



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

City of Kenmore
REVISED City Council Regular Meeting Agenda
7:00 p.m., Monday, May 13, 2019
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. CALL MEETING TO ORDER

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. PROCLAMATION

- A. Affordable Housing Week - May 13-17, 2019
[Proclamation](#)
- B. Kids to Parks Day - May 18, 2019
[Proclamation](#)
- C. Safe Boating Week - May 18-24, 2019
[Proclamation](#)

VI. 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.

VII. PRESENTATION

- A. Retirement Presentation to Rod Kaseguma, City Attorney
(Followed by a short break for refreshments)

VIII. CONSENT AGENDA

- A. Total Check #s 42101 through 42223 in the amount of \$485,463.68.
Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account
Electronic Deposits Dated: 4/12/2019 in the amount of \$147,035.61.
[Checks](#)
- B. Authorize the City Manager to Dedicate an Easement for Existing Utility Poles
Located Along the North Boundary of Wallace Swamp Creek Park
[Agenda Item](#)

IX. BUSINESS AGENDA

- A. Joint Meeting with the Planning Commission on Policy Recommendations for
the Critical Area Regulations (CAR) and Shoreline Master Program - Debbie
Bent, Community Development Director and Lauri Anderson, Principal Planner
[Agenda Item](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
- B. Community Survey Results for the Park Recreation and Open Space (PROS)
Plan Update - Debbie Bent, Community Development Director and Maureen
Colaizzi, Parks Project Manager
[PROS Plan Update](#)
[Attachment A](#)
[Presentation](#)

X. STAFF REPORT

XI. COUNCILMEMBER REPORTS, COMMENTS AND INITIATIVES

XII. ADJOURNMENT

Upcoming Meetings:

- A. Monday, May 20, 2019 - Regular Council Meeting
Tuesday, May 28, 2019 - Plan to CANCEL Meeting
Monday, June 10, 2019 - Regular Council Meeting
Monday, June 17, 2019 - Regular Council Meeting
Monday, June 24, 2019 - Regular Council Meeting

**City of Kenmore, Washington
Proclamation**

WHEREAS, all people should have access to safe, healthy, and affordable homes within communities of opportunity; and

WHEREAS, studies have found that each \$100 increase in median rent results in a 15% increase in homelessness in metro areas and a 39% increase in homelessness in nearby suburbs and rural areas; and

WHEREAS, the combined cost burden of housing plus transportation can be substantially reduced by locating affordable housing opportunities in proximity to transit; and

WHEREAS, the All Home community identifies affordable housing as a critical component of making homelessness rare, brief, and one-time; and

WHEREAS, everyone benefits from affordable housing, including the people who reside in these properties, their neighbors, businesses, employers, and the community as a whole; and

WHEREAS, the Association of Washington Cities determined that enhancing efforts to increase affordable housing, decrease homelessness, and improve a strained behavioral health system was a critical priority for the 2019 Legislative Session; and

WHEREAS, united in an effort to raise public awareness, communities throughout King County are participating in local Affordable Housing Week efforts to inform the public of the critical need to preserve and increase affordable housing in our communities; and

WHEREAS, the City of Kenmore endorses the goals, objectives, and purposes of Affordable Housing Week, and in doing so, recommits itself to ensuring that our community thrives with opportunity, and that all people in it live with dignity in safe, healthy, and affordable homes;

NOW, THEREFORE, I, David Baker, Mayor of the City of Kenmore, Washington, on behalf of the City Council, do hereby proclaim the week of May 13-17, 2019 as

Affordable Housing Week in the City of Kenmore.

IN WITNESS WHEREOF, signed this 13th day of May, 2019.



Signed: _____
David Baker, Mayor

Attested: _____
Kelly M. Chelin, City Clerk

City of Kenmore, Washington Proclamation

WHEREAS, May 18, 2019 is the ninth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks, public lands and waters; and

WHEREAS, it is important to introduce a new generation to our nation's parks; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and outdoors;

NOW, THEREFORE, I, David Baker, Mayor of the City of Kenmore, Washington, on behalf of the City Council, am pleased to proclaim May 18, 2019 as Kids to Parks Day and urge residents of the City of Kenmore to make time on May 18, 2019 to take their children in their lives to a neighborhood, state or national park.

"Kids to Parks Day – May 18, 2019"

IN WITNESS WHEREOF, signed this 13th day of May, 2019.



Signed: _____
David Baker, Mayor

Attested: _____
Kelly M. Chelin, City Clerk

**City of Kenmore, Washington
Proclamation**

WHEREAS, on average, 700 people die each year in boating related accidents in the U.S., with the vast majority of those accidents caused by human error and poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, the City of Kenmore is bounded by 7.8 miles of shoreline along Lake Washington, the Sammamish River and Swamp Creek; and

WHEREAS, a large number of Kenmore's residents of all ages engage in recreational boating; and

WHEREAS, the mission of United States Coast Guard Auxiliary, Division 2, overseeing the Northshore area, is to promote and improve recreational boating safety by teaching boating safety courses and conducting vessel safety checks;

**NOW, THEREFORE, I, DAVID BAKER, MAYOR OF KENMORE, WASHINGTON, ON BEHALF
OF THE CITY COUNCIL DO HEREBY PROCLAIM May 18-24, 2019 TO BE, IN OUR
COMMUNITY**

KENMORE SAFE BOATING and PADDLING WEEK

And encourage all of Kenmore's residents to dedicate themselves to learning about and practicing safe boating, including wearing life jackets.

IN WITNESS WHEREOF, signed this 13th day of May, 2019.



Signed: _____
David Baker, Mayor

Attested: _____
Kelly Chelin, City Clerk



Voucher Certification and Approval

City of Kenmore

DATE RANGE:

04/06/2019-04/19/2019

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 42101 through 42223: \$485,463.68

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Acct. Electronic Deposits Dated: 04/12/2019: \$147,035.61

RD Koj 4-26-19
City Manager / Date

Joanna Gregory 4-19-19
Finance Director / Date

Vendor Name	Check #	Date	Description	Amount
ICMA RETIREMENT C/O ALLFIRST BANK-109964	42101	04/12/2019	City of Kenmore 401a	16,189.19
ICMA RETIREMENT TRUST 457 - 304745	42102	04/12/2019	ICMA 457 Deferred Comp	4,915.69
STATE OF FLORIDA DISBURSEMENT UNIT	42103	04/12/2019	Employee Deduction	275.00
UNITED WAY OF KING COUNTY	42104	04/12/2019	Employee Charitable Contribution	78.50
ACTION ENTERTAINMENT	42105	04/12/2019	Replacement Ck. for #41950 Middle School Dance	550.00
SAWYER, RICHARD	42106	04/12/2019	Reimbursement for Office Shelves Purchased	217.80
AM TEST, INC	42107	04/19/2019	Swamp Creek Water Sampling	225.00
BAKER, DAVID	42108	04/19/2019	Mileage Reimbursement	476.76
BANNER BANK BAKER	42109	04/19/2019	Nat'l League of Cities/Mariott DC/Towneplace Suite	2,191.83
BANNER BANK JG	42110	04/19/2019	Dell/Gallup/GFOA/AWC/Craigslist/WSP	4,581.34
BANNER BANK KENMORE	42111	04/19/2019	Amazon/Dell/Costco/Dunn Lumber/All Battery	2,569.60
BANNER BANK KENMORE	42112	04/19/2019	Void	-
BANNER BANK NO	42113	04/19/2019	DIVA/Urban Land Inst./Safeway/Chambermaster	539.51
BANNER BANK RK	42114	04/19/2019	BSN Sports/JRW Enterprises/Bothell Chamber	1,358.70
BANNER BANK SKROGH	42115	04/19/2019	Safeway/VCITA/WIX.Com	69.90
BANNER BANK SKROGH	42115	04/19/2019	Safeway/VCITA/WIX.Com	7.98
BEST PARKING LOT CLEANING INC.	42116	04/19/2019	18-C1957 3/26-3/28/19 Sweeping Svcs.	2,327.60
BOTHELL KENMORE CHAMBER OF COMMERCE	42117	04/19/2019	March KBA Support Svcs	300.00

BRIEN, GAYLYNN	42118	04/19/2019 Jan. Sales Tax Data Conversion	50.00
BRUCE C ALLEN & ASSOC INC	42119	04/19/2019 Property Appraisal	3,100.00
BRUCE C ALLEN & ASSOC INC	42119	04/19/2019 Property Appraisal	2,450.00
BRUCE C ALLEN & ASSOC INC	42119	04/19/2019 Property Appraisal	2,200.00
CAMPBELL SCIENTIFIC	42120	04/19/2019 Stream Monitoring Tributary 0056	624.00
CENTER FOR HUMAN SERVICES	42121	04/19/2019 1st Qtr Human Svcs Early Learning	3,750.00
CENTER FOR HUMAN SERVICES	42122	04/19/2019 1st Qtr Human Svcs Counseling/Youth Svcs	1,500.00
CHASE WALKER	42123	04/19/2019 Work Boot Reimbursement	50.00
CITY OF BOTHELL	42124	04/19/2019 19-C1993 SR522 Stage 3 Design Contribution	50,000.00
COMCAST BUSINESS	42125	04/19/2019 4/10-5/9 Squire's Landing Internet	69.95
COMCAST BUSINESS	42126	04/19/2019 Apr. City Hall/Incubator/Hangar Internet	2,169.04
COMCAST BUSINESS	42127	04/19/2019 Apr. City Hall Phone Svc.	369.12
COMCAST BUSINESS	42128	04/19/2019 4/14-5/13 City Hall Cable/Internet	152.11
CONNER HOMES AT SOLIRE LLC	42129	04/19/2019 PRJ17-0035/ENG17-0607 Cash Deposit Refund	7,500.00
CROWN PRODUCTS LLC	42130	04/19/2019 Pet Waste Bags	985.25
EARTHWORKS	42131	04/19/2019 17C-1780 SR522 153rd-155th Landscaping	4,722.55
ELECTRONIC BUSINESS MACHINES	42132	04/19/2019 March 2nd Floor Copier Charges	226.90
ENVIRONMENTAL SYSTEMS RESEARCH INST	42133	04/19/2019 GIS Software	5,720.00
FERGUSON ENTERPRISES INC #3011	42134	04/19/2019 Cold Patch Asphalt for Stock	537.42
FIRE PROTECTION, INC	42135	04/19/2019 City Hall & Hangar Monitoring Svcs	1,552.32
FIRE PROTECTION, INC	42135	04/19/2019 City Hall & Hangar Monitoring Svcs	784.08
FIRE PROTECTION, INC	42136	04/19/2019 Fire Inspection @ Hangar Bldg.	652.35
FRONTIER	42137	04/19/2019 3/28-4/27/19 City Hall Phone Svc.	627.64
FRONTIER	42138	04/19/2019 3/28-4/27/19 City Hall Phone Svc.	461.76
GRAINGER	42139	04/19/2019 Waste Bins for CWP Vegetation	222.61
HALALILO, PAULA	42140	04/19/2019 Balance of Boot Reimbursement	34.56
HDR ENGINEERING, INC	42141	04/19/2019 16-C1625 Juanita Drive Ped/Bike March Svcs	50,889.91
HDR ENGINEERING, INC	42142	04/19/2019 16-C1625 Juanita Dr Ped/Bike Feb. Svcs	44,290.77
HOME DEPOT CREDIT SERVICES	42143	04/19/2019 Shop Set Up/Parks Materials & Maint. Supplies	3,136.24
HONEY BUCKET	42144	04/19/2019 3/23-4/19 Squire's Landing Rental	215.05
HORIZON DISTRIBUTORS INC	42145	04/19/2019 Streets/Parks/ROW Irrigation Parts	482.70
JAYMARC - AV	42146	04/19/2019 Council Chambers AV Troubleshooting	275.00

JOHNSTON GROUP, LLC	42147	04/19/2019 March Public Affairs Consulting	2,915.00
KARLINSEY, ROB	42148	04/19/2019 Reimbursement for Team Assessment Books	256.44
KBA INC.	42149	04/19/2019 18-C1846 March W. Samm. Bridge Review Svcs	5,764.62
KENMORE CLEANERS	42150	04/19/2019 Cleaning of Blanket & Towels for the Hangar Bldg.	36.30
KENMORE HERITAGE SOCIETY	42151	04/19/2019 1st Quarter History Book Sales	25.00
KENMORE MIDDLE SCHOOL	42152	04/19/2019 1st Qtr Human Svcs Kitchen Table Program	2,750.00
KING COUNTY	42153	04/19/2019 2019 Transportation Board Dues	200.00
KING COUNTY ANIMAL SVCS	42154	04/19/2019 Pet Licenses & Renewals	390.00
KING COUNTY FINANCE	42155	04/19/2019 March Road Svcs/Signs	213.49
KING COUNTY FINANCE	42156	04/19/2019 Feb Adult/Juvenile Detention Community Work Prog.	1,995.00
KING COUNTY FINANCE	42157	04/19/2019 March Road Svcs/Signs/Signals/Street Maint.	5,319.36
KING COUNTY FINANCE	42157	04/19/2019 March Road Svcs/Signs/Signals/Street Maint.	3,509.47
KING COUNTY FINANCE	42157	04/19/2019 March Road Svcs/Signs/Signals/Street Maint.	4,166.90
KING COUNTY FINANCE W.L.R.D.	42158	04/19/2019 17-C1669 Log Boom Park Beach Monitoring	7,308.00
KING COUNTY SHERIFF	42159	04/19/2019 Feb. Overtime - Parking Enforcement	720.39
KING COUNTY SHERIFF	42160	04/19/2019 Feb. Overtime - School District	4,526.11
KPFF CONSULTING ENGINEERS	42161	04/19/2019 15-C1484 68th Ave Ped/Bike Prof. Svcs	28,714.46
KPFF CONSULTING ENGINEERS	42162	04/19/2019 15-C1484 Prof. Svcs On-Call through Feb. 22nd	1,125.59
KPFF CONSULTING ENGINEERS	42162	04/19/2019 15-C1484 Prof. Svcs On-Call through Feb. 22nd	1,213.68
KPFF CONSULTING ENGINEERS	42162	04/19/2019 15-C1484 Prof. Svcs On-Call through Feb. 22nd	8,219.83
KPFF CONSULTING ENGINEERS	42162	04/19/2019 15-C1484 Prof. Svcs On-Call through Feb. 22nd	1,795.68
MAIL FINANCE	42163	04/19/2019 4/27/19-7/26/19 Postage Meter Rental	709.50
MILLER STEPHENS, MARY	42164	04/19/2019 March Public Defense Svcs @ SCORE	1,250.00
MULTICARE CENTERS OF OCCUPATIONAL MED	42165	04/19/2019 Testing for New Public Works Employees	420.00
MUNICIPAL MANAGEMENT SERVICES	42166	04/19/2019 18-C1939 Court & Jail Services Study	5,000.00
NORTHSHORE ROTARY CLUB	42167	04/19/2019 Dues & Member Meals	234.00
NORTHSHORE ROTARY CLUB	42167	04/19/2019 Dues & Member Meals	60.00
NORTHSHORE SENIOR CENTER	42168	04/19/2019 19-C2002 Qtr 1 Human Svcs Transportation	1,650.00
NORTHSHORE SENIOR CENTER	42169	04/19/2019 1st Qtr Human Svcs Funding	6,250.00
NORTHSHORE UTILITY DIST	42170	04/19/2019 March Fleet Vehicle Fuel & Maintenance	3,249.49
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Squire's Landing Water/Sewer	478.49
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Log Boom Park Irrigation	138.50
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 SR522/77th Irrigation	69.25
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Rhod. Park Restroom	220.18
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Moorlands Park Restroom	457.38
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 SR522/73rd ROW Irrigation	138.50
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Log Boom Park Restroom	337.36

NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Rhod. Park Irrigation off of 68th	221.60
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Rhod. Park Irrigation	221.60
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Boat Launch Restroom	160.13
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 SR522/61st ROW Irrigation	138.50
NORTHSHORE UTILITY DIST	42171	04/19/2019 1/31-3/31 Moorlands Park Irrigation	138.50
NORTHSHORE UTILITY DIST	42172	04/19/2019 Sept. - Dec. 2018 Safety Meetings	317.52
NORTHSHORE YMCA	42173	04/19/2019 1st Quarter Human Svcs Funding	1,250.00
NORTHSHORE YOUTH & FAMILY SERVICES	42174	04/19/2019 1st Quarter Human Svcs Funding	4,000.00
OFFICE DEPOT	42175	04/19/2019 Supplies for White Board	12.64
OFFICE DEPOT	42176	04/19/2019 Office Supplies	228.80
OFFICE DEPOT	42177	04/19/2019 Office Supplies	23.60
OFFICE DEPOT	42178	04/19/2019 Office Supplies	33.41
OFFICE DEPOT	42179	04/19/2019 Office Supplies	122.54
OFFICE DEPOT	42180	04/19/2019 Desk Organizer	27.49
OFFICE DEPOT	42181	04/19/2019 Paper	172.96
OFFICE DEPOT	42182	04/19/2019 Office Supplies	96.30
OSBORN CONSULTING INC.	42183	04/19/2019 Rhododendron Park Boatshed Consulting	3,426.80
OSBORN CONSULTING INC.	42183	04/19/2019 Rhododendron Park Boatshed Consulting	1,274.25
PACE ENGINEERS, INC.	42184	04/19/2019 Feb. 2019 Project Consulting	11,823.00
PACE ENGINEERS, INC.	42184	04/19/2019 Feb. 2019 Surface Water/Parks Consulting	15,936.50
PACIFIC TOPSOILS	42185	04/19/2019 Vegetation Disposal & Mulch Purchase	1,887.83
PAWS	42186	04/19/2019 March 2019 Animal Sheltering Services	576.00
PRIDE ELECTRIC INC.	42187	04/19/2019 Skate Park Lighting Installation	286.00
PUGET SOUND ENERGY	42188	04/19/2019 Streetlights Electricity Bill	9,232.12
PUGET SOUND ENERGY	42188	04/19/2019 City Hall Electricity Bill	2,675.34
QUALITY BUSINESS SYSTEMS - WELLS FARGO	42189	04/19/2019 First Floor Copier Lease Payment	1,351.06
QUALITY BUSINESS SYSTEMS INC.	42190	04/19/2019 Second Floor Copy Charges	210.80
QUALITY BUSINESS SYSTEMS INC.	42191	04/19/2019 First Floor Photocopier Charges	1,616.32
QUALITY WATER FINANCIAL LLC	42192	04/19/2019 March 2019 Incubator Filtered Water	65.95
RANDALL, BRIAN	42193	04/19/2019 New Computer Purchase Reimbursement	1,209.99
REPUBLIC SERVICES	42194	04/19/2019 March 2019 City Hall Solid Waste Charges	521.88
REPUBLIC SERVICES	42195	04/19/2019 March 2019 Hangar Solid Waste Charges	539.61
REPUBLIC SERVICES	42196	04/19/2019 March 2019 Rhododendron Park Solid Waste	643.69
REY TRANSLATIONS	42197	04/19/2019 March 2019 Translation Services	110.00

