2014
Building Communities Fund	\$750,000	Applying for in 2020 – for non-residential space
Capital Campaign	\$1,500,000	Committed
TOTAL	\$14,152,574	

4. Conceptual Development Budget:

ITEM	TOTAL	PER BED	HTF
Acquisition	\$3,678,383	\$36,784	
Construction	\$8,405,705	\$84,057	\$850,000
Design	\$500,000	\$5,000	\$200,000
Other consultants	\$0	\$0	
Developer Fee	\$350,000	\$3,500	\$150,000
Permits/Fees/Hookups	\$237,386	\$2,374	
Finance costs	\$110,000	\$1,100	
Reserves	\$0	\$0	
Other development costs	\$871,100	\$8,711	
TOTAL	\$14,152,574	\$141,526	\$700,000

5. Debt Service Coverage: Secured grant, no repayment if in compliance.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the grant amount upon non-compliance with any of the funding conditions.

7. Rental Subsidy: None

ECONOMIC SUMMARY: INLAND / POLARIS AT EASTGATE

1. Applicant/Description: New construction of 298 affordable and two market rate rental units for families

2. Project Location: 13620 SE Eastgate Way, Bellevue

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$5,000,000	\$2,750,000 partial commitment
King County	\$4,000,000	To be applied for in 2020
Commerce Trust Fund	\$0	
Tax Credits	\$31,256,347	To be applied for in 2020
Bonds/Private Debt	\$46,200,000	To be applied for in 2020
Deferred Developer Fee/GP Equity/Other	\$7,023,588	Committed
TOTAL	\$93,479,935	

4. Development Budget:

ITEM	TOTAL	PER UNIT @ 298 units	HTF
Acquisition	\$9,345,910	\$31,362	
Construction	\$59,977,902	\$201,268	\$5,000,000
Design	\$859,300	\$2,884	
Consultants	\$120,000	\$403	
Developer fee	\$11,556,586	\$38,780	
Finance costs	\$6,586,314	\$22,102	
Reserves	\$1,048,893	\$3,520	
Permits/Fees/Other	\$3,985,000	\$13,372	
TOTAL	\$93,479,935	\$313,691	\$5,000,000

5. Debt Service Coverage: Debt service payments will be finalized upon commitment. Basic terms will include a 50-year amortization, deferral of payments until deferred developer fee is repaid, 1% interest, and ability to request a deferral of annual payment to preserve economic integrity of property.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

7. Rental Subsidy: None

ECONOMIC SUMMARY: HORIZON / INLAND / TOGETHER CENTER REDEVELOPMENT

1. Applicant/Description: New construction of 284 affordable rental units (9% Tax Credit Portion includes 80 units, of which 60 are set aside for homeless families)

2. Project Location: 16225 NE 87th St., Redmond

3. Financing Information:

Funding Source	Funding Amount	Commitment
9% Phase		
ARCH	\$2,500,000	\$2,500,000 Committed
9% Tax Credits	\$19,270,720	To be applied for in 2020
Private Debt	\$4,750,000	To be applied for in 2020
Deferred Developer Fee	\$690,582	Committed
4% Phase		
ARCH	\$3,500,000	\$250,000 partial commitment
4% Tax Credits	\$25,087,339	To be applied for in 2020
Tax Exempt Bonds	\$36,500,000	To be applied for in 2020
Deferred Developer Fee	\$6,721,304	Committed
TOTAL	\$99,019,945	

4. Development Budget:

ITEM	TOTAL	PER UNIT @ 284 units	HTF
Acquisition	\$5,010,000	\$17,641	
Construction	\$67,804,955	\$238,750	\$5,000,000
Design	\$725,000	\$2,553	
Consultants	\$1,760,370	\$6,198	
Developer fee	\$10,803,634	\$38,041	
Finance costs	\$7,041,263	\$24,793	
Reserves	\$998,832	\$3,517	
Permits/Fees/Other	\$4,875,891	\$17,169	\$1,000,000
TOTAL	99,019,945	\$348,662	\$6,000,000

5. Debt Service Coverage: Debt service payments will be finalized upon commitment. Basic terms will include a 50-year amortization, deferral of payments until deferred developer fee is repaid, 1% interest, and ability to request a deferral of annual payment to preserve economic integrity of property.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

7. Rental Subsidy: None

ECONOMIC SUMMARY: COMMUNITY HOMES, INC. ADULT FAMILY HOME 8

1. Applicant/Description: CHI / Acquisition/rehabilitation of single family home with 5 beds for very low income developmentally disabled adults.

2. Project Location: East King County

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$150,500	Applied for Fall 2019
King County	\$802,000	Committed Fall 2019
Commerce Trust Fund	\$726,500	Committed Fall 2019
Owner Equity	\$26,500	Committed
TOTAL	\$1,705,500	

4. Development Budget:

ITEM	TOTAL	PER BED	HTF
Acquisition	\$1,070,000	\$214,000	\$100,000
Construction	\$480,000	\$96,000	\$50,000
Design	\$10,000	\$2,000	
Consultants	\$60,500	\$12,100	\$500
Developer fee	\$50,000	\$10,000	
Finance costs	\$0	\$0	
Reserves	\$17,000	\$3,400	
Permits/Fees/Other	\$18,000	\$3,600	
TOTAL	\$1,705,500	\$341,100	\$150,500

5. Debt Service Coverage: Secured grant, no repayment if in compliance.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

7. Rental Subsidy: None

ECONOMIC SUMMARY: COMMUNITY HOMES, INC. SHARED LIVING 1

1. Applicant/Description: CHI / Acquisition/rehabilitation of single family home with 3 beds for very low income developmentally disabled adults.

2. Project Location: East King County (Likely Newcastle)

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$100,500	Applied for Fall 2019
King County	\$492,000	Committed Fall 2019
Commerce Trust Fund	\$395,000	Committed Fall 2019
Owner Equity	\$17,000	Committed
TOTAL	\$1,004,500	

4. Development Budget:

ITEM	TOTAL	PER BED	HTF
Acquisition	\$860,000	\$286,667	\$100,000
Construction	\$60,000	\$20,000	
Design			
Consultants	\$35,500	\$11,833	\$500
Developer fee	\$25,000	\$8,333	
Finance costs	\$0	\$0	
Reserves	\$11,000	\$3667	
Permits/Fees/Other	\$13,000	\$4,333	
TOTAL	\$1,004,500	\$334,833	\$100,500

5. Debt Service Coverage: Secured grant, no repayment if in compliance.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

7. Rental Subsidy: None

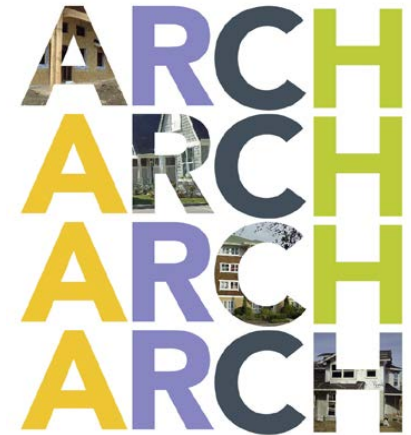
ATTACHMENT 3**PAST PROJECTS FUNDED THROUGH THE ARCH TRUST FUND
(1993 - 2018)**

Project	Location	Owner	Units/ Beds	Funding*	Pct of Total Allocation	Distribution Target
1. Family Housing						
Andrews Heights Apartments	Bellevue	Imagine Housing	24	\$400,000		
Garden Grove Apartments	Bellevue	DASH	18	\$180,000		
Overlake Townhomes	Bellevue	Habitat of EKC	10	\$120,000		
Glendale Apartments	Bellevue	DASH	82	\$300,000		
Wildwood Court Apartments	Bellevue	DASH	36	\$270,000		
Somerset Gardens (Kona)	Bellevue	KC Housing Authority	198	\$700,000		
Pacific Inn	Bellevue	Pacific Inn Assoc.	118	\$600,000 **		
Eastwood Square	Bellevue	Park Villa LLC	48	\$600,000		
Chalet Apts	Bellevue	Imagine Housing	14	\$163,333		
Andrew's Glen	Bellevue	Imagine Housing	10	\$424,687 *		
August Wilson Place	Bellevue	LIHI	45	\$846,831 *		
YWCA Family Apartments	Bellevue	YWCA	12	\$100,000		
30 Bellevue	Bellevue	Imagine Housing	29	\$473,252 *		
Parkway Apartments	Redmond	KC Housing Authority	41	\$100,000		
Habitat - Patterson	Redmond	Habitat of EKC	24	\$446,629 *		
Avon Villa Mobile Home Park	Redmond	MHCP **	93	\$525,000 *		
Terrace Hills	Redmond	Imagine Housing	18	\$442,000		
Village at Overlake Station	Redmond	KC Housing Authority	308	\$1,645,375 *		
Summerwood	Redmond	DASH	166	\$1,187,265		
Capella at Esterra	Redmond	Imagine Housing/Inland	235	\$6,710,471		
Coal Creek Terrace	Newcastle	Habitat of EKC	12	\$240,837 *		
Rose Crest (Talus)	Issaquah	Imagine Housing	40	\$918,846 *		
Mine Hill	Issaquah	Imagine Housing	28	\$482,380 *		
Clark Street	Issaquah	Imagine Housing	30	\$355,000		
Lauren Heights (Iss Highlands)	Issaquah	Imagine Housing/SRI	45	\$657,343 *		
Habitat Issaquah Highlands	Issaquah	Habitat of EKC	10	\$318,914 *		
Issaquah Family Village I	Issaquah	YWCA	87	\$4,382,584 *		
Issaquah Family Village II	Issaquah	YWCA	47	\$2,760,000 *		
Trailhead	Issaquah	KC Housing Authority	155	\$4,710,000 *		
Greenbrier Family Apts	Woodinville	DASH	50	\$286,892 *		
Crestline Apartments	Kirkland	Shelter Resources	22	\$195,000		
Plum Court	Kirkland	DASH	61	\$1,000,000		
Francis Village	Kirkland	Imagine Housing	15	\$375,000		
Velocity	Kirkland	Imagine Housing	46	\$901,395 *		
Houghton Apartments	Kirkland	KC Housing Authority	15	\$2,827,250		
Copper Lantern	Kenmore	LIHI	33	\$452,321 *		
Highland Gardens (Klahanie)	Sammamish	Imagine Housing	54	\$291,281		
Habitat Sammamish	Sammamish	Habitat of KC	10	\$972,376 *		
REDI TOD Land Loan	Various	Various	100 est	\$500,000		
Homeowner Downpayment Loan	Various	KC/WSHFC/ARCH	87 est	\$615,000		
SUB-TOTAL			2,476	\$39,477,263	61.0% (56%)	
2. Senior Housing						
Cambridge Court	Bellevue	Resurrection Housing	20	\$160,000		
Ashwood Court	Bellevue	DASH/Shelter Resources	50	\$1,070,000 **		
Evergreen Court (Assisted Living)	Bellevue	DASH/Shelter Resources	64	\$2,480,000		
Bellevue Manor / Harris Manor	Bellevue / Redmond	KC Housing Authority	105	\$1,334,749		
Vasa Creek	Bellevue	Shelter Resources	50	\$190,000		
Riverside Landing	Bothell	Shelter Resources	50	\$225,000 *		
Kirkland Plaza	Kirkland	Imagine Housing	24	\$610,000		
Athene (Totem 2)	Kirkland	Imagine Housing	73	\$917,701 *		
Heron Landing	Kenmore	DASH/Shelter Resources	50	\$65,000		
Ellsworth House Apts	Mercer Island	Imagine Housing	59	\$900,000		
John Gabriel House	Redmond	Providence	74	\$2,330,000 **		
Greenbrier Sr Apts	Woodinville	DASH/Shelter Resources	50	\$196,192 **		
SUB-TOTAL			669	\$10,478,642	16.2% (19%)	

ATTACHMENT 3**PAST PROJECTS FUNDED THROUGH THE ARCH TRUST FUND
(1993 - 2018)**

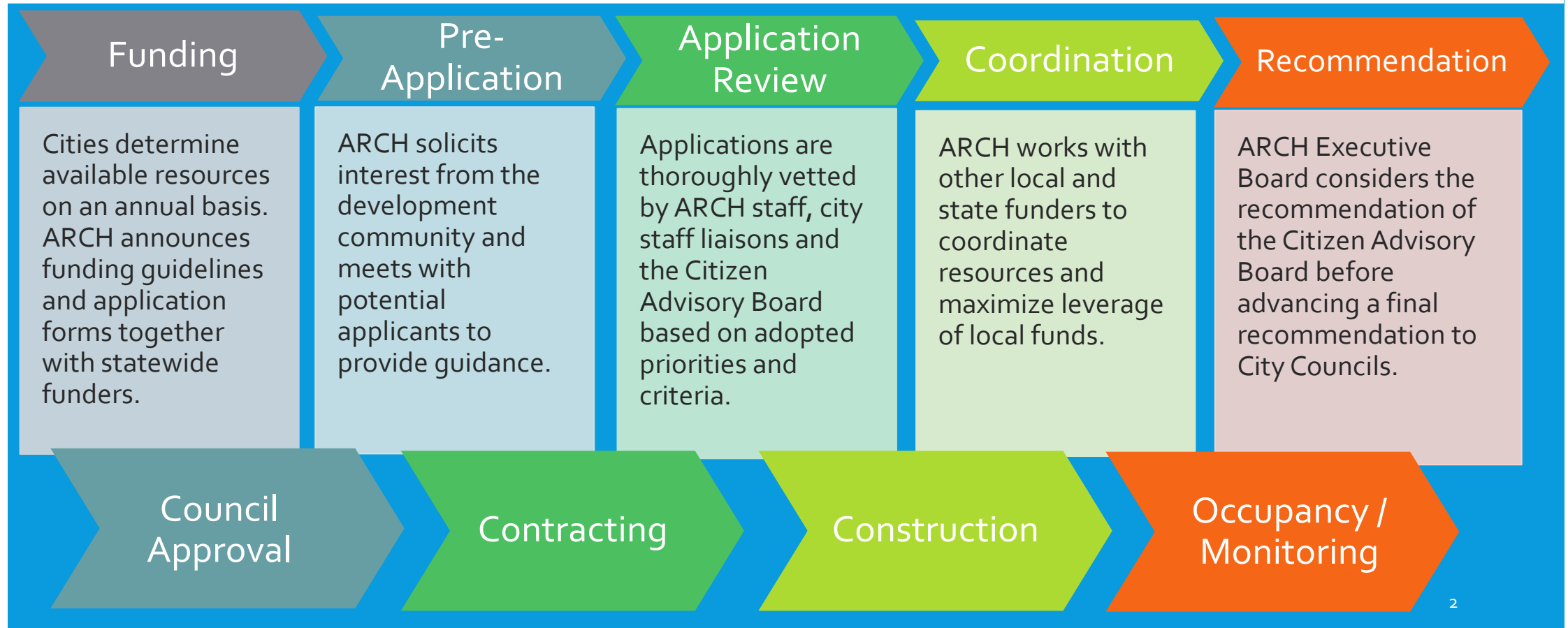
Project	Location	Owner	Units/ Beds	Funding*	Pct of Total Allocation	Distribution Target
3. Homeless/Transitional Housing						
Hopelink Place	Bellevue	Hopelink	20	\$500,000 **		
Chalet	Bellevue	Imagine Housing	4	\$46,667		
Kensington Square	Bellevue	Housing at Crossroads	6	\$250,000		
Andrew's Glen	Bellevue	Imagine Housing	30	\$1,162,500		
August Wilson Place	Bellevue	LIHI	12	\$211,708 *		
Sophia Place	Bellevue	Sophia Way	20	\$250,000		
30 Bellevue	Bellevue	Imagine Housing	31	\$506,463 *		
Men's Shelter	TBD	Congregation for Homeless (C	50 Beds	\$700,000		
Dixie Price Transitional Housing	Redmond	Hopelink	4	\$71,750		
Avondale Park	Redmond	Hopelink (EHA)	18	\$280,000		
Avondale Park Redevelopment	Redmond	Hopelink (EHA)	60	\$1,502,469 *		
Capella at Esterra	Redmond	Imagine Housing/Inland	24	\$685,325		
Petter Court	Kirkland	KITH	4	\$100,000		
Francis Village	Kirkland	Imagine Housing	45	\$1,125,000		
Velocity	Kirkland	Imagine Housing	12	\$225,349 *		
Athene (Totem 2)	Kirkland	Imagine Housing	18	\$229,425 *		
Women/Family Shelter	Kirkland	CCS/Sophia Way	98 Beds	\$2,514,000		
Rose Crest (Talus)	Issaquah	Imagine Housing	10	\$229,712 *		
Lauren Heights (Iss Highlands)	Issaquah	SRI	5	\$73,038 *		
Issaquah Family Village I	Issaquah	YWCA	10	\$503,745 *		
Mens Group Home	TBD	Congregation for Homeless (C	5 Beds	\$150,000		
SUB-TOTAL			468	\$11,317,150	17.5% (13%)	
4. Special Needs Housing						
My Friends Place	K.C.	EDVP	6 Beds	\$65,000		
Stillwater	Redmond	Eastside Mental Health	19 Beds	\$187,787		
Capella at Esterra	Redmond	Imagine Housing/Inland	2	\$57,110		
Foster Care Home	Kirkland	Friends of Youth	4 Beds	\$35,000		
FOY New Ground	Kirkland	Friends of Youth	6	\$250,000		
DD Group Home 7	Kirkland	Community Living	5 Beds	\$100,000		
Youth Haven	Kirkland	Friends of Youth	10 Beds	\$332,133		
FOY Transitional Housing	Kirkland	Friends of Youth	10 Beds	\$247,603 *		
FOY Extended Foster Care	Kirkland	Friends of Youth	10 Beds	\$112,624 *		
DD Group Home 4	Redmond	Community Living	5 Beds	\$111,261		
DD Group Homes 5 & 6	Redmond/KC (Bothell)	Community Living	10 Beds	\$250,000		
United Cerebral Palsy	Bellevue/Redmond	UCP	9 Beds	\$25,000		
DD Group Home	Bellevue	Residence East	5 Beds	\$40,000		
AIDS Housing	Bellevue/Kirkland	AIDS Housing of WA	10	\$130,000		
Harrington House	Bellevue	AHA/CCS	8 Beds	\$290,209		
DD Group Home 3	Bellevue	Community Living	5 Beds	\$21,000		
Parkview DD Condos III	Bellevue	Parkview	4	\$200,000		
30 Bellevue	Bellevue	Imagine Housing	2	\$33,211 *		
IERR DD Home	Issaquah	IERR	6 Beds	\$50,209		
FFC DD Homes	NE KC	FFC	8 Beds	\$300,000		
Oxford House	Bothell	Oxford/Compass Ctr.	8 Beds	\$80,000		
Parkview DD Homes VI	Bothell/Bellevue	Parkview	6 Beds	\$150,000		
Parkview DD Homes XI	TBD	Parkview	3 Beds	\$200,800		
FFC DD Home II	Kirkland	FFC	4 Beds	\$168,737		
SUB-TOTAL			165 Beds/Units	\$3,437,684	5.3% (12%)	
TOTAL			3,778	\$64,710,739	100.0%	
* Funding includes in-kind contributions (e.g. land, fee waivers, infrastructure improvements)						
** Funded through Bellevue Downtown Program						

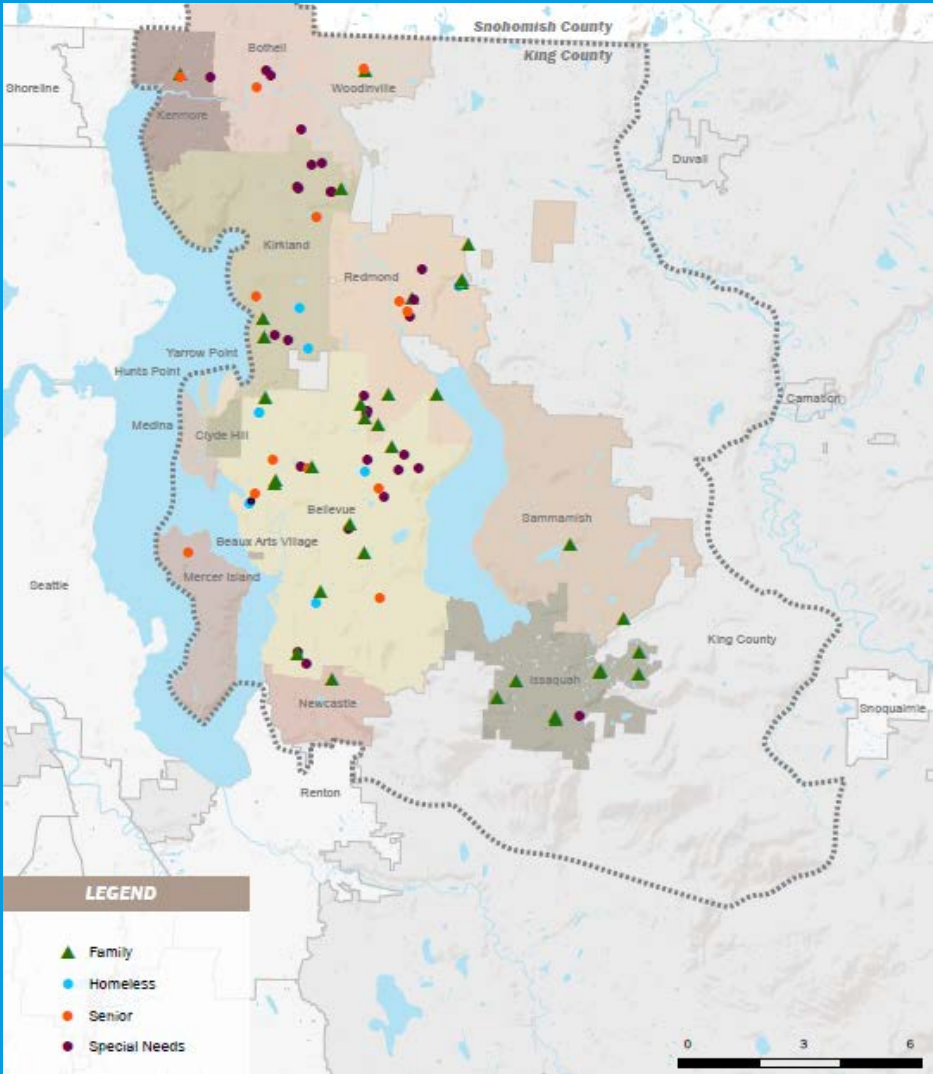
2019 ARCH HOUSING TRUST FUND RECOMMENDATIONS



Kenmore City Council | February 24, 2020
Klaas Nijhuis, Senior Planner

HOUSING TRUST FUND PROCESS





Housing Trust Fund Production

Updated through 2019

Housing Type	Number of Units/Beds*	Local Investment**
Family	2,476	\$39,477,263
Senior	669	\$10,478,642
Homeless	468	\$11,317,150
Special Needs	165	\$3,437,684
TOTAL	3,778	\$64,710,739

Leveraged Funds	\$615,097,859
-----------------	---------------

*includes projects under development

**includes loans/grants, land , and fee waivers

INVESTMENT PRINCIPLES

- **Cross-jurisdiction support** - credit for joint investments in the region
- **Competition** - advance best projects each year
- **Leverage** - maximize return on local investment
- **Geographic equity** – create diverse housing choices across the Eastside
- **Community** - projects shaped by professional expertise and community perspectives
- **Sustainability** of projects and investments
- **Coordination** between local, county and state priorities

SAMMA SENIOR APARTMENTS



Applicant: Imagine Housing

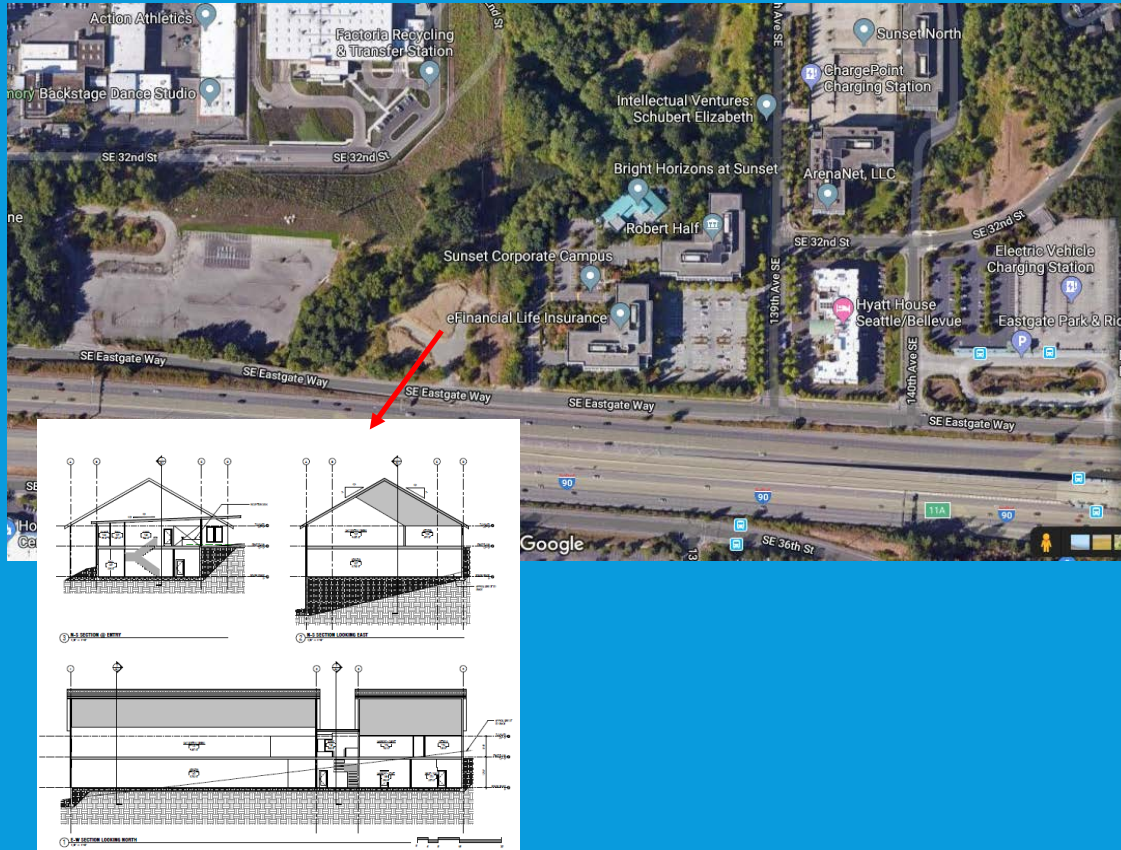
Funding Recommended:
\$750,000

54 affordable senior units (40-60% AMI)