ROGER WIGGINS	42198	04/19/2019 Cash Dep. Refund-ENG16-0702/PSP15-0216/SEPA	7,500.00
SARAH ROBERTS	42199	04/19/2019 March 2019 Prosecution Services	11,562.97
SCORE	42200	04/19/2019 March 2019 Jail Housing	34,596.00
SEATTLE TIMES	42201	04/19/2019 SEPA Notice Newspaper Ad	227.46
SEATTLE TIMES	42202	04/19/2019 Legal Notices	147.18
SEATTLE TIMES	42203	04/19/2019 Legal Notice	321.57
SEATTLE TIMES	42204	04/19/2019 Job Advertisement	1,208.86
SOUND SAFETY PRODUCTS CO.	42205	04/19/2019 Public Works Safety Gear	204.62
SOUND SAFETY PRODUCTS CO.	42206	04/19/2019 Public Works Safety Gear	271.13
STAPLES ADVANTAGE	42207	04/19/2019 Parks Maintenance Supplies	126.05
STAPLES ADVANTAGE	42207	04/19/2019 Park Maintenance Supplies	353.98
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	522.81
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	429.83
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	37.27
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	571.54
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	173.28
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	91.18
STAPLES ADVANTAGE	42207	04/19/2019 Office Supplies	2.12
STAPLES ADVANTAGE	42207	04/19/2019 Maintenance Supplies	12.43
STAPLES ADVANTAGE	42207	04/19/2019 Maintenance Supplies	12.43
STAPLES ADVANTAGE	42207	04/19/2019 Maintenance Supplies	299.52
STAPLES ADVANTAGE	42207	04/19/2019 Maintenance Supplies	393.70
STARDOM SERVICES, INC.	42208	04/19/2019 March 2019 Incubator Janitorial Services	555.00
STEWART MACNICHOLS HARMELL, INC.	42209	04/19/2019 March 2019 Public Defense Services	5,000.00
TOTAL LANDSCAPE CORP	42210	04/19/2019 March 2019 Parks Landscape Services	3,382.50
TOWN CENTER HARDWARE	42211	04/19/2019 Parks Materials, Small Tools, & Street Materials	271.25
U.S. BANK N.A. - CUSTODY	42212	04/19/2019 Q1 2019 Investment Custody Fees	114.00
ULINE	42213	04/19/2019 Public Works Locker	2,642.59
UTILITIES UNDERGROUND LOCATION CTR	42214	04/19/2019 March 2019 Utility Locates	208.98
WA CHAPTER AMERICAN SOC. OF LANDSCAPE	42215	04/19/2019 Parks Project Manager Job Advertisement	75.00
WALTER E. NELSON CO.	42216	04/19/2019 Garage Sweeper Repair	1,233.87
WASHINGTON STATE OFFICE CASH MGMT	42217	04/19/2019 Q1 2019 State Building Permit Fees	445.00
WASHINGTON STATE PATROL	42218	04/19/2019 April 2019 Bridge Weight Restriction Enforcement	1,148.42
WELLS FARGO FINANCIAL	42219	04/19/2019 Second Floor Copier Lease Payment	619.73
WONDERLAND DEVELOPMENT	42220	04/19/2019 Q1 2019 Early Learning	750.00
DIJULIO DISPLAYS, INC	42221	04/19/2019 Support Local Business Banners	5,174.98
Engaged Public	42222	04/19/2019 Balancing Act Budget Simulation	6,500.00

GEOTERRA, INC.	42223	04/19/2019 Impervious Area Update	9,220.00
DRS 457	DFT0000357	04/12/2019 DRS 457 Deferred Comp	205.46
DRS 457	DFT0000358	04/12/2019 DRS 457 Deferred Comp	875.00
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000359	04/12/2019 Public Employees Retirement	1,992.25
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000360	04/12/2019 Public Employees Retirement	21,926.58
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000361	04/12/2019 Public Employees Retirement	1,065.75
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000362	04/12/2019 Public Employees Retirement	146.78
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000363	04/12/2019 Public Employees Retirement	893.75
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000364	04/12/2019 Public Employees Retirement	1,835.08
NAVIA	DFT0000365	04/12/2019 Employee Flexible Spending Account	368.15
BANK OF AMERICA 941	DFT0000366	04/12/2019 Federal Taxes	17,516.23
PAYROLL		4/12/2019 Direct Deposit	100,210.58
		Total	<u>632,499.29</u>



City of Kenmore

Vendor Purchasing Report

For Date Range 01/01/2019 - 04/19/2019

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0002	ACTION ENTERTAINMENT	550.00
0014	AMERICAN PLANNING ASSOCIATION	1,280.00
0022	ASSOCIATION OF WA CITIES	22,400.00
0024	BAKER, DAVID	999.92
0037	BASTYR UNIVERSITY	50,000.00
0050	BRUCE C ALLEN & ASSOC INC	9,250.00
0054	BULGER SAFE & LOCK, INC.	7,207.63
0064	CASCADE PEST CONTROL	429.00
0067	CENTER FOR HUMAN SERVICES	5,250.00
0076	CITY OF BELLEVUE	26,174.25
0081	CITY OF KENMORE	600.00
0083	CITY OF LAKE FOREST PARK	120,373.83
0092	CODE PUBLISHING COMPANY	1,503.77
0106	CROWN PRODUCTS LLC	985.25
0109	DAILY JOURNAL OF COMMERCE	1,766.10
0121	REPUBLIC SERVICES	4,981.81
0130	EMPLOYMENT SECURITY DEPT	2,414.44
0134	EVERGREEN PRINT SOLUTIONS	215.06
0137	FERGUSON ENTERPRISES INC #3011	1,685.22
0145	FRUHLING SAND & TOPSOIL	35.00
0151	CALPORTLAND COMPANY	2,700.77
0152	GOVERNMENT FINANCE OFFICERS ASSOC	190.00
0173	HOME DEPOT CREDIT SERVICES	4,418.61
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	42,857.70
0197	JET CITY PRINTING	829.40
0201	KCDA PURCHASING COOP	2,377.06
0205	KENMORE HERITAGE SOCIETY	75.00
0206	KENMORE MIDDLE SCHOOL	5,250.00
0213	KING COUNTY ANIMAL SVCS	1,195.00
0216	KING COUNTY REAL ESTATE SVCS	2,500.00
0218	KING COUNTY FINANCE	1,502.05
0219	KING COUNTY FINANCE	101,556.15
0224	SOUND PUBLISHING, INC.	425.00
0229	KING COUNTY OFFICE OF FINANCE	2,067.00
0230	KING COUNTY RADIO COMM SERVICES	300.30
0233	KING COUNTY SHERIFF	24,612.40
0235	KING COUNTY TREASURY	31,017.97
0251	LIGHTHOUSE CONSULTING INC	14,433.39
0260	MEEHAN, NANCY	290.27
0261	PENDLETON CONSULTING LLC	4,046.80
0285	NORTHSHORE FIRE DEPT	780.00
0286	NORTHSHORE SCHOOL DISTRICT	31,719.00
0287	NORTHSHORE SENIOR CENTER	14,150.00
0288	NORTHSHORE UTILITY DIST	26,897.12
0289	NORTHSHORE YMCA	2,875.00
0290	NORTHSHORE YOUTH & FAMILY SERVICES	8,000.00
0292	HONEY BUCKET	645.15
0299	PERSONAL BEST	118.27
0300	OFFICE DEPOT	2,561.02
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	5,323.70
0310	PACIFIC TOPSOILS	2,763.73
0327	PUGET SOUND CLEAN AIR AGENCY	18,505.00

Vendor Purchasing Report

For Date Range 01/01/2019 - 04/19/2019

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Vendor	Name	Volume
0328	PUGET SOUND ENERGY	60,256.81
0329	PUGET SOUND FINANCE OFFICERS ASSOC	50.00
0345	SEATTLE TIMES	4,861.19
0355	STAPLES ADVANTAGE	5,720.74
0357	STEWART MACNICHOLS HARMELL, INC.	20,000.00
0359	SOUND CITIES ASSOC	15,017.45
0365	TOTAL LANDSCAPE CORP	22,968.85
0371	UNITED STATES POSTMASTER	1,804.50
0385	WA ASSOC OF BUILDING OFFICIALS	125.00
0387	WA CITIES INSURANCE AUTHORITY	290,020.00
0401	WA STATE DEPT OF TRANSPORTATION	3,833.61
0405	WASHINGTON STATE OFFICE CASH MGMT	1,073.50
0416	WETLANDS & WOODLANDS INC	3,747.70
0419	WONDERLAND DEVELOPMENT	750.00
0424	ICMA RETIREMENT TRUST 457 - 304745	37,577.75
0425	DRS 457	7,534.43
0426	AFLAC	981.30
0428	BANK OF AMERICA 941	131,923.00
0429	AWC EMPLOYEE BENEFITS	168,971.03
0431	DEPARTMENT OF RETIREMENT SYSTEMS	217,294.39
0432	DEPARTMENT OF LABOR AND INDUSTRIES	11,580.94
0434	UNITED WAY OF KING COUNTY	628.00
0436	NATIONAL LIFE OF VERMONT	369.51
0448	UPS STORE	51.71
0450	AURORA RENTS	2,943.79
0484	CITY WIDE FENCE COMPANY, INC	27,896.00
0501	MACLEOD RECKORD	3,605.80
0515	NATIONAL LEAGUE OF CITIES	1,533.67
0586	MAIL FINANCE	709.50
0588	ENVIRONMENTAL SYSTEMS RESEARCH INST	5,720.00
0594	RANDALL, BRIAN	1,209.99
0610	WA STATE DEPT OF TRANSPORTATION	5,591.58
0617	KING COUNTY FINANCE	750.00
0639	KONICA MINOLTA BUSINESS SOLUTIONS	645.57
0685	PACE ENGINEERS, INC.	48,454.59
0689	DIGITAL REPROGRAPHICS SERVICES INC.	109.90
0690	BUILDERS EXCHANGE OF WASHINGTON INC	593.60
0692	HDR ENGINEERING, INC	175,991.08
0696	AMERICAN GENERAL LIFE GPO-400S	1,365.12
0699	BANNER BANK DB	4,305.51
0743	BANNER BANK NO	1,408.30
0764	OUSLEY, NANCY	234.54
0781	QUALITY BUSINESS SYSTEMS INC.	5,258.93
0788	CURTIS, DR. MILTON	91.02
0791	NORTHSHORE ROTARY CLUB	498.00
0800	BANNER BANK JG	7,102.44
0817	GRAINGER	5,469.07
0834	BANNER BANK KENMORE	13,040.03
0852	GREGORY, JOANNE	67.28
0858	A+ CONFERENCING	92.43
0864	COLUMBIA FORD	130,979.72
0868	JAYMARC - AV	275.00
0869	BANNER BANK JGORDON	9,833.85
0892	JACOBS ENGINEERING GROUP	64,629.62
0899	SHRED-IT USA LLC	236.26
0912	ALCALDE & FAY	15,225.60
0937	ZUMAR	10,759.78
0981	COMCAST BUSINESS	11,500.26

Vendor Purchasing Report

For Date Range 01/01/2019 - 04/19/2019

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0994	GORDON THOMAS HONEYWELL	12,071.53
1003	iWORQ SYSTEMS	2,800.00
1010	TOWN CENTER HARDWARE	1,249.54
1032	SAWYER, RICHARD	217.80
1045	HORIZON DISTRIBUTORS INC	482.70
1047	SARAH ROBERTS	45,850.08
1052	FIRE PROTECTION, INC	2,988.75
1068	WA STATE DEPT OF LABOR & INDUSTRIES	147.20
1114	PHSI PURE HEALTH SOLUTIONS INC.	303.27
1116	FRONTIER	3,242.64
1123	AM TEST, INC	675.00
1140	PAWS	1,332.00
1148	QUALITY WATER FINANCIAL LLC	263.80
1177	WELLS FARGO FINANCIAL	1,859.19
1192	HOPKINS, CRAIG	233.74
1197	MILLER STEPHENS, MARY	3,750.00
1212	MCALLISTER, TERESA	19.62
1215	STATE OF FLORIDA DISBURSEMENT UNIT	2,200.00
1248	KENMORE AIR	3,037.40
1299	VERIZON WIRELESS	567.46
1304	HAMPSON, BRYAN	70.18
1309	BANNER BANK BAKER	4,419.74
1311	WASHINGTON STATE PATROL	3,301.33
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	2,700.00
1331	KBA INC.	20,821.81
1333	WELWEST CONSTRUCTION INC.	51,715.76
1356	KARLINSEY, ROB	256.44
1357	KENMORE COMMERCIAL LLC	13,468.16
1358	ALPHAGRAPHS	190.17
1363	INNOVAC	2,204.13
1372	AAA PRINTING	272.32
1390	UTILITIES UNDERGROUND LOCATION CTR	526.32
1403	OSBORN CONSULTING INC.	12,792.76
1431	BRIEN, GAYLYNN	150.00
1437	VOLGISTICS, INC	540.00
1452	CITY OF KENT	500.00
1459	FLEMINGS HOLIDAY LIGHTING LLC	5,739.02
1478	HERBIG, NIGEL	70.18
1485	WA ASSOC OF PUBLIC RECORDS OFFICERS	175.00
1504	SCORE	134,008.98
1544	METROPOLITAN TRANS. COMMISSION	1,500.00
1550	THE EVP GROUP	17,462.50
1555	LINCOLN NATIONAL LIFE INSURANCE	3,741.58
1581	STARDOM SERVICES, INC.	1,665.00
1584	STUDIO 3 SIGNS	165.15
1591	ULINE	2,642.59
1596	NW ENVIRONMENTAL TRAINING CENTER	3,225.00
1673	KPFF CONSULTING ENGINEERS	128,586.10
1678	VICENTE, JOHN	2,434.00
1689	MOTT MACDONALD GROUP, INC.	141,168.85
1690	SITTS & HILL ENGINEERS, INC.	5,730.00
1698	WRIGHT, MARCI	1,000.00
1704	BANNER BANK RK	5,475.86
1711	SOFTWAREONE, INC.	10,622.57
1718	RESOURCE EXPLORATION, LLC	20,000.00
1738	MUNIMANAGE, LLC	56,430.00
1774	OWEN EQUIPMENT COMPANY	1,305.30
1787	M M COMFORT SYSTEMS	36.75

Vendor Purchasing Report

For Date Range 01/01/2019 - 04/19/2019

Vendor Set: Vendor Set 01

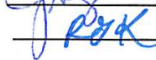
Vendor	Name	Volume
1798	OLBRECHTS & ASSOCIATES, PLLC	2,255.50
1811	CAMPBELL SCIENTIFIC	624.00
1814	YSI INCORPORATED, A XYLEM BRAND	1,738.55
1816	NAVIA	10,945.20
1828	QUALITY BUSINESS SYSTEMS - WELLS FARGO	2,702.12
1829	SHI INTERNATIONAL CORP.	882.20
1832	EASTSIDE HOMES, INC.	1,670.10
1835	INC4INC, INC.	7,500.00
1846	AWCPD	100.00
1879	HOLMBERG COMPANY	3,628.70
1889	WILLIAMS, KASTNER & GIBBS PLLC	23,354.54
1900	ASPECT CONSULTING LLC	690.56
1901	NORTH COAST ELECTRIC COMPANY	157.91
1930	T-MOBILE USA, INC.	2,185.68
1932	U.S. BANK N.A. - CUSTODY	114.00
1944	OHNO CONSTRUCTION	5,454.03
1948	MULTICARE CENTERS OF OCCUPATIONAL MEDICINE	1,035.00
1960	WALTER E. NELSON CO.	1,233.87
1962	BANNER BANK SKROGH	2,111.88
1964	EARTHWORKS	18,890.20
1978	GOVDELIVERY, LLC	13,005.91
1979	MSPT XXII, LLC	10,954.00
1980	HRA VEB TRUST	15,707.55
1985	CONTRACT LAND STAFF LLC	4,107.27
1993	HYAS GROUP, LLC	7,500.00
1994	LAKE CITY PARTNERS ENDING HOMELESSNESS	2,000.00
1995	REY TRANSLATIONS	110.00
1998	JOHNSTON GROUP, LLC	11,660.00
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50.00
2004	RED BARN ENGINEERING, INC.	4,719.00
2007	HYDROPOINT DATA SYSTEMS, INC.	235.00
2021	GEOTERRA, INC.	9,220.00
2024	DFR LAW GROUP, LLC	300.00
2028	PRIDE ELECTRIC INC.	286.00
2048	SMS CLEANING, INC.	17,100.00
2063	French Touchup LLC	5,929.00
2064	Bud Clary Dodge/Chevrolet	66,956.52
2081	SHANNON & WILSON, INC.	13,138.25
2095	TRANSPO GROUP USA INC.	85.00
2113	WA ASSOC. OF SHERIFFS & POLICE CHIEFS	180.00
2114	NC Machinery	109,120.85
2126	SCHWARZWALTER, MARK	54.68
2128	SUNDANCE ENERGY SERVICES	619.27
2129	CHELIN, KELLY	84.87
2132	FUELCARE	660.00
2138	HORVATH, PETER	185.25
2142	ICMA RETIREMENT C/O ALLFIRST BANK - 109964	125,435.50
2144	MODUS TECHNOLOGY, INC.	2,996.58
2147	SOD SPOT LLC	10,950.00
2148	Town and Country Fence Inc.	2,337.51
2157	SOUND SAFETY PRODUCTS CO.	1,762.67
2159	TRAILER BOSS	8,181.90
2160	ALLWEST UNDERGROUND INC.	1,980.60
2161	BENNETT-GOLD, TOBIN	282.17
2162	ESWO, LLC	15,000.00
2163	CORNERSTONE ARCHITECTUAL GROUP	10,460.00
2164	RANKIN, BRUCE	418.95
2166	BARKER MARTIN, P.S.	9,505.50

Vendor Purchasing Report

For Date Range 01/01/2019 - 04/19/2019

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2167	APWA-WA CHAPTER	1,500.00
2168	FRED PRYOR SEMINARS	149.00
2169	ETC INSTITUTE	13,731.90
2171	BELRED ENERGY SOLUTIONS	329.28
2172	TCF ARCHITECTURE	2,500.00
2173	TRI-COUNTY LAND SURVEYING	3,800.00
2174	TUCKER, NATHAN	300.00
2175	ELECTRONIC BUSINESS MACHINES	335.48
2177	ELYSIUM DEVELOPMENT, LLC	7,500.00
2178	STRIPE-A-LOT	2,822.88
2179	NC CAT RENTAL	3,553.00
2180	BUNTTING INC.	130,557.62
2181	CONNER HOMES AT SOLIRE LLC	187,241.00
2182	CUZ CONCRETE PRODUCTS	909.13
2183	SISKUN POWER EQUIPMENT	4,752.88
2184	DIVERSIFICATION INC.	1,866.70
2185	CRIMINAL JUSTICE TRAINING COMMISSION	1,450.00
2188	DUJLIO DISPLAYS, INC	5,174.98
2189	OFFICE TEAM	657.94
2190	PACIFIC INDUSTRIAL SUPPLY	984.39
2192	STEWART TITLE	102,731.20
2193	FENCING COMPANY, LLC	1,265.00
2194	CONFLUENCE ENVIRONMENTAL COMPANY	1,685.00
2195	CITY SOURCED	3,600.00
2196	Engaged Public	6,500.00
2197	BEST PARKING LOT CLEANING INC.	2,327.60
2198	CITY OF BOTHELL	50,000.00
2199	HALALILO, PAULA	34.56
2200	CHASE WALKER	50.00
2201	WA CHAPTER AMERICAN SOCIETY OF LANDSCAPE ARC	75.00
2202	ROGER WIGGINS	7,500.00
2203	KENMORE CLEANERS	36.30
2204	KING COUNTY	200.00
2205	MUNICIPAL MANAGEMENT SERVICES	5,000.00
Vendor Set Vendor Set 01 Total:		4,042,433.33

Subject/Topic: PSE Easement Dedication	For Council Meeting Agenda of: May 13, 2019
	Department: Public Works
	Prepared by: Jennifer Gordon, Public Works Operations Manager 
Proposed Council Action/Motion:	To Be Presented By: N/A
Authorize the City Manager to dedicate an easement for existing utility poles located along the north boundary of Wallace Swamp Creek Park.	Approved by Department Head:  Initial & Date 5/6/19 Approved by City Attorney: N/A Approved by Finance Director:  Approved by City Manager: 
	Exhibits/Attachments:
<u>INFORMATION/BACKGROUND:</u> The property owner at 19907 73 rd Avenue NE recently permitted and constructed an accessory dwelling unit (ADU) for their 92-year-old father. The only remaining hurdle in obtaining occupancy is establishing power to the home. Power and communication service connections to the ADU are proposed from the existing poles located along the north boundary of Wallace Swamp Creek Park. These poles were found to encroach on city park property 2 -3 feet along the north boundary. The poles have existed since pre-incorporation without an easement and currently serve two other homes west of 73 rd Avenue NE. PSE is requesting that this pole trespass be corrected with an easement prior to installing a new service to the ADU. The City is willing to dedicate an easement to PSE (10' wide x 400' long) with the condition that PSE will relocate or underground the service lines in the unlikely event that the poles will conflict with a future park project. PSE has accepted these terms.	
<u>RECOMMENDATION:</u> Staff recommends that the City Council authorize the City Manager to dedicate an easement to PSE for existing utility poles located along the north boundary of Wallace Swamp Creek Park.	
<u>FISCAL CONSIDERATION:</u> N/A	
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> N/A	



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Joint meeting with the Planning Commission on Policy Recommendations for the Critical Area Regulations (CAR) and Shoreline Master Program (SMP) Proposed Council Action/Motion: Hold a joint meeting with the Planning Commission to hear their policy recommendations on amendments to the CAR and SMP.	For Council Meeting Agenda of: 5/13/19 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner</u> <u>Initial & Date</u> Approved by Department Head: <u>DA 4/25/19</u> Approved by City Attorney: <u>N/A</u> Approved by Finance Director: <u>✓ [Signature] 4-26-19</u> Approved by City Manager: <u>[Signature]</u> Exhibits/Attachments: A. Summary of most significant amendments B. Planning Commission recommendations: 1 – Revised definitions 2 – CAR Introduction and wetlands 3 – CAR Streams and lakes 4 – CAR Fish and wildlife habitats 5 – CAR Geo hazards 6 – CAR Flood hazards 7 – CAR Groundwater 8 – SMP Shoreline Sub-Element 9 – Shoreline regulations 10 – Other Zoning Code amendments 11 – CAR Maps C. Frequently Asked Questions D. Best Available Science Paper for the PAUE amendments
<u>INFORMATION/BACKGROUND:</u> The Planning Commission has been reviewing CAR and SMP amendments since June 2018. The State requires an update to these regulations by June 30, 2019. As a first step in the project, the City's consultant, Shannon & Wilson, prepared a "gap analysis" to identify issues that should be addressed to ensure compliance with best available science and State standards. Following that review, the Commission recommended and the City Council adopted related Comprehensive Plan amendments in November 2018. The Commission has now developed code amendments and proposed changes to the Shoreline Sub-Element. (Review of the Shoreline Sub-Element is exempt from the typical once-per-year Comprehensive Plan amendment requirement.) On March 26, 2019, the Commission held a public hearing on the preliminary code amendments and Shoreline Sub-Element and, on April 16, they finalized their recommendations. Attachment A is a generalized summary of the most significant amendments. Attachment B contains the recommendations, divided into topic for ease of review. Attachment C is a "Frequently Asked Questions" paper to provide more detail on some of the amendments, including the proposed public agency and utility exception or PAUE. Attachment D is the "best available science" paper prepared to support the PAUE amendments.	

I:/City Clerk/Agenda Items/Templates

FISCAL CONSIDERATION:

\$150,000 in 2018 and \$50,000 in 2019 have been budgeted to support consultant help with this project. A \$20,000 grant from the Department of Ecology also has been received and is being used for the project.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Council Goal 10: Protect and enhance the climate, water, air and forest environment.

EXHIBIT A

SUMMARY OF PROPOSED 2019 AMENDMENTS

Critical Area Regulations

General provisions

- Required fencing around a critical area may be either a fence or dense native vegetation.
- Public agency or utility exception permit may be used for extension or expansion of a linear facility such as a street or utility, or for expansions of existing public facilities. New facilities would require a variance or reasonable use permit.
- Revised variance criteria address public agency development proposals.
- Revised reasonable use exception criteria address public agency development proposals.

Wetlands

- Wetland ratings changed to match Department of Ecology's scheme.
- Wetland buffers changed to coordinate with new rating system.
- New, more flexible, standards created for walkways and trails in wetlands and buffers.
- Modifications of buffers transected by roadways or isolated by existing development allowed.
- Department of Ecology's wetland mitigation ratios adopted.
- Standards for mitigation banking, in-lieu fee programs and alternative mitigation plans included.

Streams and Lakes

- Stream typing changed to match State scheme.
- Stream buffers changed to match new typing system.
- New, more flexible, standards created for walkways and trails in stream and lake buffers.
- Modifications of buffers transected by roadways or isolated by existing development allowed.
- Standards for mitigation banking, in-lieu fee programs and alternative mitigation plans included.

Fish and Wildlife Habitats of Importance

- Pileated woodpecker breeding habitat added to habitats of importance.
- New treatment of bald eagle habitat based on state/federal delisting and updated science.
- Reduced buffer for great blue heron rookery based on updated science.

Geologically Hazardous Areas

- New process outlined for third-party review of a critical areas report.
- Standards for trails in landslide hazard areas developed.
- Certain types of development prohibited in high landslide hazard areas.
- Opportunity provided to reduce lot sizes in the R-4 zone to minimize impact on landslide hazard areas through clustering.

Flood Hazard Areas

- Standards for flood hazard areas and frequently flooded areas consolidated (Title 16 and Title 18).
- No real adjustment to standards, but elimination of some King County holdover designations (zero-rise floodway and flood fringe, for example).

- Revisions reviewed by FEMA to be certain changes comply with the National Flood Insurance Program.

Groundwater Susceptibility Areas

- New standards and map developed.
- New ability to require hydrogeological assessments when hazardous substances are present, injection wells are proposed, or when the city manager identifies activities that might have an adverse impact on groundwater quality, quantity or recharge.

Miscellaneous

- Amendments allow administrative modifications of setbacks and required parking to facilitate protection of critical areas.

Shoreline Master Program policies and regulations

- New shoreline designation created: Swamp Creek Commercial Environment.
- Clarification that Kenmore prohibits new heavy manufacturing or industrial uses in the shoreline.
- Transfer of some standards from the Shoreline Sub-Element into the shoreline regulations.
- New shoreline use table incorporates the same list of land uses as found in the Zoning Code.
- New section describes standards for commercial and light manufacturing uses.
- New section describes standards for parking.
- More expansive table describes shoreline modifications and conditions.
- Section on water access structures revised, including updated standards for overwater structures that are appropriate for the Sammamish River.
- Shoreline density and dimensions table revised, including buffers based on existing conditions for the Sammamish River and Swamp Creek (previously addressed by critical area regulations).
- Standards for parks and outdoor recreational facilities created.
- New sections added (from State rules) on developments not requiring shoreline permits or local reviews and relief from development standards
- New ability to consider/approve 5-year maintenance plans.

EXHIBIT B

The following amendments are provided in underline/strike-through format. New text is underlined; eliminated text shows with a strike-through. All changes are highlighted in yellow. If text is not highlighted, it is pre-existing and no changes are proposed.

There are two exceptions to these standards: Attachment 6, Flood Hazard Areas and Attachment 7, Groundwater Susceptibility and Critical Aquifer Recharge Areas. These two Articles are entirely new text but no underlining or yellow highlighting is included.

ATTACHMENT 1

Amendments to Chapter 18.20, Definitions**18.20.206.1 Area of special flood hazard**

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter "A" or "V." The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

18.20.228 Bankfull width.

"Bankfull width" means:

(a) For streams - The measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.

(b) For lakes, ponds, and impoundments - Line of mean high water.

(c) For periodically inundated areas of associated wetlands - Line of periodic inundation, which will be found by examining the edge of inundation to ascertain 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.

18.20.230 Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Designation on the FIRM always includes the letter "A" or "V."

18.20.240 Base flood elevation

"Base flood elevation" means the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929/ North American Vertical Datum 1988.

18.20.453 Channel width and gradient.

"Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

ATTACHMENT 1

18.20.1055 Fish habitat.

"Fish habitat" means habitat that is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by *restoration* or management and off-channel habitat.

18.20.1057 Flood or flooding

"Flood" or "flooding" means:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.2. of this definition.

18.20.105990 Flood insurance elevation study for King County

"Flood insurance elevation study for King County" means the official report provided by the Federal Insurance Administration which includes flood profiles and the flood insurance rate map. means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

18.20.1060 Flood fringe

"Flood fringe" means that portion of the floodplain area of special flood hazard outside of the zero-rise floodway which is covered by floodwaters during the base flood, generally associated with standing water rather than rapidly flowing water.

18.20.1070 Flood hazard areas

"Flood hazard areas" means those areas in the City subject to inundation by the base flood (see "area of special flood hazard") and those areas subject to flood risks from *channel relocation* or *stream meander* including, but not limited to, *streams*, *lakes*, *wetlands* and closed depressions.

ATTACHMENT 1

The latter flood hazard areas may extend outside of the area of special flood hazard mapped by FEMA, but are defined and designated by the City.

18.20.1080 Flood insurance rate map (FIRM)

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration Insurance Administrator has delineated ~~some~~ both the special flood hazard areas and the risk premium zones applicable to the community. both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

18.20.1090 Flood insurance study (FIS) for King County

"Flood insurance study for King County" means the official report provided by the Federal Insurance Administration which includes flood profiles and the flood insurance rate map. See "Flood elevation study."

18.20.1110 Floodplain

"Floodplain" means the total area subject to inundation by the base flood, means any land area susceptible to being inundated by water from any source (see definition of "flooding").

18.20.1120 Floodproofing

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents adaptations which will make a structure that is below the flood protection elevation substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.

18.20.10201125 Federal Emergency Management Agency (FEMA) Floodway

"Federal Emergency Management Agency (FEMA) Floodway" means the channel of the stream a river or other watercourse and that portion of the adjoining adjacent floodplain land areas that must be reserved in order to which is necessary to contain and discharge the base flood flow without cumulatively increasing the base floodwater surface elevation more than one foot a designated height. Also known as the "Regulatory Floodway" or "FEMA floodway."

18.20.1130 Floodway, zero-rise

"Zero-rise floodway" means the channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain, as shown on the flood insurance study for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a critical area special study.

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18.20.1340 Historic structure

"Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or
2. Directly by the Secretary of the Interior in states without approved programs.

18.20.1673 Lowest floor

For purposes of flood hazard area regulations, "lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of article XIX of KMC Chapter 18.55.

18.20.1835 Natural waters.

"Natural waters" means all surface waters of the state, only excluding water conveyance systems which are artificially constructed and actively maintained for irrigation.

18.20.2102 Practical alternative.

"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration effectiveness, engineering feasibility, cost, safety, existing technology, and logistics in light of overall project needs, purposes and objectives, and has less impacts to critical areas. For example, a practical alternative to a proposal to place a sidewalk through a wetland might be to place an elevated boardwalk through the wetland.

18.20.2461 Seasonal low flow and seasonal low water.

"Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques.

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18.20.2875 Start of construction.

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

18.20.2900 Stream.

"Stream" means an area where open surface water produces a defined water contained within a channel or bed, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031. Streams also include natural watercourses modified by man. Streams do not include not including irrigation ditches, canals, wasteways, drains, outfalls, operational spillways, channels, storm or surface water runoff facilities or other wholly artificial watercourses, unless they are used by salmonids or are used to convey a watercourse naturally occurring prior to construction, except those that directly result from the modification to a natural watercourse. Artificial drainage features with documented fish usage are regulated as streams. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

18.20.2955 Substantial damage

For purposes of flood hazard area regulations, "substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

18.20.3118 Utility.

"Utility" means an enterprise or facility serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.

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**Chapter 18.55
CRITICAL AREAS**

Sections:

Article I. Purpose and General Provisions

- 18.55.010 Purpose and goals.**
- 18.55.020 Authority.**
- 18.55.030 Relationship to other regulations.**
- 18.55.040 Administrative procedures.**
- 18.55.050 Fees.**
- 18.55.070 Administrative rules.**
- 18.55.080 Interpretation.**
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Article II. Best Available Science

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Article III. Applicability, Exemptions, and Exceptions

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Article IV. Critical Areas Report

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18.55.230 Unauthorized critical area alterations and enforcement.

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Article VII. Wetlands – Designation and Rating

18.55.300 Designation and rating of wetlands.

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18.55.325 Buffer Width Alterations.

18.55.330 Performance standards – Mitigation requirements.

Article I. Purpose and General Provisions

18.55.010 Purpose and goals.

A. The purpose of this chapter is to designate and classify ecologically critical and geologic and flood hazard areas in order to protect ecologically *critical areas* and protect lives and property from hazards, while also allowing for *reasonable use of private* property.

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

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C. By limiting *alteration of critical areas*, this chapter seeks to:

1. Strive to protect lives and public and *private* property from flooding;
 2. Strive to protect slopes from *erosion* and sliding;
 3. Minimize the potential for damage due to liquefaction and seismic hazards;
 4. Protect *wetlands* from encroachment and degradation and encourage *wetland restoration*;
 5. Protect *streams* from encroachment and degradation and encourage *stream restoration*; and
 6. Maintain and promote a diversity of *species* and habitat within the *City*; and
7. Address critical aquifer recharge areas and protect groundwater.

D. The regulations of this chapter are intended to protect *critical areas* in accordance with the GMA and through the application of *best available science*.

E. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.

F. The *City's* enactment and enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

18.55.020 Authority.

A. As provided herein, the *city manager* is given the authority to interpret, apply, and enforce this chapter to accomplish the stated purpose.

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

C. In the event that multiple *critical areas* occur on a *site*, it is the authority of the *city manager* to balance the protection of the multiple *critical areas* and provide appropriate *mitigation*.

18.55.030 Relationship to other regulations.

A. These *critical areas* regulations shall be in addition to zoning and other regulations adopted by the *City*. Compliance with other regulations does not exempt the *applicant* from *critical areas* regulations.

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B. The *critical area* regulations ~~set forth in KMC 16.05.060(B)~~ shall apply to all *critical areas* located within the jurisdiction of the Kenmore shoreline master program (Title 16 KMC).

C. These *critical areas* regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA) (Chapter 19.35 KMC).

D. Any individual *critical area* adjoined by another type of *critical area* shall have the *buffer* and meet the requirements that provide the most protection to the *critical areas* involved. When any provision of this chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this chapter, that which provides more protection to the *critical areas* shall apply.

E. Compliance with the provisions of this chapter does not constitute compliance with other federal, State, and local regulations and permit requirements that may be required (for example, shoreline substantial development or conditional use permits, shoreline variances, the Washington State Department of Fish and Wildlife *hydraulic project approval* (HPA), Army Corps of Engineers *Section 404 permits*, and National Pollution ~~Discharge~~ Discharge Elimination System (NPDES) permits). The *applicant* is responsible for complying with these requirements, apart from the process established in this chapter.

18.55.040 Administrative procedures.

The administrative procedures followed during the *critical area* review process shall conform to the standards and requirements of the *City* development regulations, except that, where *critical areas* are located within the jurisdiction of the Kenmore shoreline master program, administrative procedures shall conform to the standards and requirements of Chapter 16.75 KMC. This shall include, but not be limited to, timing, permits, variances, exemptions, exceptions, appeals, and fees associated with applications covered by this chapter.

18.55.050 Fees.

The *City* by resolution shall establish fees for *critical area* review processing and other services provided by the *City* as required by this chapter.

18.55.070 Administrative rules.

Applicable *departments* within the *City* are authorized to adopt such administrative rules and regulations as necessary and appropriate to implement this chapter and to prepare and require the use of such forms as necessary for its administration.

18.55.080 Interpretation.

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

18.55.090 Jurisdiction – Critical areas.

A. The *City* shall regulate all *uses*, activities, and *developments* within, adjacent to, or likely to affect one or more *critical areas*, consistent with *best available science* and the provisions herein.

B. *Critical areas* regulated by this chapter include:

1. *Wetlands* as designated in KMC [18.55.300](#), Designation and rating of *wetlands*;
2. *Streams and lakes* as designated in KMC [18.55.400](#), Designation and rating of *streams and lakes*;
3. Fish and wildlife habitats of importance as designated in KMC [18.55.500](#), Designation of fish and wildlife habitats of importance;
4. *Geologically hazardous areas* as designated in KMC [18.55.610](#), Designation of *geologically hazardous areas*; and
5. Frequently flooded areas as designated in KMC [18.55.7005](#), *Frequently flooded areas and Flood damage prevention hazard areas*; and
6. *Critical aquifer recharge areas and groundwater* as designated in KMC [18.55.800](#), *Critical aquifer recharge areas and groundwater*.

C. All areas within the *City* meeting the definition of one or more *critical areas*, regardless of any formal identification, are hereby designated *critical areas* and are subject to the provisions of this chapter.

D. Areas Adjacent to *Critical Areas* Subject to Regulation. Areas adjacent to *critical areas* shall be considered to be within the jurisdiction of these requirements and regulations to support the intent of this chapter and ensure protection of the *functions and values* of *critical areas*. "Adjacent" shall mean any activity located:

1. On a *site* immediately adjoining a *critical area*;
2. A distance equal to or less than the required *critical area buffer* width and building *setback*;
3. A distance equal to or less than ~~one-half mile (2,640 feet)~~ [660 feet](#) from a bald eagle nest;

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4. A distance equal to or less than 999656 feet from the closest nest of a heron rookery; or
5. Within the floodway, *floodplain* or channel migration zone.

18.55.100 Protection of critical areas.

Any action taken pursuant to this chapter shall result in equivalent or greater *functions and values* of the *critical areas* associated with the proposed action, as determined by the *best available science*. All actions and *developments* shall be designed and constructed in accordance with *mitigation* sequencing (KMC 18.55.210) to avoid, minimize, restore, and compensate for adverse impacts. *Applicants* must first demonstrate an inability to avoid or reduce impacts before *restoration* and compensation of impacts will be allowed. No activity or *use* shall be allowed that results in a net loss of the *functions and values* of *critical areas*.