Set-asides: Veterans, homeless seniors

Location: 17816 Bothell Way NE,
Bothell WA

EASTSIDE MEN'S SHELTER



Applicant: Congregations for the Homeless

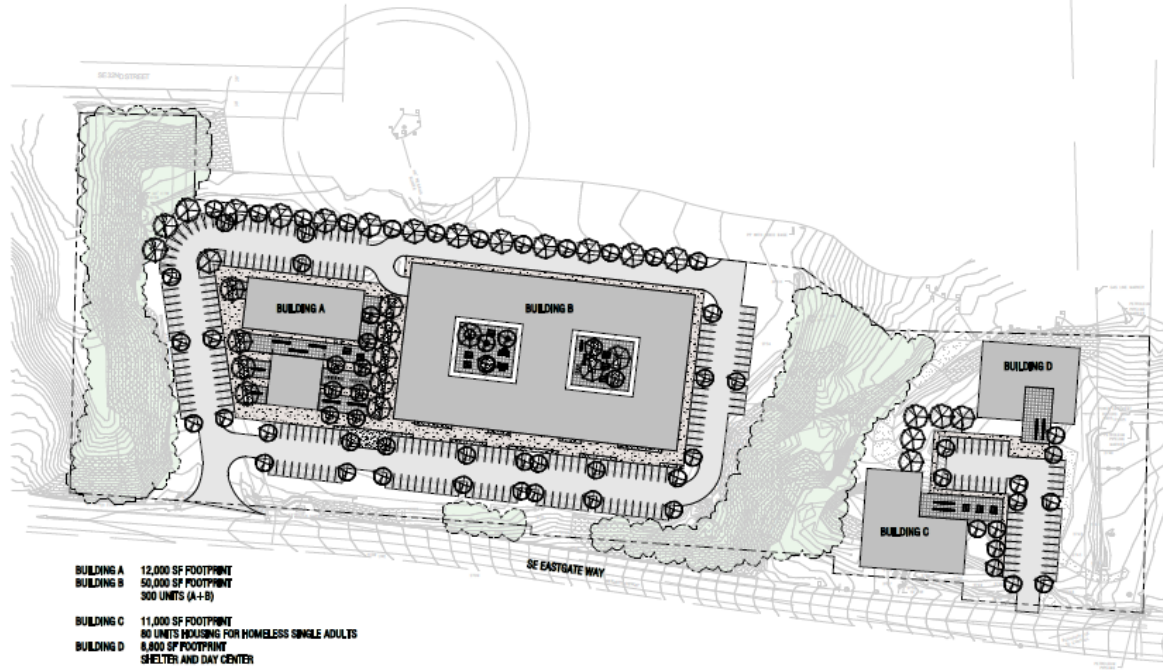
Development Consultant: Horizon Housing Alliance

Funding Recommended: \$500,000 additional

100 year-round shelter beds for homeless men

Location: 13620 SE Eastgate Way, Bellevue, WA

POLARIS AT EASTGATE



Applicant: Inland Group

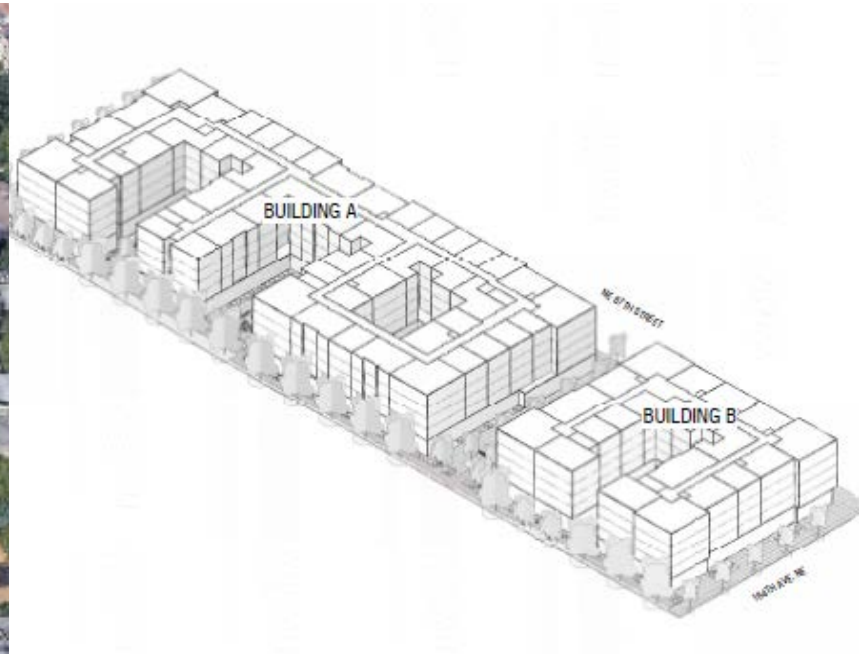
Funding Recommended:
\$575,000

298 affordable rental housing
units (60% AMI)

Set-asides: Families with
children, disabled

Location: 13620 SE Eastgate
Way, Bellevue, WA





TOGETHER CENTER REDEVELOPMENT

Applicant: Horizon Housing Alliance and Inland Group

Partners: Together Center, Hopelink

Funding Recommended: \$2.75 million

9% Phase: 80 units | 4% Phase: 204 units (Combined 284 rental units 30-60% AMI)

Set-asides: Homeless families

Location: 16225 NE 87th St., Redmond WA

ADULT FAMILY HOME 8 AND SHARED LIVING HOME 1



Applicant: Community Homes, Inc.

Adult Family Home 8

Funding Recommended: \$150,500

5 beds (1 house) for developmentally disabled
with live-in caretaker

Location: TBD

Shared Living Home 1

Funding Recommended : \$100,500

3 Beds (1 house) for developmentally disabled
with live-in caretaker

Potential Location: Newcastle

ADULT FAMILY HOME 8 AND SHARED LIVING HOME 1



COMMUNITY HOMES



Applicant: Community Homes, Inc.

Adult Family Home 8

Funding Recommended: \$150,500

5 beds (1 house) for developmentally disabled
with live-in caretaker

Location: TBD

Shared Living Home 1

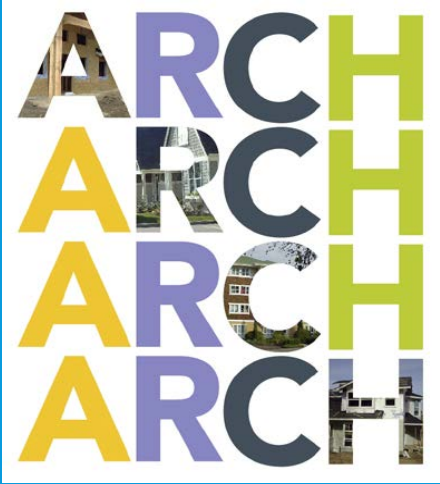
Funding Recommended : \$100,500

3 Beds (1 house) for developmentally disabled
with live-in caretaker

Potential Location: Newcastle

Applicant	Project	Location	Total Affordable Units/ Beds	30% AMI	40% AMI	50% AMI	60% AMI	80% AMI	Shelter Beds
Imagine Housing	Samma Senior Apartments	Bothell	54		8	30	16		
Congregations for the Homeless	Eastside Men's Shelter	Bellevue	100						100
Inland Group and Horizon Housing Alliance	Polaris at Eastgate	Bellevue	298				298		
Inland Group and Horizon Housing Alliance	Together Center Redevelopment	Redmond	284	40		40	204		
Community Homes, Inc.	Shared Living Home 1	TBD	3	3					
Community Homes, Inc.	Adult Family Home 8	TBD	5	5					
		Total	798	75	22	70	531	0	100

	Samma Senior Apartments	East King County Men's Permanent Shelter	Polaris at Eastgate Apartments	Together Center Redevelopment	Community Homes Shared Living	Community Homes Adult Family Home	Women and Family Shelter	Total Recommen ded Funding
Recommended Funds	\$750,000	\$500,000	\$575,000	\$2,750,000	\$100,500	\$150,500	\$175,000	\$5,001,000
General Funds								
Bellevue		\$228,920	\$263,290	\$1,259,060	\$46,010	\$68,910	\$0	\$1,866,190
Bothell		\$10,910	\$12,550	\$60,030	\$2,190	\$3,290	\$0	\$88,970
Clyde Hill		\$4,570	\$5,250	\$25,100	\$920	\$1,370	\$0	\$37,210
Hunts Point		\$470	\$530	\$2,580	\$90	\$140	\$0	\$3,810
Issaquah		\$24,430	\$28,100	\$134,380	\$4,910	\$7,350	\$0	\$199,170
Kenmore		\$7,980	\$9,180	\$43,890	\$1,600	\$2,400	\$0	\$65,050
Kirkland		\$118,840	\$136,675	\$653,600	\$23,890	\$35,770	\$175,000	\$1,143,775
Medina		\$2,340	\$2,680	\$12,860	\$470	\$700	\$0	\$19,050
Mercer Island		\$13,120	\$15,090	\$72,150	\$2,640	\$3,950	\$0	\$106,950
Newcastle		\$4,570	\$5,240	\$25,130	\$920	\$1,380	\$0	\$37,240
Redmond		\$59,980	\$68,980	\$329,910	\$12,060	\$18,050	\$0	\$488,980
Sammamish		\$17,560	\$20,200	\$96,600	\$3,530	\$5,290	\$0	\$143,180
Woodinville		\$5,430	\$6,235	\$29,860	\$1,090	\$1,630	\$0	\$44,245
Yarrow Point		\$880	\$1,000	\$4,850	\$180	\$270	\$0	\$7,180
CDBG Funds	\$750,000							



THANK YOU.

Questions raised by Council

- What are other jurisdictions doing with ADUs, particularly around owner occupancy?
Response: See Attachment 4 for a chart summarizing ADU requirements from other jurisdictions.
- Has widespread developer-initiated conversion to duplex/triplex happened if there is no owner occupancy requirement?
Response: See Attachment 5 for information from Portland. No local information is available.
- Are utility fees impacted if there is no owner occupancy of one of the units?
Response: Initial contacts with the Northshore Utility District (NUD), made last year, did not identify any special standards related to owner-occupancy. The Building Code, however, does treat attached ADU projects differently if there is no owner occupancy. (Detached ADUs are not affected.) With the owner-occupancy requirement in effect, an attached ADU can be granted single-family dwelling status as opposed to two-family dwelling status. The main difference between the single-family and two-family dwelling unit codes is that of fire separation requirements. The two-family building code requires a fire separation rating of 1 hr. "Dwelling units in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating..." This rating corresponds to the fire-resistance of the materials separating the two units. The fire-resistance rating required by the single-family building code is 1/2 hr. The Building Plans Examiner gave a rough ballpark estimate that the cost markup from single- to two-family building code may vary from \$5,000 to \$8,000 depending on the square footage of the unit. The Examiner also noted that enforcement of owner-occupancy to establish qualification for the two-family exemption will be difficult if the owner-occupancy mandate is revoked. Presently, the City requires that an owner-occupancy affidavit be filed and this is also used as Building Code verification.
- How is the tree canopy preserved if a detached ADU is allowed?
Response: The Municipal Code presently contains an allowance for removing up to 2 trees per year on a single-family lot up to 10,000 sq.ft. The number of trees that can be removed gradually increases as lot size increases over 10,000 sq.ft. According to Development Services, these tree removal requirements would apply if an ADU were proposed on a lot containing a single-family residence.
- If there is no owner occupancy requirement, should the impact fee exemption for ADUs be reconsidered?
Response: Eliminating the impact fee exemption would increase the cost of building an ADU and potentially reduce the affordability of the unit.
- If there is no owner occupancy requirement, should the City require the hiring of a property manager for an ADU?
Response: In no other circumstance does the City require the hiring of a property manager for a rental property. The decision of whether or not a property manager is needed is left to the discretion of the property owner.

Next Steps

Once the City Council provides direction to staff on policy approaches, the amendments will be finalized. Depending on the significance of any proposed changes, it may be necessary for the City Council to hold a public hearing.

The Council may also wish to provide direction on the four non-regulatory approaches discussed by the Planning Commission:

- Preapproved plans and expedited permit processing
- Educational Efforts
- Amnesty Program
- Lending & Financial Assistance Options

If a majority of the Council is interested in entertaining any of these approaches, staff would prepare information on feasibility and a recommendation for each.

Background

ADUs are smaller dwelling units placed on the same lot as a preexisting single-family residence. The City's current regulations, which have been in place since incorporation in 1998, allow both attached and detached ADUs in the City, although detached ADUs are not permitted on lots smaller than 10,000 sq.ft. in size. Attached ADUs are those that are located inside the primary residence—for example, in a converted basement. Detached ADUs (sometimes called DADUs) are separate structures from the main house—sometimes built over a garage, in other cases as standalone structures.

FISCAL CONSIDERATION:

None. Staff and Planning Commission time were spent to work on this project.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

(From adopted 2019 Goals)

Goal 3: Increase and preserve the options for affordable housing stock.

Housing Strategy Plan A.3.c: Accessory dwelling units - i. Review current code provisions; ii. Review permitting process and fees / utility requirements; iii. Clemency program to legalize existing ADUs.

Attachment 1

Planning Commission's Recommended Amendments to the ADU Regulations

18.73.100 Accessory dwelling units (ADUs).

A. ~~Only one~~ **A maximum of two accessory dwelling units (ADUs), including only one attached ADU and only one detached ADU, accessory dwelling is allowed** ~~are permitted~~ per primary single detached dwelling unit.

B. **No minimum lot size is required for an attached ADU. A detached ADU shall not be permitted on a lot less than 4,500 square feet in size.**

~~BC.~~ **On lots from 4,500 square feet to 5,399 square feet in size, when both a detached and an attached accessory dwelling unit are proposed, the attached** ~~An accessory dwelling unit is allowed only in the same building as~~ **shall not expand the pre-existing footprint of the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling.** ~~For new construction on a lot of this size, when both a detached and an attached ADU are proposed, the combined floor area of the primary dwelling unit, including attached garage and attached ADU, shall not exceed 2,500 square feet.~~

~~CD.~~ **The primary dwelling unit or the accessory dwelling unit shall be owner occupied.**

~~DE.~~ **Maximum ADU sizes shall be as follows:**

1. **Attached ADU.** ~~If the accessory dwelling unit is attached to the primary dwelling unit, then the~~ **An attached accessory dwelling unit shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and. The city manager may grant an exception to this limitation for the efficient use of pre-existing floor area.**

2. **When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each streetside of the building.**

3. **Detached ADU.** ~~If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less~~ **The following floor area limitations shall apply to detached accessory dwelling units:**

Attachment 1

<u>Lot size</u>	<u>Maximum Floor Area for a Detached ADU</u>
<u>Lots with an area equal to or greater than 10,000 square feet</u>	<u>1,000 square feet</u>
<u>Lots with an area of 5,400 to 9,999 square feet</u>	<u>800 square feet</u>
<u>Lots with an area between 4,500 and 5,399 square feet</u>	<u>Maximum building footprint is 10% of the lot area. Total floor area shall not exceed 600 square feet. Note limitations in KMC 18.73.100.C when both an attached and a detached accessory dwelling unit are proposed on a lot of this size.</u>

2F. When the primary and accessory dwelling units are located in the same building For an attached ADU, only one entrance may be located on each streetside of the building unless the ADU entrance is clearly secondary to the primary entrance as determined by the city manager.;

G. The maximum height for a detached ADU shall be 35'; however, the detached ADU may not exceed one story over a detached garage or two stories if built at ground level.

EH. One additional off-street parking space shall be provided for each ADU on a lot;

F. The accessory dwelling unit shall be converted to another permitted use or the dwelling unit or its kitchen facilities shall be removed if the property owner no longer resides in one of the dwelling units ceases to be owner-occupied. The city manager may consider an exception to this rule for up to one year in cases where:

1. One of the dwelling units will be occupied by a spouse, parent or adult child of the property owner who will act in his/her stead to manage and maintain the property; or
2. There is a documented need, supported by evidence, for the owner-occupant to leave the premises due to business requirements, health or family issues, or other similar circumstances.;

Attachment 1

If an exception is granted, the property-owner and person responsible for the property-owner's *dwelling unit* shall both sign a property management agreement prepared by and submitted to the *City* describing management and maintenance responsibilities over the term of the property-owner's absence and providing contact information.

GJ. An *applicant* seeking to build an *accessory dwelling unit* shall file a notice approved by the department with the ~~records and elections division~~ King County recorder's office which identifies the *dwelling unit* as accessory. The notice shall run with the land. The *applicant* shall submit proof that the notice was filed before the *department* shall approve any permit for the construction of the *accessory dwelling unit*. The required contents and form of the notice shall be set forth in administrative rules;

HK. The total number of occupants in the principal *dwelling unit* and the *accessory dwelling unit* combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC [18.20.1010](#).

Other code sections needing amendment:

18.20.820 Dwelling unit, accessory.

"Accessory dwelling unit" means a separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises.

18.20.218 Attached accessory dwelling unit.

"Attached accessory dwelling unit" means an *accessory dwelling unit* attached to or contained within the *structure* of the primary dwelling.

18.20.705 Detached accessory dwelling unit.

"Detached accessory dwelling unit" means an *accessory dwelling unit* contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. A detached accessory dwelling unit shall be separated from the primary *dwelling unit* by a minimum of 5'.

18.20.2103 Pre-existing footprint.

"Pre-existing footprint" means the footprint of the primary *dwelling unit* prior to any permitted *attached accessory dwelling unit*.

Attachment 1

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC [18.30.200](#), the adjoining half-street or designated arterial *setbacks* of KMC [18.30.220](#) and the sight distance requirements of KMC [18.30.240](#) are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC [18.21.060](#)(B), as follows:

Q. In a rear *setback* in the R-4 and R-6 residential zones, the following *structures* are permitted if it is determined by the *city manager* that they will not have any substantial detrimental effect on abutting properties or the *City* as a whole; and provided, that they shall be no closer than five feet to the rear lot line:

1. Children's play *structures* not otherwise regulated by this title;
2. No more than one storage shed or similar *use*, limited in height to eight feet for a flat roof or 10 feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;
3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

R. In a rear *setback* in the R-4 and R-6 residential zones, an *accessory dwelling unit* shall be permitted; provided, that the *accessory dwelling unit* shall be no closer than ten feet to the rear *lot* line. All of the other standards for *accessory dwelling units* specified in KMC Chapter 18.73 shall be met.

Attachment 2

Pros/Cons considered by the Planning Commission

Owner occupancy

Current Kenmore rule: Owner occupancy of either the primary residence or ADU required.

Planning Commission recommendation: Owner occupancy of either the primary residence or ADU required, but an exemption is available for up to one year if criteria are met.

Pros for removing the owner occupancy requirement:

- In a study of secondary housing in the Bay area, 90% of which was illegal, 53% of the landlords lived on-site (Chapple, 2012). This suggests that even if owner occupancy requirements are removed many if not most units will still be characterized by owner occupancy.
- Allows both the primary residence and ADU's rent values to be capitalized in appraisals, resulting in higher estimated market values, thereby making financing more accessible (Brown, M. and Watkins, T., 2012).
- Banks may be more willing to finance ADU developments because should the lot be foreclosed both properties could be rented out (Durning, 2018).
- ADUs will be able to be developed by homeowners with more confidence because if owner occupancy in the future is no longer possible, the ADU will not be required to convert to another use.
- Homeowners who do not wish to live in either residence can now develop an ADU. This ought to expand the potential market for ADUs.
- After permitting, owner occupancy is hard to monitor. The Department of Development Services has expressed that it has had suspicions on several occasions as to whether owner occupancy was satisfied, and owner-occupancy affidavits sometimes provide a different address for contact purposes than the address of the ADU or primary unit.
- Kenmore's survey of residents who have built an ADU found that eight of eight respondents wanted the revision of the requirement that, "The owner must occupy either the ADU or the primary residence."

Cons for removing the owner occupancy requirement:

- ARCH's preliminary recommendation, based on the discussions of the interjurisdictional staff committee, is that "owner occupancy of the primary or accessory unit reduces risks of poor property maintenance and bad behavior by tenants, which are important neighbor concerns" (Preliminary ARCH Paper 'Key ADU Regulations and Recommendations', 2018).
- Owner occupancy limits the opportunities for developers to build what are essentially duplexes in single-family neighborhoods.
- Developer-initiated conversion could result in displacement.
- There are increased building-code compliance costs for units that are not owner-occupied.
- Very few local jurisdictions have removed the owner-occupancy requirement.

Additional options regarding owner occupancy considered by the Planning Commission:

- The owner or an immediate family member must occupy the primary unit or the ADU for at least six-months out of the year.

Attachment 2

- Owner occupancy of either the primary unit or the ADU must be achieved for the first year of ADU ownership.

Parking

Current Kenmore rule: One parking space required per ADU.

Planning Commission recommendation: One parking space required per ADU.

Pros for removing the one stall per ADU parking requirement:

- Inhabitants of ADUs are less likely than traditional homeowners to own a car; “23% have zero cars, versus 17% of households overall” (Chapple, 2012).
- In the Bay Area “Of the 62% reporting at least one unit on their block, nearly two-thirds say that there is no negative impact from the secondary unit(s)” (Chapple, 2012). And this despite 90% of these ADUs being illegal and therefore not subject to requirements for additional parking.
- City of Santa Cruz officials indicate that the “liberalization of parking restrictions” was the single most important policy implemented in enhancing ADU development (Chapple, 2012).
- The reduced parking requirement may result in lessened development costs. This may result in downward pressure on the market prices of ADU rentals.
- Single-family residences in Kenmore already must provide two parking spaces, typically in a garage. In most cases, the driveway to the garage is adequate to park an additional two vehicles.
- City of Kenmore planning staff surveyed the attitudes towards existing ADU regulations of Kenmore residents who have successfully built an ADU. Three of eight respondents asked for the revision of the requirement that, “An additional parking spot must be provided for an ADU to be built” in order to “make building an ADU easier”.

Cons for removing the parking requirements:

- ADU parking requirements are drafted to ensure that ADUs don’t exhaust the supply of on-street parking. The removal of these requirements may result in increased parking congestion to the extent that residential parking capacity is exceeded.
- In the study of Bay Area residents living on a block with an ADU, the most common complaint was that a neighboring ADU increased parking congestion – 38% of respondents cited a complaint (Chapple, 2012).
- Single family residences with an ADU have on average 0.8 more vehicles than non-ADU possessing households (Chapple, 2012). This does not conflict with the finding that ADU inhabitants are less likely than traditional homeowners to own a car but means that the primary residence household has more vehicles.
- ADU parking requirements would be less than for an apartment, regardless of size.

Additional options regarding ADU parking regulations considered by the Planning Commission:

- Provide “exemption” from off-street parking requirement for:
 - ADUs within 0.5 mile of defined business districts and neighborhood centers and/or transit service;

Attachment 2

- ADUs with fewer than 2 bedrooms. A 2018 Portland survey found that 82% of ADUs were either one bedroom or studios (Accessory Dwelling Units in Portland – 1st Report, 2018).
- ADUs with only a studio. The 2018 Portland survey found that 39% of ADUs were a studio.

ADU height

Current Kenmore rule: Height limit the same as the underlying zoning district (typically 35').

Planning Commission recommendation: 35' permitted, but ADU can only be 2 stories if built at ground level and only one story over a garage.

Pros for regulating the 35' height limit:

- A 35' height limit allows for a DADU that could overlook a neighboring property, potentially creating privacy concerns (although this was to be mitigated in the Planning Commission's view by limiting the number of stories allowed).
- Allowing a 35' tall DADU could result in a DADU taller than the existing primary residence, reducing the impression that the DADU unit is "secondary."

Cons for regulating the height limit:

- The 35' height limit allows for a larger, multi-story ADU, potentially accommodating more residents.
- A taller DADU could achieve the same floorspace as a shorter DADU by reducing the building footprint, potentially saving open space on the lot.
- A DADU over a detached garage might benefit from the higher height limit.
- Consistent height regulations in a zone streamline the permit review process.

Allowable number of ADUs

Current Kenmore rule: Only one ADU (either attached or detached) allowed per primary residence.

Planning Commission recommendation: Two ADUs permitted, but only one attached and one detached.

Pros for allowing more than 1 ADU on a lot:

- May generate additional affordable housing. Seattle's 2018 EIS found that the preferred legislation, which included allowing two ADUs per lot, would significantly increase ADU production by over a factor of two (1,970 ADUs produced in ten years under existing regulations vs. 4,430 produced through the preferred alternative) (City of Seattle, Environmental Impact Statement, 2018).
- Enhances revenue potential of single-family lots.
- Seattle's Office of Planning & Community Development arrived at a Determination of Non-Significance in their SEPA review of adverse impacts that might result from allowing two ADUs per residential lot among other code changes. The department concluded that the ADU code changes would have "minimal impacts on both the natural and the built environment" (City of

Attachment 2

Seattle – Determination of Non-Significance, 2016). This finding was upheld as adequate by the City’s Hearing Examiner (City of Seattle – Environmental Impact Statement, 2018).

- Newer houses may be large enough to easily accommodate an attached ADU. According to AARP analysis, in 1950 the average square footage of new single-family homes was 983, whereas this has increased to 2,571 in 2017 despite a reduction in average household size from 3.8 to 2.5 (AARP, 2019).
- Three of eight Kenmore ADU owners when surveyed cited their opinion that more than one ADU should be allowed on a single lot.

Cons for allowing more than 1 ADU:

- May increase strain on street-parking if there are no parking requirements.
- May stimulate the speculative potential of ADU development.
- Presumably puts a greater stress on a neighborhood’s preexisting character than do single ADU allowances.
- Only one other local jurisdiction (Seattle) has allowed more than one ADU on a lot, although Kirkland is considering this option.
- This particular code change was perhaps the most contentious of all those considered in Seattle. Homeowners associations in Seattle led by Queen Anne have been especially opposed to it for fear that it will result in multiple teardowns with uniform three-unit replacement developments. Seattle does not, however, require owner occupancy.

Additional options considered by the Planning Commission:

- Requirement that a property-owner demonstrate continuous ownership for a year before building a second ADU. Seattle considered adding this requirement as part of its ADU code-revision to mitigate anxieties about excessive development. Builders would be prevented from purchasing and immediately demolishing older houses to be replaced with a new primary unit coupled with two ADUs.
- Seattle requires that the second ADU meet green building standards and be offered exclusively to “income eligible households” at affordable rates for a period of 50 years.

Smallest lot size for a detached ADU (DADU)

Current Kenmore rule: Minimum of 10,000 square feet required for a detached ADU.

Planning Commission recommendation: Minimum of 4,500 square feet required for a detached ADU (with additional restrictions on footprint size for smaller lots).

Pros for reducing or eliminating the DADU minimum lot size:

- Kenmore has the most restrictive minimum lot size for a DADU of any Washington city considered. Most east King County cities have no minimum lot size for ADUs. (Bellevue doesn’t allow DADUs.)
- Numerous lots which are now prohibited from constructing a DADU would be able to after this reform.

Attachment 2

- If the goal for establishing a minimum lot size for a DADU is to preserve open space, it should be noted that under existing rules a single-family dwelling could take up most of the space on a lot—constrained only by setbacks and the impervious surface coverage requirements.

Cons for reducing or eliminating the DADU minimum lot size:

- Some lots may be too small to accommodate both a DADU and a single-family residence without adversely impacting perceptions of density and open space. Several scenarios, assuming a 600-800 sq.ft. ADU and a 2,500 sq.ft. house, were modelled for the Planning Commission. Those scenarios—for 4,000 sq.ft., 4,500 sq.ft. and 5,400 sq.ft. lots—are included as Attachment 3. The scenarios also model the impact of restricting the footprint of an ADU on a smaller lot to a maximum of 10% of the lot area.
- Development Services has provided several examples of recent construction on lots between 4,000 and 5,400 square feet (these smaller lots were permitted before incorporation). Given the large size of houses on those lots (more than the 2,500 sq.ft. modeled), it is likely that detached ADUs would not be feasible even if permitted.
- Increased density may be objectionable to nearby residents.