Article II. Best Available Science

18.55.110 Best available science.

A. Protection for *Functions and Values* and *Anadromous Fish*. *Critical areas* reports and decisions to alter *critical areas* shall rely on the *best available science* to protect the *functions and values* of *critical areas*. The *best available science* is scientific information applicable to the *critical area* prepared by local, State or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through 365-195-925. ~~Special consideration shall be given to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout, as required by WAC 365-195-900 through 365-195-925.~~

Article III. Applicability, Exemptions, and Exceptions

18.55.120 Applicability.

A. The provisions of this chapter shall apply to all lands, all land *uses* and development activity, and all *structures* and facilities in the *City* whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the *City*. No person, company, agency, or *applicant* shall alter a *critical area* or *buffer* except as consistent with the purposes and requirements of this chapter.

B. The *City* shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or *vegetation*, or to construct or alter any *structure* or improvement in, over, or on a *critical area* or associated *buffer*, without first assuring compliance with the requirements of this chapter. For development on lands regulated under the Kenmore shoreline master program, compliance with this

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chapter includes compliance with the requirements of the shoreline master program as well as with the requirements of this chapter.

C. Approval of a permit or *development proposal* pursuant to the provisions of this chapter does not discharge the obligation of the *applicant* to comply with the provisions of this chapter.

18.55.130 Mapping.

A. The approximate location and extent of *critical areas* are shown on the *City's critical area* maps. These maps are to be used as a guide and may be updated as new *critical areas* are identified. They are a reference and do not provide a final *critical area* designation. The exact location of a *critical area* and its boundary shall be determined on-site through a field investigation by a *qualified professional*.

B. The following maps identify ~~known~~**potential** *critical areas* located in the *City*:

1. *Wetlands and Streams.*

- a. *City* stream and wetland inventory;
- b. ~~King County critical areas map folio.~~ Washington State Department of Fish and Wildlife Priority Habitats and Species online mapping system;
- c. Washington State Department of Fish and Wildlife SalmonScape online mapping system; and
- d. Washington State Department of Natural Resources water type maps.

2. *Fish and Wildlife Habitats of Importance.*

- a. Washington State Department of Fish and Wildlife ~~Priority Habitats~~ and ~~Species~~ map online mapping system;
- b. Washington State Department of Natural Resources ~~official~~ water type ~~reference~~ maps, ~~as amended~~;
- c. Washington State Department of Fish and Wildlife SalmonScape online mapping system;
- d. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington State Conservation Commission; and
- e. Washington State Department of Natural Resources State natural area preserves and natural resource conservation area maps.

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3. *Geologically Hazardous Areas.*

a. *City geologically hazardous areas inventory;*

ba. King County's Landslide Hazards Along King County River Corridors interactive, web-based map folio; critical areas map folio, as modified by the City;

cb. U.S. Geological Survey landslide hazard and seismic hazard maps; Washington State Department of Natural Resources Geologic Information Portal;

dc. Washington State Department of Natural Resources seismic hazard maps for Western Washington; liquefaction susceptibility map for King County; and

ed. Washington State Department of Natural Resources slope stability maps.

4. *Flood Hazard Areas.*

a. *City stream and wetland inventory; and*

b. Federal Emergency Management Administration flood insurance rate maps and studies.

5. *Critical Aquifer Recharge Areas and Groundwater.*

a. *City map of aquifer susceptibility.*

18.55.140 Signs and fencing of critical areas.

A. Signs.

1. Temporary Markers. The outer perimeter of the *critical area* or *buffer* and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and verified by the *city manager* prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent *signs*, if required, are in place.
2. Permanent *Signs*. As a condition of any permit or authorization issued pursuant to this chapter, the *city manager* may require that the *applicant* install permanent *signs* along the boundary of a *critical area* or *buffer*.

Permanent *signs* shall be made of a metal face and attached to a metal post, or another material of equal durability. *Signs* must be posted at an interval of every 50 feet. If the length of the *lot* is 50

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feet or less, one *sign* per *lot* is required. The *sign* must be maintained by the property owner in perpetuity. *Signs* must be placed in a visible location and remain visible throughout any future site *development*. The *signs* shall include the *City's* logo and shall be worded as follows or with alternative language approved by the *city manager* based on specifications available from the *City*:

Environmentally Critical Area
Do Not Disturb
Contact the City of Kenmore
425-398-8900
Regarding Uses and Restriction

B. Fencing.

1. The *city manager* shall condition any permit or authorization issued pursuant to this chapter to require the *applicant* to install a permanent *fence* at the edge of the ~~critical area and buffer associated with a stream, lake, wetland, or fish and wildlife habitat of importance~~, when fencing will prevent future impacts to ~~the habitat conservation area ecological function~~. ~~When the buffer is in a legally altered state and is permitted to remain in that condition, the fencing may be placed at the upland edge of any properly functioning portion of the buffer. The city manager may also waive the requirement for a fence if the applicant can demonstrate that a fence would interfere with current, legal public access or use.~~
2. ~~A required permanent fence may be:~~
 - a. ~~The applicant shall be required to install a permanent natural untreated wood, split-rail, or fence around the critical area and buffer.~~
 - b. ~~Dense vegetation using native material appropriate for the ecoregion. Vegetation shall be maintained at a minimum height of 3 feet, with thorny species incorporated to deter intrusion.~~
3. Fencing installed shall be designed so as to not interfere with *species* migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.
4. Fencing is not required for single-family residential *lots* where subdivision is not proposed.

C. Maintenance. ~~To ensure long-term maintenance of signs and fencing, the owner of the property shall file a maintenance agreement as directed by the City. This agreement shall be recorded and run with the land.~~

18.55.150 Exemptions.

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Exempt activities shall avoid impacts to *critical areas*. All exempted activities shall use reasonable methods to avoid potential impacts to *critical areas*. To be exempt from this chapter does not give permission to degrade a *critical area* or ignore risk from natural hazards. Any incidental damage to, or *alteration* of, a *critical area* shall be restored, rehabilitated, or replaced at the responsible party's expense to prior condition or better.

A. Exempt Activities. The following *developments*, activities, and associated *uses* shall be exempt from the provisions of this chapter; provided, that they are otherwise consistent with the provisions of other local, State, and federal laws and requirements:

1. Activities, including routine maintenance, involving artificial drainage features intentionally created from nonwetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features;
2. Normal and routine maintenance, operation and reconstruction of existing roads, *streets*, utilities and associated rights-of-way and *structures*; provided, that reconstruction of any *structures* may not increase the *impervious surface* area or remove flood storage capacity;
3. Normal maintenance and repair, and reconstruction or remodeling of residential or commercial *structures*, or legal preexisting and ongoing *uses* of the *site*; provided, that reconstruction of any *structures* may not increase the previously approved *building* footprint;
4. *Site* investigative work and studies necessary for preparing *site development or modification plans* and *use applications*, including soils tests, water quality studies, wildlife studies and similar tests and investigations, where such activities do not require construction of new roads or significant amounts of excavation; and provided, that any disturbance of the *critical area* shall be the minimum necessary to carry out the work or studies and disturbed areas shall be immediately restored;
5. Educational activities, scientific research, and passive outdoor recreational activities, including but not limited to interpretive field trips, *and* birdwatching, *and previous trails for hiking*, that will not have a significant adverse effect on the *critical area*;
6. *Emergency* activities necessary to prevent an immediate threat to public health, safety, property or welfare; *provided that the critical areas shall be restored, rehabilitated, or replaced at the responsible party's expense to prior condition or better within one year of the activity. The restoration, rehabilitation, and/or replacement of the critical area is limited to that area impacted by the prevention effort; this section does not require the responsible party to restore, rehabilitate or replace critical areas damaged by natural disaster.*

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7. Minor activities not mentioned above and determined by the *city manager* to have minimal impacts to a *critical area*; and

8. Existing and ongoing agricultural activities, including farm pond maintenance, provided that they implement applicable Best Management Practices (BMPs) and minimize their effects on water quality, riparian ecology, salmonid populations, and wildlife habitat.

8. Installation, construction, replacement, repair or alteration of utilities and their associated facilities, lines, pipes, mains, equipment or appurtenances in improved City street rights-of-way.

B. Operation, Maintenance or Repair. Operation, maintenance or repair of existing *structures*, infrastructure improvements, utilities, public or *private* roads, dikes, levees or drainage systems, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the *critical area* or *buffer* and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair.

C. Modification to Existing *Structures*.

1. Structural modification of, addition to, or replacement of single detached residences in existence before November 27, 1990, which do not meet the building *setback* or *buffer* requirements for *wetlands*, *streams* or *landslide hazard areas* if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described *buffer* or building *setback* area by more than 500 square feet over that existing before November 27, 1990. No portion of the modification, addition or replacement may be located closer than the closest point of the residence to the *critical area* or, if the existing residence is in the *critical area*, no portion may extend farther into the *critical area*.

2. Structural modification of, addition to, or replacement of *structures*, except single detached residences, in existence before November 27, 1990, which do not meet the building *setback* or *buffer* requirements for *wetlands*, *streams* or *landslide hazard areas* if modification, addition, replacement or related activity does not increase the existing footprint of the *structure* lying within the above-described building *setback* area, *critical area* or *buffer*.

D. Activities within the Improved Right-of-Way. Repair, replacement, modification, installation, or construction of *utility facilities*, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a City-authorized *private* roadway, except those activities that alter a *wetland* or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater. Improved rights-of-way

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are those that are maintained out of necessity as a cleared, graded, paved, mowed or otherwise altered surface to allow for access, maintenance, or safety.

E. Select *Vegetation* Removal Activities. The following *vegetation* removal activities; provided, that no *vegetation* shall be removed from a *critical area* or its *buffer* without approval from the *city manager*:

1. The removal of *vegetation* listed in King County's *noxious weed* list.
2. The removal of *trees* that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to *private* property, from *critical areas* and *buffers*; provided, that the *city manager* determines that the disturbance to the *critical area* is minimal. Topping or limbing the tree to eliminate the hazard should be considered before removal. When removal is necessary, place the hazard tree in the critical area or buffer to provide habitat as downed wood unless doing so would pose a safety risk or increase a geologic hazard. Replacement trees at a 3:1 ratio are required.
3. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter [76.09](#) RCW; provided, that the removed *vegetation* shall be replaced *in-kind* or with similar native species within one year in accordance with an approved *restoration* plan.

18.55.160 Exception – Public agency ~~and/or~~ utility.

A. If ~~the strict~~ application of this chapter would prohibit ~~a development proposal by a public agency or public utility~~ the following:

1. expansion of an existing facility operated by a public agency that is site specific and non-linear, including, but not limited to, a school facility, a fire or police facility, a governmental office, a recreational facility, a park, or a stormwater retention/detention facility, or
2. expansion or extension of a linear public transportation facility, such as a street, highway or sidewalk, or
3. expansion or extension of a utility

~~then~~ the public agency or utility may apply for relief from strict application of this chapter through an exception pursuant to this section, unless the project is located on lands regulated under the Kenmore shoreline master program. Projects on lands regulated under the Kenmore shoreline master program are regulated under the procedures of Chapter [16.75](#) KMC.

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B. Adjustment of critical area standards for new site specific and non-linear facilities to be operated by a public agency, such as schools, fire or police facilities, governmental offices, recreational facilities, parks or stormwater retention/detention facilities, shall be considered through the variance process (KMC 18.55.170) if adjustments to buffers or building setbacks are required, or as a reasonable use exception if direct impacts to the critical area are proposed (KMC 18.55.180).

BC. Exception Request and Review Process. An application for a public agency and/or utility exception shall be made to the city and shall include a critical areas report, including mitigation plan, if necessary, and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (SEPA).

CD. City Manager Review. The city manager shall review the application as a Type 2 land use decision under KMC 19.25.020. The city manager shall approve, approve with conditions, or deny the request based on the proposal's demonstrated ability to comply with all of the public agency and utility exception criteria in subsection DE of this section.

DE. Public Agency and Utility Exception Review Criteria. The criteria for review and approval of a public agency and/or utility exceptions are as follows:

1. There is no other feasible location for the proposed development with less adverse impact on the critical area or buffer;
2. There is no other practical alternative to the proposed development with less impact on the critical areas or buffer. "Practical alternatives" include but are not limited to:
 - a. Location outside of the critical area and its buffer;
 - b. Pursuit and exhaustion of other administrative code modifications or exceptions including but not limited to: front yard setback modifications at KMC 18.30.190; modifications of minimum parking standards in KMC 18.40; and allowances for nonconforming uses in KMC 18.100;
23. The application of this chapter would unreasonably restrict the ability to provide public agency or utility services to the public;
4. The proposal does not pose an unreasonable threat to the public health, safety, or welfare;
5. The development proposal protects and mitigates impacts to the critical area functions and values consistent with best available science;
6. The development proposal achieves no net loss of critical area functions and values;

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7. Mitigation sequencing through KMC 18.55.210 has been demonstrated in the *critical areas* report, along with a demonstration of the how the *public agency or utility* will provide mitigation using a *watershed approach*;

8. Development activities involve the least intrusion into and disruption of the *critical area* necessary while fulfilling a public purpose and need;

9. The proposal is consistent with a *public agency or utility* system plan, capital facilities plan, master plan, program, or policy that has been the subject of a public review process; and

10. The proposal is consistent with the general purpose and intent of the City's comprehensive plan and adopted development regulations.

F. Approval conditions. Conditions for approval of a *public agency or utility* exception shall include, at a minimum:

1. Conformance with the development standards and mitigation plans identified in the approved *critical areas* report; and

2. Appropriate best management practices, as described in this chapter and in other science-based documents, including but not limited to the Washington State Department of Commerce Critical Areas Guidebook, as amended, sources of science by State agencies with expertise, and standard conditions of approval published by federal agencies.

18.55.170 Variances – Buffer widths and building setbacks.

A. Variances from the *buffer* width and building *setback* standards of this chapter may be authorized by the City in accordance with the procedures set forth in the City's zoning code, unless the project is located on lands regulated under the Kenmore shoreline master program. Projects on lands regulated under the Kenmore shoreline master program are regulated under the procedures of Chapter [16.75](#) KMC.

B. No *variance* is allowed in order to create additional *lots*.

C. The City may grant a *variance*; provided, that the *applicant* demonstrates that **all of the following criteria are met**:

1. **Special circumstances**

a. **Private development proposals**: There are special circumstances applicable to the subject property or to the intended *use* such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a *variance* from the *buffer* width **or building setback** requirements;

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b. New *public agency development* proposals: There is no other *practical alternative* that allows the *public agency* to meet its public service obligations pursuant to applicable laws, rules, or adopted plans. "*Practical alternatives*" include but are not limited to:

i. Location out of the critical area buffer;

ii. Pursuit and exhaustion of other code modifications or exceptions; ~~and~~

2. Necessary for rights or use:

a. Private development proposals: Such *variance* is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question;

b. New *public agency development* proposals: Such *variance* is necessary for a *public agency* proposal to fulfil a duty to serve per federal, state, or local laws; or to provide an essential public facility; or to address a public need or demand for service consistent with an adopted capital facilities plan, system plan, or other master plan that has been subject to a public review process which commonly includes an evaluation of alternative sites; ~~and~~

3. The granting of such buffer width ~~or building setback~~ *variance* will not be materially detrimental to the public welfare or injurious to the property or improvement; ~~and~~

4. The granting of the buffer width ~~or building setback~~ *variance* will not significantly impact the subject *critical area*; ~~and~~

5. The decision to grant the *variance* includes the *best available science* and gives special consideration to conservation or protection measures necessary to preserve or enhance *anadromous fish habitat*; and

6. The granting of the *variance* is consistent with the general purpose and intent of the *City's* comprehensive plan and adopted development regulations.

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

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E. *City Manager* Review. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the *variance* criteria in this section.

F. Time Limit.

1. Establishment of any development activity authorized pursuant to a *variance* shall occur within four years of the effective date of the decision for such *variance*. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.
2. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the timeframes of said permits.

G. Burden of Proof. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and upon which any decision has to be made on the application.

18.55.180 Exception – Reasonable use.

A. If the application of this chapter pertaining to *critical areas* will prevent the *applicant* from making any *reasonable use* of the subject property, the *applicant* may apply for an exception pursuant to this section unless the project is located on lands regulated under the Kenmore shoreline master program. Projects on lands regulated under the Kenmore shoreline master program are regulated under the procedures of Chapter [16.75](#) KMC. An application for a reasonable use exception must accompany a *development permit* application through the City's review and decision process.

1. Criteria for Granting. The *city manager* shall grant a *reasonable use* allowance only when **all of** the following criteria are met:

a. Reasonable Use

i. Private proposals: The *applicant* demonstrates that the application of this chapter will deny all *reasonable use* of the subject property otherwise allowed by applicable law;

ii. New public agency development proposals: The *applicant* demonstrates that the application of this chapter would interfere with a *public agency* proposal to fulfill a duty to serve per federal, state, or local laws; or to provide an essential public facility; or to address a public need or demand for service consistent with an adopted capital facilities

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plan, system plan, or other master plan that has been subject to an alternative site evaluation and public review process;

b. The development activities involve the least intrusion into and disruption of the *critical area* necessary to allow a *reasonable use* of the subject property by a private applicant or to achieve a public agency responsibility consistent with adopted laws, rules, and plans per criterion "a".

c. The development activities will not cause or result in damage to properties other than the subject property and will not endanger the public health, safety or welfare;

d. The *applicant's* inability to make *reasonable use* of the subject property has not resulted from any of the following:

(1) Prior subdivision or segregation of the subject property, or changes to the boundaries of the subject property through a boundary line adjustment or otherwise; or

(2) Prior actions taken in violation of this chapter or any local, State, or federal law or regulation;

e. No other *reasonable use* of the property has less impact on the *critical area*;

f. The inability of the *applicant* to derive *reasonable use* of the property is not the result of actions by the *applicant* after the effective date of the ordinance codified in this chapter, or its predecessor; and

g. *Mitigation* proposed by the *applicant* is sufficient to protect the *functions and values* of the *critical area* and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this chapter.

2. Appeals. The *applicant* may appeal a decision of the *city manager* on a *reasonable use* allowance application to the *hearing examiner* pursuant to the provisions of the Kenmore Municipal Code.

B. Exception Request and Review Process. An application for a *reasonable use* exception shall be made to the *City* and shall include a *critical areas* report, including *mitigation* plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter [19.35](#) KMC).

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C. *City Manager Review*. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the criteria in subsection A of this section.

D. *Burden of Proof*. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

E. *Time Limit*.

1. Establishment of any development activity authorized pursuant to a *reasonable use* exception shall occur within four years of the effective date of the decision for such *reasonable use* exception. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.
2. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the timeframes of said permits.

Article IV. Critical Areas Report

18.55.190 Critical areas reports – Requirements.

A. *Prepared by Qualified Professional*. The *applicant* shall submit a *critical areas* report prepared by a *qualified professional* as defined herein.

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

C. *Critical Areas Report Contents*. Requirements for *critical areas* reports are available from the *city manager*. In addition, the *applicant* shall provide any additional known information pertaining to the *critical area*(s) on the subject property and adjacent properties.

18.55.200 Mitigation requirements.

A. The *applicant* shall avoid all impacts that degrade the *functions and values* of *critical areas* **unless there is no practicable alternative**. Unless otherwise provided in this chapter, if *alteration* to the *critical area* is unavoidable, all adverse impacts to or from *critical areas* and *buffers* resulting from a *development*

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proposal or alteration shall be mitigated in accordance with an approved *critical areas* report and SEPA documents.

B. *Mitigation* shall be *in-kind* and on-site, when possible, and sufficient to maintain the *functions and values* of the *critical area*, or to prevent risk from a hazard posed by a *critical area*.

18.55.210 Mitigation sequencing.

Applicants shall demonstrate that all reasonable efforts have been ~~examined~~ made to identify and evaluate practicable alternatives with the intent to avoid and minimize impacts to *critical areas* while still achieving the overall project purposes. When an *alteration* to a *critical area* is proposed, such *alteration* shall be avoided, minimized, or compensated for as outlined by WAC [197-11-768](#), in the following order of preference:

- A. Avoiding the impact altogether by not taking a certain action or parts of actions;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact by replacing or providing substitute resources or environments; and/or
- F. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

18.55.220 Mitigation plan requirements.

When *mitigation* is required, the *applicant* shall submit for approval by the *City* a *mitigation* plan as part of the *critical areas* report. *Mitigation* plan requirements are available from the *city manager*.

Within 30 days of installation of the approved *mitigation*, the *applicant* shall submit an affidavit or as-built drawing signed by the *qualified professional* described in KMC [18.55.190](#) certifying that the *mitigation* has been installed consistent with the approved plan, unless the installed *mitigation* has been inspected and accepted by the *department*.

Article V. Unauthorized Alterations and Enforcement

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18.55.230 Unauthorized critical area alterations and enforcement.

A. When a *critical area* or its *buffer* has been altered in violation of this chapter, all ongoing *development* work shall stop and the *critical area* shall be restored. The *City* shall have the authority to issue a stop work order to cease all ongoing *development* work, and order *restoration*, rehabilitation or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.

B. *Restoration Plan Required.* All *development* work shall remain stopped and the *site* stabilized until a *restoration* plan is prepared and approved by the *City*. Such a plan shall be prepared by a *qualified professional* and shall describe how the actions proposed meet the minimum requirements described in subsection C of this section. The *city manager* shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the *applicant* or violator for revision and resubmittal.

C. *Minimum Performance Standards for Restoration.* For *alterations* to *wetlands*, *streams* and *lakes*, *geologically hazardous areas*, and fish and wildlife habitats *areas* of importance, and *flood hazard areas*, the following minimum performance standards shall be met for the *restoration* of a *critical area*; provided, that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

1. The historic structural and functional values shall be restored, including water quality and habitat functions;
2. The historic soil types and configuration shall be replicated;
3. The *critical area* and *buffers* shall be replanted with *native vegetation* that replicates the *vegetation* historically found on the *site* in species types, sizes, and densities; and
4. The historic *functions and values* should be replicated at the location of the *alteration*.

D. *Site Investigations.* The *city manager* is authorized to make *site* inspections and take such actions as are necessary to enforce this chapter. The inspector shall present proper credentials and make a reasonable effort to contact any property owner before entering onto *private* property.

E. *Monitoring.* *Monitoring* shall be required for five years unless otherwise determined by the *city manager*. A performance and/or maintenance bond of 125 percent of the estimated cost of restoring the *functions and values* of the *critical area* shall be posted to assure that all work or actions are satisfactorily

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completed **or and** maintained in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, and to **as en**sure that all work or actions will be completed.

Article VI. General Critical Area Protective Measures

18.55.250 Notice on title.

A. In order to inform subsequent purchasers of real property of the existence of *critical areas*, the owner of any property containing a *critical area* or *buffer* on which a *development proposal* is submitted shall file a notice with the county records and elections division according to the direction of the *City*. The notice shall state the presence of the *critical area* or *buffer* on the property, of the application of this chapter to the property, and the fact that limitations on actions in or affecting the *critical area* or *buffer* may exist. The notice shall run with the land.

B. This notice on title shall not be required for a *development proposal* by a public agency or public or *private* utility:

1. Within a recorded easement or right-of-way;
2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
3. On the *site* of a permanent public facility.

C. The *applicant* shall submit proof that the notice has been filed for public record before the *City* approves any *development proposal* for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording.

18.55.260 Critical area tracts.

A. *Critical area tracts* shall be used in *development proposals* for subdivisions, short subdivisions, site plan reviews, commercial and multifamily building permits, and binding site plans to delineate and protect those contiguous *critical areas* and *buffers* listed below:

1. All *wetlands* and **their** *buffers*;
2. All *streams*, **lakes** and **their** *buffers*;
3. All fish and wildlife habitats **s areas** of importance;
4. *Geologically hazardous areas* and *buffers*, if applicable; and
5. All other lands to be protected from *alterations* as conditioned by project approval.

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B. *Critical area tracts* shall be recorded on all documents of title of record for all affected *lots*.

C. *Critical area tracts* shall be designated on the face of the plat, short plat or recorded drawing in a format approved by the *City*. The designation shall include the following restriction:

1. An assurance that *native vegetation* will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and *erosion*, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
2. The right of the *City* to enforce the terms of the restriction.

D. The *City* shall determine at the *City's* discretion that any required *critical area tract* be dedicated to the *City*, held in an undivided interest by each owner of a building *lot* within the *development* with the ownership interest passing with the ownership of the *lot*, or held by an incorporated homeowners' association or other legal entity (such as a land trust), which assures the ownership, maintenance, and protection of the tract).

18.55.270 Building setbacks.

Unless otherwise provided **in this Chapter or in Title 16 KMC (Shoreline Management)**, *buildings* and other *structures* shall be set back a distance of 15 feet from the edges of all *critical area buffers* or from the edges of all *critical areas*, if no *buffers* are required. *Structures* that may extend into or be located in the required *setback* are listed in KMC [18.30.230](#).

18.55.280 Bonds to ensure mitigation, maintenance, and monitoring.

A. When *mitigation* required pursuant to a *development proposal* is not completed prior to the *City* final permit approval, such as final plat approval or final building inspection, the *City* shall require the *applicant* to post a performance bond or other security in a form and amount deemed acceptable by the *City*. If the *development proposal* is subject to *mitigation*, the *applicant* shall post a *mitigation* bond or other security in a form and amount deemed acceptable by the *City* to ensure *mitigation* is fully functional.

B. The performance bond shall be in the amount of 125 percent of the estimated cost of the installed *mitigation* project (including *monitoring*) or the estimated cost of restoring the *functions and values* of the *critical area* that are at risk, whichever is greater.

C. The bond shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the *city* attorney.

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D. Bonds or other security authorized by this section shall remain in effect until the *City* determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the *City* for a minimum of five years to ensure that the required *mitigation* has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an *applicant* or violator to complete required *mitigation*, maintenance, *monitoring*, or *restoration*.

F. Public *development proposals* shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for *mitigation*, maintenance, *monitoring*, or *restoration*.

G. Any failure to satisfy *critical area* requirements established by law or condition including, but not limited to, the failure to provide a *monitoring* report within 30 days after it is due or comply with other provisions of an approved *mitigation* plan shall constitute a default, and the *City* may demand payment of any *financial guarantees* or require other action authorized by the *City* code or any other law.

H. Any funds recovered pursuant to this section shall be used to complete the required *mitigation*.

18.55.290 Critical area inspections.

Reasonable access to the *site* shall be provided to the *City*, State, and federal agency review staff for the purpose of inspections of the *critical area* during any proposal review, *restoration*, *emergency* action, or *monitoring* period.

Article VII. Wetlands – Designation and Rating

18.55.300 Designation and rating of wetlands.

A. Designating *Wetlands*. All areas within the *City* meeting the *wetland* designation criteria in the ~~Washington State Identification and Delineation Manual (1997)~~, regardless of any formal identification, are hereby designated *critical areas* and are subject to the provisions of this chapter. Identification of wetlands and delineation of their boundaries shall be done in accordance with the Corps of Engineers wetlands delineation manual (Corps, 1987) and applicable regional supplement (Corps, 2010), as revised or as may be revised in WAC 173-22-035 and 173-22-080.

B. *Wetland* Ratings. *Wetlands*, as defined by this chapter, shall be rated using criteria outlined below: classified and scored using the 2014 Department of Ecology Washington State Wetland Rating System for Western Washington, Publication #14-06-029 (Hruby, 2014 or latest edition), which contains the definitions and methods for determining whether the criteria below are met.

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1. Wetlands Classification. Wetlands, as defined by this chapter, shall be designated Class 1, Class 2, and Class 3 according to the criteria below.

a. Class 1 wetlands are those wetlands that meet any of the following criteria:

(1) Documented habitat for federal or State listed endangered or threatened fish, animal, or plant species; or

(2) Wetlands listed as high quality habitats in the Natural Heritage Information System; or

(3) Wetlands with irreplaceable ecological functions, including sphagnum bogs and fens or natural forested swamps; or

(4) Wetlands of exceptional local significance, specifically those wetlands proximal to and influenced by the main stem of Swamp Creek, the Sammamish River, or Lake Washington.

b. Class 2 wetlands are those wetlands which are not Class 1 wetlands and meet any of the following criteria:

(1) Wetlands that have significant functions that may not be adequately replicated through creation or restoration; or

(2) Wetlands associated with Type 2 or 3 streams; or

(3) Wetlands greater than one acre in size; or

(4) Wetlands equal to or less than one acre having three or more classes of wetland vegetation (as defined in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al., 1979)); or

(5) Wetlands containing a forested wetland class.

c. Class 3 wetlands are those wetlands not rated as Class 1 or 2 wetlands, but greater than 1,000 square feet in size.

1. Category I. Category I wetlands are:

a. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;

b. Bogs;

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c. Mature and old-growth forested *wetlands* larger than 1 acre; or

d. *Wetlands* that perform many functions well (scoring 23 points or more).

These *wetlands*: (1) represent unique or rare *wetland* types, (2) are more sensitive to disturbance than most *wetlands*, (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, or (4) provide a high level of functions.

2. Category II. Category II *wetlands* are *wetlands* larger than 1 acre or those found in a mosaic of *wetlands*, or *wetlands* with a moderately high level of functions (scoring between 20 and 22 points).

3. Category III. Category III *wetlands* have a moderate level of functions (scoring between 16 and 19 points) and can often be adequately replaced with a well-planned mitigation project. *Wetlands* scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II *wetlands*.

4. Category IV. Category IV *wetlands* have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are *wetlands* that can often be adequately replaced with a well-planned mitigation project, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These *wetlands* may provide some important functions, and should be protected to some degree.

C. Buffer Areas.

1. The establishment of *buffer* areas shall be required for all development proposals and activities in or adjacent to *wetland* areas. The purpose of the *buffer* shall be to protect the integrity, function, and value of the *critical area*, and/or to protect life, property and resources from risks associated with development on unstable or critical lands.

2. *Buffers* shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the *critical area*, and implementation of appropriate erosion and sedimentation controls.

3. Native vegetation removal or disturbance is not allowed in established *buffers*, unless the removal or disturbance is part of a restoration activity or is allowed by other provisions of this chapter. In all cases, the removal or disturbance should be appropriately mitigated consistent with KMC 18.55.200 and 18.55.210.

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2. Required buffer widths (KMC 18.55.320(F)) shall reflect the sensitivity of the particular critical area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area.

F. Wetland Buffers.

14. Wetland buffers shall be established as follows:

Wetland Type	Buffer Width (Feet) Based on Habitat Score (points)		
	3-5	6-7	8-9
Class 1 Category I	75	150	225
Class 2 Category II	75	100	225
Class 3 Category III	60	60	225
Category IV	40	40	40

5. To minimize the impacts of adjacent land uses, development proposals and activities proposed in or adjacent to wetland areas must implement the following measures if applicable:

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	- Locate activity that generates noise away from wetland - If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source - For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	- Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered - Establish covenants limiting use of pesticides within 150 ft of wetland - Apply integrated pest management
Stormwater runoff	- Retrofit stormwater detention and treatment for roads and existing adjacent development - Prevent channelized flow from lawns that directly enters the buffer - Use Low Impact Development techniques
Change in	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces

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<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>water regime</u>	<u>and new lawns</u>
<u>Pets and human disturbance</u>	• <u>Use privacy fencing OR plant dense vegetation to delineate <i>buffer</i> edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place <i>wetland</i> and its <i>buffer</i> in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	• <u>Use best management practices to control dust</u>

6. For *wetlands* that score 6 points or more for habitat function, a relatively undisturbed, vegetated corridor at least 100 feet wide shall be protected when feasible between the *wetland* and any other *priority habitats* as defined by the Washington State Department of Fish and Wildlife. Presence or absence of a nearby *priority habitat* must be confirmed by a *qualified professional* and documented in a critical areas report. The corridor must be protected for the entire distance between the *wetland* and the *priority habitat* by some type of legal protection such as a conservation easement or critical area tract.

27. Measurement of Wetland Buffers. Wetland buffers shall be measured from the *wetland edge* as delineated and marked in the field using the methodology specified in KMC 18.55.300.A, 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and current regional supplements or as may be revised in WAC 173-22-035 and 173-22-080 or the most recent approved federal manual and regional supplements.

38. Increased Wetland Buffer Widths. The city manager shall require increased *buffer* widths in accordance with the recommendations of a *qualified professional biologist* and the *best available science* on a case-by-case basis when a larger *buffer* is necessary to protect *wetland functions and values* based on *site-specific* characteristics. This determination shall be based on one or more of the following criteria:

- a. A larger *buffer* is needed to protect other *critical areas* or their functions;
- b. The *buffer* has a slope greater than 30 percent or is susceptible to *erosion* and standard *erosion-control* measures will not prevent adverse impacts to the *wetland*. In such cases, the *buffer* shall be increased to include the slope or the standard *buffer* shall be drawn from the top of the slope, whichever provides greater protection.

ED. Limited Exemptions. Class 3 wetlands less than 1,000 square feet may be exempted from the provisions of KMC 18.55.300 to 18.55.330 and may be altered by filling or dredging if the City

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determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.

1. All isolated Category IV *wetlands* meeting certain criteria that are less than 4,000 square feet may be exempt from the requirement to avoid *wetland* and *buffer* impacts (KMC 18.55.210.A), and they may be altered or filled if the impacts are fully mitigated based on the remaining actions in Chapter 18.55.210.B through F. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. A critical area report for *wetlands* meeting the requirements in KMC 18.55.310 must be submitted that demonstrates that the *wetland* is eligible for this exemption by confirming that the following criteria are met:

- a. The *wetland* is not associated with riparian areas or their *buffers*;
- b. The *wetland* is not associated with shorelines of the state or their associated *buffers*;
- c. The *wetland* is not part of a *wetland* mosaic;
- d. The *wetland* does not score 6 or more points for habitat function based on the 2014 update to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology); and
- e. The *wetland* does not contain a Fish and Wildlife Habitat of Importance as identified in 18.55.500.

2. All isolated Category IV *wetlands* meeting certain criteria that are less than 1,000 square feet may be exempt from the *buffer* provisions contained in this Chapter. A critical area report for *wetlands* meeting the requirements in KMC 18.55.310 must be submitted that demonstrates that the *wetland* is eligible for this exemption by confirming that the following criteria are met:

- a. Criteria 1.a through 1.e of this subsection, and
- b. The *wetland* does not contain federally listed species or their critical habitat.

~~7. Building Setback. A building setback from the *buffer* edge is required per KMC 18.55.270.~~

Article VIII. Wetlands – Additional Report Requirements

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18.55.310 Critical areas report.

Requirements for *critical areas* reports for *wetlands* are available from the *city manager*.

Article IX. Wetlands – ~~Performance Standards~~ Allowed Uses and Alterations

18.55.320 ~~Performance standards – General requirements~~ Allowed Uses.

~~BA.~~ Activities and *uses* shall be prohibited from *wetlands* and *wetland buffers*, except as provided for in this chapter.

~~AB.~~ Unless otherwise allowed by this chapter, ~~a~~ Activities may only be permitted in a *wetland* or *wetland buffer* after demonstration of mitigation sequencing, and if the *applicant* can show that the proposed activity will not degrade the *functions and values* of the *wetland* and other *critical areas* and no other feasible site design exists that results in less encroachment or impact to the *wetland* or *wetland buffer*.

C. ~~Class 1~~Category I and II *Wetlands*. Activities and *uses* shall be prohibited from ~~Class 1~~Category I and II *wetlands*, except as provided for in the ~~exemptions~~, public agency and utility exception, or *reasonable use* exception sections of this chapter, or in subsection E of this section.

D. ~~Class 2 and 3~~Category III and IV *Wetlands*. Activities may be permitted, if the *city manager* determines, based upon review of special studies completed by *qualified professionals*, that the activity meets avoidance and minimization requirements outlined in KMC [18.55.210](#) and will not:

1. Adversely affect water quality;
2. Adversely affect fish, wildlife, or their habitat;
3. Have an adverse effect on drainage and/or stormwater detention capabilities;
4. Lead to unstable earth conditions or create an *erosion* hazard or contribute to scouring actions;
5. Be materially detrimental to any other property or the *City* as a whole; or
6. Have adverse effects on any other *critical areas*.

~~6E.~~ ~~Wetland and~~ *Buffer Uses*. The following *uses* may be permitted within a ~~wetland and~~ *wetland buffer* in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *wetland*:

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a1. Conservation and *Restoration* Activities. Conservation or *restoration* activities aimed at protecting **or restoring** the soil, water, *vegetation*, or wildlife;

b2. Passive Recreation. Passive recreation facilities designed in accordance with an approved *critical areas* report, including:

(1)a. **Private walkways and trails**; provided, that those pathways that are generally parallel to the perimeter of the *wetland* shall be located in the outer 25 percent of the *buffer* area.

Walkway and trail surfaces in buffers shall be made of pervious materials and shall be a maximum of 5 feet wide. Where private walkways and trails must cross a wetland to reach a permitted water access structure, such as a dock, or a pedestrian bridge over an associated waterbody, the walkway or trail must be a raised boardwalk supported by piles that allow free movement of water beneath the structure;

b. Public walkways and trails; provided, that those pathways are located and designed based on existing site-specific conditions to minimize native vegetation removal, and are part of an approved public park or trail plan. The trail proposal shall be accompanied by a plan demonstrating that the existing ecological functions of the wetland or required buffer area on a project site would be improved. Trails may extend in or across a wetland if necessary to access viewing platforms or other viewpoints, access pedestrian bridges over an associated waterbody, or provide some other public purpose. Walkway and trail surfaces in buffers shall be made of pervious materials except that public multipurpose trails may be of impervious materials if they meet all other requirements, including water quality. Trail segments in wetlands must be a raised boardwalk supported by piles that allow free movement of water beneath the structure, but should be limited to protect ecological functions of the buffer and wetland.

Walkway and trail surfaces shall be made of pervious materials except that public multipurpose trails may be of impervious materials if they meet all other requirements, including water quality;

c. Walkways and trails proposed in wetlands and buffers by private parties as part of subdivisions, multifamily development, or commercial or institutional uses may be allowed subject to subsection E.2.b, if they will be accessible to the general public, identified with visible signage, and are recorded on title. Providing connectivity to existing City or regional trail systems or completing or contributing to a trail linkage identified in the City's Parks, Recreation and Open Space Plan or Walkways & Waterways Plan is encouraged.

d. Wildlife viewing structures; and

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e. Fishing access areas; and

f. Interpretive and other signs, benches, railings, and similar accessories to passive recreation that do not require significant ground disturbance, vegetation clearing, or concrete foundations.