Attached ADU size limit

Current Kenmore rule: Greater of either 1,000 sq.ft. or 50% of the living area of the primary residence.

Planning Commission recommendation: Maximum of 1,000 sq.ft., but may be larger to take advantage of pre-existing floorspace).

Pros for the recommended attached ADU size limit:

- Other cities' maximums range from 800-1,500 sq.ft.
- An ADU is supposed to be "accessory," which generally means a smaller size than the primary residence.

Cons for the attached ADU size limit:

- Larger ADUs allow more occupants, including families.
- Physical lot configurations and the location and size of the existing residence naturally control the feasibility of ADU development on a smaller lot, and setback requirements and maximum impervious surface standards already limit total building size.

Detached ADU size limit

Current Kenmore rule: Lesser of either 50% of the primary dwelling unit or 10% of the existing lot size.

Planning Commission recommendation: Maximum of 600 to 1,000 sq.ft., depending on lot size.

Pros for the revised size limit for detached ADUs:

Attachment 2

- Portland's 2018 survey uncovered a median ADU size of between 500 and 600 sq. ft. (Accessory Dwelling Units in Portland 1st Report, 2018). Portland prescribes floor area maximums of 800 sq. ft. for both AADUs and DADUs.
- The proportionate size limit keeps the unit "accessory" relative to the primary residence.
- Smaller detached ADUs on smaller lots allow for more yard space. However, as noted above, under existing rules a single-family dwelling could take up most of the space on a lot—constrained only by setbacks and the impervious surface coverage requirements.
- A study by Oregon's Department of Environmental Quality (DEQ) found that smaller housing units produce fewer negative environmental impacts.

Cons:

- Other cities' maximums generally are from 800 to 1,000 sq.ft.
- A flat maximum floor area limit for detached ADUs may be more supportive of the creation of pre-approved ADU construction plans.
- Larger unit sizes would allow more occupants, including families.
- Kenmore's survey of ADU owners recorded two of eight ADUs as being built in excess of 1,000 square feet. Some previously built Kenmore ADUs could become nonconforming.

Door locations

Current Kenmore rule: Cannot have entrance to primary residence and ADU on same streetside.

Planning Commission recommendation: Doors may be on same streetside if ADU door is clearly "secondary".

Pros for continuing to address door locations and appearance:

- Placing design requirements (such as location of entrances) on ADUs is a way to address compatibility with the neighboring community.
- Most local jurisdictions regulate door placement.

Cons of design standards, generally:

- Complying with design standards may add additional expense to ADU building, potentially resulting in upward pressure on market rents.
- Design review adds an additional administrative burden on City staff.
- Design standards may not address unique characteristics of the existing residence on a property being considered for an ADU.
- Door location requirements were not specifically asked about the ADU owner survey, but three respondents stated their disagreement with the current door restriction in the section prompting open-ended feedback on Kenmore's ADU code.
- The absence of a street-facing door to an ADU may make the provision of deliveries and services confusing.

4005 SF Lot & 1 Story DADU analysis

4005 SF Lot

2 Floor Primary Unit

Footprint – 1,170 SF

Total SF – 2,340 SF

1 Floor DADU

Footprint – 405 SF

Total SF – 405 SF

SF of Impervious Surfaces

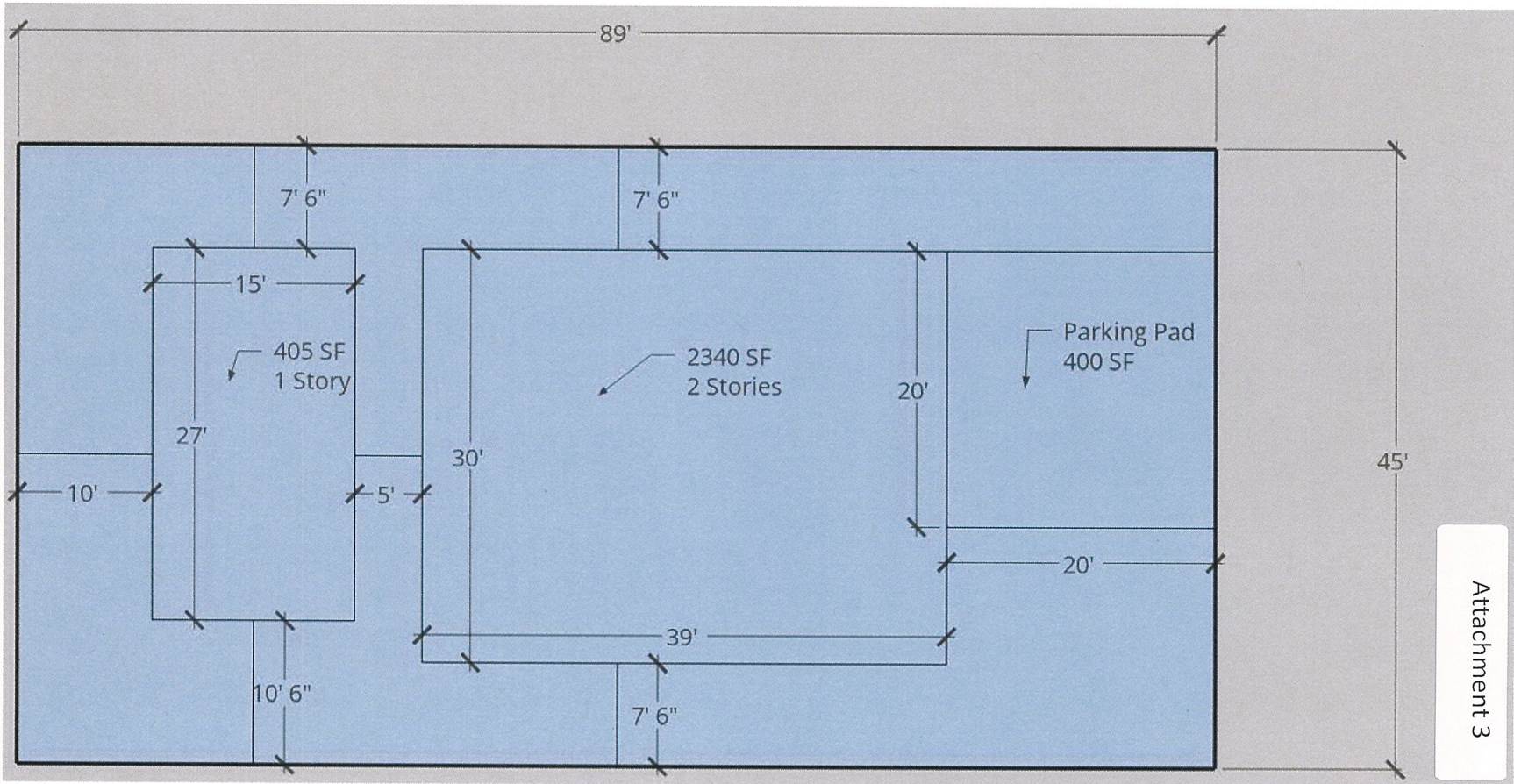
1170 (Primary Unit) + 405 (DADU) + 400 (Parking Pad)=1,975 SF

Impervious Surface Limits

R-4(55% of Lot) – 2,202.75 SF

R-6 (70% of Lot) – 2,803.5 SF

Scenario 1



Attachment 3

4500 SF Lot & 1 Story DADU analysis

4500 SF Lot

2 Floor Primary Unit

Footprint – 1,224 SF

Total SF – 2,448 SF

1 Floor DADU

Footprint – 456 SF

Total SF – 456 SF

SF of Impervious Surfaces

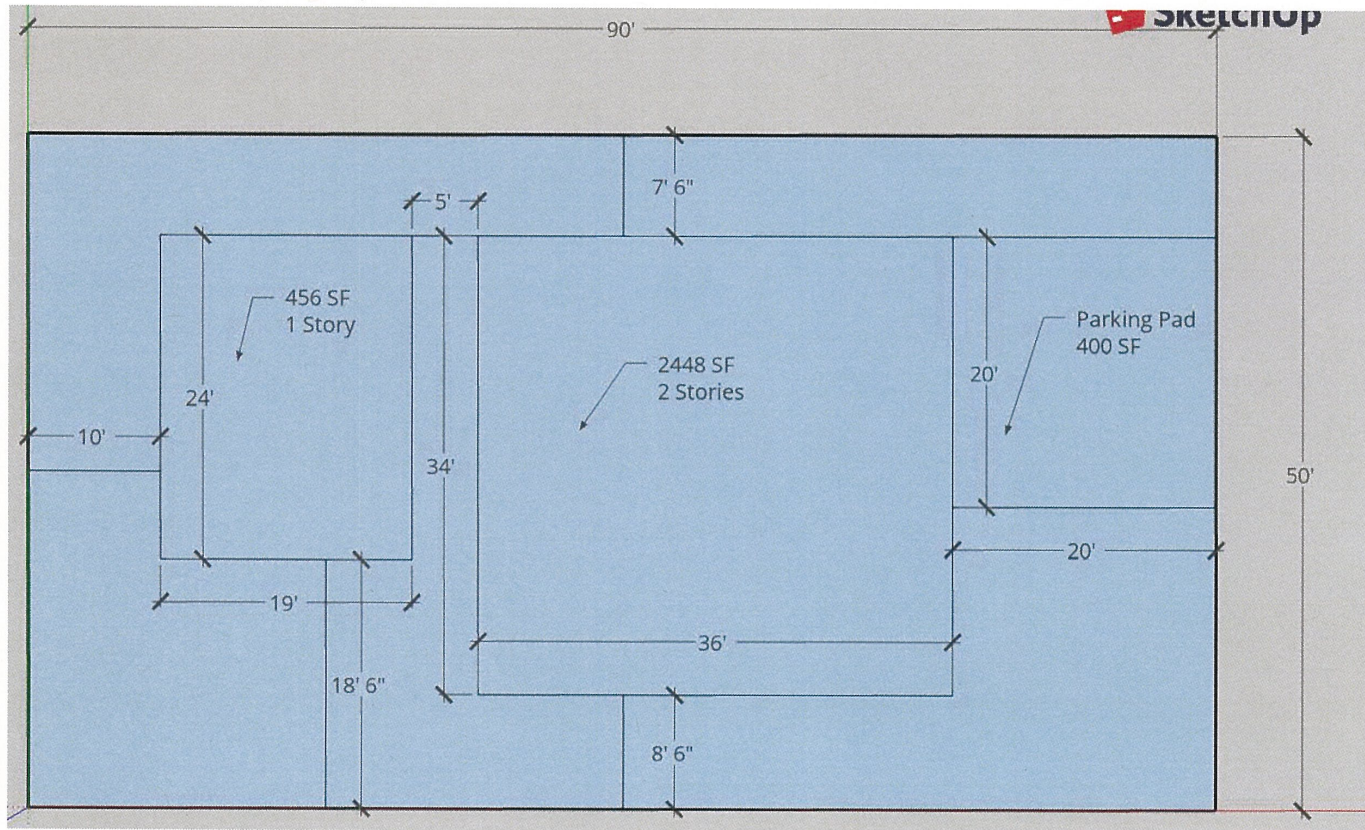
1,224 (Primary Unit) + 456 (DADU) + 400 (Parking Pad) = 2,080 SF

Impervious Surface Limits

R-4 (55% of Lot) – 2,475 SF

R-6 (70% of Lot) – 3,150 SF

Scenario 2



4500 SF Lot & 2 Story DADU analysis

4500 SF Lot

2 Floor Primary Unit

Footprint – 1,224 SF

Total SF – 2,448 SF

2 Floor DADU

Footprint – 300 SF

Total SF – 600 SF

SF of Impervious Surfaces

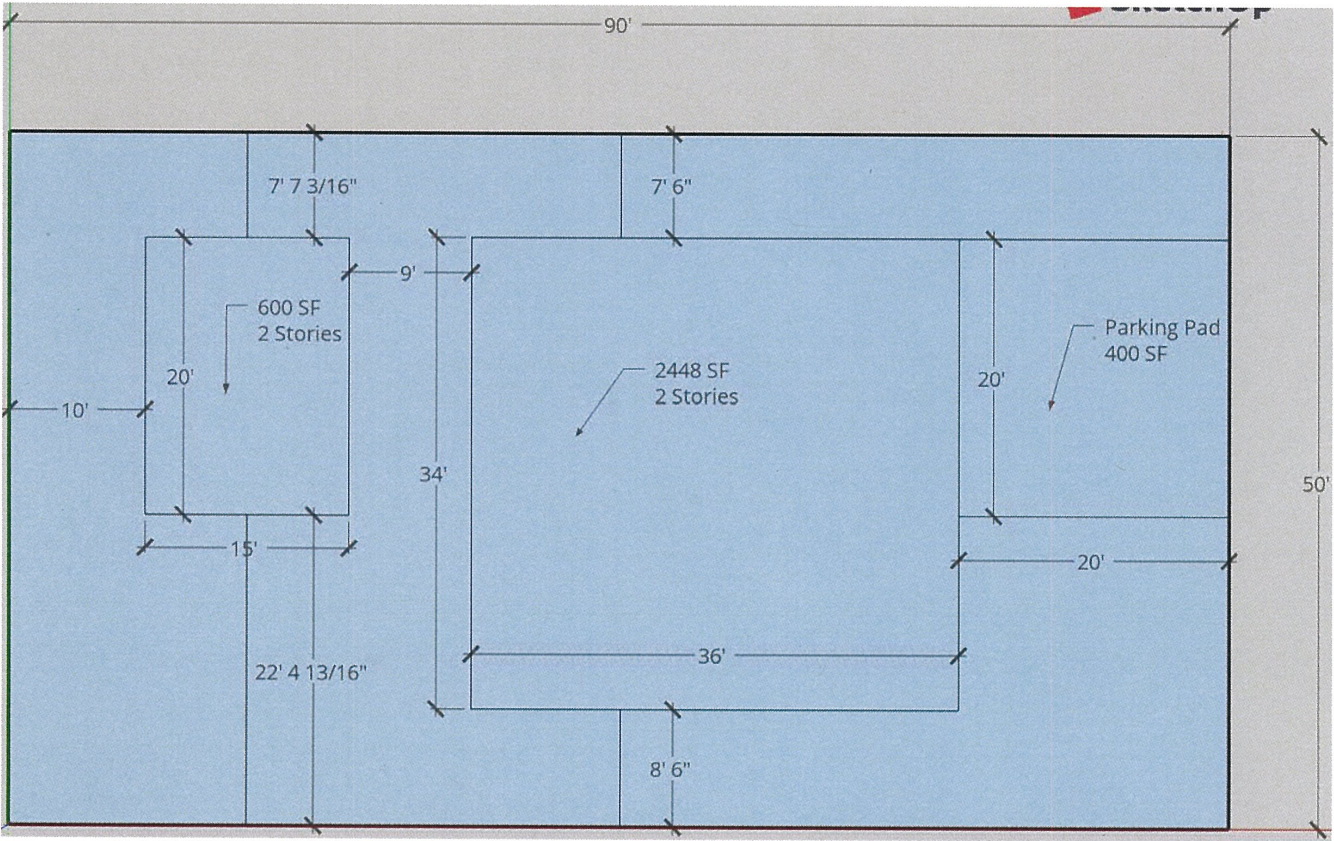
1,224 (Primary Unit) + 300 (DADU) + 400 (Parking Pad) = 1,924 SF

Impervious Surface Limits

R-4 (55% of Lot) – 2,475 SF

R-6 (70% of Lot) – 3,150 SF

Scenario 3



5400 SF Lot & 1 Story DADU analysis

5400 SF Lot

2 Floor Primary Unit

Footprint - 1,248 SF

Total SF - 2,496 SF

1 Floor DADU

Footprint - 800 SF

Total SF - 800 SF

SF of Impervious Surfaces

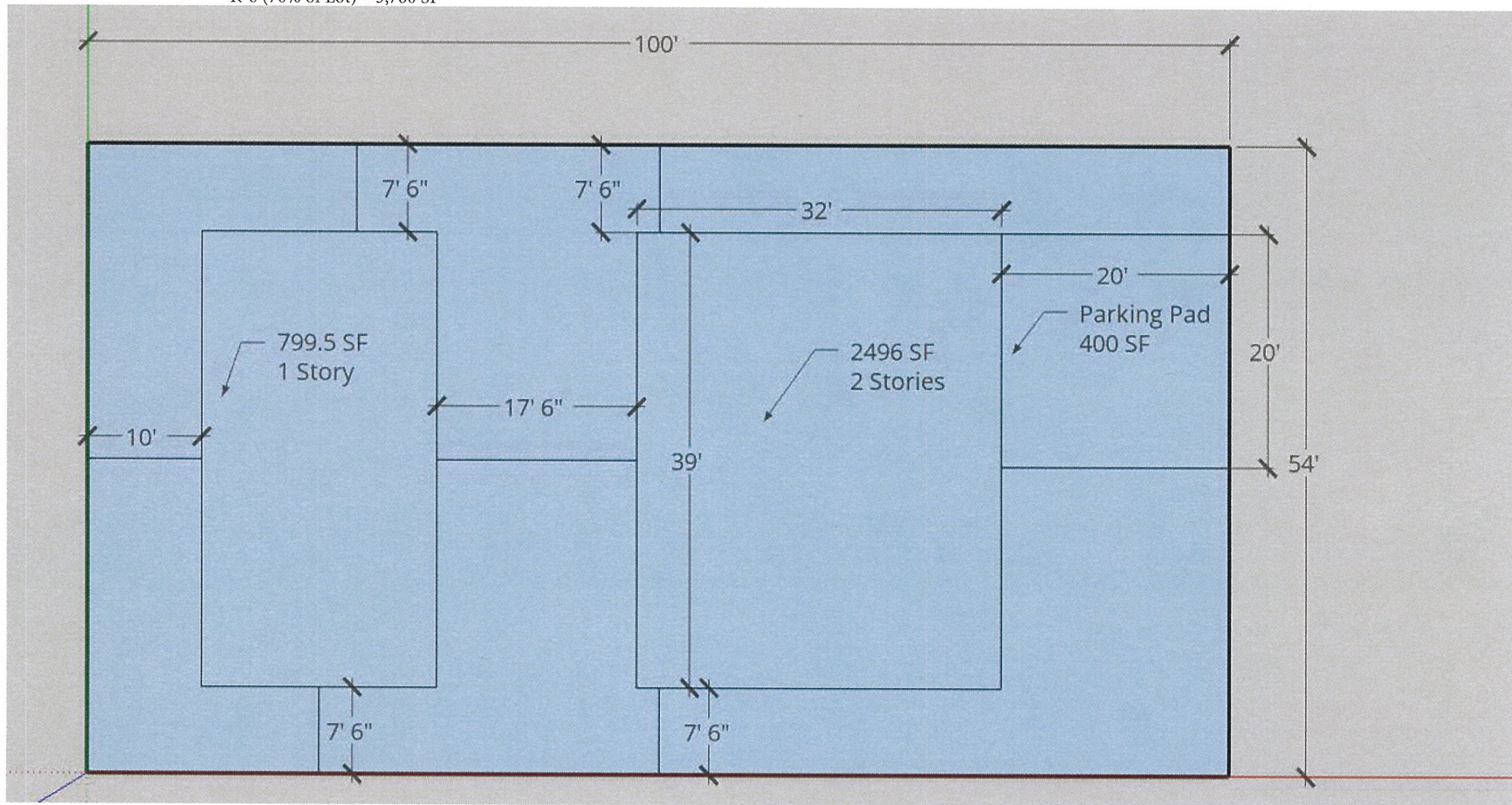
1,248 (Primary Unit) + 800 (DADU) + 400 (Parking Pad) = 2,448 SF

Impervious Surface Limits

R-4 (55% of Lot) - 2,970 SF

R-6 (70% of Lot) - 3,780 SF

Scenario 4



Attachment 4

	Owner-Occupancy	# of ADUs allowed on a single lot	Off-street Parking	Detached ADU (DADU) minimum lot size	Attached ADU floor area limits	DADU floor area limits	ADU Design Standards	DADU height limit	Entrance regulations
Kenmore (current regulations)	Y	1	1 additional space	10,000 square feet	1,000 square feet or 50% of the living area of the primary residence, whichever is greater	10% of the lot size or 50% of the primary dwelling unit, whichever is less	Door regulation	Not specifically addressed	For attached ADUs, only one entrance can be located on each street side of building
Kenmore (amendments recommended by the Planning Commission)	Y, with exception	2, but only 1 attached and only 1 detached	1 additional space per ADU	4,500 square feet	1,000 square feet, with exception	600-1,000 square feet depending on lot size	Door regulation	35'	ADU entry can't be street-facing unless clearly secondary to primary entry
Bainbridge Island	N	1	1 additional space	None specified	900 square feet with possibility of increased size for internal ADUs	900 square feet	Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling	Not specifically addressed	ADU entrance must be on rear or side of building
Bellevue	Y	1	1 additional space	DADU not permitted	40% of the primary and accessory dwelling unit combined or 800 square feet, whichever is less. If located on a single floor the planning director may issue an exemption	DADU not permitted	Door regulation	Not specifically addressed	Rear, side, front OK only if no other door present
Bothell	Owner or immediate family member must occupy either primary unit or ADU	1	1 additional space	None specified	2/3 of primary dwelling or 40% of the total floor area of the primary dwelling unit and the accessory dwelling unit combined, excluding any garage area, or 800 square feet, whichever is less. If ADU is on a single floor director may issue size exemptions to efficiently use all floor area	2/3 of primary dwelling or 40% of the total floor area of the primary dwelling unit and the accessory dwelling unit combined, excluding any garage area, or 800 square feet, whichever is less.	Accessory buildings shall maintain the residential character of the primary structure: similar siding, roofing, and detailing, and a style that complements the primary structure	Height limit of 25' or 28' for an existing accessory structure	ADU entry can't be street-facing unless clearly secondary to primary entry
Issaquah	Y	1	1 additional space	None specified	1,000 square feet	1,000 square feet	Door regulation	Not specifically addressed	ADU entrance on front or streetside must be screened

King County	Y	1	1 additional space	5,000 square feet	1,000 square feet but whole basement or attic OK	1,000 square feet	Door regulation	Not specifically addressed	Door must face a different direction from primary entrance
Kirkland	Y	1	1 additional space	None specified	40% of the primary and accessory dwelling unit combined. If located on a single floor the planning director may issue an exemption	800 square feet or 40% of the primary residence and accessory unit combined, whichever is less	Door regulation	DADU may not exceed maximum height allowed by underlying zone or be 15' above the existing height of the primary residence, whichever is less	Must be clearly secondary to main entry
Mercer Island	Y, 6 months of the year	1	No additional space required	None specified	80% of primary unit or 900 square feet, which is less	80% of primary unit or 900 square feet, whichever is less	Same roof pitch, siding, windows as principal unit	Not specifically addressed	1 entrance per streetside
Newcastle	Y, with exception	1	3 total between house and ADU	None specified	40% of primary unit and ADU combined or 1,000 square feet, whichever is less. If located on a single floor, the planning director may issue an exemption	40% of primary unit and ADU combined or 1,000 square feet, whichever is less	Same roof pitch, siding, windows as principal unit	Not specifically addressed	Door must be unobtrusive from view to primary entrance
Redmond	Y	1	1 additional space	None specified	1,500 square feet w/ possibility of exemption to allow for efficient use of all floor area	1,000 square feet or 40% of the total square footage of the primary dwelling unit and the ADU combined (excluding garage area), whichever is lesser	Consistent with the existing facade, roof pitch, siding, and windows of the primary dwelling unit.	Not specifically addressed	Maximum of 1 street-facing entrance for both ADU and primary unit, with exception
Sammamish	Y	1	No additional space required if 4 spaces present	None specified	50% of primary residence	1,000 square feet	Door regulation	Not specifically addressed	Only one entrance per streetside
Seattle	N	2 total ADUs allowed w/ maximum of 1 DADU	No additional spaces required	3,200 square feet	1,000 square feet in a single family zone - 650 square feet in a lowrise zone (excluding garage area)	1,000 square feet in a single family zone - 650 square feet in a lowrise zone (excluding garage area)	Consistent with the existing facade, roof pitch, siding, and windows of the primary dwelling unit.	Height limit ranging from 14' to 25' depending on lot width and roof type	Maximum of 1 street-facing entrance for both ADU and primary unit, with exception
Woodinville	Y	1	1 additional space	None specified	None specified	50% of primary unit	None specified	Not specifically addressed	None specified

Portland	N	1	N	No minimum	800 square feet or 75% of the living area of the house, whichever is less	800 square feet or 75% of the living area of the house, whichever is less	For detached ADUs that are more than 15' high: Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house	15' or 20' depending on relation of DADU to setbacks	Maximum of 1 street-facing entrance for both ADU and primary unit
Santa Cruz	Y	1	N	DADUs allowed on any residentially zoned property	10% of the net lot area or 50% of the living area of the primary home, whichever is less	10% of the net lot area	Design permits required for some ADU additions	22'	Not specified
Washington ADU Bill (proposed - 2020 session)	N	Minimum of 1; option for 2	No additional required	3,500 square feet	NA	NA	NA	Greater than or equal to 24'	NA

Attachment 5

City Council Question: “Has widespread developer-initiated conversion to duplex/triplex happened if there is no owner occupancy requirement?” (For purposes of this question, a house plus attached ADU was considered a “duplex;” adding a detached ADU along with an attached ADU was considered a “triplex.”)

Response: The best data we have is from Portland, where the owner-occupancy requirement for ADUs was eliminated in 1997 (Chapple, 2018). Portland allows only one ADU per lot, so this data does not directly address the question of “triplexes.”

Timeline of ADU Permitting in Portland:

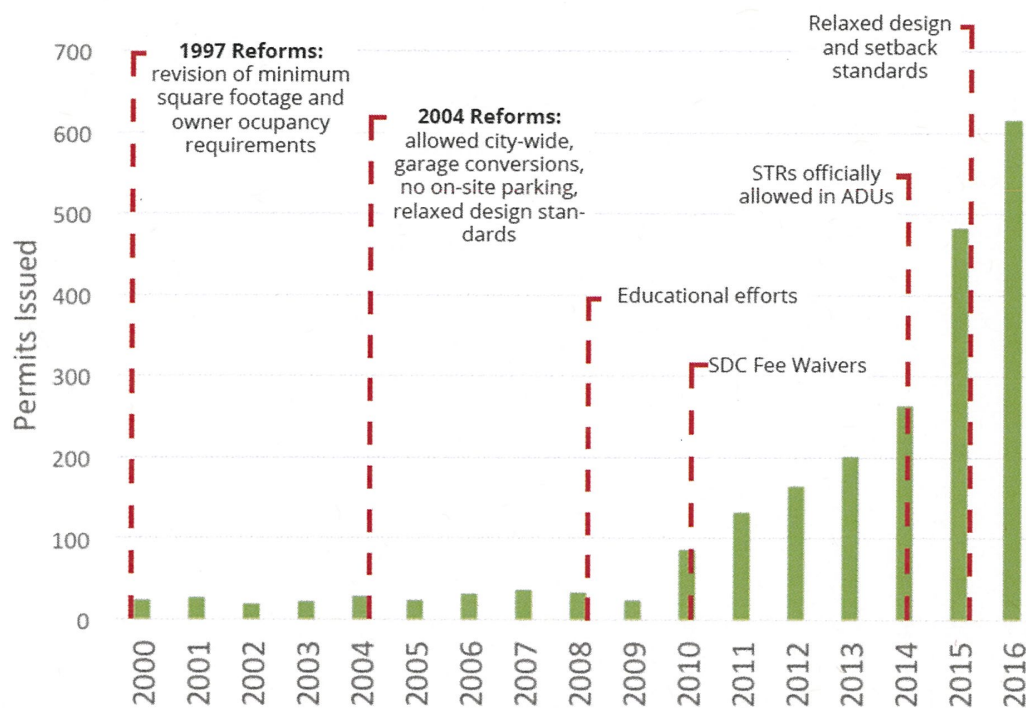


Figure 2. ADU permitting and reforms in Portland.

Revocation of owner occupancy by itself did not result in much new ADU development. Of much greater impact was the waiver of Systems Development Charges (SDCs). SDCs are “one-time fees charged to help pay for the facilities (such as streets, parks and sewer systems) required to meet growth-related needs for the city [Portland].” SDCs, then, are in some ways like Kenmore’s impact fees, although they can be used for a greater variety of municipal services.

Officially allowing Short Term Rentals (STRs) in ADUs and relaxing design and setback standards also combined to increase production.

Attachment 5

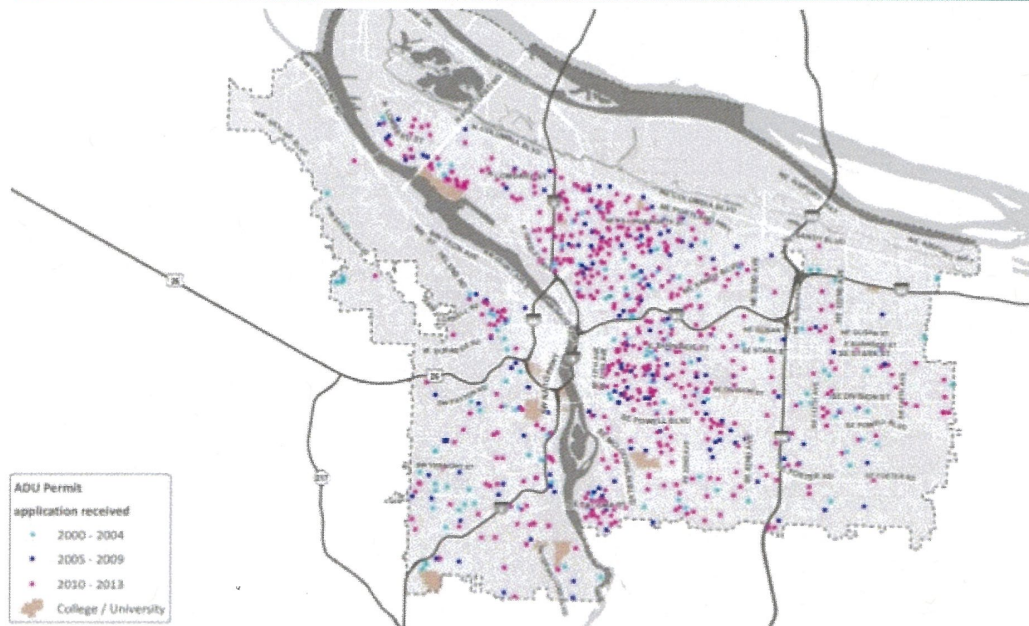
Portland has issued about 3,464 ADU permits in total (AccessoryDwellings.org, 2019). In 2017 and 2018 a total of 1,248 ADU permits were issued, accounting for about 36% of the total ADU permits issued. "Of the 1,248 new ADUs permitted, 150 of the ADUs were developed in conjunction with a new primary-dwelling (12%)" (Accessorydwellings.org, 2019).

These 150 projects are the form of development that is thought to align with speculative developmental practices, i.e., the [possible] teardown of old homes to be replaced by a new home with an ADU. It is unknown how many of the 150 new construction primaries/ADUs were preceded by a teardown. It is also unknown whether they were built by developers that intended to retain ownership and profit through rents, by developers that intended to sell the property through the traditional housing market, or by developers that were hired for a custom build project by clients that requested an ADU. The 150 newly constructed residences with an ADU were built by 91 applicants, of whom only ten developed more than two ADUs in the two-year span for which we have data (Accessorydwellings.org, 2019).

A permit and zoning analysis by Citylab records that less than 2% of Portland properties eligible for an ADU have one (Citylab, 2018). As in Kenmore, the ADUs are distributed throughout the City.

Spatial Distribution of ADUs in Portland:

Where are ADUs being built?





City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Ordinance No. 20-0507 Relating to a Non Exclusive Cable Television Franchise Agreement Approved by Ordinance No.08-0282, Approving Transfer of Control From Franchisee Frontier Communications Northwest Inc. to Northwest Fiber LLC, Subject to Terms and Conditions; Authorizing the City Manager to Execute a Transfer of Control Agreement and Cable Franchise Settlement and Extension Agreement; Establishing Severability; Declaring an Emergency and Establishing an Immediate Effective Date. Proposed Council Action/Motion: Motion to Adopt Ordinance No. 20-0507	For Council Meeting Agenda of: 24 February 2020 Department: Executive Prepared by: Nancy Ousley, Assistant City Manager <table style="width: 100%;"> <thead> <tr> <th style="text-align: left; width: 70%;"></th> <th style="text-align: left; width: 30%;"><u>Initial & Date</u></th> </tr> </thead> <tbody> <tr> <td>Approved by Department Head:</td> <td><u>NKO</u></td> </tr> <tr> <td>Approved by City Attorney:</td> <td><u>DEF (Email)</u> 2/19/20</td> </tr> <tr> <td>Approved by Finance Director:</td> <td><u>Ony</u></td> </tr> <tr> <td>Approved by City Manager:</td> <td><u>NKO for RIL</u> 18 Feb 2020</td> </tr> </tbody> </table> Exhibits/Attachments: 1. Ordinance No. 20-0507 2. Transfer of Control Agreement 3. Cable Franchise Settlement and Extension Agreement 4. Ordinance No. 09-0300 Franchise Transfer from Verizon to Frontier Communications 5. Ordinance No. 08-0284 Verizon Franchise Agreement		<u>Initial & Date</u>	Approved by Department Head:	<u>NKO</u>	Approved by City Attorney:	<u>DEF (Email)</u> 2/19/20	Approved by Finance Director:	<u>Ony</u>	Approved by City Manager:	<u>NKO for RIL</u> 18 Feb 2020
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Approved by Finance Director:	<u>Ony</u>										
Approved by City Manager:	<u>NKO for RIL</u> 18 Feb 2020										

INFORMATION/BACKGROUND:

The proposed Ordinance approves the transfer of a Cable Television Franchise from Frontier Communications Northwest to Northwest Fiber LLC, which is based in Kirkland, WA. Pursuant to federal law, cable Franchisors such as the City must approve the transfer of control of a franchise within 120 days of receiving notice that such a transfer might occur; if no action is taken, the transfer is deemed approved. FCC rules also state that the City has 30 days from the date the notice (Form 394) is received to provide notice if the Form 394 is incomplete. After the City received the notice on July 22, 2019, an initial review concluded that the Form 394 was incomplete, and the City's notice of incompleteness was sent to Northwest Fiber on August 20, 2019, which put the 120 day review on hold. Additional information was subsequently provided. Since that time the City, Northwest Fiber and Frontier Communications Northwest have agreed to two extensions of the review period in order to complete a settlement agreement. The current extension expires February 28, 2020. Northwest Fiber LLC is purchasing Frontier's operations in Washington, Oregon, Idaho and Montana.

Special Counsel Gail Karish of Best Best and Krieger has assisted the City in the transfer process. Front Range Consulting reviewed the financial qualifications of Northwest Fiber, LLC to perform under the current franchise agreement. The City shared the cost of the Special Counsel and financial review with the City of Kirkland and Mount Hood Cable Regulatory Commission, a consortium of cities in the Portland, OR metropolitan area.

This cable franchise was initially granted to Verizon in 2008, and the transfer to Frontier Communications was approved by the City Council in 2009. Verizon had deployed fiber to the premises in the north side of the city and pursued a cable television franchise to offer that service on the platform. The Franchise Agreement requires that the Franchisee provide cable television service to the entire city by August 2011. That requirement has not been met and has resulted in the City imposing liquidated damages on two occasions. The current Franchise Agreement expires in August, 2020.

The Settlement and Extension Agreement has the following provisions:

- The current Franchise Agreement is extended by one year, to August 2021. This will allow the new Franchisee to assess the conditions and existing infrastructure in the City. The Franchise requirement to offer service in the entire City will be set aside during the one year extension period.
- Frontier will pay \$45,000 in Liquidated Damages for non compliance and an additional \$15,000
- Frontier will pay the City \$111,504 related to a construction delay claim involving the NE 192nd Street Culvert Project

The Transfer of Control Agreement features the following points:

- Obligations of the original Franchise Agreement remain in effect (aside from the one year extension terms of the Settlement and Extension Agreement noted above)
- Performance bond requirement
- Franchisee will reimburse the City for reasonable costs of the franchise transfer review, a maximum of \$25,000
- The City's authority to regulate the use of public right of way for purposes other than cable service is not affected by this agreement.

The Washington Utilities and Transportation Commission is reviewing a proposed Settlement Agreement between Frontier Communications Northwest, Northwest Fiber, LLC and Wave Division Capital and Commission telecommunications staff related to the sale; the Commission is expected to issue a ruling by early March 2020. The City provided written comments to the Commission in conjunction with a Public Hearing in January 2020.

FISCAL CONSIDERATION:

The proposed agreements resolve a construction delay claim, impose liquidated damages and provide for reimbursement of City costs in reviewing the proposed Franchise transfer, while maintaining the requirements of the Franchise Agreement.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Implement the Economic Development Plan

Emphasize Multimodal Transportation Safety

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 20-0507**

AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON, RELATING TO A NON EXCLUSIVE CABLE TELEVISION FRANCHISE AGREEMENT APPROVED BY ORDINANCE 08-0282, APPROVING TRANSFER OF CONTROL FROM FRANCHISEE FRONTIER COMMUNICATIONS NORTHWEST INC. TO NORTHWEST FIBER LLC, SUBJECT TO TERMS AND CONDITIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSFR CONTROL AGREEMENT AND CABLE FRANCHISE SETTLEMENT AND EXTENSION AGREEMENT; ESTABLISHING SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 08-0284, which granted a non-exclusive cable television franchise ("Franchise"), subject to certain terms and conditions ("Franchise Agreement") to Verizon Northwest Inc.; and

WHEREAS, on December 1, 2009, the City Council adopted Ordinance 09-0300, which approved transfer of control of the Franchise to Frontier Communications Northwest, Inc., a Washington corporation ("Franchisee") and wholly owned subsidiary of Frontier Communications Corporation ("Frontier"), and Franchisee owns a cable system serving certain geographic areas of the City pursuant to the Franchise Agreement; and

WHEREAS, pursuant to a Purchase Agreement by and among Northwest Fiber, LLC ("Northwest Fiber"), Franchisee, Frontier, and Frontier Communications ILEC Holdings, LLC, dated as of May 28, 2019 ("Purchase Agreement"), Northwest Fiber will acquire control of Franchisee ("Proposed Transaction"); and

WHEREAS, Section 11.2 of the Franchise Agreement provides that the City's prior consent is required for transfer of control of the Franchise as contemplated as part of the Proposed Transaction, provided that such consent shall not be unreasonably withheld, delayed, or conditioned; and

WHEREAS, on July 19, 2019, as required under federal law and FCC regulations, Northwest Fiber and Frontier filed an FCC Form 394 (the "Transfer Application") with the City and requested that the City consent to the transfer of control resulting from the Proposed Transaction ("Proposed Transfer"); and

WHEREAS, under federal law, the City is required to approve or deny the Proposed Transfer within 120 days unless the parties agree to extend this time period, and the parties have agreed to extend the deadline on two occasions, and the deadline for action is now February 28, 2020; and

WHEREAS, the Franchise Agreement is set to expire at the conclusion of its twelve (12) year term on August 15, 2020; and

WHEREAS, during Franchise term, the City has initiated franchise enforcement actions and Franchisee twice paid liquidated damages assessed by the City due to non-compliance related to build-out obligations; and

WHEREAS, the City has more recently provided notice of continuing non-compliance issues related to the build-out obligations in the Franchise Agreement, as well as other claims related to alleged construction delay costs incurred by the City due to Franchisee's failure to relocate facilities in a timely manner; and

WHEREAS, in the ordinary course of negotiating the Proposed Transfer, Franchisee has requested to be relieved of certain build-out obligations required under Section 3.1 of the Franchise Agreement, and for value and commitments set forth in the Cable Franchise Settlement and Extension Agreement ("Settlement & Extension Agreement"), the City is willing to relieve the Franchisee of those obligations pursuant to the terms and conditions set forth therein; and

WHEREAS, based on the commitments and value set forth in the Settlement & Extension Agreement, the City desires to enter into the Transfer of Control Agreement, which authorizes the transfer of control from Frontier to Northwest Fiber, subject to the terms and conditions set forth therein; and

WHEREAS, Franchisee and the City have expressed a mutual desire to extend the Franchise Agreement to August 15, 2021, to provide sufficient time for the parties to evaluate potential service options during franchise renewal discussions under the terms and conditions of the Settlement and Extension Agreement; and

WHEREAS, as noted herein, the deadline for City action is February 28, 2020, however, without findings relating to an emergency, this ordinance will not become effective until five days after publication, which would be beyond the February 28, 2020 deadline. Accordingly, due to the upcoming deadline imposed by federal law, the City Council finds that an emergency exists that requires the effective date of this Ordinance to occur immediately upon its adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Approved. The City hereby consents to the Proposed Transfer in accordance with applicable law and subject to and contingent upon the following conditions:

- a. **Cable Franchise Settlement and Extension Agreement.** The City Council approves the "Cable Franchise Settlement and Extension Agreement", as set forth in Exhibit 1, attached hereto and incorporated by reference, and authorizes the City Manager to execute said agreement. The parties shall fully execute said agreement on or before February 28, 2020.
- b. **Transfer of Control Agreement.** The City Council approves the "Transfer of Control Agreement", as set forth in Exhibit 2 to this Ordinance, attached hereto and

incorporated by reference, and authorizes the City Manager to execute said agreement. The parties shall fully execute said agreement on or before February 28, 2020.

Section 2. Consent Contingent upon Compliance. The failure, refusal or neglect by Franchisee, Frontier or Northwest Fiber to timely execute the agreements referenced in Subsections 2.a and 2.b of this Ordinance shall constitute an abandonment of the rights conferred hereby, and the request for approval of the Proposed Transfer shall be deemed timely denied without further action by the City.

Section 3. Closing. In the event the Proposed Transfer does not close by May 28, 2020, or closes on terms that are in any material respect different from the terms disclosed to the City in writing, then any City consent to the Proposed Transfer shall be void and of no force or effect, then the request for approval shall be deemed timely denied without further action by the City, unless otherwise agreed to in writing by Northwest Fiber, Franchisee, Frontier and the City.

Section 4. No waiver. By consenting to the transfer of control, the City does not waive or release any rights of the City in and to the streets as provided by state law and the Kenmore Municipal Code. The City shall not amend, revoke or otherwise alter this Ordinance without providing reasonable prior notice to the Franchisee.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Emergency declared - Immediate effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF ____, 20__.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly M. Chelin, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

TRANSFER OF CONTROL AGREEMENT

THIS AGREEMENT is made this ___ day of February, 2020 ("Effective Date"), by and between:

- (a) The City of Kenmore, a Washington municipal corporation ("City");
 - (b) Frontier Communications Northwest Inc. ("Franchisee"), a Washington corporation and wholly owned subsidiary of Frontier Communications Corporation ("Frontier"); and
 - (c) Northwest Fiber LLC, a Delaware limited liability company ("Northwest Fiber").
- Northwest Fiber, Frontier, and Franchisee may be referred to collectively herein as "Companies."

RECITALS

WHEREAS, Franchisee currently holds a cable franchise (the "Franchise") from the City subject to the **Cable Franchise Agreement effective as of August 15, 2008** ("Franchise Agreement") and owns a cable system serving certain geographic areas of the City;

WHEREAS, by Ordinance 09-0300, adopted on November 30, 2009, the City Council consented to a transfer of control of Franchisee from Verizon Communications Inc. to Frontier;

WHEREAS, pursuant to a Purchase Agreement by and among Northwest Fiber, Franchisee, Frontier, and Frontier Communications ILEC Holdings, LLC, dated as of May 28, 2019 ("Purchase Agreement"), Northwest Fiber will acquire control of Franchisee ("Proposed Transaction");

WHEREAS, Section 11.2 of the Franchise Agreement provides that the prior consent of the City is required for the transfer of control of the Franchisee as contemplated as part of the

Proposed Transaction, provided that such consent shall not be unreasonably withheld, delayed, or conditioned;

WHEREAS, on July 19, 2019, as required under federal law and FCC regulations, Northwest Fiber and Frontier filed an FCC Form 394 (the "Transfer Application") with the City and requested that the City consent to the transfer of control resulting from the Proposed Transaction ("Proposed Transfer");

WHEREAS, the Franchisee and City have agreed to settle certain disputes and to amend the Franchise Agreement, among other things, to extend the Term to August 15, 2021 ("Cable Franchise Settlement and Extension Agreement")(the Franchise Agreement together with the Cable Franchise Settlement and Extension Agreement are referred to herein as the "Extended Frontier Franchise Agreement");

WHEREAS, the Franchisee, as that term is defined herein, has agreed to continue to comply with the Extended Frontier Franchise Agreement, and the terms of this Agreement and applicable law from and after the completion of the Proposed Transaction; and

WHEREAS, relying on the Companies' representations referred to above, the City is willing to grant its consent to the transfer of control contemplated in the Proposed Transaction subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration for the City's consent to the transfer of control contemplated in the Proposed Transaction and subject to the terms and conditions of this Agreement, THE PARTIES DO HEREBY AGREE as follows:

1. DEFINITIONS

1.1 Terms contained herein and not defined shall have the same definitions as contained in the Extended Frontier Franchise Agreement.

2. TRANSFER OF CONTROL OF FRANCHISE

2.1 Pursuant to Section 11.2 of the Extended Frontier Franchise Agreement, and by Ordinance No.20-0507 dated February _____, 2020, (the “Transfer Ordinance”) the City has consented to the Proposed Transfer, in consideration of the terms of this Agreement and conditioned on the acceptance and execution of this Agreement by the Companies.

3. ACCEPTANCE OF FRANCHISE OBLIGATIONS

3.1 Franchisee accepts, acknowledges, and agrees that, after the Proposed Transfer, it will continue to be bound by all the commitments, duties, and obligations, present, continuing and future, of the Franchisee embodied in the Extended Frontier Franchise Agreement and this Agreement, and that the Proposed Transfer will not materially alter these obligations, except as expressly stated herein. Except as expressly set forth herein, nothing in this Agreement shall be construed to increase or expand the rights of the City with respect to the Franchise, or Franchisee’s provision of cable service pursuant to the terms of the Extended Frontier Franchise Agreement. Except as expressly set forth herein, nothing in this Agreement shall be construed to increase or expand the rights of the Franchisee with respect to Franchisee’s provision of cable service pursuant to the terms of the Extended Frontier Franchise Agreement.

3.2 The Companies agree that neither the Proposed Transaction nor the City’s consent to the Proposed Transfer contemplated in the Proposed Transaction shall in any respect relieve the Franchisee or any of its successors in interest of responsibility for past acts or omissions, known or unknown with respect to provision of cable service pursuant to the Extended Frontier Franchise Agreement. Franchisee agrees that it shall be liable for any such acts and omissions, known and unknown, including liability for any and all previously accrued but unfulfilled

obligations to the City under the Extended Frontier Franchise Agreement and applicable law, for all purposes. Franchisee agrees that all acts and omissions of Franchisee occurring prior to closing of the Proposed Transfer will continue to be deemed to be those of Franchisee.

3.3 Northwest Fiber and Franchisee shall ensure that all records pertaining to the Franchise and the Franchisee's performance under the Franchise shall continue to be available after the Proposed Transfer in the same way and to the same extent such information was available prior to the Proposed Transfer, consistent with the terms of the Extended Frontier Franchise Agreement.

3.4 In addition to the current obligations of the Extended Frontier Franchise Agreement, including the obligations contained in Section 13.1 of that Agreement, Franchisee shall, not later than sixty (60) days after the closing of the Proposed Transfer, provide to the City a performance bond (in a commercially reasonable form reasonably acceptable to the Kenmore City Attorney) in the amount of twenty thousand dollars (\$20,000), to secure the payment of franchise fees and any liquidated damages that may be assessed by the City pursuant to the Extended Frontier Franchise Agreement. Franchisee shall promptly restore any amounts drawn on the letter of credit and shall maintain the full amount of the letter of credit until the termination of the Extended Frontier Franchise Agreement.

3.5 Franchisee will pay the City for all reasonable and documented costs incurred as a result of its review of the Proposed Transfer. The City will present to Franchisee a single invoice itemizing the costs incurred, together with supporting documents not later than thirty (30) days after the close of the Proposed Transfer. Franchisee shall remit to the City payment for such undisputed fees and costs in an amount not to exceed Twenty Five Thousand Dollars (\$25,000) within thirty (30) days of its receipt of the invoice. Franchisee reserves any and all rights it may

have under applicable Federal, State or local law to offset amounts paid on this invoice against any future franchise fees payable to the City under the Franchise.

3.6 On or before the consummation of the Proposed Transfer, Northwest Fiber shall enter into the Guarantee Agreement attached hereto as Exhibit 1.

4. RESERVATION OF RIGHTS

4.1 To the extent not expressly waived herein, the Companies reserve all rights under federal, state, and local law, and the Extended Frontier Franchise Agreement.

4.2 The City reserves all rights not expressly granted in this Agreement, including without limitation those specified below.

4.3 The City waives none of its rights with respect to the Franchisee's compliance with the requirements set forth in the Extended Frontier Franchise Agreement. At no time will the Companies contend, either directly or indirectly, that the City is barred, by reason of the Proposed Transfer, from considering, or raising claims based on, any defaults of Franchisee, or any failure by Franchisee to comply with the terms and conditions of the Extended Frontier Franchise Agreement or with applicable law. The City's consent to the Proposed Transfer shall in no way be deemed a representation by the City that the Franchisee is in compliance with all of its obligations under the Extended Frontier Franchise Agreement.

4.4 Neither this Agreement, nor any other action or omission by the City at or before the execution of this Agreement, shall be construed to grant the City's consent to any future transfer of the Franchise, and/or any future change in ownership and/or control of the Franchise, or to mean that the City's consent to any future transaction is not required pursuant to Section 11 of the Extended Frontier Franchise Agreement.

4.5 Any consent given by the City to the Proposed Transfer is made without prejudice to, or waiver of, the City's right to investigate and take into account any lawful considerations during any future franchise renewal or transfer process.

4.6 This Agreement does not affect and shall not be construed to affect the rights under any lawful authority of the City to regulate or authorize, by ordinance, license or otherwise, use of the public rights-of-way for purposes other than for cable service, as that term is defined in the Extended Frontier Franchise Agreement. To the extent that Franchisee or its affiliates may seek to provide a service other than cable service or through other facilities within the City, the City reserves any right it may have, subject to federal and state law, to require any additional authorizations and payment of a franchise fee or other compensation regarding such services and facilities that it may lawfully require. Consent to the Proposed Transfer shall not be deemed to be consent to the use of the public rights-of-way by Franchisee or any of its affiliates for any purpose other than the provision of cable service.

4.7 In the event the Proposed Transfer does not close by May 28, 2020, or closes on terms that are in any material respect different from the terms disclosed to the City in writing, then any City consent to the Proposed Transfer shall be void and of no force or effect, and the Proposed Transfer deemed to have been timely denied, unless otherwise agreed to in writing by the Companies and the City. The Companies hereby waive any and all claims that they may have that any denial of the Proposed Transfer that results from failure of the conditions in this paragraph fails to satisfy the deadlines established by applicable law including, without limitation, claims based on, arising out of, or relating to 47 U.S.C. § 537, as amended, and agree that they shall be deemed to have agreed to an extension of the time to act on the Proposed Transfer as required to make any denial effective.

5. REPRESENTATIONS AND WARRANTIES

5.1 Each of the Companies hereby represents and warrants that at the time of the execution of this Agreement: (a) it is duly organized, validly existing and in good standing under the laws of the jurisdiction in which it is organized; (b) the Extended Frontier Franchise Agreement and, assuming due execution hereof by the other parties hereto, this Agreement constitute legal, valid and binding obligations of each Company that is a party to such agreements, enforceable in accordance with their respective terms; and (c) the execution and delivery of, and performance by such Company under this Agreement and the Extended Frontier Franchise Agreement, where applicable, are within such Company's power and authority without the joinder or consent of any other party and have been duly authorized by all requisite corporate action on the part of such Company and are not in contravention of such Company's charter, bylaws, and/or other organizational documents.

5.2 Franchisee and Northwest Fiber represent and warrant that the Proposed Transaction will not adversely affect the Franchisee's ability to meet the requirements of the Extended Frontier Franchise Agreement.

5.3 Franchisee and Northwest Fiber represent and warrant that after the Proposed Transaction, Franchisee's financial qualifications will be such as shall enable them to maintain and operate the cable system in the City in accordance with applicable law and the Extended Frontier Franchise Agreement.

5.4 Franchisee and Northwest Fiber represent and warrant that the Proposed Transaction will not reduce the quality of existing system maintenance or repair.

6. BREACHES

6.1 Any breach of this Agreement subsequent to the closing of the Proposed Transaction shall be separately enforceable from the Extended Frontier Franchise Agreement but shall be deemed a breach of the Extended Frontier Franchise Agreement and shall be subject to the applicable enforcement provisions of the Extended Frontier Franchise Agreement, in addition to any other remedies the parties may have under this Agreement at law or equity.

7. MISCELLANEOUS PROVISIONS

7.1 **Effective Date:** This Agreement shall be effective and binding upon the signatories once it is fully executed, and shall continue in force for the duration of the Franchise, provided that, this Agreement, except for the obligation in Section 3.5, shall terminate if the Proposed Transaction is terminated pursuant to Section 7.01 of the Purchase Agreement.

7.2 **Binding Acceptance:** This Agreement shall bind and benefit the parties hereto and their respective heirs, beneficiaries, administrators, executors, receivers, trustees, successors, and assigns, and the promises and obligations herein shall survive the expiration date hereof. Any purported assignment of this Agreement is void without the express written consent of the signatories.

7.3 **Voluntary Agreement:** This Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Agreement. Neither any of the Companies, nor any of their affiliates, nor the City, will take any action to challenge any provision of this Agreement; nor will they participate with any other person or entity in any such challenge.

7.4 **Severability:** If any term, condition, or provision of this Agreement shall, to any extent, be held to be invalid, preempted, or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

7.5 **Counterparts:** This Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all parties shall not have signed the same counterpart.

7.6 **No Waiver:** No waiver of any provision of this Agreement or any breach of this Agreement shall be effective unless such waiver is in writing and signed by the waiving party and any such waiver shall not be deemed a waiver of any other provision of this Agreement or any other or subsequent breach of this Agreement.