~~C3.~~ Stormwater Management Facilities. ~~Stormwater dispersion outfalls and bioswales~~ ~~Grass-lined swales and dispersal trenches~~ may be located in the outer 25 percent of the *buffer* area of ~~Category III and IV~~ ~~Class 2 and 3~~ wetlands only. All other surface water management facilities are not allowed within the *buffer* area.

18.55.325 Buffer Width Alterations.

~~5A.~~ *Buffer* Conditions Shall Be Maintained. Except as otherwise specified or allowed in accordance with this chapter, *wetland buffers* shall be retained in an undisturbed condition.

~~4B.~~ Averaged or Reduced *Buffer* Widths. ~~Buffer widths may be averaged or reduced if an applicant receives approval as provided in this section. An applicant may request either (1) buffer averaging, or (2) buffer reduction with enhancement. A combination of these two buffer modification approaches shall not be used.~~

~~A. Wetland Buffer Width Averaging.~~ The *city manager* may allow averaging of the *wetland buffer* width in accordance with an approved *critical areas* report and the *best available science* on a case-by-case basis. Averaging of *buffer* widths may only be allowed where a *qualified professional biologist* demonstrates that:

~~(1).~~ Additional protection to the *wetland* will be provided through implementation of a *buffer enhancement* plan;

~~(2).~~ It will not reduce *wetland functions* or values;

~~(3).~~ The *wetland* contains variations in sensitivity due to existing physical characteristics or the character of the *buffer* varies in slope, soils, or *vegetation*, and the *wetland* would benefit from a wider *buffer* in places and would not be adversely impacted by a narrower *buffer* in other places;

~~(4).~~ The total area contained in the *buffer* after averaging is no less than that which would be contained within the standard *buffer*; and

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(5). For Class 1 and 2 wetlands, the buffer width shall not be reduced by more than 20-25 percent in any one place. For Class 3 wetlands, the buffer width shall not be reduced to less than 50 feet in any one place.

B. *Buffer Reduction with Enhancement.* Standard buffer widths for degraded wetland buffers may be reduced through a combination of buffer enhancement and low impact development strategies. The applicant shall demonstrate that through enhancing the buffer and use of low impact development strategies the reduced buffer will function at a higher level than the standard buffer. Buffers may be reduced in the following manner according to wetland type:

Wetland Category	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
1	25 percent	112.5 feet
2	25 percent	75 feet
3	25 percent	45 feet

C. *Decisional Criteria.* Prior to approval of a reduced buffer, a critical areas application shall meet all of the decisional criteria listed below. A reduced buffer will be approved in a degraded wetland buffer only if:

- (1) It will provide an overall improvement in water quality;
- (2) It will provide an overall enhancement to fish, wildlife, or their habitat;
- (3) It will provide a net improvement in drainage and/or stormwater detention capabilities;
- (4) It will not lead to unstable earth conditions or create an erosion hazard;
- (5) It will not be materially detrimental to any other property or the City as a whole; and
- (6) All exposed areas are stabilized with native vegetation, as appropriate.

D. *Buffer Enhancement Plan.* As part of the buffer reduction request, the applicant shall submit a buffer enhancement plan prepared by a qualified professional and fund a review of the plan by

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the City's wetland consultant. The plan shall assess the habitat, water quality, stormwater detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the six criteria listed in subsection (F)(4)(c) of this section.

C. The City may approve a modification of the minimum required buffer in cases where an improved right-of-way, associated with a legally established roadway, transects the buffer. The buffer may be reduced to match the edge of the right-of-way closest to the wetland if the portion of the buffer on the other side of the roadway meets the following criteria:

1. Does not provide additional protection to the proposed development from flooding or other hazard, or to the wetland; and
2. Provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland.

Improved rights-of-way are those that are maintained out of necessity as a cleared, graded, paved, mowed or otherwise altered surface to allow for access, maintenance, or safety.

D. The City may approve a modification of the minimum required buffer width where the proposed development or use is isolated from the critical area and its contiguous buffer by an existing legally established building, detached garage, accessory dwelling unit, commercial parking area, or retaining wall over six (6) feet in height. The modification may not be requested for such improvements as fences, sheds, patios, decks, driveways, or other similar structures and impervious surfaces.

For the buffer modification to be approved, the applicant must demonstrate conclusively in a critical area report that all of the following criteria are met.

1. The existing legal improvement between the proposed development or use and the wetland creates a substantial barrier to buffer function;
2. The isolated section of buffer does not provide additional protection of the critical area from the proposed development; and
3. The isolated section of buffer does not provide significant hydrological, water quality, and wildlife buffer functions relating to the portion of the buffer adjacent to the critical area.

7. ~~Building Setback. A building setback from the buffer edge is required per KMC 18.55.270.~~

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18.55.330 Performance standards – Mitigation requirements.

A. *Mitigation Shall Achieve Equivalent or Greater Ecological Functions.* *Mitigation* for *alterations* to *wetlands* and *buffers* shall achieve equivalent or greater ecologic functions than exist in the impacted *wetland* and *buffer*. *Mitigation* plans shall be generally consistent with the Department of Ecology Guidelines found in Wetland Mitigation in Washington State – Part 2, Version 1, March 2006, Publication No. 06-060-011b.

B. *Mitigation for Lost Functions and Values.* *Mitigation* actions shall address functions affected by the *alteration* to achieve functional equivalency or improvement, and shall provide similar *wetland functions* as those lost except when:

1. The lost *wetland* provides minimal functions as determined by a site-specific function assessment and the proposed *mitigation* action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment plan or protocol; or
2. Out-of-kind replacement will best meet formally identified regional goals, such as replacement of historically diminished *wetland* types.

C. *Buffers for Mitigation Shall Be Consistent.* ~~All mitigation sites shall have~~ When mitigation for a wetland impact includes creation of new wetland area, that new area shall be provided with a functioning buffers consistent with the *buffer* requirements of this chapter, unless determined by the *city manager* through a *variance* or a *reasonable use* exemption that a different *buffer* would provide adequate protection to the *critical area*.

D. *Preference of Mitigation Actions.* *Mitigation* sequencing outlined in KMC [18.55.210](#) shall be demonstrated in each *development proposal*. *Mitigation* actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

1. Restoring *wetlands* on upland sites that were formerly *wetlands*.
2. Creating *wetlands* in upland areas, considering degraded areas first.
3. Enhancing significantly degraded *wetlands*.
4. Preserving high quality *wetlands* that are under imminent threat.

E. *Type and Location of Mitigation.* *Mitigation* actions shall be conducted within the same *sub-drainage basin* or on the same *site* as the *alteration* except when all of the following apply:

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1. There are no reasonable on-site or in-*subdrainage-basin* opportunities, or on-site and in-*subdrainage-basin* opportunities do not have a high likelihood of success due to development pressures or adjacent land *uses*, or on-site *buffers* or connectivity is inadequate;
2. Off-site *mitigation* has a greater likelihood of providing equal or improved *wetland functions* than the impacted *wetland*; and
3. Off-site locations shall be in the same *subdrainage basin* unless established regional or watershed goals for water quality, flood or conveyance, habitat or other *wetland functions* have been established and strongly justify location of *mitigation* at another *site*.

F. *Mitigation* Timing. Where feasible, *mitigation* or *restoration* projects shall be completed prior to activities that will disturb *wetlands*. In all other cases, *mitigation* shall be completed immediately following disturbance and prior to use or occupancy of the activity or *development*. Construction of *mitigation* projects shall be timed to reduce impacts to existing wildlife and flora.

G. *Mitigation* Ratios.

1. Acreage Replacement Ratios. The following ratios shall apply to creation or *restoration* that is *in-kind*, on-site, the same *classcategory*, timed prior to or concurrent with *alteration*, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized *alterations*; greater ratios shall apply on a case-by-case basis. These ratios do not apply to the use of credits from a State-certified *wetland mitigation bank*. The first number specifies the acreage of replacement *wetlands* and the second specifies the acreage of *wetlands* altered.

Class 1	3 to 1
Class 2	2 to 1
Class 3	1 to 1

The required acreage replacement ratios for *wetlands* within the jurisdiction of the Kenmore shoreline master program are different from these standards. See KMC 16.65.010(C) for required *wetland mitigation ratios* in the shoreline jurisdiction.

Standard Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation ¹	Enhancement ²
Category I (Mature Forested)	6:1	12:1	24:1

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Category I	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1
Buffer	1:1	1:1	1:1

¹Rehabilitation means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. An example would be breaching a dike to reconnect wetlands to a floodplain.

²Enhancement means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

2. Increased Replacement Ratio. The *city manager* may increase the ratios under the following circumstances:

- a. Uncertainty exists as to the probable success of the proposed *restoration* or creation; or
- b. A significant period of time will elapse between impact and replication of *wetland functions*; or
- c. *Mitigation* will occur off-site versus on-site; or
- d. Proposed *mitigation* will result in a lower category *wetland* or reduced functions relative to the *wetland* being impacted; or
- e. The impact was an unauthorized impact.

3. Decreased Replacement Ratio.

- a. The *city manager* may decrease the replacement/creation/reestablishment ratios required for Class 1 and 2 Category II and III wetlands to 2:1 and 1.5:1, respectively, under the following circumstances:

- (1) The *applicant's* qualified *biologist* provides documentation that increases the certainty of success of the proposed *wetland restoration* or creation. At a minimum, this documentation shall include ground water *monitoring* in the area of proposed *restoration* or creation in the

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early growing season over a sufficient period of time to determine that there is a high probability of creating or restoring *wetlands* in that location; or

(2) Proposed *mitigation* will result in a higher functioning *wetland* (higher class) relative to the functions of the *wetland* being impacted; or

(3) The *mitigation* is successfully installed for a period of one year prior to the *wetland* being impacted. Successful installation shall be determined by a qualified *biologist*.

b. When a decreased replacement ratio is allowed, the *mitigation* shall be monitored for a period of no less than 10 years.

4. Credit/Debit Method. As an alternative to the standard mitigation ratios, the City may allow mitigation based on the "credit/debit" method developed by the Department of Ecology and documented in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington, Final Report, March 2012* (Hruby, 2012 or as revised).

H. Wetlands Enhancement as Mitigation. 1. Impacts to *wetlands* may be mitigated by *enhancement* of existing significantly degraded *wetlands*. Applicants proposing to enhance *wetlands* must produce a *critical areas* report that identifies how *enhancement* will increase the functions of the degraded *wetland* and how this increase will adequately mitigate for the loss of *wetland* area and function at the impact site. An *enhancement* proposal must also show whether existing *wetland functions* will be reduced by the *enhancement* actions.

2. At a minimum, *enhancement* acreage shall be double the acreage required for creation or restoration.

I. Mitigation Banking. The City may consider and approve *mitigation banking* as a form of compensatory *mitigation* for *wetland* impacts when the provisions of this chapter require *mitigation* and when it is clearly demonstrated that the use of a bank will provide equivalent or greater replacement of *critical area functions and values* when compared to on-site *mitigation*; provided, that all of the following criteria are met:

1. Banks shall only be used when they provide significant ecological benefits including long-term conservation of *critical areas*, important *species*, habitats, and when they are consistent with the City comprehensive plan and create a viable alternative to the piecemeal *mitigation* for individual project impacts to achieve ecosystem-based conservation goals. Credits from a *wetland mitigation* bank may be approved for use as compensation for unavoidable impacts to *wetlands* when:

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- a. The bank is certified under state rules;
 - b. The *city manager* determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.
- 3.
2. The bank shall be established in accordance with the Washington State Draft Mitigation Banking Rule (Chapter ~~173-700~~ WAC) or as revised, and (Chapter ~~90.84~~ RCW) and the federal *mitigation banking* guidelines as outlined in the Federal Register Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain State and federal certification. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.
 3. Preference shall be given to *mitigation banks* that implement *restoration* actions that have been identified formally by an adopted shoreline *restoration* plan or the Lake Washington/Cedar/Sammamish (WRIA 8) Watershed Chinook Salmon Conservation Plan. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

J. *In Lieu Fee Programs.* To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee (ILF) program or allow participation in an ILF program, such as King County's Mitigation Reserves Program. ILF programs shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved ILF program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

1. The city manager determines that it would provide environmentally appropriate compensation for the proposed impacts.
2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved ILF program instrument.

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3. The proposed use of credits is consistent with the terms and conditions of the approved ILF program instrument.

4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale. A one-year extension to this requirement may be granted by the *city manager* if the need for additional mitigation because of possible temporal loss is evaluated and addressed.

5. Projects using ILF credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the ILF program.

6. Credits from an approved ILF program may be used to compensate for impacts located within the service area specified in the approved ILF instrument.

K. *Advance Mitigation*. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations.

L. *Alternative Mitigation Plans*. The *city manager* may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter and must contain all of the standard components of a mitigation plan. The *city manager* shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-32, Olympia, WA, December 2009).

2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.

3. There is clear potential for success of the proposed mitigation at the proposed mitigation site.

4. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.

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Article X. Streams and Lakes – Designation and Rating

18.55.400 Designation and rating of streams and lakes.

Article XI. Streams and Lakes – Additional Report Requirements

18.55.410 Critical areas report.

Article XII. Streams and Lakes – ~~Performance Standards~~ Allowed Uses and Alterations

18.55.415 Allowed Uses.

18.55.420 ~~Performance standards~~—GeneralAlterations.

18.55.430 Performance standards – Mitigation requirements.

Article X. Streams and Lakes – Designation and Rating

18.55.400 Designation and rating of streams and lakes.

A. Stream and Lake Classification. ~~Streams and lakes shall be designated Type 1, Type 2, Type 3, and Type 4 Type S, Type F, Type Np, and Type Ns according to the following criteria in this section identified in WAC 222-16-030.~~

1. Type ~~1S streams~~ Waters are those ~~streams~~ segments of natural waters identified as “shorelines of the State” under Chapter 90.58 RCW, including the Sammamish River and the main stem of Swamp Creek, as well as Lake Washington.

~~2. Type 2 streams are those streams that are:~~

~~a. Natural streams that have perennial (year-round) flow and are used by salmonid fish; or~~

~~b. Natural streams that have intermittent flow and are used by salmonid fish.~~

~~3. Type 3 streams are those streams that are:~~

~~a. Natural streams that have perennial flow and are used by fish other than salmonids; or~~

~~b. Natural streams that have intermittent flow and are used by fish other than salmonids.~~

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4. Type 4 streams are those natural streams with perennial or intermittent flow that are not used by fish.

2. Type F Waters means segments of *natural waters* other than Type S Waters, which are within the *bankfull widths* of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat.

3. Type Np Waters means all segments of *natural waters* within the *bankfull width* of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

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

B. Presumption of fish use: Waters having any of the following characteristics are presumed to contain suitable *fish habitat*, and therefore are a Type F water:

1. Stream segments having a defined *channel width* of 2 feet or greater within the *bankfull width* and having a *channel gradient* of 16 percent or less;

2. Stream segments having a defined *channel width* of 2 feet or greater within the *bankfull width* and having a *channel gradient* greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries;

3. Ponds or impoundments having a surface area of less than 1 acre at *seasonal low water* and having an outlet to a fish stream;

4. Ponds or impoundments having a surface area greater than 0.5 acre at *seasonal low water*.

BC. Ditches. Ditches are artificial drainage features created in uplands through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. Purposeful creation must be demonstrated through documentation, photographs, statements and/or other evidence. Ditches are excluded from regulation as *streams*, unless they are used by *native species of* fish. Drainage setbacks are required as per the *City's* surface water runoff policy (Chapter 13.35 KMC).

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D. Lakes and ponds, which terms can be used interchangeably and are loosely differentiated in common use by the larger size of lakes, are surface water bodies distinguished from wetlands by the presence of deep water, typically 2 meters (6.6 feet) or greater.

E. Lakes, ponds and impoundments deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farmponds, temporary construction ponds (of less than three years duration), and landscape amenities, are not regulated by this chapter unless they are used by native fish. Purposeful creation must be demonstrated through documentation, photographs, statements and/or other evidence. However, lakes, ponds and impoundments intentionally created from dry areas as mitigation for a critical areas impact are regulated by this chapter.

FB. Stream and Lake Buffers.

A1. Establishment of Stream Buffers. The establishment of *buffer* areas shall be required for all development proposals and activities in or adjacent to *streams and lakes*. The purpose of the *buffer* shall be to protect the integrity, function, and value of the *stream or lake* and provide habitat for heron and other wildlife. *Buffers* shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the *stream or lake*, and implementation of appropriate *erosion* and sedimentation controls. ~~Native vegetation removal or disturbance is not allowed in established buffers.~~

~~Required buffer widths shall reflect the sensitivity of the stream or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area.~~

- ~~4.~~ The following *buffers* are established for *streams and lakes* to protect *functions and values*, including heron habitat:

Stream Type	Buffer Width (Feet)
Type 4S - and Swamp Creek, Lake Washington and Sammamish River Little Swamp Creek	150 See KMC 16.65.020
Type F – Little Swamp Creek	150
Type 2 F (other waterbodies used by or containing habitat suitable for salmonid fish)	100
Type 3 F (waterbodies used by or containing habitat suitable for fish other than salmonids)	50

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<i>Stream Type</i>	<i>Buffer Width (Feet)</i>
Type 4Np or Ns	25
Any type stream restored from a pipe	25

2. Measurement of ~~Stream~~ Buffers. ~~Stream b~~ Buffers shall be measured perpendicularly from the ordinary high water mark.

~~7. Building Setback. A building setback is required from the edge of the buffer per KMC 18.55.270.~~

3. Increased ~~Stream~~ Buffer Widths. The city manager shall require increased buffer widths in accordance with the recommendations of a *qualified professional* and the *best available science* on a case-by-case basis when a larger buffer is necessary to protect stream ~~or lake~~ functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

- a. A larger buffer is needed to protect other critical areas ~~or their functions~~;
- b. The buffer has a slope greater than 30 percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the stream ~~or lake~~. The buffer should be measured from the toe of the slope. In such cases, the buffer shall be increased to include the slope or the standard buffer shall be drawn from the top of the slope, whichever provides greater protection.

Article XI. Streams ~~and Lakes~~ – Additional Report Requirements

18.55.410 Critical areas report.

Requirements for critical areas reports for streams ~~and lakes~~ are available from the city manager.

Article XII. Streams ~~and Lakes~~ – ~~Performance Standards~~ Allowed Uses and Alterations

18.55.415 – Allowed Uses

~~5A.~~ Buffer Conditions Shall Be Maintained. Except as otherwise specified or allowed in accordance with this chapter ~~and Title 16 KMC (Shoreline Management)~~, stream ~~and lake~~ buffers shall be retained in an undisturbed condition.

~~B.~~ Native vegetation removal or disturbance is not allowed in established buffers.

~~6C.~~ Buffer Uses. The following uses may be permitted within a stream ~~or lake~~ buffer in accordance with the review procedures of this chapter ~~and Title 16 KMC (Shoreline Management)~~, provided they are not

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prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *stream* or lake:

1a. Conservation and *Restoration* Activities. Conservation or *restoration* activities aimed at protecting the soil, water, *vegetation*, or wildlife;

2b. Passive Recreation. Passive recreation facilities designed in accordance with an approved *critical areas* report, including:

(1)a. ~~Private walkways and trails~~; provided, that those pathways that are generally parallel to the perimeter of the *stream* or lake shall be located in the outer 25 percent of the *buffer* area;

(2) Walkway and trail surfaces in buffers shall be made of pervious materials and shall be a maximum of 5 feet wide ~~except that public multipurpose trails may be of impervious materials if they meet all other requirements, including water quality~~;

b. Public walkways and trails; provided, that those pathways are located and designed based on existing site-specific conditions to minimize native vegetation removal, and are part of an approved public park or trail plan. The trail proposal shall be accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be improved. Walkway and trail surfaces in buffers shall be made of pervious materials except that public multipurpose trails may be of impervious materials if they meet all other requirements, including water quality. In order to allow for a waterfront promenade area along the inner harbor area of the Downtown Waterfront shoreline environment on Lake Washington, public access improvements may extend to the water's edge.

c. Walkways and trails proposed in stream and lake buffers by private parties as part of subdivisions, multifamily development, or commercial or institutional uses may be allowed subject to subsection C.2.b, if they will be accessible to the general public, identified with visible signage, and are recorded on title. Providing connectivity to existing City or regional trail systems or completing or contributing to a trail linkage identified in the City's Parks, Recreation and Open Space Plan or Walkways & Waterways Plan is encouraged.

d. ~~(3)~~ Wildlife viewing structures; and

e. ~~(4)~~ Fishing access areas; and

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f. Interpretive and other signs, benches, railings, and similar accessories to passive recreation that do not require significant ground disturbance, native vegetation removal, or concrete foundations.

~~C3.~~ Stormwater Management Facilities. Stormwater dispersion outfalls and bioswalesGrass-lined swales and dispersal trenches may be located in the outer 25 percent of the *buffer* area. All other surface water management facilities are not allowed within the *buffer* area.

7. Building Setback. A building setback is required from the edge of the *buffer* per KMC 18.55.270.

18.55.420 Performance standards—GeneralAlterations.

A. Establishment of *Stream Buffers*. The establishment of *buffer* areas shall be required for all development proposals and activities in or adjacent to *streams*. The purpose of the *buffer* shall be to protect the integrity, function, and value of the *stream* and provide habitat for heron and other wildlife. *Buffers* shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the *stream*, and implementation of appropriate erosion and sedimentation controls. Native vegetation removal or disturbance is not allowed in established *buffers*.

Required *buffer* widths shall reflect the sensitivity of the *stream* or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the *critical area*.

B. *Stream Buffers*.

1. The following *buffers* are established for *streams* to protect functions and values, including heron habitat:

Stream Type	Buffer Width (Feet)
Type 1 and Little Swamp Creek	150
Type 2	100
Type 3	50
Type 4	25

2. Measurement of *Stream Buffers*. *Stream buffers* shall be measured perpendicularly from the ordinary high water mark.

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3. Increased *Stream Buffer* Widths. The city manager shall require increased *buffer* widths in accordance with the recommendations of a *qualified professional* and the *best available science* on a case-by-case basis when a larger *buffer* is necessary to protect *stream functions and values* based on site specific characteristics. This determination shall be based on one or more of the following criteria:

a. A larger *buffer* is needed to protect other *critical areas*;

b. The *buffer* has a slope greater than 30 percent or is susceptible to *erosion* and standard *erosion* control measures will not prevent adverse impacts to the *stream*. The *buffer* should be measured from the toe of the slope. In such cases, the *buffer* shall be increased to include the slope or the standard *buffer* shall be drawn from the top of the slope, whichever provides greater protection.

A. Modification of Standard *Buffer*.

1. The City may approve a modification of the minimum required *buffer* in cases where an improved right-of-way, associated with a legally established roadway, transects the stream or lake *buffer*. The *buffer* may be reduced to match the edge of the right-of-way closest to the stream or lake if the portion of the *buffer* on the other side of the roadway meets the following criteria:

a. Does not provide additional protection to the proposed development from flooding or other hazard, or to the lake or stream; and

b. Provides insignificant biological, geological or hydrological *buffer* functions relating to the other portion of the *buffer* adjacent to the lake or stream.

Improved rights-of-way are those that are maintained out of necessity as a cleared, graded, paved, mowed or otherwise altered surface to allow for access, maintenance, or safety.

2. The City may approve a modification of the minimum required *buffer* width where the proposed development or use is isolated from the critical area and its contiguous *buffer* by an existing legally-established building, detached garage, accessory dwelling unit, commercial parking area, retaining wall over six (6) feet in height, or similar structure. The modification may not be requested for such improvements as fences, sheds, patios, decks, driveways, or other similar structures and impervious surfaces. For the *buffer* modification to be approved, the applicant must demonstrate conclusively in a critical area report that all of the following criteria are met:

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a. The existing legal improvement between the proposed development or use and the stream or lake creates a substantial barrier to buffer function;

b. The isolated section of buffer does not provide additional protection of the critical area from the proposed development; and

c. The isolated section of buffer does not provide significant hydrological, water quality, and wildlife buffer functions relating to the portion of the buffer adjacent to the critical area.

~~7. Building Setback. A building setback from the buffer edge is required per KMC 18.55.270.~~

4B. Buffer Reduction with Enhancement. Standard buffer widths for degraded buffers of Type F, Ns, or Np waters may be reduced a maximum of 25 percent of the standard width through a combination of buffer enhancement and low impact development strategies. The applicant shall demonstrate that through enhancing the buffer and use of low impact development strategies the reduced buffer will function at a higher level than the standard buffer. Type S buffers and setbacks may only be reduced as outlined in KMC 16.60.030 or under the Shoreline Variance requirements of KMC 16.75.030. ~~Buffers may be reduced in the following manner according to stream type:~~

The following table describes the maximum buffer reduction and minimum buffer width when a degraded buffer is enhanced:

Stream Type	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
Type S - Swamp Creek, Lake Washington and Sammamish River	See KMC 16.60.030 or 16.75.030	
Type F - Type 1 and Little Swamp Creek	25 percent	112.5 feet
Type F (other waterbodies used by or containing habitat suitable for salmonid fish) Type 2	25 percent	75 feet
Type F (waterbodies used by or containing habitat suitable for fish other than salmonids) Type 3	25 percent	37.5 feet
Type Np or Ns Type 4	25 percent	18.75 feet

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<i>Stream Type</i>	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
Any type stream restored from a pipe	25 percent	18.75 feet

A1. Prior to approval of a reduced *buffer*, a *critical areas* application shall meet all of the decisional criteria listed below. A reduced *buffer* will be approved in a degraded stream *or lake* *buffer* only if:

- (1)a. It will provide an overall improvement in water quality;
- (2)b. It will provide an overall *enhancement* to fish, wildlife, or their habitat;
- (3)c. It will provide a net improvement in drainage and/or stormwater detention capabilities;
- (4)d. It will not lead to unstable earth conditions or create an *erosion* hazard;
- (5)e. It will not be materially detrimental to any other property or the *City* as a whole; and
- (6)f. All exposed areas are stabilized with *native vegetation*, as appropriate.

b2. As part of the *buffer* reduction request, the *applicant* shall submit a *buffer enhancement* plan prepared by a *qualified professional* and fund a review of the plan by the *City's wetlandcritical areas* consultant. The plan shall assess the habitat, water quality, stormwater detention, ground water recharge, shoreline protection, and *erosion* protection functions of the *buffer*; assess the effects of the proposed modification on those functions; and address the six criteria listed in subsection ~~(F)(4)(c)B.1~~ of this section.

~~5. *Buffer Conditions Shall Be Maintained.* Except as otherwise specified or allowed in accordance with this chapter, *stream buffers* shall be retained in an undisturbed condition.~~

~~6. *Buffer Uses.* The following *uses* may be permitted within a *stream buffer* in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the *buffer* and adjacent *stream*:~~

~~a. *Conservation and Restoration Activities.* Conservation or *restoration* activities aimed at protecting the soil, water, vegetation, or wildlife;~~

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b. ~~Passive Recreation. Passive recreation facilities designed in accordance with an approved critical areas report, including:~~

~~(1) Walkways and trails; provided, that those pathways that are generally parallel to the perimeter of the stream shall be located in the outer 25 percent of the buffer area;~~

~~(2) Walkway and trail surfaces shall be made of pervious materials except that public multipurpose trails may be of impervious materials if they meet all other requirements, including water quality;~~

~~(3) Wildlife viewing structures; and~~

~~(4) Fishing access areas.~~

c. ~~Stormwater Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the buffer area. All other surface water management facilities are not allowed within the buffer area.~~

~~7. Building Setback. A building setback is required from the edge of the buffer per KMC 18.55.270.~~

C. *Stream Crossings.* *Stream* crossings may be allowed and may encroach on the otherwise required *stream buffer* if:

1. All crossings ~~are designed using the most recent version of Washington Department of Fish and Wildlife's *Water Crossing Design Guidelines* (Barnard and others, 2013, or as revised), prioritizing~~ use bridges or other construction techniques which do not disturb the *stream* bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type ~~2 or 3~~ *streams* if the *applicant* demonstrates that such methods and their implementation will pose no harm to the *stream* nor inhibit migration of fish;
2. All crossings are constructed during the summer low flow and are timed to avoid *stream* disturbance during periods when use is critical to *salmonids*;
3. Crossings do not occur over *salmonid* spawning areas unless the *City* determines that no other possible crossing site exists;
4. Bridge piers or abutments are not placed within the *Federal Emergency Management Agency (FEMA) floodway* or below the *ordinary high water mark*;
5. Crossings do not diminish the flood-carrying capacity of the *stream*;

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6. Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the *base flood* predicted by a civil engineer licensed by the State of Washington. Temporary bore pits to perform such crossings may be permitted within the *stream buffer* established in this chapter; and
7. Crossings are minimized and serve multiple purposes and properties whenever possible.

D. *Stream Relocations.*

1. *Stream* relocations may be allowed only for:
 - a. All Type F, Type Np, and Type Ns *streams* types as part of a public project for which a public agency and utility exception is granted pursuant to this chapter; or
 - b. Type 3 or 4F *streams with fish use other than salmonids, Np or Ns streams* for the purpose of enhancing resources in the *stream* if:
 - (1) ~~Appropriate floodplain protection measures are used; and~~
 - c. The location occurs on-site except that relocation off-site may be allowed if the *applicant* demonstrates that any on-site relocation is impracticable, the *applicant* provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage *sub-basin* as the original *stream*.
2. For any relocation allowed by this section, the *applicant* shall base the design on the most recent version of the multi-agency *Stream Habitat Restoration Guidelines* (Cramer, 2012 or as revised). and demonstrate, based on information provided by a civil engineer and a qualified *biologist*, that:
 - a. The equivalent *base flood* storage volume and function will be maintained;
 - b. There will be no adverse impact to local ground water;
 - c. There will be no increase in velocity;
 - d. There will be no interbasin transfer of water;
 - e. There will be no increase in the sediment load;
 - f. There is an overall increase in habitat function and value for *salmonids* and other fish;
 - g. Requirements set out in the *mitigation* plan are met;

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h. The relocation conforms to other applicable laws; and

i. All work will be carried out under the direct supervision of a qualified *biologist*.

E. *Stream or Lake Enhancement/Restoration*. *Stream or lake enhancement and restoration* not associated with any other *development proposal* may be allowed if:

1. ~~a~~A accomplished according to a plan *consistent with the most recent version of the multi-agency Stream Habitat Restoration Guidelines (Cramer, 2012 or as revised)* for its design, implementation, maintenance and *monitoring* prepared by a civil engineer and a qualified *biologist* and carried out under the direction of a qualified *biologist*.

~~F. Minor Stream Restoration. A minor stream restoration project for fish habitat enhancement may be allowed if:~~

- ~~1. The project results in a net increase in stream or lake functions and values;~~
- ~~2. The restoration is sponsored by a public agency with a mandate to do such work;~~
3. The *enhancement or restoration* is not associated with *mitigation* of a specific *development proposal*; ~~and~~
4. The *enhancement or restoration* is limited to removal of non-native *vegetation* and *enhancement* of *riparian vegetation*, placement of rock weirs, log controls, spawning gravel and other specific *salmonid* habitat improvements;
- ~~5. The restoration only involves the use of hand labor and light equipment; or the use of helicopters, cranes, or aerial equipment which deliver supplies to the project site; provided, that they have no contact with critical areas or their buffers; and~~
- ~~6. The restoration is performed under the direction of a qualified biologist.~~

18.55.430 Performance standards – Mitigation requirements.

A. *Stream or Lake Mitigation*. *Mitigation* of adverse impacts to *aquatic or riparian* habitat areas shall result in equivalent *functions and values* on a per function basis, be located as near to the *alteration* as feasible, and be located in the same *subdrainage basin* as the impacted habitat *unless mitigation will be implemented via a City-approved in-lieu fee program or mitigation bank*. *See also KMC 18.55.200, 18.55.210 and 18.55.220.*

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B. Alternative Mitigation for Stream Areas. The performance standards set forth in this section may be modified at the City's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected subdrainage basin as a result of alternative mitigation measures.

B. Advance Mitigation. Mitigation for projects with pre-identified impacts to streams, lakes or their buffers may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations.

C. Alternative Mitigation Plans. The city manager may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals shall provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter and shall contain all of the standard components of a mitigation plan. The city manager shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with the joint U.S. Environmental Protection Agency and U.S. Army Corps of Engineers *Compensatory Mitigation for Losses of Aquatic Resources* (33 CFR Part 33, April 2008).
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
3. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
4. Mitigation in a different sub-basin is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.

D. Mitigation Banking.

1. Credits from a mitigation bank may be approved for use as compensation for unavoidable impacts to aquatic habitats when:
 - a. The bank is certified under state rules;
 - b. The city manager determines that the mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

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2. Accounting methods for quantifying project impacts and the necessary compensation shall be consistent with methods specified in the certified bank instrument.

3. Credits from a certified mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin.

E. In Lieu Fee Programs. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee (ILF) program or allow participation in an ILF program, such as King County's Mitigation Reserves Program. ILF programs shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved ILF program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

1. The city manager determines that it would provide environmentally appropriate compensation for the proposed impacts.

2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved ILF program instrument.

3. The proposed use of credits is consistent with the terms and conditions of the approved ILF program instrument.

4. Land acquisition and initial physical and biological improvements of the mitigation site shall be completed within three years of the credit sale. A one-year extension to this requirement may be granted by the *city manager* if the need for additional mitigation because of possible temporal loss is evaluated and addressed.

5. Projects using ILF credits shall have debits associated with the proposed impacts calculated by the applicant's qualified stream or lake scientist using the method consistent with the credit assessment method specified in the approved instrument for the ILF program.

6. Credits from an approved ILF program may be used to compensate for impacts located within the service area specified in the approved ILF instrument.

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**Chapter 18.55
CRITICAL AREAS**

Sections:

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500 Designation of fish and wildlife habitats of importance.

Article XIV. Fish and Wildlife Habitats of Importance – Report Requirements

18.55.510 Critical areas report – Habitat Management Plan.

Article XV. Fish and Wildlife Habitats of Importance – Performance Standards

18.55.520 Performance standards – General requirements.

18.55.530 Performance standards – Specific habitats.

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500 Designation of fish and wildlife habitats of importance.

A. Fish and wildlife habitats of importance are those habitat areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. In the City, habitats of importance meet any of the following criteria:

1. Documented presence of *species* listed by the federal government or the State of Washington as endangered, or threatened or sensitive; or
2. Great blue heron rookeries or active nesting trees; or
3. Pileated woodpecker breeding habitat as mapped by the Washington Department of Fish and Wildlife in its Priority Habitats and Species Program Class 1 wetlands as defined in these regulations; or
4. Biodiversity areas and corridors as mapped by the Washington Department of Fish and Wildlife in its Priority Habitats and Species Program; or Type 1 streams as defined in these regulations.
5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292) Federal Bald and Golden Eagle Protection Act; or

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6. Anadromous fish habitat; or

7. Habitat for species nominated and approved by the City per KMC 18.55.500.C.

B. All areas within the City meeting one or more of these criteria, regardless of any formal identification, are hereby designated *critical areas* and are subject to the provisions of this chapter.

C. The City may accept and consider nominations by Kenmore residents or property owners for habitat areas and *species* to be designated as fish and wildlife habitats of importance. Nominations will be accepted by the city manager on an annual basis and will be considered for approval by the City Council following a public hearing on the nomination. Guidelines for nomination are available from the city manager. Information to be included with a nomination request includes:

1. Specific geographic boundaries and list of species proposed, including a list of functions;
2. Rationale for nomination based on best available science, including the viability of the population in Kenmore and the contribution to biodiversity;
3. Causes for vulnerability, including a description of activities that compromise these areas, as well as a list of proposed management and protection measures;
4. Regulatory gaps regarding protection of the habitat or species; and
5. Non-environmental impacts affecting the habitat area and species (e.g., legal, cultural, recreational, and economic significance).

Article XIV. Fish and Wildlife Habitats of Importance – Report Requirements

18.55.510 Critical areas report – Habitat Management Plan.

~~Requirements for critical areas reports for fish and wildlife habitats of importance are available from the city manager.~~ A. Habitat Management Plan. A habitat management plan is required when the priority habitats and species available maps or natural heritage program maps provided by the City, or other information, indicate the presence of fish and wildlife habitats of importance areas with which critical species listed as endangered or threatened under federal or State law have a primary association.

1. All habitat management plans shall be prepared by a qualified professional and are encouraged to be prepared in consultation with the State Department of Fish and Wildlife. Habitat management plans for critical species listed as endangered or threatened shall be approved by the Department of Fish and Wildlife.

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2. Habitat Management Plan Content Requirements. ~~Based on the characteristics of the site and information submitted by the applicant, the city manager may require that all or a portion of the following be included in a habitat management plan~~ Requirements for habitat management plans are available from the city manager. Plans also shall include:

a. A map drawn to scale or survey showing the following information:

~~(1) All lakes, ponds, streams, and wetlands on, or adjacent to, the subject property, including the name (if named), ordinary high water mark of each, and the stream type or wetland class consistent with this chapter.~~

~~(2) The location and description of the fish and wildlife habitats of importance on the subject property, as well as any potential fish and wildlife habitats of importance within 200 feet of the subject property as shown on maps maintained by the City.~~

~~(3) The location of any observed evidence of use by a listed species.~~

~~ba.~~ An analysis of how the proposed *development* activities will affect the fish and wildlife habitats of importance and ~~listed species~~ of importance.

~~cb.~~ Provisions to reduce or eliminate the impact of the proposed *development* activities on any fish and wildlife habitats of importance and ~~listed species~~. An analysis of mitigation sequencing per KMC 18.55.210, including a mitigation plan.