7.7 **Captions and References:** The captions and headings of sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

7.8 **Recitals:** The recitals set forth above are incorporated herein by reference.

[SIGNATURE PAGES FOLLOW]

AGREED TO AS OF THE EFFECTIVE DATE ABOVE-WRITTEN.

CITY OF KENMORE

By: _____

Name: Rob Karlinsey

Title: City Manager

FRONTIER COMMUNICATIONS CORPORATION

By: _____

Name: Kevin Saville_____

Title: _General Counsel_____

FRONTIER COMMUNICATIONS NORTHWEST INC.

By: _____

Name: _George Thomson, Jr._____

Title: __Associate General Counsel_____

NORTHWEST FIBER LLC

By: _____

Name: _Byron Springer_____

Title: __General Counsel_____

Exhibit 1 – Guarantee Agreement

EXHIBIT 1
GUARANTEE AGREEMENT

THIS AGREEMENT is made this ____ day of February, 2020, between the City of Kenmore, the Guarantor, and the Grantee. For the purpose of this Agreement, the terms "City", "Guarantor" and "Grantee" have the meanings given in this Agreement below:

WITNESSETH

WHEREAS, the City of Kenmore, Washington, (the "City") has granted a cable franchise agreement (the "Franchise") currently held by Frontier Communications Northwest Inc. (the "Grantee"), to operate and maintain a cable television system (the "Cable System"); and

WHEREAS, Northwest Fiber, LLC (the "Guarantor") has proposed to become an ultimate owner and manager of the Grantee, and has filed a formal written request seeking approval of the proposed transfer by the City as required by federal law (FCC Form 394); and

WHEREAS, the City has submitted Requests for Information in performance of their review of the Grantee's legal, financial and technical qualifications to perform its obligations under the Franchise following the proposed transfer, and the Guarantor and the Grantee have responded to the City's Requests by providing additional information; and

WHEREAS, in response to requests by the City following its review, the Guarantor has agreed to provide this guarantee in order to induce the City to approve the transfer of control of the Franchise and the Grantee from Frontier Communications Corporation to Northwest Fiber, LLC;

NOW, THEREFORE, in consideration of the foregoing, the Guarantor agrees:

1. The Guarantor hereby unconditionally guarantees the timely and full performance of any and all obligations of Grantee contained in the Franchise. In the event Grantee for any reason fails to perform those obligations, the Guarantor agrees to perform or cause to be performed those obligations on Grantee's behalf promptly upon written demand by the City.
2. This guarantee is an absolute, continuing, and unlimited performance guarantee of the Franchise by the Grantee. The City shall not be obliged to proceed first against the Grantee or any other person, firm or corporation.
3. The Guarantor waives notice of acceptance of this guarantee and further waives protest, presentment, demand for performance or notice of default to the Guarantor. The City has no duty to advise the Guarantor of any information known to them regarding Grantee's performance of its Franchise obligations. This waiver, however, shall not be deemed a waiver of any requirement of the Franchise as to notice to the Grantee.
4. The City's failure to require strict performance of the Franchise shall not release the Guarantor from liability under this Agreement.

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5. This Agreement, unless terminated, substituted or canceled, as provided herein, shall remain in full force and effect for the duration of the term of the Franchise. This Agreement and the guarantee made hereunder are contingent upon and subject to the closing of the transaction by which ultimate control of the Grantee is transferred to the Guarantor. If control of the Grantee is subsequently transferred away from the Guarantor with the approval of the City, the guarantee shall terminate at that time.

6. The Guarantor may propose substitution of another Guarantor to perform the obligations of this Agreement. If the City finds the proposed substitute Guarantor reasonably satisfactory, another Guarantee Agreement may be substituted upon mutual agreement of the City and the Guarantor. Such substitution shall not affect liability incurred or accrued under this agreement prior to the effective date of such substitution. Following the City's acceptance of the substitute Guarantor, no claim, suit or action under this Agreement by reason of any default of the Grantee shall be brought against the original Guarantor unless asserted or commenced within one year after the effective date of such substitution of the Agreement, and only to the extent it relates to a liability incurred or accrued prior to the effective date of the substitution.

7. Any notices given pursuant to this agreement shall be in writing and delivered personally to the following addresses or deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the Guarantor and the Grantee at:

_____, and to the City at: 18120 68th Avenue NE Kenmore, WA 98028. Either party may change its address for notices by giving notice of the new address in the manner provided in this paragraph.

8. Definitions: For purposes of this Agreement, the following terms are defined as indicated below:

- (A) Grantee: Frontier Communications Northwest Inc., or its lawful successors;
- (B) Guarantor: Northwest Fiber, LLC;
- (C) Franchise: Cable Franchise Agreement granted by the City to Grantee, including all documentation of any conditions of grant, renewal, extension, settlement or transfer.

IN WITNESS WHEREOF, the Grantee, the City, and Guarantor have entered into this Agreement on the day of _____, 2020.

Guarantor: Northwest Fiber, LLC

By:

Title:

State of _____)

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County of _____) ss.
_____)

This Agreement was acknowledged before me on the day of _____, 2020, by _____, as a duly authorized officer of Northwest Fiber, LLC.

Notary Public for: _____

My Commission Expires: _____

Grantee: Frontier Communications Northwest Inc. or its successors

By:

Title:

State of _____)
_____) ss.
County of _____)

This Agreement was acknowledged before me on the day of _____, 2020, by _____, as a duly authorized officer of Frontier Northwest Inc. or its successors.

Notary Public for: _____

My Commission Expires: _____

City: City of Kenmore, Washington

By:

Title:

State of _____)
_____) ss.
County of _____)

This Agreement was acknowledged before me on the day of _____, 2020, by _____, as a duly authorized representative of the City.

Notary Public for: _____

My Commission Expires: _____

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CABLE FRANCHISE SETTLEMENT AND EXTENSION AGREEMENT

THIS CABLE FRANCHISE SETTLEMENT AND EXTENSION AGREEMENT (the “Agreement”), made this ___ day of February, 2020 (“Effective Date”), is entered into by and between the **City of Kenmore, Washington** (the “City”), and **Frontier Communications Northwest Inc.** (“Franchisee”), a corporation duly organized, validly existing, and in good standing under the applicable laws of the State of Washington.

WHEREAS, Franchisee currently holds a cable franchise (the “Franchise”) from the City subject to the Cable Franchise Agreement effective as of August 15, 2008 (“Franchise Agreement”) and owns a cable system serving certain geographic areas of the City; and

WHEREAS, pursuant to a Purchase Agreement by and among Northwest Fiber, Franchisee, Frontier, and Frontier Communications ILEC Holdings, LLC, dated as of May 28, 2019 (“Purchase Agreement”), Northwest Fiber will acquire control of Franchisee (“Proposed Transaction”); and

WHEREAS, Section 11.2 of the Franchise Agreement provides that the prior consent of the City is required for the transfer of control of the Franchisee as contemplated as part of the Proposed Transaction, provided that such consent shall not be unreasonably withheld, delayed, or conditioned; and

WHEREAS, on July 19, 2019, as required under federal law and FCC regulations, Northwest Fiber and Frontier filed an FCC Form 394 (the “Transfer Application”) with the City and requested that the City consent to the transfer of control resulting from the Proposed Transaction (“Proposed Transfer”); and

WHEREAS, the Franchise Agreement is set to expire at the conclusion of its twelve (12) year term on August 15, 2020; and

WHEREAS, during Franchise term, the City has initiated franchise enforcement actions and the Franchisee twice paid liquidated damages assessed by the City due to non-compliance related to build-out obligations; and

WHEREAS, the City has more recently provided notice of continuing non-compliance issues related to the build-out obligations in the Franchise Agreement, as well as other claims related to alleged construction delay costs incurred by the City due to the Franchisee’s failure to relocate facilities in a timely manner; and

WHEREAS, in the ordinary course of negotiating the Proposed Transfer, Franchisee has requested to be relieved of certain build-out obligations required under Section 3.1 of the Franchise Agreement, and for value and commitments set forth in this Agreement, the City is willing to relieve the Franchisee of those obligations pursuant to the terms and conditions set forth herein; and

WHEREAS, Franchisee and the City have expressed a mutual desire to extend the Franchise Agreement to August 15, 2021, to provide sufficient time for the parties to evaluate

potential service options during franchise renewal discussions under the terms and conditions of this Agreement; and

WHEREAS, on February 24, 2020, the City adopted Ordinance No.20-0507, which approved the requested transfer (the “Transfer Ordinance”), subject to the terms and conditions of this Agreement and the Transfer of Control Agreement;

NOW, THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, the City and Franchisee hereby agree as follows:

1. The Franchise Agreement, as amended hereby, shall remain in full force and effect until it expires or is terminated. Franchisee hereby confirms and reaffirms any all representations set forth in the Franchise Agreement, as amended by this Agreement. Franchisee further represents and warrants that it is not in default under the Franchise Agreement other than the build-out obligation, and no event has occurred which with notice or lapse of time or both would constitute a default under the Franchise Agreement, except as specifically noted herein.
2. Section 2.3 (*Term*) of the Franchise Agreement is hereby amended to read: “This Franchise shall become effective on August 15, 2008 (the “Effective Date”). The Term of this Franchise shall be thirteen ~~twelve~~ (13~~12~~) years from the Effective date unless the Franchise is earlier revoked as provided herein.”
3. Settlement of Franchise Agreement Non-Compliance Claims
 - (a) In settlement of City’s claims with respect to Franchisee’s noncompliance with Section 3.1 of the unamended Franchise Agreement during the years 2017, 2018 and 2019, which required Franchisee to “offer Cable Service to all residential areas in the Initial Service Area within thirty-six (36) months of the Service Date of the Franchise,” Franchisee shall pay to City Forty-Five Thousand Dollars (\$45,000) as liquidated damages in accordance with Sections 13.2 and 13.5 of the Franchise Agreement.
 - (b) Section 3.1 (and subsections) of the Franchise Agreement is hereby deleted.
 - (c) Franchisee agrees to pay Fifteen Thousand Dollars (\$15,000) to City.
 - (d) Franchisee agrees not to offset against franchise fees now or in the future any amounts related to the provision of complimentary cable services to public buildings provided pursuant to Section 3.3 of the unamended Franchise Agreement for the term of the Franchise Agreement, as extended by this Agreement.
 - (e) Franchisee agrees to consider whether improvements may be made in its copper-based network to provide cable service within the southern section of the Franchise Area that is currently not being offered cable services by Franchisee. To assist in this consideration, the parties agree as follows:

(i) By May 1, 2020, City will provide information reasonably requested by Franchisee and Northwest Fiber to assist in Franchisee's evaluation as to whether it will be able to provide network improvements in the section of the Franchise Area that is currently not being offered cable services by Franchisee. This information will include, but not be limited to:

- City right-of-way construction plans and schedules for the period through December 2021, including the West Sammamish River Bridge project and the Juanita Dr NE Pedestrian/Bicycle Safety project;
- City permitting process information (including but not limited to information regarding City's ability to provide expedited permitting process to Franchisee and the costs for any such process);
- City undergrounding requirements (including but not limited to any information regarding a waiver of any undergrounding requirements and the costs, process and timing for receiving any such waiver).
- Any other information that Franchisee may reasonably request

(ii) Prior to July 31, 2020, Franchisee and City agree to hold at least one planning meeting where the City and Franchisee can review the information provided by the City and the current state of Franchisee's copper-based network facilities. The City and Franchisee will meet from time to time as may be scheduled to discuss the planning process and any further information that may be requested by the parties.

(iii) By October 15, 2020, Franchisee will report to the City in writing of its plans with respect to improvements, if any, to its network in the southern section of the Franchise Area.

(iv) By December 2020, the parties agree to work together in good faith to determine and implement a process to convey the information to the City Council during Franchise Agreement renewal process.

4. Settlement of Other City Claims Against Franchisee.

(a) In settlement of the City's claims against Franchisee for Franchisee's failure to relocate its facilities in a timely manner in connection with the City's NE 192nd Street Culvert Replacement Project, Franchisee shall pay to City:

- (i) One Hundred Nine Thousand Five Hundred Four Dollars and Sixty-Seven Cents (\$109,504.67) for construction delay claim; and
- (ii) Two Thousand Dollars (\$2,000) for collection costs related to delay claim.

5. Franchisee shall pay the amounts listed in Sections 3 and 4 to address past non-compliance and for continued service totaling One Hundred Seventy-One Thousand Five Hundred Four Dollars and Sixty-Seven Cents (\$171,504.67) by wire transfer to the City within five (5) business days of the Effective Date of this Agreement. The City shall provide wire instructions to the Franchisee for such payment. The parties agree that the procedures identified in Sections 13.3 and 13.4 of the Franchise Agreement shall not apply.
6. Except as modified by this Agreement, all other terms and conditions of the Franchise Agreement shall remain the same.
7. Any breach of this Agreement shall be separately enforceable from the Franchise Agreement but shall be deemed a breach of the Franchise Agreement and shall be subject to the applicable enforcement provisions of the Franchise Agreement, in addition to any other remedies the parties may have under this Agreement at law or equity.
8. This Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Agreement. Neither any of the Companies, nor any of their affiliates, nor the City, will take any action to challenge any provision of this Agreement; nor will they participate with any other person or entity in any such challenge.
9. Neither Party, nor any of its affiliates nor the City, will take any action to challenge any provision of this Agreement as contrary to federal or state or local law or FCC regulations; nor will they participate with any other person or entity in such challenge. If any provision of this Agreement is found to be unenforceable in a final judicial or administrative proceeding, the parties shall enter into good-faith negotiations with the intent of reaching an agreement that would place the Parties substantially in the same position as if this Agreement were fully enforceable. If the negotiations do not result in agreement between the parties within sixty days from the date of the final decision referred to in the preceding sentence, then either Party may call for binding arbitration within thirty days. Such arbitration shall have the goal of placing the Parties in the same positions they would occupy if this Agreement had been fully enforceable. The Parties shall select an independent, mutually acceptable arbitrator, who shall have available the full range of appropriate remedies. The arbitrator's decision shall be final and binding on both parties. The parties will each pay their own costs to appear before the arbitrator and will share the arbitrator's costs equally.
10. This Agreement may be executed in counterparts, each of which when so executed shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto,
11. The parties agree that any costs to Franchisee associated with the fulfillment of its obligations in this Agreement, including without limitation any payments made to the City do not constitute and are not part of a franchise fee and fall within one or more of the exceptions to 47 U.S.C. § 542.

12. Franchisee agrees that this Agreement shall be binding on each and all of its permitted assignees, transferees, and/or other successors in interest. Nothing in this Agreement shall in any respect relieve the Franchisee or any of its permitted assignees, transferees, and/or other successors in interest of responsibility for past acts or omissions, known or unknown with respect to provision of cable service pursuant to the Franchise Agreement. Franchisee agrees that it shall be liable for any such acts and omissions, known and unknown, including liability for any and all previously accrued but unfulfilled obligations to the City under the Franchise Agreement and applicable law, for all purposes.
13. Notices shall be provided by the Parties hereunder in the same manner and to the same persons as provided in the Franchise Agreement.
14. The recitals set forth above are incorporated herein by reference.

AGREED TO AS OF THE EFFECTIVE DATE ABOVE-WRITTEN.

CITY OF KENMORE

By: _____

FRONTIER COMMUNICATIONS NORTHWEST INC.

By: _____

**CITY OF KENMORE
WASHINGTON**

ORDINANCE NO. 09-0300

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, RELATING TO A NON EXCLUSIVE CABLE TELEVISION FRANCHISE AGREEMENT APPROVED BY ORDINANCE 08-0284, APPROVING TRANSFER OF CONTROL OF THE FRANCHISEE (VERIZON NORTHWEST INC.) FROM VERIZON COMMUNICATIONS INC. TO FRONTIER COMMUNICATIONS CORPORATION WITH CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Kenmore, Washington has granted a cable television franchise ("Franchise") to Verizon Northwest Inc. ("Franchisee") which is an indirect wholly owned subsidiary of Verizon Communications Inc. ("Verizon"); and

WHEREAS, Verizon has entered into an agreement with Frontier Communications Corporation ("Frontier") to effectuate a transfer of control of Franchisee from Verizon to Frontier ("Transfer"); and

WHEREAS, upon completion of the Transfer, Franchisee will become an indirect wholly owned subsidiary of Frontier and, as a result, control of the Franchisee will be transferred from Verizon to Frontier; and

WHEREAS, following the Transfer, Franchisee will continue to hold and be responsible for the performance of the Franchise; and

WHEREAS, Franchisee has requested that the City consent to the Transfer and, in accordance with the requirements of the Franchise and federal law, Verizon has filed an FCC

Form 394 together with Exhibits and related materials (all hereinafter collectively the "Application") with the City; and

WHEREAS, to evaluate Franchisee's request, the City has participated in a Consortium of jurisdictions including Snohomish County, the cities of Bothell, Edmonds, Everett, Kenmore, Marysville, Mountlake Terrace, Mukilteo, Woodinville and the Town of Woodway (the "Consortium"); and

WHEREAS, the City and the Consortium examined the legal, financial and technical qualifications of Frontier in order to consider and act upon the Transfer request and considered the comments of interested parties; and

WHEREAS, the City has relied upon the Application and supplemental written information provided by Frontier and Verizon; and

WHEREAS, on November 16, 2009, the City Council held a public meeting to review the Transfer request ; and

WHEREAS, the City is willing to consent to the Transfer, subject to the closing of the Transfer between Verizon and Frontier and the appropriate approvals by the Washington State Utilities and Transportation Commission and federal regulatory entities; and

WHEREAS, Franchisee has agreed to continue to unconditionally accept the terms of the existing Franchise and to comply with any other agreements existing between the Franchisee and the City;

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

Section 1. The City hereby consents to the Transfer in accordance with the terms of applicable law, subject to and contingent upon the following conditions:

a. In all respects and without exception, Franchisee agrees to continue to abide by all terms of the existing Franchise and acknowledges that the transfer of control will not affect, diminish, impair or supersede the binding nature of the Franchise and any other valid ordinances, resolutions, and agreements applicable to the operation of the cable system in the City and Franchisee shall continue to meet its obligations under the Franchise. Franchisee agrees that subject to the Franchise, that Franchisee shall comply with all lawful and applicable provisions related to cable service of Kenmore, Washington Municipal Code, as amended, and all related applicable federal and state laws, and lawful orders, contracts, agreements, commitments, side letters, Franchise amendments and regulatory actions.

b. The City's consent to the transfer of control shall not be construed to constitute a waiver or release of any rights the City may have now or in the future under federal, state or local law, the Franchise, or any separate written agreements with the Franchisee. Franchisee shall remain responsible for any and all Franchise requirements (including but not limited to payment of Franchise fees and other amounts due under the Franchise, and indemnification of the City as provided in the Franchise) and non-compliance issues under the Franchise or any obligation that may now exist or may later be discovered to have existed during the term of the Franchise, even if prior to the closing of this Transfer.

c. The Transfer between Frontier and Verizon shall be substantially and materially consistent with the Application and the supplemental information provided by Frontier and Verizon through the request for information process undertaken by the City and the Consortium.

Section 2. In the event that the Transfer which is the subject of this ordinance does not close for any reason; or in the event approval is not granted by the Washington State

Utilities and Transportation Commission and appropriate federal regulatory entities, or in the event that the Transfer closes on terms substantially or materially different from the terms described in the Application and supplemental written information provided by Frontier and Verizon that is relied upon by the City; or Franchisee does not accept each and every condition of the transfer of control required of it as set forth in this ordinance; then the consent provided for herein shall be null and void, and the City shall be deemed to have disapproved the transfer of control under the Franchise and federal law, and all remedies under the Franchise and applicable laws shall be available to the City. In the event the Transfer does not close before January 2012, Verizon and Frontier will provide notice of that event to the City and an update on the reasons for such a delay in closing or notice of the termination of the Transfer.

Section 3. By consenting to the transfer of control, the City does not waive or release any rights of the City in and to the streets as provided by state law and the Kenmore Municipal Code, nor does the City waive or release any claim or issue of non-compliance it may have, known or unknown, now or in the future, against the Franchisee or any successor in interest to the Franchisee.

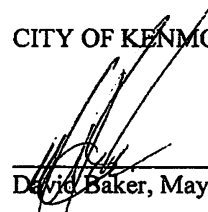
Section 4. The City shall not amend, revoke or otherwise alter this Ordinance without providing reasonable prior notice to the Franchisee.

Section 5. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. This ordinance shall take effect and be fully in force five (5) days after publication of the attached approved summary thereof consisting of the title.

ADOPTED by the Council of the City of Kenmore this 1st day
of December 1, 2009.

CITY OF KENMORE, WASHINGTON


David Baker, Mayor

ATTEST/AUTHENTICATED:


Lynn Batchelor, CITY CLERK

APPROVED AS TO FORM:


Rod P. Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

November 19, 2009
December 4, 2009
December 10, 2009
09-0300

ORDINANCE NO. 08-0284

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON APPROVING A NON EXCLUSIVE CABLE TELEVISION FRANCHISE BETWEEN THE CITY OF KENMORE, WASHINGTON AND VERIZON NORTHWEST INC.

WHEREAS, the City of Kenmore ("City") is authorized pursuant to 47 U.S.C. § 541(a)(1) to grant and renew franchises for the installation, operation and maintenance of cable television systems within the City; and

WHEREAS, Verizon Northwest Inc. ("Verizon") desires to install, operate, and maintain a cable television system within the City; and

WHEREAS, the City desires to protect and manage the Public Rights-of-Way, require high standards of customer service, receive financial compensation relating to Verizon's use of the Public Rights-of-Way as provided by federal law, obtain the ability to have educational and government channels, have complimentary service provided to schools and public buildings, establish certain reporting and record access requirements, and provide for the future cable-related needs of its residents; and

WHEREAS, the proposed franchise agreement was introduced to the City Council at its regular meeting on July 14, 2008 and discussed in the July 21, 2008 study session in accordance with law; and

WHEREAS, the City Council hereby finds that it would serve the public interest of the citizens of the City to grant a non exclusive cable television franchise to Verizon on the terms and conditions set forth in this Ordinance;

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

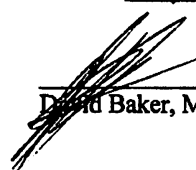
Section 1. Grant of Franchise. A non exclusive franchise for the provision of cable television services within the City of Kenmore is granted to Verizon Northwest Inc. on the terms and conditions set forth in attached **Exhibit A**, which exhibit is incorporated in full by this reference.

Section 2. Franchise Effective Date. The franchise shall be effective as of 12:01 a.m. on August 15, 2008.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date of Ordinance. This Ordinance shall take effect five (5) days after passage and publication of an approved summary hereof, consisting of the title of this Ordinance.

0 Adopted this 28th day of July, 2008, by a vote of 7 for, 0 against, and 0 abstaining.



David Baker, Mayor

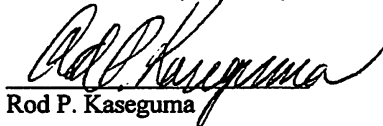
ATTEST:



Lynn Batchelor, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney



Rod P. Kaseguma

Attachment:

Exhibit A: Cable Franchise Agreement Between the City of Kenmore, Washington and Verizon Northwest Inc.

Filed with the City Clerk: July 15, 2008
Passed by the City Council: July 28, 2008
Published: July 31, 2008
Effective Date: August 6, 2008
Ordinance No.: 08-0284

CABLE FRANCHISE AGREEMENT
BETWEEN
THE CITY OF KENMORE, WASHINGTON
AND
VERIZON NORTHWEST INC.
2008

Seattle-3432019.2 0010932-00119 7/17/2008

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THIS CABLE FRANCHISE AGREEMENT (the "Franchise" or "Agreement") is entered into by and between the City of Kenmore, a duly organized City under the applicable laws of the State of Washington (the Local Franchising Authority or the "LFA") and Verizon Northwest Inc., a corporation duly organized under the applicable laws of the State of Washington (the "Franchisee").

WHEREAS, the LFA wishes to grant Franchisee a nonexclusive franchise to construct, install, maintain, extend and operate a cable communications system in the Franchise Area as designated in this Franchise;

WHEREAS, the LFA is a "franchising authority" in accordance with Title VI of the Communications Act (*see* 47 U.S.C. § 522(10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to Washington State law and federal law;

WHEREAS, Franchisee is in the process of installing a Fiber to the Premise Telecommunications Network (the "FTTP Network") in the Franchise Area for the transmission of Non-Cable Services pursuant to authority granted by the state of Washington;

WHEREAS, Franchisee intends to construct, install, maintain, and extend the FTTP Network pursuant to Title II of the Communications Act (*see* 47 U.S.C. § 201 *et seq.*), and has requested a cable franchise from the LFA to operate a Cable System over, under, and along the Public Rights-of-Way within the LFA's jurisdiction, in accordance with Title VI of the Communications Act (*see* 47 U.S.C. § 521 *et seq.*);

WHEREAS, the FTTP Network will occupy the Public Rights-of-Way within the LFA, and Franchisee desires to use portions of the FTTP Network once installed to provide Cable Services (as hereinafter defined) in the Franchise Area;

WHEREAS, the LFA has identified the future cable-related needs and interests of the LFA and its community, has considered the financial, technical and legal qualifications of Franchisee, and has determined that Franchisee's plans for its Cable System are adequate, in a full public proceeding affording due process to all parties;

WHEREAS, the LFA desires to protect and manage the Public Rights-of-Way, require high standards of customer service, receive financial compensation relating to Franchisee's use of the Public Rights-of-Way as provided by federal law, obtain educational and governmental channels, establish certain reporting and record access requirements, and provide for the future cable-related needs of its residents;

WHEREAS, the LFA has found Franchisee to be financially, technically, and legally qualified to operate the Cable System;

WHEREAS, the LFA has determined that the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, the LFA and Franchisee have reached agreement on the terms and conditions set forth herein and the parties have agreed to be bound by those terms and conditions.

NOW, THEREFORE, in consideration of the LFA's grant of a franchise to Franchisee, Franchisee's promise to provide Cable Service to residents of the Franchise Area of the LFA pursuant to and consistent with the Communications Act (as hereinafter defined), pursuant to the terms and conditions set forth herein, the promises and undertakings herein, and other good and valuable consideration, the receipt and the adequacy of which are hereby acknowledged,

THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. **DEFINITIONS**

Except as otherwise provided herein, the definitions and word usages set forth in the Communications Act (as hereinafter defined) are incorporated herein and shall apply in this Agreement. In addition, the following definitions shall apply:

1.1 *Access Channel*: A video Channel, which Franchisee shall make available to the LFA without charge for non-commercial Educational or Governmental use for the transmission of video programming as directed by the LFA.

1.1.1 *Educational Access Channel*: An Access Channel available for the use solely of the local schools (schools shall include any educational institution, public or private, but excluding home schools) in the Franchise Area.

1.1.2 *Government Access Channel*: An Access Channel available for the use solely of the LFA.

1.1.3 *EG*: Educational and Governmental.

1.2 *Additional Service Area*: Shall mean any such portion of the Service Area added pursuant to Section 3.1.3 of this Agreement.

1.3 *Affiliate*: Any Person who, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with Franchisee.

1.4 *Basic Service*: Any service tier, which includes the retransmission of local television broadcast signals as well as the EG Channels required by this Franchise.

1.5 *Cable Operator*: Shall be defined herein as it is defined under section 602 of the Communications Act, 47 U.S.C. § 522(5), but does not include direct broadcast satellite providers.

1.6 *Cable Service or Cable Services*: Shall be defined herein as it is defined under section 602 of the Communications Act, 47 U.S.C. § 522(6).

1.7 *Cable System or System*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(7), meaning, “a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of this Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with section 653 of this title; or (E) any facilities of any electric utility used solely for operating its electric utility systems.” The Cable System shall be limited to the optical spectrum wavelength(s), bandwidth or future technological capacity that is used for the transmission of Cable Services directly to Subscribers within the Franchise/Service Area and shall not include the tangible network facilities of a common carrier subject, in whole or in part, to Title II of the Communications Act or of an Information Services provider.

1.8 *Channel*: Shall be defined herein as it is defined under section 602 of the Communications Act, 47 U.S.C. § 522(4).

1.9 *Communications Act*: The Communications Act of 1934, as amended by, among other things, the Cable Communications Policy Act of 1984, the Cable Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, as it may be further amended from time to time.

1.10 *Control*: The ability to exercise de facto or de jure control over day-to-day policies and operations or the management of Franchisee’s affairs.

1.11 *FCC*: The United States Federal Communications Commission or successor governmental entity thereto.

1.12 *Fiber to the Premise Telecommunications Network (“FTTP Network”)*: The Franchisee’s network that transmits Non-Cable Services pursuant to the authority granted under the laws of the state of Washington and under Title II of the Communications Act (which Non-Cable Services are not subject to Title VI of the Communications Act), and that supports the Cable System.

1.13 *Force Majeure*: Force Majeure is an event or events reasonably beyond the ability of Franchisee to anticipate and control, such as:

(a) severe or unusual weather conditions, fire, flood, or other acts of God, strikes, labor disturbances, lockouts, war or act of war (whether an actual declaration of war is made or not), insurrection, riots or act of a public enemy;

(b) actions or inactions of any government instrumentality or public utility including condemnation, accidents for which Franchisee is not primarily responsible or work delays caused by waiting for other utility providers to service or monitor utility poles to which Franchisee’s

FTTP Network is attached, and unavailability of materials and/or qualified labor to perform the work necessary; and

(c) telephone network outages only when such outages are outside the control of Franchisee.

1.14 *Franchise Area*: The incorporated area (entire existing territorial limits) of the LFA and such additional areas as may be included in the corporate (territorial) limits of the LFA during the term of this Franchise.

1.15 *Franchisee*: Verizon Northwest Inc., and its lawful and permitted successors, assigns and transferees.

1.16 *Gross Revenue*: All revenue, as determined in accordance with generally accepted accounting principles, which is derived by Franchisee and/or its Affiliates from the operation of the Cable System to provide Cable Service in the Service Area. Gross Revenue shall include but may not be limited to the following items so long as all other Cable Operators in the Service Area include the same in Gross Revenues for purposes of calculating franchise fees:

- (a) fees charged for Basic Service;
- (b) fees charged to Subscribers for any service tier other than Basic Service;
- (c) fees charged for premium Channel(s), *e.g.* HBO, Cinemax, or Showtime;
- (d) fees charged to Subscribers for any optional, per-channel, or per-program services;
- (e) charges for installation, additional outlets, relocation, disconnection, reconnection, and change-in-service fees for video or audio programming;
- (f) fees for downgrading any level of Cable Service programming;
- (g) fees for service calls;
- (h) fees for leasing of Channels;
- (i) rental of customer equipment, including converters (e.g. set top boxes, high definition converters, and digital video recorders) and remote control devices;
- (j) advertising revenue as set forth herein;
- (k) revenue from the sale or lease of access Channel(s) or Channel capacity;
- (l) revenue from the sale or rental of Subscriber lists;
- (m) revenues or commissions received from the carriage of home shopping channels;

(n) fees for any and all music services that are deemed to be a Cable Service over a Cable System;

(o) revenue from the sale of program guides;

(p) late payment fees;

(q) forgone revenue that Franchisee chooses not to receive in exchange for trades, barbers, services, or other items of value;

(r) revenue from NSF check charges;

(s) revenue received from programmers as payment for programming content cablecast on the Cable System; and

(t) Franchise Fees hereunder.

Advertising commissions paid to independent third parties shall not be deducted from advertising revenue included in Gross Revenue. Advertising revenue is based upon the ratio of the number of Subscribers as of the last day of the period for which Gross Revenue is being calculated to the number of Franchisee's Subscribers within all areas covered by the particular advertising source as of the last day of such period, *e.g.*, Franchisee sells two ads: Ad "A" is broadcast nationwide; Ad "B" is broadcast only within Washington. Franchisee has one hundred (100) Subscribers in the Franchise Area, five hundred (500) Subscribers in Washington, and one thousand (1,000) Subscribers nationwide. Gross Revenue as to LFA from Ad "A" is ten percent (10%) of Franchisee's revenue therefrom. Gross Revenue as to the LFA from Ad "B" is twenty percent (20%) of Franchisee's revenue therefrom.

Notwithstanding the foregoing, Gross Revenue shall not include:

1.16.1 Revenues received by any Affiliate or other Person in exchange for supplying goods or services used by Franchisee to provide Cable Service over the Cable System;

1.16.2 Bad debts written off by Franchisee in the normal course of its business, provided, however, that bad debt recoveries shall be included in Gross Revenue during the period collected;

1.16.3 Refunds, rebates or discounts made to Subscribers or other third parties;

1.16.4 Any revenues classified, in whole or in part, as Non-Cable Services revenue under federal or state law including, without limitation, revenue received from Telecommunications Services; revenue received from Information Services, including, without limitation, Internet Access service, electronic mail service, electronic bulletin board service, or similar online computer services; and any other revenues attributed by Franchisee to Non-Cable Services in accordance with FCC or state public utility regulatory commission rules, regulations, standards or orders, provided that if any such services are Cable Services at any future time pursuant to applicable law, revenues derived from such services shall be included in Gross Revenues;

1.16.5 Payments by Subscribers for merchandise purchased from any home shopping channel offered as part of the Cable Services; provided, however, that commissions or other compensation paid to Franchisee by such home shopping channel for the promotion or exhibition of products or services shall be included in Gross Revenue;

1.16.6 Revenues from the sale of Cable Services on the Cable System to a reseller, when the reseller pays the cable Franchise fees on the resale of Cable Services;

1.16.7 Any tax of general applicability imposed upon Franchisee or upon Subscribers by a city, state, federal or any other governmental entity and required to be collected by Franchisee and remitted to the taxing entity (including, but not limited to, sales/use tax, gross receipts tax, excise tax, utility users tax, public service tax, communication taxes and non-cable franchise fees), provided however, as set forth in Section 1.16(t), Franchise Fees under this Agreement are included in Gross Revenues;

1.16.8 Any foregone revenue which Franchisee chooses not to receive in exchange for its provision of free or reduced cost cable or other communications services to any Person, including without limitation, employees of Franchisee and public institutions or other institutions designated in the Franchise; provided, however, that such foregone revenue which Franchisee chooses not to receive in exchange for trades, barter, services or other items of value shall be included in Gross Revenue;

1.16.9 Sales of capital assets or sales of surplus equipment;

1.16.10 Reimbursement by programmers of marketing costs incurred by Franchisee for the introduction of new programming pursuant to a written marketing agreement;

1.16.11 Directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement and electronic publishing;

1.16.12 Any fees or charges collected from Subscribers or other third parties for EG Grant.

1.17 *Information Services:* Shall be defined herein as it is defined under Title I, Section 3 of the Communications Act, 47 U.S.C. §153(20).

1.18 *Initial Service Area:* The portion of the Franchise Area as outlined in Exhibit A.

1.19 *Internet Access:* Dial-up or broadband access service that enables Subscribers to access the Internet.

1.20 *Local Franchise Authority (LFA):* The City of Kenmore or the lawful successor, transferee, or assignee thereof.

1.21 *Non-Cable Services:* Any service that does not constitute the provision of Video Programming directly to multiple Subscribers in the Franchise Area including, but not limited to, Information Services and Telecommunications Services.

1.22 *Normal Operating Conditions:* Those service conditions which are within the control of the Franchisee. Those conditions which are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages (to the extent such outages are on non-Verizon networks or caused by Force Majeure), and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or rebuild of the Cable System. *See* 47 C.F.R. § 76.309(c)(4)(ii).

1.23 *Person:* An individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

1.24 *Public Rights-of-Way:* The surface and the area across, in, over, along, upon and below the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys, and boulevards, including, public utility easements and public lands and waterways used as Public Rights-of-Way, as the same now or may thereafter exist, which are under the jurisdiction or control of the LFA. Public Rights-of-Way do not include the airwaves above a right-of-way with regard to cellular or other nonwire communications or broadcast services.

1.25 *Service Area:* All portions of the Franchise Area where Cable Service is being offered, including the Initial Service Area and any Additional Service areas.

1.26 *Service Date:* The date that the Franchisee first provides Cable Service on a commercial basis directly to multiple Subscribers in the Franchise Area. The Franchisee shall memorialize the Service Date by notifying the LFA in writing of the same, which notification shall become a part of this Franchise.

1.27 *Service Interruption:* The loss of picture or sound on one or more cable channels.

1.28 *Subscriber:* A Person who lawfully receives Cable Service over the Cable System with Franchisee's express permission.

1.29 *Telecommunications Facilities:* Franchisee's existing Telecommunications Services and Information Services facilities and its FTTP Network facilities.

1.30 *Telecommunications Services:* Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(46).

1.31 *Title II:* Title II of the Communications Act.

1.32 *Title VI:* Title VI of the Communications Act.

1.33 *Video Programming:* Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(20).

2. **GRANT OF AUTHORITY; LIMITS AND RESERVATIONS**

2.1 *Grant of Authority:* Subject to the terms and conditions of this Agreement and the Communications Act, the LFA hereby grants the Franchisee the right to own, construct, operate and maintain a Cable System along the Public Rights-of-Way within the Franchise Area, in order to provide Cable Service. No privilege or power of eminent domain is bestowed by this grant; nor is such a privilege or power bestowed by this Agreement.

2.2 *LFA's Regulatory Authority:* The parties recognize that Franchisee's FTTP Network is being constructed and will be operated and maintained as an upgrade to and/or extension of its existing Telecommunications Facilities for the provision of Non-Cable Services. The jurisdiction of the LFA over such Telecommunications Facilities is also governed by federal and state law, and the LFA shall not assert jurisdiction over Franchisee's FTTP Network in contravention of those laws. Therefore, as provided in Section 621 of the Communications Act, 47 U.S.C. § 541, the LFA's regulatory authority under Title VI of the Communications Act is not applicable to the construction, installation, maintenance, or operation of Franchisee's FTTP Network to the extent the FTTP Network is constructed, installed, maintained, or operated for the purpose of upgrading and/or extending Verizon's existing Telecommunications Facilities for the provision of Non-Cable Services. Nothing in this Agreement shall affect the LFA's authority, if any, to adopt and enforce lawful regulations with respect to Franchisee's Telecommunications Facilities in the Public Rights-of-Way.

2.3 *Term:* This Franchise shall become effective on August 15, 2008 (the "Effective Date"). The Term of this Franchise shall be twelve (12) years from the Effective Date unless the Franchise is earlier revoked as provided herein.

2.4 *Grant Not Exclusive:* The Franchise and the rights granted herein to use and occupy the Public Rights-of-Way to provide Cable Services shall not be exclusive, and LFA reserves the right to grant other franchises for similar uses or for other uses of the Public Rights-of-Way, or any portions thereof, to any Person, or to make any such use themselves, at any time during the term of this Franchise. Any such rights which are granted shall not adversely impact the authority as granted under this Franchise.

2.5 *Franchise Subject to Federal and State Law:* Notwithstanding any provision to the contrary herein, this Franchise is subject to and shall be governed by all applicable provisions of federal law and state law as they may be amended, including but not limited to the Communications Act and any applicable rules, regulations, and orders of the FCC, as amended.

2.6 No Waiver:

2.6.1 The failure of the LFA on one or more occasions to exercise a right or to require compliance or performance under this Franchise, the Communications Act or any other applicable state or federal law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the LFA nor to excuse Franchisee from complying or performing, unless such right or such compliance or performance has been specifically waived in writing.

2.6.2 The failure of Franchisee on one or more occasions to exercise a right under this Franchise or applicable law, or to require performance under this Franchise, shall not

be deemed to constitute a waiver of such right or of performance of this Agreement, nor shall it excuse the LFA from performance, unless such right or performance has been specifically waived in writing.

2.7 Construction of Agreement:

2.7.1 The provisions of this Franchise shall be liberally construed to effect their objectives.

2.7.2 Nothing herein shall be construed to limit the scope or applicability of Section 625 of the Communications Act, 47 U.S.C. § 545.

2.8 Police Powers: In executing this Franchise Agreement, the Franchisee acknowledges that its rights hereunder are subject to the lawful police powers of the LFA. Franchisee agrees to comply with all lawful and applicable general laws and ordinances enacted by the LFA pursuant to such power. Nothing in the Franchise shall be construed to prohibit the reasonable, necessary and lawful exercise of the LFA's police powers. However, if the reasonable, necessary and lawful exercise of the LFA's police power results in any material alteration of the terms and conditions of this Franchise, then the parties shall modify this Franchise to the mutual satisfaction of both parties to ameliorate the negative effects on the Franchisee of the material alteration. Any modifications shall be in writing and signed by both parties. If the parties cannot reach agreement on the above-referenced modification to the Franchise, the parties agree to submit the matter to mediation. The matter submitted to mediation shall be limited to what effect, if any, the LFA's exercise of police powers has on the terms of the Franchise. In the event mediation does not result in an agreement, then the Franchisee may terminate this Agreement without further obligation to the LFA or, at Franchisee's option, the parties agree to submit the matter to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association (but not necessarily administered by the American Arbitration Association) or as otherwise mutually agreed by the parties. The matter submitted to arbitration shall be limited to what effect, if any, the LFA's exercise of police powers has on the terms of the Franchise.

2.9 Termination of Telecommunications Services. Notwithstanding any other provision of this Agreement, if Franchisee ceases to provide Telecommunications Services over the FTTP Network at any time during the Term and is not otherwise authorized to occupy the Public Rights-of-Way in the Franchise Area, the LFA may regulate the FTTP Network as a cable system to the extent permitted by Title VI.

3. PROVISION OF CABLE SERVICE

3.1 Service Area:

3.1.1 Initial Service Area: Franchisee shall offer Cable Service to significant numbers of Subscribers in residential areas of the Initial Service Area and may make Cable Service available to businesses in the Initial Service Area, within twelve (12) months of the Service Date of this Franchise, and shall offer Cable Service to all residential areas in the Initial Service Area within thirty-six (36) months of the Service Date of the Franchise, except: (A) for periods of Force Majeure; (B) for periods of delay caused by LFA; (C) for periods of delay

resulting from Franchisee's inability to obtain authority to access rights-of-way in the Service Area; (D) in areas where developments or buildings are subject to claimed exclusive arrangements with other providers; (E) in areas, developments or buildings where Franchisee cannot access under reasonable terms and conditions after good faith negotiation, as determined by Franchisee; and (F) in developments or buildings that Franchisee is unable to provide Cable Service for technical reasons or which require non-standard facilities which are not available on a commercially reasonable basis; and (G) in areas where the occupied residential household density does not meet the density requirements set forth in Section 3.1.2.

3.1.2 *Density Requirement:* Franchisee shall make Cable Services available to residential dwelling units in all areas of the Service Area where the average density is equal to or greater than thirty (30) residential dwelling units per mile, as measured in strand footage from the nearest technically feasible point on the active FTTP Network trunk or feeder line. Should, through new construction, an area within the Initial Service Area meet the density requirements after the time stated for providing Cable Service as set forth in Sections 3.1.1 and 3.1.2 respectively, Franchisee shall provide Cable Service to such area within twelve (12) months of receiving notice from LFA that the density requirements have been met.

3.1.3 *Additional Service Areas:* Except for the Initial Service Area Franchisee shall not be required to extend its Cable System or to provide Cable Services to any other areas within the Franchise Area during the term of this Franchise or any Renewals thereof except as set forth in this Section 3.1.3. The parties agree that if any land is annexed by the LFA during the term of this Agreement, such annexed areas shall become part of the Franchise Area and Franchisee shall be required to extend Cable Service within a reasonable time to such annexed area (subject to the exceptions in Section 3.1.1 above), provided that such annexed area: (a) is contiguous to the LFA, (b) is within Franchisee's Title II service territory, and (c) is served by the video-enabled FTTP Network. If Franchisee intends to serve Additional Service Areas within the Franchise Area, Franchisee shall notify the LFA in writing of such Additional Service Area at least ten (10) days prior to providing Cable Services in such areas.

3.2 *Availability of Cable Service:* Franchisee shall make Cable Service available to all residential dwelling units and may make Cable Service available to businesses within the Service Area in conformance with Section 3.1 and Franchisee shall not discriminate between or among any individuals in the availability of Cable Service. Franchisee shall not deny access to Cable Services to any group of potential residential Subscribers because of the income of the residents of the local area in which the group resides. In the areas in which Franchisee shall provide Cable Service, Franchisee shall be required to connect, at Franchisee's expense, other than a standard installation charge, all residential dwelling units that are within one hundred fifty (150) feet of trunk or feeder lines not otherwise already served by Franchisee's FTTP Network. Franchisee shall be allowed to recover, from a Subscriber that requests such connection, actual costs incurred for residential dwelling unit connections that exceed one hundred fifty (150) feet and actual costs incurred to connect any non-residential Subscriber.

3.3 *Complimentary Cable Service to Public Buildings:* Subject to Section 3.1, Franchisee shall provide without charge within the Service Area, one service outlet (unless otherwise specified in Exhibit B) activated for Basic Service to each public school, police and fire station, public library, government offices and other offices used for municipal government

administration as may be designated by the LFA, and also required of other cable operators in the Service Area, as provided in Exhibit B; provided, however, that if it is necessary to extend Franchisee's trunk or feeder lines more than one hundred fifty (150) feet solely to provide service to any such school or public building, the LFA or other appropriate entity shall have the option either of paying Franchisee's direct costs for such extension in excess of one hundred fifty (150) feet, or of releasing Franchisee from the obligation to provide service to such building. Furthermore, Franchisee shall be permitted to recover, from any school or other public building owner entitled to free service, the direct cost of installing, when requested to do so, more than one outlet or concealed inside wiring, or a service outlet requiring more than one hundred fifty (150) feet of drop cable; provided, however, that Franchisee shall charge for the provision of Basic Service to the additional service outlets once installed. Cable Service may not be resold or otherwise used in contravention of Franchisee's rights with third parties respecting programming. Equipment provided by Franchisee, if any, shall be replaced at retail rates if lost, stolen, or damaged due to the negligence or other wrongful acts of the LFA.

4. SYSTEM OPERATION

As provided in Section 2.2, the parties recognize that Franchisee's FTTP Network is being constructed and will be operated and maintained as an upgrade to and/or extension of its existing Telecommunications Facilities. The jurisdiction of the LFA over such Telecommunications Facilities is restricted by federal and state law, and LFA does not and will not assert jurisdiction over Franchisee's FTTP Network in contravention of those limitations.

5. SYSTEM FACILITIES

5.1 *Technical Requirement:* Franchisee shall operate, maintain, construct and extend the Cable System so as to provide high quality signals and reliable delivery of Cable Services for all cable programming services. The Cable System shall meet or exceed any and all applicable technical performance standards of the FCC, the National Electrical Safety Code, the National Electrical Code and any other applicable federal law and the laws of the State of Washington to the extent not in conflict with federal law and regulations.

5.2 *System Characteristics:* Franchisee's Cable System shall meet or exceed the following requirements:

5.2.1 The System shall be designed with an initial digital carrier passband between fifty (50) and eight hundred sixty (860) MHz.

5.2.2 The System shall be designed, constructed and maintained to be an active two-way plant for subscriber interaction, if any, required for selection or use of Cable Service.

5.3 *Interconnection:* The Franchisee shall design its Cable System so that it may be interconnected with other cable systems in the Franchise Area. Interconnection of systems may be made by direct cable connection, microwave link, satellite, or other appropriate methods.

5.4 *Emergency Alert System:* Franchisee shall comply with the Emergency Alert System ("EAS") requirements of the FCC and state law in order that emergency messages may be distributed over the System in video and audio formats as required by state and federal law.

6. **EG SERVICES**

6.1 Access Channels:

6.1.1 In order to ensure availability of educational and government programming, Franchisee shall reserve, without charge to the LFA, on its Basic Service Tier for LFA's future use one (1) dedicated Channel for Educational Access and one (1) dedicated Channel for Government Access (the "Access Channels").

6.1.2 The parties agree that Franchisee shall retain the right to utilize all such Access Channels, in its sole discretion, during the term of this Franchise until such time that Franchisee activates LFA's Access Channels pursuant to Section 6.1 and/or if LFA ceases to use the Access Channels during the Term of this Agreement. The LFA shall comply with applicable law regarding the use of EG Channels. Franchisee shall only be required to provide the Access Channels so long as the other Cable Operators in the Franchise Area are also providing similar channels.

6.1.3 The LFA may activate the Access Channel during the Term by providing the Franchisee with written notice of the need for Access Channel capacity at least one hundred eighty (180) days prior to the date it intends to activate the Access Channel, demonstrated by a planned programming schedule for EG programming consisting of at least four (4) hours per day, which programming for purposes of this calculation shall not include repeat programming generated per day or character-generated programming. Such written notice shall authorize the Franchisee to transmit the Access Channel within and outside of the LFA.

6.1.4 The Franchisee specifically reserves the right to make or change channel assignments in its sole discretion and shall provide notice of such changes as set forth in the Customer Service Standards, Exhibit D, Sections 10.E and 10.G.4. The Access Channels shall be used for community programming related to Educational and/or Governmental activities. The LFA shall have complete control over the content, scheduling, and administration of the Access Channels and may delegate such functions, or a portion of such functions, to an appropriate designee upon written notice from the LFA to Franchisee. The Franchisee shall not exercise any editorial control over Access Channel programming.

6.1.5 Franchisee shall obtain the Access Channel programming via (i) a dedicated fiber connection to the LFA's Access Channel at a mutually agreeable location (the "EG Channel Origination Site"), or (ii) a mutually agreeable alternative method of obtaining the Access Channel programming. The Franchisee's obligations under Section 6.1, including its obligation to provide upstream equipment, lines and facilities necessary to transmit those video and audio signals, shall be subject to the provision by the LFA, to the extent applicable and without charge to the Franchisee, of:

(1) access to the EG Channel Origination Site facility;

(2) access to any required EG equipment within the EG Channel Origination Site facility and suitable required space, environmental conditions, electrical power supply, access, and pathways within the EG Channel Origination Site facility;

(3) video and audio signals in a mutually agreed upon format suitable for Access Channel programming;

(4) any third-party consent that may be necessary to transmit EG signals (including, without limitation, any consent that may be required with respect to third-party facilities, including the facilities of the incumbent cable provider, used to transmit EG content to the EG Channel Origination Site from auxiliary locations); and

(5) any other cooperation and access to facilities as are reasonably necessary for the Franchisee to fulfill the obligations stated herein.

To the extent suitable video and audio signals are provided to Franchisee and the foregoing conditions in Section 6.1 are met, Franchisee shall, within one hundred eighty (180) days of written notice of intent to activate, or provision of suitable video and audio signals, whichever is later, provide, install, and maintain in good working order the equipment necessary for transmitting the EG signal to Subscribers.

6.2 EG Grant:

6.2.1 If during the Term of this Franchise, all other Cable Operator(s) provide a grant to the LFA to be used in support of production of EG programming (the "EG Grant"), Franchisee agrees to match the EG Grant in the amount set forth in Section 6.2.3 below. Franchisee shall provide such EG Grant upon sixty (60) days notice by the LFA of its intent to initiate the EG Grant. If the LFA has not activated its Access Channel(s), pursuant to Section 6.1.3, within twelve (12) months after the first calendar month from the date of the first EG Grant payment, Franchisee will cease to provide such EG Grant.

6.2.2 If the Franchisee has ceased providing the EG Grant pursuant to Section 6.2.1, the EG Grant will not be reinstated until such time that (i) the Access Channel is activated pursuant to Section 6.1.3, and (ii) all other Cable Operator(s) are making the same grant payment.

6.2.3 The EG Grant shall be no greater than \$1.00, per Subscriber, per month. The amount of the EG Grant may be modified as determined by the City Council no more than once each year (up to the cap), and shall be the same amount required of all other Cable Operators in the Franchise Area. Franchisee's obligation under this Section 6.2. is contingent upon all other Cable Operators making the same grant payment on a per Subscriber, per month basis. The LFA shall give Franchisee sixty (60) days prior written notice before instituting or changing the amount of the EG Grant under this Section 6.2. The EG Grant payment, shall be delivered to the LFA concurrent with the Franchise Fee payment.

6.2.4 The EG grant shall be used by the LFA for EG access equipment, including, but not limited to, studio and portable production equipment, editing equipment and program playback equipment, or for renovation or construction of EG access facilities.

6.2.5 The LFA shall provide Franchisee with a complete accounting annually of the distribution of funds granted pursuant to Section 6.2.

6.3 LFA shall require all local producers and users of any of the EG facilities or Channels to agree in writing to authorize Franchisee to transmit programming consistent with this Agreement and to defend and hold harmless Franchisee and the LFA, from and against any and all liability or other injury, including the reasonable cost of defending claims or litigation, arising from or in connection with claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name or service mark; for breach of contractual or other obligations owed to third parties by the producer or user; and for any other injury or damage in law or equity, which result from the use of a EG facility or Channel. LFA shall establish rules and regulations for use of EG facilities, consistent with, and as required by, 47 U.S.C. § 531.

6.4 To the extent permitted by federal law, the Franchisee shall be allowed to recover the costs of an EG Grant or any other costs arising from the provision of EG services from Subscribers and to include such costs as a separately billed line item on each Subscriber's bill.

7. FRANCHISE FEES

7.1 *Payment to LFA:* Franchisee shall pay to the LFA a Franchise fee of five percent (5%) of annual Gross Revenue ("Franchise Fee"). In accordance with Title VI of the Communications Act, the twelve-month (12) period applicable under the Franchise for the computation of the Franchise Fee shall be a calendar year. Such payments shall be made no later than forty-five (45) days following the end of each calendar quarter. Franchisee shall be allowed to submit or correct any payments that were inadvertently omitted, and shall be refunded any payments that were incorrectly submitted, in connection with the quarterly Franchise Fee remittances within ninety (90) days following the close of the calendar year for which such payments were applicable.

7.2 *Supporting Information:* Each Franchise Fee payment shall be accompanied by a brief report that is verified by a financial manager of Franchisee showing the basis for the computation, substantially similar to that set forth in Exhibit D. No later than forty-five (45) days after the end of each calendar year, Franchisee shall furnish to the LFA an annual summary of Franchise Fee calculations.

7.3 *Limitation on Franchise Fee Actions:* The parties agree that the period of limitation for recovery of any Franchise Fee payable hereunder shall be four (4) years from the date on which payment by Franchisee is due.

7.4 *Interest Charge on Late Payments:* Late payments for any (i) Franchise Fees due pursuant to Section 7, (ii) EG Grant due pursuant to Section 6, (iii) Franchise Grant due pursuant to Section 14, and (iv) liquidated damages due pursuant to Section 13 shall be subject to the interest at the then-current rate set forth in RCW 19.52.020, which as of the date of execution of

this Agreement is twelve percent (12%) per annum from the due date to the date that such payment is made.

7.5 *No Release:* LFA's acceptance of payment shall not be construed as an agreement that the amount paid was correct, nor shall acceptance be construed as a release of any claim which the LFA may have for additional sums due under provisions of this Section 7.

7.6 *No Limitation on Taxing Authority:* Nothing in this Franchise shall be construed to limit any authority of the LFA to impose any tax, fee, or assessment of general applicability. Nothing in this Franchise is intended to preclude Franchisee from exercising any right it may have to challenge the lawfulness of any tax, fee, or assessment imposed by the LFA or any state or federal agency or authority, or intended to waive any rights the Franchisee may have under 47 U.S.C. § 542.

7.7 *EG Grant and Franchise Grant Not Franchise Fees:* Franchisee agrees that the EG Grant and Franchise Grant set forth in Sections 6 and 14 respectively, shall in no way modify or otherwise affect Franchisee's obligation to pay Franchise Fees to the LFA. Franchisee agrees that although the sum of Franchise Fees and the EG Grant and Franchise Grant may total more than five percent (5%) of Franchisee's Gross Revenues in any twelve-month (12) period, the additional commitments are not to be offset or otherwise credited in any way against any Franchise Fee payments under this Franchise.

7.8 *Audits:*

7.8.1 The parties shall make every effort to informally consult and resolve any questions or issues regarding Franchise Fee or EG Grant payments and nothing herein shall be construed to preclude such informal consultations or review of Franchisee's books. LFA may audit or conduct a Franchise Fee review of Franchisee's books and records no more than once every three (3) years during the Term, provided that the LFA shall require all other Cable Operators in the Franchise Area to be subject to competitively equitable audit requirements in any renewal or initial granting of such franchises after the Effective Date.

7.8.2 All records reasonably necessary for any such audit shall be made available by Franchisee to LFA within thirty (30) days of LFA's request.

7.8.3 Each party shall bear its own costs of an audit; provided, however, that if the results of any audit indicate that Franchisee underpaid the Franchise Fees by five percent (5%) or more, then Franchisee shall pay the reasonable, documented, out-of-pocket costs of the audit up to ten thousand dollars (\$10,000).

7.8.4 If the results of an audit indicate an overpayment of Franchise Fees, the parties agree that any undisputed overpayment shall be offset against future payments if applicable, within forty-five (45) days. If the results of an audit indicate an underpayment of Franchise Fees, the parties agree that any undisputed underpayment shall be paid within forty-five (45) days along with interest as set forth in Section 7.4.

7.8.5 Any audit shall be conducted by an independent third party. Any entity employed by the LFA that performs the audit or Franchise Fee review shall not be permitted to

be compensated on a success based formula, *e.g.* payment based on an underpayment of fees, if any.

7.9 *Bundled Services:* If Cable Services subject to the Franchise Fee required under this Article 7 are provided to Subscribers in conjunction with Non-Cable Services, the Franchise Fee shall be applied only to the value of the Cable Services, as reflected on the books and records of Franchisee in accordance with applicable federal or state laws, rules, and regulations, or Washington Utilities and Trade Commission regulations, standards or orders. Franchisee shall not allocate revenue between Cable Services and Non-Cable Services with the purpose of evading or substantially reducing the Franchisee's Franchise Fee obligations to the LFA.

7.10 *Alternative Fees:* In the event that Franchise Fees are prohibited by any law or regulation, Franchisee agrees to pay any substitute fee or amount allowed by law up to a maximum amount of five percent (5%) of Gross Revenues, so long as the substitute fee is imposed on all other Cable Operators in the Franchise Area and Franchisee is given thirty (30) days notice of the substitute fee by the LFA.

8. CUSTOMER SERVICE

Customer Service Requirements are set forth in Exhibit D, which shall be binding unless amended by written consent of the parties.

9. REPORTS AND RECORDS

9.1 *Open Books and Records:* Upon reasonable written notice to the Franchisee and with no less than thirty (30) business days written notice to the Franchisee, the LFA shall have the right to inspect Franchisee's books and records pertaining to Franchisee's provision of Cable Service in the Franchise Area at any time during normal business hours (those hours during which most similar businesses in the community are open to serve customers) and on a nondisruptive basis, at a mutually agreed upon location in the Franchisee's Title II territory in Washington, as are reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the section of the Franchise which is under review, so that Franchisee may organize the necessary books and records for appropriate access by the LFA. Franchisee shall not be required to maintain any books and records for Franchise compliance purposes longer than six (6) years, provided that if, as a result of reviewing Franchisee's records, LFA identifies specific records and requests that such records be retained beyond the six-year (6) period, Franchisee shall retain those records for an additional twelve (12) months. Notwithstanding anything to the contrary set forth herein, Franchisee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose any of its or an Affiliate's books and records not relating to the provision of Cable Service in the Service Area. The LFA shall treat any information disclosed by Franchisee as confidential and only disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof, unless otherwise required by law whereupon the LFA will notify Franchisee pursuant to Section 9.2. Franchisee shall not be required to provide Subscriber information in violation of section 631 of the Communications Act, 47 U.S.C. § 551.

9.2 *Public Disclosure:* If, in the course of enforcing this Franchise or for any other reason, the LFA believes it must disclose any Franchisee confidential information pursuant to Washington law, the LFA shall provide reasonable advance notice of such disclosure so that Franchisee can take appropriate steps to protect its interests.

9.3 *Records Required:* Franchisee shall at all times maintain:

9.3.1 Records of all written complaints for a period of three (3) years after receipt by Franchisee. The term “complaint” as used herein refers to complaints about any aspect of the Cable System or Franchisee’s cable operations, including, without limitation, complaints about employee courtesy. Complaints recorded will not be limited to complaints requiring an employee service call;

9.3.2 Records of outages for a period of three (3) years after occurrence, indicating date, duration, area, and the number of Subscribers affected, type of outage, and cause;

9.3.3 Records of service calls for repair and maintenance for a period of three (3) years after resolution by Franchisee, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved;

9.3.4 Records of installation/reconnection and requests for service extension for a period of three (3) years after the request was fulfilled by Franchisee, indicating the date of request, date of acknowledgment, and the date and time service was extended; and

9.3.5 A map showing the area of coverage for the provisioning of Cable Services and estimated timetable to commence providing Cable Service.

10. **INSURANCE AND INDEMNIFICATION**

10.1 *Insurance:*

10.1.1 Franchisee shall maintain in full force and effect, at its own cost and expense, during the Franchise Term, the following insurance coverage:

10.1.1.1 Commercial General Liability Insurance in the amount of two million dollars (\$2,000,000) combined single limit for property damage and bodily injury. Such insurance shall cover the construction, operation and maintenance of the Cable System and the conduct of Franchisee’s Cable Service business in the LFA.

10.1.1.2 Automobile Liability Insurance in the amount of two million dollars (\$2,000,000) combined single limit for bodily injury and property damage.

10.1.1.3 Workers’ Compensation Insurance meeting all legal requirements of the state of Washington.

10.1.1.4 Employers' Liability Insurance in the following amounts: (A) Bodily Injury by Accident: \$100,000; and (B) Bodily Injury by Disease: \$100,000 employee limit; and (C) Bodily Injury by Disease: \$2,000,000 policy limit.

10.1.1.5 Umbrella or excess liability insurance in the amount of three million dollars (\$3,000,000).

10.1.2 The LFA shall be included as an additional insured under each of the insurance policies required in this Article 10 except Worker's Compensation and Employer's Liability Insurance. Franchisee shall provide to the LFA a copy of the blanket additional insured endorsements for General and Auto liability, or similar documentation demonstrating compliance. Receipt by an LFA of any certificate showing less coverage than required is not a waiver of Franchisee's obligations to fulfill the requirements.

10.1.3 Each of the required insurance policies shall be with insurers qualified to do business in the State of Washington with an A.M. Best Financial Strength rating of A- or better.

10.1.4 Franchisee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this Agreement. In the event that the insurance company cancels the policy, Franchisee will work diligently to obtain replacement insurance so there is no gap in coverage.

10.1.5 Franchisee shall deliver to LFA Certificates of Insurance showing evidence of the required coverage.

10.1.6 The limits required above may be satisfied with a combination of primary and excess coverage.

10.2 *Indemnification:*

10.2.1 Franchisee agrees to indemnify, save and hold harmless, and defend the LFA, its elected officials, officers, agents, boards and employees, from and against any liability, damages or claims, settlements approved by Franchisee pursuant to Section 10.2.2 or judgments, arising out of, or resulting from, the Franchisee's activities pursuant to this Franchise, provided that the LFA shall give Franchisee written notice of its obligation to indemnify the LFA within ten (10) days of receipt of a claim or action pursuant to this Section, (or up to thirty (30) days as long as such notice causes no prejudice to the Franchisee). Notwithstanding the foregoing, Franchisee shall not indemnify the LFA, for any damages, liability or claims resulting from the willful misconduct, negligence, or breach of obligation of the LFA, its officers, agents, employees, attorneys, consultants, or independent contractors, for which the LFA is legally responsible, or for any activity or function conducted by any Person other than Franchisee in connection with EG Access or EAS.

10.2.2 With respect to Franchisee's indemnity obligations set forth in Section 10.2.1, Franchisee shall provide the defense of any claims or actions brought against the LFA by selecting counsel of Franchisee's choice to defend the claim, subject to the consent of the LFA, which shall not unreasonably be withheld. Nothing herein shall be deemed to prevent the LFA

from cooperating with the Franchisee and participating in the defense of any litigation by its own counsel at its own cost and expense, provided however, that after consultation with the LFA, Franchisee shall have the right to defend, settle or compromise any claim or action arising hereunder, and Franchisee shall have the authority to decide the appropriateness and the amount of any such settlement. In the event that the terms of any such proposed settlement includes the release of the LFA, and the third party is willing to accept the settlement, but the LFA does not consent to the terms of any such settlement or compromise, Franchisee shall not settle the claim or action but its obligation to indemnify the LFA shall in no event exceed the amount of such settlement.

11. TRANSFER OF FRANCHISE

11.1 Transfer of the Franchise means:

11.1.1 Any transaction in which:

11.1.1.1 an ownership or other interest in Franchisee, the Franchise or the Cable System is transferred, directly or indirectly, from one Person or group of Persons to another Person or group of Persons, so that Control of Franchisee is transferred; or

11.1.1.2 the rights held by Franchisee under the Franchise are transferred or assigned to another Person or group of Persons.

11.1.2 However, notwithstanding Sections 11.1.1.1 and 11.1.1.2 above, a Transfer of the Franchise shall not include transfer of an ownership or other interest in Franchisee to the parent of Franchisee or to another Affiliate of Franchisee; transfer of an interest in the Franchise or the rights held by the Franchisee under the Franchise to the parent of Franchisee or to another Affiliate of Franchisee; any action which is the result of a merger of the parent of the Franchisee; or any action which is the result of a merger of another Affiliate of the Franchisee.

11.2 Subject to section 617 of the Communications Act, 47 U.S.C. § 537, no Transfer of the Franchise shall occur without the prior written consent of the LFA, provided that such consent shall not be unreasonably withheld, delayed or conditioned so long as the transferee assumes the obligations of the Franchisee hereunder. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, by assignment of any rights, title, or interest of the Franchisee in the Franchise or Cable System in order to secure indebtedness, or otherwise for transactions otherwise excluded under Section 11.1.2 above.

12. RENEWAL OF FRANCHISE

12.1 The LFA and Franchisee agree that any proceedings undertaken by the LFA that relate to the renewal of this Franchise shall be governed by and comply with the provisions of section 626 of the Communications Act, 47 U.S.C. § 546.

12.2 In addition to the procedures set forth in said section 626 of the Communications Act, the LFA shall notify Franchisee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of Franchisee under

the then-current Franchise term. The LFA further agrees that such assessments shall be provided to Franchisee promptly so that Franchisee has adequate time to submit a proposal under 47 U.S.C. § 546 and pursue renewal of the Franchise prior to expiration of its term.

12.3 Notwithstanding anything to the contrary set forth herein, Franchisee and the LFA agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the LFA and Franchisee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the LFA may grant a renewal thereof.

12.4 Franchisee and the LFA consider the terms set forth in this Article 12 to be consistent with the express provisions of 47 U.S.C. § 546.

13. ENFORCEMENT AND TERMINATION OF FRANCHISE

13.1 *Security:* Within thirty (30) days following the Effective Date of this Agreement, Franchisee shall provide to LFA security for the faithful performance by Franchisee of all material provisions of this Agreement, provided that the LFA shall require all other Cable Operators in the Franchise Area to provide competitively equitable security in any renewal or initial granting of such franchises after the Effective Date. Franchisee shall maintain the Security at fifteen thousand dollars (\$15,000) throughout the term of this Agreement. The form of the security may, at Franchisee's option, be a performance bond, letter of credit, cash deposit, cashier's check or any other security acceptable to LFA (the "Security").

13.1.1 If the Franchisee posts a performance bond, it shall be substantially in the form of Exhibit E.

13.1.2 In the event the Security provided pursuant to the Agreement is not renewed, is cancelled, is terminated or is otherwise impaired, Franchisee shall provide new security pursuant to this Article within sixty (60) days of notice.

13.1.3 Neither cancellation, nor termination nor refusal by surety to extend the bond, nor inability of Franchisee to file a replacement bond or replacement security for its obligations, shall constitute a loss to the LFA recoverable under the bond.

13.2 Liquidated Damages:

13.2.1 In the event the LFA determines that Franchisee has breached this Agreement, after following the procedures in Sections 13.3 and 13.4, the LFA may assess the following as liquidated damages, provided that the LFA shall require all other Cable Operators in the Franchise Area to be subject to competitively equitable liquidated damages in any renewal or initial granting of such franchises after the Effective Date:

13.2.1.1 Two hundred fifty dollars (\$250) per day for failure to provide EG Access Channels as set forth herein;

13.2.1.2 One hundred fifty dollars (\$150) per day for material breach of the customer service standards set forth in Exhibit D;

13.2.1.3 One hundred dollars (\$100) per day for failure to provide reports as required by the Franchise; or

13.2.1.4 Up to two hundred fifty dollars (\$250) per day for any other material breaches or defaults of this Agreement.

13.2.2 Franchisee shall pay any liquidated damages assessed by LFA within thirty (30) days after they are assessed. Liquidated damages shall accrue starting on the first date of the occurrence of the noncompliance. If liquidated damages are not paid within the thirty (30) day period, LFA may proceed against the Security. Total liquidated damages shall not exceed fifteen thousand dollars (\$15,000) in any twelve-month (12) period.

13.2.3 Assessment of liquidated damages shall not constitute a waiver by LFA of any other right or remedy it may have under this Franchise or applicable law except as set forth in this Agreement, including without limitation its right to recover from Franchisee such additional damages, losses, costs and expenses, as may have been suffered or incurred by City by reason of or arising out of such breach of this Franchise. Notwithstanding the foregoing, if LFA elects to assess liquidated damages pursuant to this Section, such election shall constitute LFA's exclusive remedy for the violation for which the liquidated damages were assessed for a period of sixty (60) days. Thereafter, the remedies provided for in this Agreement are cumulative and not exclusive; the exercise of one remedy shall not prevent the exercise of another remedy, or the exercise of any rights of the LFA at law or equity, provided that the cumulative remedies may not be disproportionate to the magnitude and severity of the breach for which they are imposed.

13.2.4 Subject to Sections 13.3 and 13.4, and subject to the assessment of any liquidated damages pursuant to Section 13.2, LFA may elect to pursue other legal and equitable remedies at any time during the term of this Franchise.

13.3 *Notice of Violation:* In the event LFA believes that Franchisee has not complied with the terms of the Franchise, failed to perform any obligation under this Agreement or has failed to perform in a timely manner, LFA shall informally discuss the matter with Franchisee. If these discussions do not lead to resolution of the problem within twenty (20) days, LFA shall notify Franchisee in writing, stating with reasonable specificity the nature of the alleged violation (the "Noncompliance Notice").

13.4 *Franchisee's Right to Cure or Respond:* Franchisee shall have thirty (30) days from receipt of the Noncompliance Notice to: (i) respond to the LFA, if Franchisee contests (in whole or in part) the assertion of noncompliance; (ii) cure such noncompliance; or (iii) in the event that, by its nature, such noncompliance cannot be cured within such thirty (30) day period, initiate reasonable steps to remedy such noncompliance and notify the LFA of the steps being taken and the date by which cure is projected to be completed. Upon cure of any noncompliance, LFA shall provide written confirmation that such cure has been effected.

13.5 *Remedies:* Subject to applicable federal and state law, in the event the LFA, after the procedures set forth in Sections 13.3 and 13.4, determines that Franchisee is in default of any material provision of this Franchise, the LFA may take the following actions:

13.5.1 Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages;

13.5.2 Seek liquidated damages as set forth herein;

13.5.3 Commence an action at law for monetary damages or seek other equitable relief;

13.5.4 In the case of a substantial material default of the Franchise, seek to revoke the Franchise in accordance with Section 13.6.

13.6 *Revocation:*

13.6.1 As set forth in this Section 13.6, the LFA may seek to revoke this Franchise in the event of a substantial material default of this Franchise. Should the LFA seek to revoke this Franchise after following the procedures set forth in Sections 13.3 and 13.4, the LFA shall give written notice to Franchisee of such intent to revoke this Franchise. This notice of intent to revoke is in addition to the Notice of Noncompliance pursuant to Section 13.3. The notice shall set forth with reasonable specificity the reasons for revocation. The Franchisee shall have thirty (30) days to object in writing and to state its reasons for such objection. In the event the LFA has not received a satisfactory response from Franchisee, it may then seek termination of the Franchise at a public hearing. The LFA shall notify the Franchisee in writing of the time and place of the public hearing at least thirty (30) days prior to the public hearing.

13.6.2 At the revocation hearing, Franchisee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to compel the testimony of persons as permitted by law, and to question and/or cross examine witnesses. The revocation hearing shall be a public hearing at which members of the public may testify under oath. A complete verbatim record shall be made of the revocation hearing by a court reporter. The costs of such court reporter shall be shared equally by the parties.

13.6.3 Following the public hearing, Franchisee may submit its proposed written findings and conclusions within twenty (20) days of the close of the public hearing. Thereafter, the LFA shall determine: (i) whether an event of default has occurred; (ii) whether such event of default should be excused; and (iii) whether such event of default has been cured or will be cured by the Franchisee; and (iv) whether to revoke the Franchise based on the information presented, or, where applicable, grant additional time to the Franchisee to effect any cure. If the LFA determines that the Franchise shall be revoked, the LFA shall promptly provide Franchisee with a written decision setting forth its reasoning. Franchisee may appeal such determination of the LFA to an appropriate court within thirty (30) days of notice of the LFA's decision.

13.6.4 The LFA may, at its sole discretion, take any lawful action which it deems appropriate to enforce the LFA's rights under the Franchise in lieu of revocation of the Franchise.

13.7 *Franchisee Termination:* Franchisee shall have the right to terminate this Franchise and all obligations hereunder within ninety (90) days after the third anniversary of the

Service Date of this Franchise, if at the end of such three (3) year period Franchisee does not then in good faith believe it has achieved a commercially reasonable level of Subscriber penetration on its Cable System. Franchisee may consider subscriber penetration levels outside the Franchise Area but within the Puget Sound metropolitan area in this determination. Notice to terminate under this Section 13.7 shall be given to the LFA in writing, with such termination to take effect no sooner than one hundred and twenty (120) days after giving such notice. Franchisee shall also be required to give its then current Subscribers not less than ninety (90) days prior written notice of its intent to cease Cable Service operations.

13.8 The LFA specifically does not by any provision of this Franchise, waive any immunity or limitation of liability under state or federal law, including but not limited to, section 635 A of the Communications Act.

14. **MISCELLANEOUS PROVISIONS**

14.1 *Franchise Grant:* Franchisee shall pay LFA seven thousand one hundred fifty two dollars and ninety-eight cents (\$7,152.98) (the "Franchise Grant"). The Franchise Grant shall be payable ninety (90) days from the Effective Date, which may be used for any lawful purpose. The LFA agrees to require competitively similar obligations from other Cable Operators upon the future grant or renewal of a franchise agreement for the provision of Cable Service. To the extent permitted by federal law, Franchisee shall be allowed to recover this amount from Subscribers and may line-item or otherwise pass-through this amount to Subscribers. The reference to the line item shall accurately

14.2 *Equal Employment Opportunity:* Franchisee shall comply with all applicable federal and state laws affording nondiscrimination in employment to all individuals regardless of their race, color, religion, age, sex, national origin, sexual orientation or physical disability.

14.3 *Actions of Parties:* In any action by the LFA or Franchisee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld, delayed or conditioned.

14.4 *Binding Acceptance:* This Agreement shall bind and benefit the parties hereto and their respective successors and assigns, and the promises and obligations herein shall survive the expiration date hereof.

14.5 *Preemption:* In the event that federal or state law, rules, or regulations preempt a provision or limit the enforceability of a provision of this Agreement, the provision shall be read to be preempted to the extent, and for the time, but only to the extent and for the time, required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the LFA or Franchisee.

14.6 *Force Majeure:* Franchisee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or liquidated

damages relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by a Force Majeure.

14.7 Good Faith Error: Furthermore, the parties hereby agree that it is not the LFA's intention to subject Franchisee to liquidated damages, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on Subscribers.

14.8 Notices: Unless otherwise expressly stated herein, notices required under the Franchise shall be deemed effective three (3) days after having been deposited by first class, postage prepaid, registered or certified mail, return receipt requested or one (1) day after having been deposited with any nationally recognized overnight courier for next day delivery, and addressed to the addressees below. Each party may change its designee by providing written notice to the other party.

14.8.1 Notices to Franchisee shall be mailed to:

Verizon Northwest Inc.
Attn: Tim McCallion, President
112 Lakeview Canyon Road, CA501GA
Thousand Oaks, CA 91362

with a copy to:

Mr. Jack H. White
Senior Vice President & General Counsel - Verizon Telecom
One Verizon Way
Room VC43E010
Basking Ridge, NJ 07920-1097

Notices to the LFA shall be mailed to:

City Manager
City of Kenmore
6700 NE 181st St
PO Box 82607
Kenmore WA 98028

14.9 Entire Agreement: This Franchise and the Exhibits hereto constitute the entire agreement between Franchisee and the LFA, and supersede all prior or contemporaneous agreements, representations or understandings (whether written or oral) of the parties regarding the subject matter hereof. Any ordinances or parts of ordinances that conflict with the provisions of this Agreement are superseded by this Agreement.

14.10 Amendments: Amendments to this Franchise shall be mutually agreed to in writing by the parties. No amendment will take effect if it will impair the security set forth in Section 13, unless otherwise agreed by the parties.

14.11 *Captions*: The captions and headings of articles and sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

14.12 *Severability*: If any section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

14.13 *Recitals*: The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein.

14.14 *FTTP Network Transfer Prohibition*: Under no circumstance including, without limitation, upon expiration, revocation, termination, denial of renewal of the Franchise or any other action to forbid or disallow Franchisee from providing Cable Services, shall Franchisee or its assignees be required to sell any right, title, interest, use or control of any portion of Franchisee's FTTP Network including, without limitation, the Cable System and any capacity used for Cable Service or otherwise, to the LFA or any third party. Franchisee shall not be required to remove the FTTP Network or to relocate the FTTP Network or any portion thereof as a result of revocation, expiration, termination, denial of renewal or any other action to forbid or disallow Franchisee from providing Cable Services.

14.15 *No Joint Venture*: Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to nor shall either party act toward third persons or the public in any manner that would indicate any such relationship with the other.

14.16 *Independent Review*: LFA and Franchisee each acknowledge that they have received independent legal advice in entering into this Agreement. In the event that a dispute arises over the meaning or application of any term(s) of this Agreement, such term(s) shall not be construed by the reference to any doctrine calling for ambiguities to be construed against the drafter of the Agreement.

14.17 *Venue*: The venue for any dispute related to this Franchise shall be in the United States District Court for the Western District of Washington in Seattle, provided it has subject matter jurisdiction; if no jurisdiction exists, then venue shall be in the Superior Court for King County.

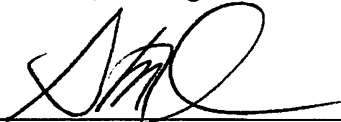
14.18 *Attorneys' Fees*: If any action or suit arises between Franchisee and LFA for breach of this Franchise, the prevailing party, either the LFA or Franchisee, as the case may be, shall be entitled to recover all of its reasonable attorneys' fees, costs and expenses in connection therewith along with such other relief as the court deems proper.

14.19 *Singular and Plural*: Except where the context indicates otherwise, words used herein, regardless of the number specifically used, shall be deemed and construed to include any other number, singular or plural as is reasonable in the context.

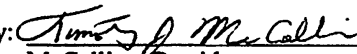
SIGNATURE PAGE FOLLOWS

AGREED TO THIS 28th DAY OF July, 2008.

City of Kenmore, Washington

By: 
Stephen Anderson, City Manager

Verizon Northwest Inc.

By: 
Tim McCallion, President

FORM APPROVED
Attorney 
Date 8/10/08

EXHIBITS

Exhibit A: Initial Service Area

Exhibit B: Municipal Buildings and Schools to be Provided Free Cable Service

Exhibit C: Remittance Form

Exhibit D: Customer Service Standards

Exhibit E: Performance Bond

EXHIBIT A
INITIAL SERVICE AREA

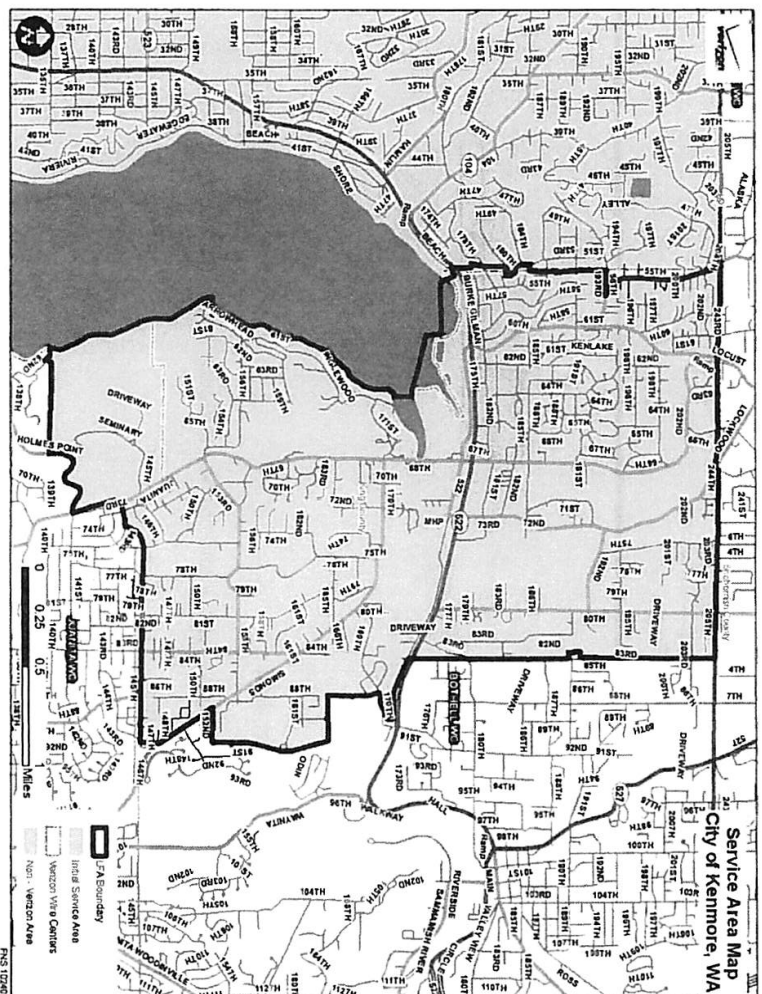


EXHIBIT B

MUNICIPAL BUILDINGS AND SCHOOLS TO BE PROVIDED FREE CABLE SERVICE

Existing Buildings:

Rhododendron Park Community Facility: Simonds Road and Juanita Drive

Northshore Utility District: 6830 NE 185th St.

King County Police Precinct: 18118 73rd Ave NE.

St. Edward State Park: Juanita Drive and NE 147th Street

Inglemoor High School: 15500 Simonds Road NE

Kenmore Junior High School: 20323 66th Ave NE

Kenmore Elementary School: 19121 71st Ave NE

Arrowhead Elementary School: 6725 NE Arrowhead

Moorlands Elementary School: 15115 84th Ave NE

Bastyr University: 14500 Juanita Drive NE

Northshore Fire Station #54: 15036 70th NE

Future Buildings:

Kenmore City Hall: to be constructed at 18120 68th Street NE (construction scheduled for completion Nov. 2009). For this location, Franchisee will provide up to three (3) outlets, at no additional charge to the LFA. Additional outlets beyond these three (3) outlets will be subject charge pursuant to Section 3.3.

Northshore Fire District HQ (estimated completion mid 2010): 18133 73rd Ave NE.

King County Library (new location): 6600 Block of NE 181st (estimated completion scheduled for early 2010)

EXHIBIT C
REMITTANCE FORM

Franchise Fee Schedule/Report (Quarter and Year)

City of Kenmore

Verizon - fGTE

Washington

Franchise Fee Rate: 5.00%

	Month 1	Month 2	Month 3	Quarter Total
Monthly Recurring Cable Service Charges (e.g. Basic, Enhanced Basic, Premium and Equipment Rental)	\$0.00	\$0.00	\$0.00	\$0.00
Usage Based Charges (e.g. PayPer View, Installation)	\$0.00	\$0.00	\$0.00	\$0.00
Advertising	\$0.00	\$0.00	\$0.00	\$0.00
Home Shopping	\$0.00	\$0.00	\$0.00	\$0.00
Late Payment	\$0.00	\$0.00	\$0.00	\$0.00
Other Misc. (Leased Access & Other Misc.)	\$0.00	\$0.00	\$0.00	\$0.00
Franchise Fee Billed	\$0.00	\$0.00	\$0.00	\$0.00
PEG Fee Billed	\$0.00	\$0.00	\$0.00	\$0.00
Less:				
Bad Debt				
Total Receipts Subject to Franchise Fee Calculation	\$0.00	\$0.00	\$0.00	\$0.00
Franchise Fee Due	\$0.00	\$0.00	\$0.00	\$0.00

Verizon Northwest Inc. is hereby requesting that this information be treated as confidential and proprietary commercial trade secret information and financial statements and not disclosed in accordance with section XXXX and the Cable Television Franchise Agreement granted to Verizon Northwest Inc. This information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided herein, would cause substantial harm to competitive position of Verizon in the highly competitive video marketplace if disclosed, is intended to be proprietary confidential business information and is treated by Verizon as such.

EXHIBIT D

CUSTOMER SERVICE STANDARDS

These standards shall, starting six (6) months after the Service Date, apply to Franchisee to the extent it is providing Cable Services over the Cable System in the Franchise area. For the first six (6) months after the Service Date, Franchisee shall use best efforts to comply with the Customer Service Standards provided herein; it being agreed, however, that LFA will not impose liquidated damages during this first six (6) month period if Franchisee using best efforts fails to meet the Customer Service Standards.

SECTION 1: DEFINITIONS

A. **Normal Operating Conditions:** Those service conditions which are within the control of Franchisee, as defined under 47 C.F.R. § 76.309(c)(4)(ii). Those conditions which are not within the control of Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages that are not within the control of the Franchisee, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or rebuild of the Cable System.

B. **Respond:** The start of Franchisee's investigation of a Service Interruption by receiving a Subscriber call, and opening a trouble ticket, and begin working, if required.

C. **Service Call:** The action taken by Franchisee to correct a Service Interruption the effect of which is limited to an individual Subscriber.

D. **Service Interruption:** The loss of picture or sound on one or more cable channels.

E. **Significant Outage:** A significant outage of the Cable Service shall mean any Service Interruption lasting at least four (4) continuous hours that affects at least ten percent (10%) of the Subscribers in the Service Area.

F. **Standard Installation:** Installations where the Subscriber is within one hundred fifty (150) feet of trunk or feeder lines.

SECTION 2: TELEPHONE AVAILABILITY

A. Franchisee shall maintain a toll-free number to receive all calls and inquiries from Subscribers in the Franchise Area and/or residents regarding Cable Service. Franchisee representatives trained and qualified to answer questions related to Cable Service in the Service Area must be available to receive reports of Service Interruptions twenty-four (24) hours a day, seven (7) days a week, all other inquiries at least forty-five (45) hours per week. Franchisee representatives shall identify themselves by name when answering this number.

B. Franchisee's telephone numbers shall be listed, with appropriate description (e.g. administration, customer service, billing, repair, etc.), in the directory published by the local telephone company or companies serving the Service Area, beginning with the next publication cycle after acceptance of this Franchise by Franchisee.

C. Franchisee may use an Automated Response Unit ("ARU") or a Voice Response Unit ("VRU") to distribute calls. If a foreign language routing option is provided, and the Subscriber does not enter an option, the menu will default to the first tier menu of English options.

After the first tier menu (not including a foreign language rollout) has run through three times, if customers do not select any option, the ARU or VRU will forward the call to a queue for a live representative. Franchisee may reasonably substitute this requirement with another method of handling calls from customers who do not have touch-tone telephones.

D. Under Normal Operating Conditions, calls received by the Franchisee shall be answered within thirty (30) seconds. The Franchisee shall meet this standard for ninety percent (90%) of the calls it receives at call centers receiving calls from Subscribers, as measured on a cumulative quarterly calendar basis. Measurement of this standard shall include all calls received by the Franchisee at all call centers receiving calls from Subscribers, whether they are answered by a live representative, by an automated attendant, or abandoned after thirty (30) seconds of call waiting. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds.

E. Under Normal Operating Conditions, callers to the Franchisee shall receive a busy signal no more than three (3%) percent of the time during any calendar quarter.

F. Upon request from the LFA, but in no event more than once a quarter, forty-five (45) days following the end of each quarter, the Franchisee shall report to the LFA the following for all call centers receiving calls from Subscribers except for temporary telephone numbers set up for national promotions:

(1) Percentage of calls answered within thirty (30) seconds as set forth in Section 2.D; and

(2) Percentage of time customers received a busy signal when calling the Franchisee's service center as set forth in Section 2.E.

Subject to consumer privacy requirements, underlying activity will be made available to the LFA for review upon reasonable request.

G. At the Franchisee's option, the measurements and reporting above may be changed from calendar quarters to billing or accounting quarters one time during the term of this Agreement. Franchisee shall notify LFA of such a change not less than thirty (30) days in advance.

SECTION 3: INSTALLATIONS AND SERVICE APPOINTMENTS

A. All installations will be in accordance with FCC rules, including but not limited to, appropriate grounding, connection of equipment to ensure reception of Cable Service, and the provision of required consumer information and literature to adequately inform the Subscriber in the utilization of Franchisee-supplied equipment and Cable Service.

B. The Standard Installation shall be performed within seven (7) business days after an order is placed if the Optical Network Terminal ("ONT") is already installed on the customer's premises. The Standard Installation shall be performed within fourteen (14) business days where there is no ONT at the time of service order. Franchisee shall meet this standard for ninety-five percent (95%) of the Standard Installations it performs, as measured on a calendar quarter basis, excluding those requested by the customer outside of these time periods.

C. The Franchisee shall provide the LFA with a report upon request from the LFA, but in no event more than once a quarter, noting the percentage of Standard Installations completed within the time periods provided in Section 3.B. Subject to consumer privacy requirements, underlying activity will be made available to the LFA for review upon reasonable request.

D. At Franchisee's option, the measurements and reporting above may be changed from calendar quarters to billing or accounting quarters one time during the term of this Agreement. Franchisee shall notify LFA of such a change not less than thirty (30) days in advance.

E. Franchisee will offer Subscribers "appointment window" alternatives for arrival to perform installations, Service Calls and other activities of a maximum four (4) hours scheduled time block during appropriate daylight available hours, usually beginning at 8:00 AM unless it is deemed appropriate to begin earlier by location exception. At Franchisee's discretion, Franchisee may offer Subscribers appointment arrival times other than these four (4) hour time blocks, if agreeable to the Subscriber. These hour restrictions do not apply to weekends.

(1) Franchisee may not cancel an appointment window with a customer after the close of business on the business day prior to the scheduled appointment.

(2) If Franchisee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

F. Franchisee must provide for the pick up or drop off of equipment free of charge in one of the following manners: (i) by having a Franchisee representative going to the Subscriber's residence, (ii) by using a mailer, or (iii) by establishing a local business office within the Franchise Area. If requested by a mobility-limited customer, the Franchisee shall arrange for pickup and/or replacement of converters or other Franchisee equipment at Subscriber's address or by a satisfactory equivalent.

SECTION 4: SERVICE INTERRUPTIONS AND OUTAGES

A. Franchisee shall promptly notify LFA of any Significant Outage of the Cable Service.

B. Franchisee shall exercise commercially reasonable efforts to limit any Significant Outage for the purpose of maintaining, repairing, or constructing the Cable System. Except in an emergency or other situation necessitating a more expedited or alternative notification procedure, Franchisee may schedule a Significant Outage for a period of more than four (4) hours during any twenty-four (24) hour period only after LFA and each affected Subscriber in the Service Area have been given fifteen (15) days prior notice of the proposed Significant Outage. Notwithstanding the foregoing, Franchisee may perform modifications, repairs and upgrades to the System between 12:01 a.m. and 6 a.m. which may interrupt service, and this Section's notice obligations respecting such possible interruptions will be satisfied by notice provided to Subscribers upon installation and in the annual Subscriber notice.

C. Franchisee representatives who are capable of responding to Service Interruptions must be available to Respond twenty-four (24) hours a day, seven (7) days a week.

D. Under Normal Operating Conditions, Franchisee must Respond to a call from a Subscriber regarding a Service Interruption or other service problems within the following time frames:

(1) Within twenty-four (24) hours, including weekends, of receiving Subscriber calls about Service Interruptions in the Service Area.

(2) Franchisee must begin actions to correct all other Cable Service problems the next business day after notification by the Subscriber or LFA of a Cable Service problem.

E. Under Normal Operating Conditions, Franchisee shall complete Service Calls within seventy-two (72) hours of the time Franchisee commences to Respond to the Service Interruption, not including weekends and situations where the Subscriber is not reasonably available for a Service Call to correct the Service Interruption within the seventy-two (72) hour period.

F. Franchisee shall meet the standard in Section E of this Section for ninety percent (90%) of the Service Calls it completes, as measured on a quarterly basis.

G. Franchisee shall provide LFA with a report upon request from the LFA, but in no event more than once a quarter, forty-five (45) days following the end of each calendar quarter, noting the percentage of Service Calls completed within the seventy-two (72) hour period not including Service Calls where the Subscriber was reasonably unavailable for a Service Call within the seventy-two (72) hour period as set forth in this Section. Subject to consumer privacy requirements, underlying activity will be made available to LFA for review upon reasonable request. At the Franchisee's option, the above measurements and reporting may be changed

from calendar quarters to billing or accounting quarters one time during the term of this Agreement. Franchisee shall notify the LFA of such a change at least thirty (30) days in advance of any implementation.

H. Under Normal Operating Conditions, Franchisee shall provide a credit upon Subscriber request when all Channels received by that Subscriber are out of service for a period of four (4) consecutive hours or more. The credit shall equal, at a minimum, a proportionate amount of the affected Subscriber(s) current monthly bill. In order to qualify for the credit, the Subscriber must promptly report the problem and allow Franchisee to verify the problem if requested by Franchisee. If Subscriber availability is required for repair, a credit will not be provided for such time, if any, that the Subscriber is not reasonably available.

I. Under Normal Operating Conditions, if a Significant Outage affects all Video Programming Cable Services for more than twenty-four (24) consecutive hours, Franchisee shall issue an automatic credit to the affected Subscribers in the amount equal to their monthly recurring charges for the proportionate time the Cable Service was out, or a credit to the affected Subscribers in the amount equal to the charge for the basic plus enhanced basic level of service for the proportionate time the Cable Service was out, whichever is technically feasible or, if both are technically feasible, as determined by Franchisee provided such determination is non-discriminatory. Such credit shall be reflected on Subscriber billing statements within the next available billing cycle following the outage.

J. With respect to service issues concerning Cable Services provided to LFA facilities, Franchisee shall Respond to all inquiries from LFA within four (4) hours and shall commence necessary repairs within twenty-four (24) hours under Normal Operating Conditions and shall diligently pursue to completion. If such repairs cannot be completed within twenty-four (24) hours, Franchisee shall notify LFA in writing as to the reason(s) for the delay and provide an estimated time of repair.

SECTION 5: CUSTOMER COMPLAINTS REFERRED BY LFA

Under Normal Operating Conditions, Franchisee shall begin investigating Subscriber complaints referred by LFA within seventy-two (72) hours. Franchisee shall notify the LFA of those matters that necessitate an excess of five (5) business days to resolve, but Franchisee must make all necessary efforts to resolve those complaints within ten (10) business days of the initial complaint. LFA may require Franchisee to provide reasonable documentation to substantiate the request for additional time to resolve the problem. Franchisee shall inform LFA in writing, which may be by an electronic mail message, of how and when referred complaints have been resolved within a reasonable time after resolution. For purposes of this Section, "resolve" means that Franchisee shall perform those actions, which, in the normal course of business, are necessary to (a) investigate the Customer's complaint; (b) advise the Customer of the results of that investigation; and (c) implement and complete steps to bring resolution to the matter in question.

SECTION 6: BILLING

A. Subscriber bills must be itemized to describe Cable Services purchased by Subscribers and related equipment charges. Bills will comply with applicable federal and state laws, and shall clearly delineate activity during the billing period, including optional charges, rebates, credits, and aggregate late charges. Franchisee shall, without limitation as to additional line items, be allowed to itemize as separate line items, Franchise fees, taxes and/or other governmental-imposed fees. Franchisee shall maintain records of the date and place of mailing of bills.

B. Every Subscriber with a current account balance sending payment directly to Franchisee shall be given at least twenty (20) days from the date statements are mailed to the Subscriber until the payment due date.

C. A specific due date shall be listed on the bill of every Subscriber whose account is current. Delinquent accounts may receive a bill which lists the due date as upon receipt; however, the current portion of that bill shall not be considered past due except in accordance with Section 6.B. above.

D. Any Subscriber who, in good faith, disputes all or part of any bill shall have the option of withholding the disputed amount without disconnect or late fee being assessed until the dispute is resolved, provided that:

- (1) The Subscriber pays all undisputed charges;
- (2) The Subscriber provides notification of the dispute to Franchisee within five (5) days prior to the due date; and
- (3) The Subscriber cooperates in determining the accuracy and/or appropriateness of the charges in dispute.
- (4) It shall be within Franchisee's sole discretion to determine when the dispute has been resolved.

E. Under Normal Operating Conditions, Franchisee shall initiate investigation and resolution of all billing complaints received from Subscribers within five (5) business days of receipt of the complaint. Final resolution shall not be unreasonably delayed.

F. Franchisee shall provide a telephone number and address clearly and prominently on the bill for Subscribers to contact Franchisee.

G. Franchisee shall forward a copy of any rate-related or customer service-related billing inserts or other mailings related to Cable Service, but not promotional materials, sent to Subscribers, to LFA.

H. Franchisee shall provide all Subscribers with the option of paying for Cable Service by check or an automatic payment option where the amount of the bill is automatically deducted from a checking account designated by the Subscriber. Franchisee may in the future, at

its discretion, permit payment by using a major credit card on a preauthorized basis. Based on credit history, at the option of Franchisee, the payment alternative may be limited.

I. LFA requests that Franchisee omit LFA name, address and telephone number from Franchisee's bills as permitted by 47 C.F.R. § 76.952.

SECTION 7: DEPOSITS, REFUNDS AND CREDITS

A. Franchisee may require refundable deposits from Subscribers 1) with a poor credit or poor payment history, 2) who refuse to provide credit history information to Franchisee, or 3) who rent Subscriber equipment from Franchisee, so long as such deposits are applied on a non-discriminatory basis. The deposit Franchisee may charge Subscribers with poor credit or poor payment history or who refuse to provide credit information may not exceed an amount equal to an average Subscriber's monthly charge multiplied by six (6). The maximum deposit Franchisee may charge for Subscriber equipment is the cost of the equipment which Franchisee would need to purchase to replace the equipment rented to the Subscriber.

B. Franchisee shall refund or credit the Subscriber for the amount of the deposit collected for equipment, which is unrelated to poor credit or poor payment history, after one year and provided the Subscriber has demonstrated good payment history during this period. Franchisee shall pay interest on deposits if required by law.

C. Under Normal Operating Conditions, refund checks will be issued within the next available billing cycle following the resolution of the event giving rise to the refund, (e.g. equipment return and final bill payment).

D. Credits for Cable Service will be issued no later than the Subscriber's next available billing cycle, following the determination that a credit is warranted, and the credit is approved and processed. Such approval and processing shall not be unreasonably delayed.

E. Bills shall be considered paid when appropriate payment is received by Franchisee or its authorized agent. Appropriate time considerations shall be included in Franchisee's collection procedures to assure that payments due have been received before late notices or termination notices are sent.

SECTION 8: RATES, FEES AND CHARGES

A. Franchisee shall not, except to the extent expressly permitted by law, impose any fee or charge for Service Calls to a Subscriber's premises to perform any repair or maintenance work related to Franchisee equipment necessary to receive Cable Service, except where such problem is caused by a negligent or wrongful act of the Subscriber (including, but not limited to a situation in which the Subscriber reconnects Franchisee equipment incorrectly) or by the failure of the Subscriber to take reasonable precautions to protect Franchisee's equipment (for example, a dog chew).

B. Franchisee shall provide reasonable notice to Subscribers of the possible assessment of a late fee on bills or by separate notice.

C. All of Franchisee's rates and charges shall comply with applicable federal and state law. Franchisee shall maintain a complete current schedule of rates and charges for Cable Services on file with the LFA throughout the term of this Franchise.

SECTION 9: DISCONNECTION /DENIAL OF SERVICE

A. Franchisee shall not terminate Cable Service for nonpayment of a delinquent account unless Franchisee mails a notice of the delinquency and impending termination prior to the proposed final termination. The notice shall be mailed to the Subscriber to whom the Cable Service is billed. The notice of delinquency and impending termination may be part of a billing statement.

B. Cable Service terminated in error must be restored without charge within twenty-four (24) hours of notice. If a Subscriber was billed for the period during which Cable Service was terminated in error, a credit shall be issued to the Subscriber if the Service Interruption was reported by the Subscriber.

C. Nothing in these standards shall limit the right of Franchisee to deny Cable Service for non-payment of previously provided Cable Services, refusal to pay any required deposit, theft of Cable Service, damage to Franchisee's equipment, abusive and/or threatening behavior toward Franchisee's employees or representatives, or refusal to provide credit history information or refusal to allow Franchisee to validate the identity, credit history and credit worthiness via an external credit agency.

D. Charges for cable service will be discontinued at the time of the requested termination of service by the Subscriber, except equipment charges may be applied until equipment has been returned. No period of notice prior to requested termination of service can be required of Subscribers by Franchisee. No charge shall be imposed upon the Subscriber for or related to total disconnection of Cable Service or for any Cable Service delivered after the effective date of the disconnect request, unless there is a delay in returning Franchisee equipment or early termination charges apply pursuant to the Subscriber's service contract. If the Subscriber fails to specify an effective date for disconnection, the Subscriber shall not be responsible for Cable Services received after the day following the date the disconnect request is received by Franchisee. For purposes of this Section, the term "disconnect" shall include Subscribers who elect to cease receiving Cable Service from Franchisee.

SECTION 10: COMMUNICATIONS WITH SUBSCRIBERS

A. Each employee of the Franchisee who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her employment with the Franchisee. The photograph on the identification card shall prominently show the employee's name and/or identification number. Such employee shall prominently display such identification card and shall show it to all such members of the public.

Each employee of any contractor or subcontractor of the Franchisee who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her name, the name of such contractor or subcontractor and the name of the Franchisee.

B. All contact with a Subscriber or potential Subscriber by a Person representing Franchisee shall be conducted in a courteous manner.

C. Franchisee shall send annual notices to all Subscribers informing them that any complaints or inquiries not satisfactorily handled by Franchisee may be referred to LFA. A copy of the annual notice required under this Section 10.C will be given to LFA at least fifteen (15) days prior to distribution to Subscribers.

D. All notices identified in this Section shall be by either:

(1) A separate document included with a billing statement or included on the portion of the monthly bill that is to be retained by the Subscriber; or

(2) A separate electronic notification.

E. Franchisee shall provide reasonable notice to Subscribers and LFA of any pricing changes or additional changes (excluding sales discounts, new products or offers) and, subject to the forgoing, any changes in Cable Services, including channel line-ups. Such notice must be given to Subscribers a minimum of thirty (30) days in advance of such changes if within the control of Franchisee. Franchisee shall provide a copy of the notice to LFA including how and where the notice was given to Subscribers.

F. Upon request by any Subscriber, Franchisee shall make available a parental control or lockout device to enable a Subscriber to control access to both the audio and video portions of any or all Channels. Franchisee shall inform its Subscribers of the availability of the lockout device at the time of their initial subscription and periodically thereafter.

G. Franchisee shall provide information to all Subscribers about each of the following items at the time of installation of Cable Services, annually to all Subscribers, at any time upon request, and, subject to Section 10.E., at least thirty (30) days prior to making significant changes in the information required by this Section if within the control of Franchisee:

(1) Products and Cable Service offered;

(2) Prices and options for Cable Services and condition of subscription to Cable Services. Prices shall include those for Cable Service options, equipment rentals, program guides, installation, downgrades, late fees and other fees charged by Franchisee related to Cable Service;

(3) Installation and maintenance policies including, when applicable, information regarding the Subscriber's in-home wiring rights during the period Cable Service is being provided;

(4) Channel positions of Cable Services offered on the Cable System;

(5) Complaint procedures, including the name, address, and telephone number of LFA, but with a notice advising the Subscriber to initially contact Franchisee about all complaints and questions;

(6) Procedures for requesting Cable Service credit;

(7) The availability of a parental control device;

(8) Franchisee practices and procedures for protecting against invasion of privacy; and

(9) The address and telephone number of Franchisee's office to which complaints may be reported.

A copy of notices required in this Section 10.G. will be given to LFA at least fifteen (15) days prior to distribution to Subscribers if the reason for notice is due to a change that is within the control of Franchisee and as soon as possible if not within the control of Franchisee.

H. Notices of changes in rates shall indicate the Cable Service new rates and old rates, if applicable.

I. Notices of changes of Cable Services and/or Channel locations shall include a description of the new Cable Service, the specific channel location, and the hours of operation of the Cable Service if the Cable Service is only offered on a part-time basis. In addition, should the Channel location, hours of operation, or existence of other Cable Services be affected by the introduction of a new Cable Service, such information must be included in the notice.

J. Every notice of termination of Cable Service shall include the following information:

(1) The name and address of the Subscriber whose account is delinquent;

(2) The amount of the delinquency for all services billed;

(3) The date by which payment is required in order to avoid termination of Cable Service; and

(4) The telephone number for Franchisee where the Subscriber can receive additional information about their account and discuss the pending termination.

K. Franchisee will comply with privacy rights of Subscribers in accordance with applicable federal and state law, including 47 U.S.C. §551.

EXHIBIT E

Performance Bond

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS: That (name & address) (hereinafter called the Principal), and (name and address) (hereinafter called the Surety), a corporation duly organized under the laws of the State of (state), are held and firmly bound unto (name & address) (hereinafter called the Obligee), in the full and just sum of _____ Dollars (\$_____), the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, their heirs, administrators, executors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal and Obligee have entered into a Franchise Agreement dated _____ which is hereby referred to and made a part hereof.

WHEREAS, said Principal is required to perform certain obligations under said Agreement.

WHEREAS, the Obligee has agreed to accept this bond as security against default by Principal of performance of its obligations under said Agreement during the time period this bond is in effect.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal shall perform its obligations under said Agreement, then this obligation shall be void, otherwise to remain in full force and effect, unless otherwise terminated, cancelled or expired as hereinafter provided.

PROVIDED HOWEVER, that this bond is executed subject to the following express provisions and conditions:

In the event of default by the Principal, Obligee shall deliver to Surety a written statement of the details of such default within 30 days after the Obligee shall learn of the same, such notice to be delivered by certified mail to address of said Surety as stated herein.

This Bond shall be effective _____, 20____, and shall remain in full force and effect thereafter for a period of one year and will automatically extend for additional one year periods from the expiry date hereof, or any future expiration date, unless the Surety provides to the Obligee not less than sixty (60) days advance written notice of its intent not to renew this Bond or unless the Bond is earlier canceled pursuant to the following. This Bond may be canceled at any time upon sixty (60) days advance written notice from the Surety to the Obligee.

Bond No. _____

Neither cancellation, termination nor refusal by Surety to extend this bond, nor inability of Principal to file a replacement bond or replacement security for its obligations under said Agreement, shall constitute a loss to the Obligee recoverable under this bond.

No claim, action, suit or proceeding shall be instituted against this bond unless same be brought or instituted and process served within one year after termination or cancellation of this bond.

No right of action shall accrue on this bond for the use of any person, corporation or entity other than the Obligee named herein or the heirs, executors, administrators or successors of the Obligee.

The aggregate liability of the surety is limited to the penal sum stated herein regardless of the number of years this bond remains in force or the amount or number of claims brought against this bond.

This bond is and shall be construed to be strictly one of suretyship only. If any conflict or inconsistency exists between the Surety's obligations as described in this bond and as may be described in any underlying agreement, permit, document or contract to which this bond is related, then the terms of this bond shall supersede and prevail in all respects.

This bond shall not bind the Surety unless it is accepted by the Obligee by signing below.

IN WITNESS WHEREOF, the above bounded Principal and Surety have hereunto signed and sealed this bond effective this ____ day of ____, 2008.

Principal

Surety

By: _____

By: _____, Attorney-in-Fact

Accepted by Obligee: _____
(Signature & date above - Print Name, Title below)