~~dc.~~ The habitat management plan should also address ~~Consideration of~~ the following issues:

~~(1) Prohibition or limitation of development activities within the fish and wildlife habitats of importance;~~

~~(2) Establishment of a buffer around the fish and wildlife habitat conservation area of importance;~~

~~(3) Retention of certain vegetation or areas of vegetation critically important to the listed species of importance;~~

~~(4) Limitation of access to the fish and wildlife habitats of importance and buffer;~~

~~(5) Seasonal restrictions on construction activities on the subject property; and~~

~~(6) Clustering of development on the subject property; and~~

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~~(7) The preservation or creation of a habitat area for the listed species.~~

~~d. Discussion of how the project complies with published Washington Department of Fish and Wildlife management recommendations for the species' habitat, if available.~~

~~3. When bald eagle habitat is the only potential fish and wildlife habitat of importance on a site, applicants may self-certify that they are in compliance with the Federal Bald and Golden Eagle Protection Act by submitting a document generated online through the U.S. Fish and Wildlife Service's Bald and Golden Eagle Permit Recommendation Tool. Washington Department of Fish and Wildlife no longer maps bald eagle nest sites, so applicants would complete the certification based on their knowledge of their site and local conditions. The City may review the applicant's certificate and require modification if more accurate information or updated standards for protection are available.~~

~~4. The applicant may combine a habitat management plan with any studies required by other laws and regulations (e.g. a Biological Assessment or Biological Evaluation).~~

Article XV. Fish and Wildlife Habitats of Importance – Performance Standards

18.55.520 Performance standards – General requirements.

~~A. Habitat Management Plan. A habitat management plan is required when the priority habitats and species maps or natural heritage program maps provided by the City, or other information, indicate the presence of areas with which critical species listed as endangered or threatened under federal or State law have a primary association.~~

~~1. All habitat management plans shall be prepared in consultation with the State Department of Fish and Wildlife. Habitat management plans for critical species listed as endangered or threatened shall be approved by the Department of Fish and Wildlife.~~

~~2. Habitat Management Plan Content Requirements. Based on the characteristics of the site and information submitted by the applicant, the city manager may require that all or a portion of the following be included in a habitat management plan:~~

~~a. A map drawn to scale or survey showing the following information:~~

~~(1) All lakes, ponds, streams, and wetlands on, or adjacent to, the subject property, including the name (if named), ordinary high water mark of each, and the stream type or wetland class consistent with this chapter.~~

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~~(2) The location and description of the fish and wildlife habitats of importance on the subject property, as well as any potential fish and wildlife habitats of importance within 200 feet of the subject property as shown on maps maintained by the City.~~

~~(3) The location of any observed evidence of use by a listed species.~~

~~b. An analysis of how the proposed development activities will affect the fish and wildlife habitats of importance and listed species.~~

~~c. Provisions to reduce or eliminate the impact of the proposed development activities on any fish and wildlife habitats of importance and listed species.~~

~~d. The habitat management plan should also address the following issues:~~

~~(1) Prohibition or limitation of development activities within the fish and wildlife habitats of importance;~~

~~(2) Establishment of a buffer around the fish and wildlife habitat conservation area;~~

~~(3) Retention of certain vegetation or areas of vegetation critically important to the listed species;~~

~~(4) Limitation of access to the fish and wildlife habitats of importance and buffer;~~

~~(5) Seasonal restrictions on construction activities on the subject property;~~

~~(6) Clustering of development on the subject property; and~~

~~(7) The preservation or creation of a habitat area for the listed species.~~

~~GA.~~ *Buffers.*

1. Establishment of *Buffers*. The *city manager* shall require the establishment of *buffer* areas for activities in, or adjacent to, fish and wildlife habitats of importance, when needed to protect fish and wildlife habitats of importance. *Buffers* shall consist of an undisturbed area of *native vegetation*, or areas identified for *restoration*, established to protect the integrity, *functions and values* of the affected habitat. *Buffer enhancement* may be required. Required *buffer* widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the Washington State Department of Fish and Wildlife.

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2. Seasonal Restrictions. When a *species* is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions, as determined by the Washington State Department of Fish and Wildlife in a permit or in its management recommendations, or by another state or federal agency with expertise in the species or its habitat, may apply. Larger *buffers* may be required and activities may be further restricted during the specified season.

B. *Alterations* shall not degrade the *functions and values* of habitat. ~~Fish and wildlife~~ habitat areas of importance may be altered only if the proposed *alteration* of the habitat or the *mitigation* proposed does not degrade the quantitative and qualitative *functions and values* of the habitat. Fish habitat areas of importance may be altered only when necessary to install water-dependent developments that are mitigated consistent with this chapter and the Title 16 KMC (Shoreline Management), when applicable.
~~All new structures and land alterations shall be prohibited from habitat areas of importance, except in accordance with this chapter.~~

C. *Nonindigenous* species shall not be introduced. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a fish and wildlife habitat ~~area~~ of importance unless authorized by a State or federal permit or approval.

D. *Mitigation* shall result in contiguous habitat. When feasible, mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a *mitigation* plan that is part of an approved *critical areas* report to minimize the isolating effects of *development* on habitat areas, so long as *mitigation* of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

E. *Mitigation* shall achieve equivalent or greater biological functions. *Mitigation* of *alterations* to habitat areas of importance shall achieve equivalent or greater biologic functions and shall include *mitigation* for adverse impacts upstream or downstream of the *development proposal* site. *Mitigation* shall address each function affected by the *alteration* to achieve functional equivalency or improvement on a per function basis.

F. Approvals shall be supported by the *best available science*. Any approval of *alterations* or impacts to a fish and wildlife habitat of importance shall be supported by the *best available science*. Special consideration shall be given to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout, as required by WAC 365-195-900 through 365-195-925.

~~G. Buffers.~~

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1. Establishment of *Buffers*. The city manager shall require the establishment of *buffer* areas for activities in, or adjacent to, fish and wildlife habitats of importance, when needed to protect fish and wildlife habitats of importance. *Buffers* shall consist of an undisturbed area of *native vegetation*, or areas identified for *restoration*, established to protect the integrity, *functions and values* of the affected habitat. *Buffer enhancement* may be required. Required *buffer* widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the State Department of Fish and Wildlife.

2. Seasonal Restrictions. When a *species* is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions, as determined by the Washington State Department of Fish and Wildlife, may apply. Larger *buffers* may be required and activities may be further restricted during the specified season.

18.55.530 Performance standards – Specific habitats.

A. *Endangered, Threatened, and Sensitive Species*.

1. No *development* shall be allowed within a fish and wildlife habitat of importance or *buffer* with which State or federally *endangered, threatened*, or sensitive *species* have a primary association except as otherwise approved through this chapter. For fish habitat of importance on lands regulated under the Kenmore shoreline master program, development also must meet the use and development requirements of the Kenmore shoreline master program.

2. Whenever activities are proposed adjacent to a fish and wildlife habitat of importance with which State or federally *endangered, threatened*, or sensitive *species* have a primary association, such area shall be protected through the application of protection measures in accordance with a *critical areas* report prepared by a *qualified professional* and approved by the City. Approval for *alteration* of land adjacent to the fish and wildlife habitat of importance or its *buffer* shall not occur prior to consultation with the Department of Fish and Wildlife and the appropriate federal agency.

3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest territory or communal roost, a habitat management plan shall be developed by a *qualified professional*. Activities are adjacent to bald eagle sites when they are within 800 feet of an active nest, or within a quarter mile (2,640 feet) of an active nest and in a shoreline foraging area. The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not

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~~occur prior to approval of the habitat management plan by the City and the Washington State Department of Fish and Wildlife.~~

BA. Great Blue Heron Rookery.

1. A *buffer* equal to the distance of a ~~900~~656-foot radius measured from the outermost nest *tree* in the rookery will be established around an active rookery. This area will be maintained in *native vegetation*. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the *buffer* excludes the area south of the north edge of the State Route 522 right-of-way and west of the east edge of the 73rd Avenue NE right-of-way.
2. Between January 1st and July 31st, no *clearing, grading* or land disturbing activity shall be allowed within ~~900~~656 feet of the rookery unless approved by the City ~~and Washington State Department of Fish and Wildlife~~. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the area south of the north edge of the State Route 522 right-of-way and west of the east edge of 73rd Avenue NE right-of-way is excluded.
3. Approval of permits for activities within the heron rookery *buffer* shall not occur prior to the approval of a habitat management plan by the City ~~and the Washington State Department of Fish and Wildlife~~.

CB. Anadromous Fish.

1. All activities, *uses*, and *alterations* proposed to be located in waterbodies used by *anadromous fish* or in areas that affect such water bodies shall give special consideration to the preservation and *enhancement* of *anadromous fish habitat*, including, but not limited to, adhering to the following standards:
 - a. Activities shall be timed to occur only during the allowable work window as designated by the Washington State Department of Fish and Wildlife for the applicable *species*;
 - b. ~~Applicant must demonstrate that a~~An alternative alignment or location for the activity is not feasible;
 - c. The activity is designed so that it will ~~provide an overall improvement in~~not ~~degrade~~ the functions or values of the *fish habitat* or other *critical areas*; and
 - d. Any impacts to the functions or values of the *anadromous fish* habitat ~~conservation area~~ are mitigated in accordance with an approved ~~critical areas report~~habitat management plan.

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2. *Structures* that prevent the migration of *salmonids* shall not be allowed in the portion of water bodies currently or historically used by *anadromous fish*. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed. See also KMC 18.55.420.C.

~~3. Fills, when authorized by the City's shoreline management master program, shall not adversely impact *anadromous fish* or their habitat or shall mitigate any *unavoidable impacts*, and shall only be allowed for a *water dependent use*.~~

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**Chapter 18.55
CRITICAL AREAS**

Sections:

Article XVI. Geologically Hazardous Areas – Designation

18.55.600 Purpose.

18.55.610 Designation of geologically hazardous areas.

18.55.620 Designation of specific hazard areas.

Article XVII. Geologically Hazardous Areas – Report Requirements

18.55.630 Critical areas report.

Article XVIII. Geologically Hazardous Areas – Performance Standards

18.55.640 Performance standards – General requirements.

18.55.650 Performance standards – Specific hazards.

Article XVI. Geologically Hazardous Areas – Designation

18.55.600 Purpose.

The primary purpose of *geologically hazardous area* regulations is to avoid and minimize potential impacts to life and property from geologic hazards.

18.55.610 Designation of geologically hazardous areas.

Geologically hazardous areas include areas susceptible to *erosion*, *land*sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible *development* is sited in *hazard* areas of significant hazard. Such incompatible *development* may not only place itself at risk, but also may increase the hazard to surrounding *development* and *use*. Areas susceptible to one or more of the following types of hazards shall be designated as a *geologically hazardous area*:

A. *Erosion* hazard;

B. *Landslide* hazard;

C. Seismic hazard; and

D. Other geological events including *mass wasting*, *debris flows*, *rock falls*, and *differential settlement*.

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18.55.620 Designation of specific hazard areas.

A. *Erosion Hazard Areas.* *Erosion hazard areas* are those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a special study as having a "moderate to severe," "severe," or "very severe" *erosion* potential.

B. *High Landslide Hazard Areas.* *High Landslide hazard areas* are areas potentially subject to a high risk of landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:

1. Areas of historic failures, such as:
 - a. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site *development*; or
 - b. Areas designated as Quaternary slumps, earthflows, mudflows, or *landslides* on maps published by the U.S. Geological Survey or State Department of Natural Resources; or
 - c. Areas identified on King County's 2017 map of unstable slopes and as amended.
2. Areas with all three of the following characteristics:
 - a. Slopes steeper than 15 percent; and
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying relatively impermeable sediment; and
 - c. Springs or ground water seepage.
3. Areas that have shown movement during the Holocene epoch post-glacial period (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch time period, as shown on U.S. Geological Survey, Washington Department of Natural Resources, or King County maps;
4. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
5. Areas potentially unstable because of rapid *stream* incision, stream bank *erosion*, and undercutting by wave action; and

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65. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by *debris flows* or catastrophic flooding; ~~and.~~

C. Moderate Landslide Hazard Areas. *Moderate landslide hazard areas* are areas at moderate risk of *landslides* based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:

71. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet. A slope is delineated by establishing its toe and measured by averaging the inclination over at least 10 feet of vertical relief.

CD. Seismic Hazard Areas. *Seismic hazard areas* are locations subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, *tsunami*, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

1. The magnitude of an earthquake;
2. The distance from the source of an earthquake;
3. The type or thickness of geologic materials at the surface; and
4. The type of subsurface geologic structure.

Settlement, ~~and~~ soil liquefaction, ~~and lateral spreading conditions~~ occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water ~~table~~. *Tsunami or seiche waves triggered by an earthquake or seismically-induced landslides can inundate shoreline-adjacent land, such as along Lake Washington or the lower reaches of the Sammamish River.*

In Kenmore, seismic hazard areas include liquefaction-prone areas and a potential strand of the Southern Whidbey Island Fault Zone known as the Kenmore Lineament as designated by the Washington Department of Natural Resources.

DE. Other Hazard Areas. *Geologically hazardous areas* shall also include areas determined by the city manager to be susceptible to other geological events including *mass wasting*, *debris flows*, and *differential settlement*.

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Article XVII. Geologically Hazardous Areas – Report Requirements

18.55.630 Critical areas report.

A. A *critical areas* report shall be required for all proposed *alterations* of properties that are located within 200 feet of any *geologically hazardous area*. Requirements for *critical areas* reports for *geologically hazardous areas* are available from the *city manager*.

B. In the event that the *applicant's* geotechnical consultant and the *City's* geotechnical reviewer cannot resolve the geotechnical issues and do not agree on required development conditions, the *city manager* may require a third-party review of the *critical areas* report. The *applicant's* consultant and the *City's* reviewer shall select a mutually agreed upon *qualified professional* to provide the final opinion. The *applicant* shall fund this review and shall make substantive changes to the proposed *alteration* or provide additional analysis as directed by the third-party reviewer.

Article XVIII. Geologically Hazardous Areas – Performance Standards

18.55.640 Performance standards – General requirements.

~~BA~~ Structures and ~~site~~ improvements shall be *clustered* to avoid *geologically hazardous areas* and other *critical areas*;

~~AB~~ *Alterations* of *geologically hazardous areas* or associated *buffers* may only occur for activities that:

1. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;
2. Will not adversely impact other *critical areas*;
3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
4. Are ~~certified as~~ *determined to be* safe as ~~sited and~~ designed and under anticipated conditions by a qualified engineer ~~or geologist, or engineering geologist, as appropriate,~~ licensed in the State of Washington.

~~BC~~ *Critical Facilities Prohibited*. *Critical facilities* shall not be sited within *geologically hazardous areas* unless there is no other *practical alternative*. *If so sited, the design shall be adequate to mitigate the effects of the hazard.*

18.55.650 Performance standards – Specific hazards.

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A. ~~Erosion and Landslide~~ Hazard Areas. ~~Activities on sites containing e~~~~Erosion or landslide~~ hazards ~~areas~~ shall meet the following requirements:

1. ~~Buffer~~ ~~Not~~ Required for *Erosion Hazard Areas*. No *buffer* is required from an area categorized as only an *erosion hazard area*.

2. ~~Best Management Practices~~. ~~Best management practices for sediment and erosion control shall be implemented in an erosion hazard area.~~

~~53.~~ *Vegetation Shall Be Retained*. Unless otherwise provided or as part of an approved *alteration*, removal of *vegetation* from an *erosion or landslide hazard area or related buffer* shall be prohibited.

~~64.~~ *Seasonal Restriction*. ~~Clearing~~*Site development work* shall be allowed only from May 1st to October 1st of each year; provided, that the ~~City~~ *manager* may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved *forest practice* permit issued by the *City* or the Department of Natural Resources.

~~75.~~ *Utility Lines and Pipes*. Utility lines and pipes shall be permitted in *erosion and landslide hazard areas* only when the *applicant* demonstrates that no other *practical alternative* is available. ~~Such utilities shall be designed by qualified professionals to resist ground movement and erosion. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.~~

~~86.~~ *Point Discharges*. Point discharges from surface water facilities and roof drains onto or upstream from an *erosion or landslide hazard area* shall be prohibited except as follows:

a. Conveyed via continuous storm pipe downslope to a point where there are no *erosion hazard areas* downstream ~~or downslope~~ from the discharge; ~~or~~

b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; ~~or~~

~~c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.~~

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~~37.~~ *Alterations.* In addition to meeting the requirements in KMC 18.55.640, ~~A~~ alterations of an erosion hazard area ~~or a landslide hazard area and/or its buffer~~ may only occur for activities for which a special study is submitted ~~and certified demonstrating~~ that:

a. The *alteration* will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions.

~~b. The alteration will not decrease slope stability on adjacent properties; and~~

~~c. Such alterations will not adversely impact other critical areas.~~

~~B. Landslide Hazard Areas.~~ In addition to meeting the requirements in KMC 18.55.640, activities on sites containing *landslide* hazards shall meet the following requirements:

~~21.~~ *General Standards.* The following standards shall apply in all *landslide hazard areas*:

~~a.~~ *Buffer Required for Landslide Hazard Areas.* A *buffer* shall be established from all edges of *landslide hazard areas*. The size of the *buffer* shall be determined by the *city manager* to eliminate or minimize the risk of property damage, death or injury resulting from *landslides* caused in whole or part by the *development*, based upon review of and concurrence with a *critical area* report prepared by a *qualified professional*.

~~ai.~~ *Minimum Buffer.* The minimum *buffer* shall be equal to the height of the slope, as measured from the toe to the top, or 50 feet, whichever is greater.

~~bii.~~ *Buffer Reduction.* The *buffer* may be reduced to a minimum of 1025 feet when a *qualified professional* demonstrates to the *city manager's* satisfaction based upon review of a special study that the reduction will adequately protect the proposed *development*, adjacent *developments* and *uses* and the subject *critical area* through slope stability improvements or structural means.

~~ciii.~~ *Increased Buffer.* The *buffer* may be increased where the *city manager* determines a larger *buffer* is necessary to prevent risk of damage to proposed and existing *development*.

~~d. Building Setback.~~ A building setback is required from the edge of the *buffer* per KMC 18.55.270.

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5b. *Vegetation Shall Be Retained.* Unless otherwise provided or as part of an approved *alteration*, removal of *vegetation* from an *erosion or landslide hazard area* or related *buffer* shall be prohibited.

8c. *Point Discharges.* Point discharges from surface water facilities and roof drains onto or upstream from an *erosion or landslide hazard area* shall be prohibited except as follows:

ai. Conveyed via continuous storm pipe downslope to a point where there are no *erosion hazard areas/landslide hazard areas* downstream *or downslope* from the discharge;

bii. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or

ciii. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed *buffer* demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

7d. *Utility Lines and Pipes.*

i. Utility lines and pipes shall be permitted in *erosion and landslide hazard areas* only when the *applicant* demonstrates that no other *practical alternative* is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying *landslide*. *It must be demonstrated by the applicant that a utility line within the landslide hazard area has been designed in a manner that does not negatively impact the stability of the slope, minimizes or eliminates the potential for rupture or failure, and assures that in the event of failure there will not be a life/safety risk.* Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior. *Automatic shutoff valves shall be provided on petroleum or natural gas lines to isolate the landslide area.*

bii. Access roads *and to serve* utilities may be permitted within a *landslide hazard area* and associated *buffer* if the *City* determines that no other feasible alternative exists, *and the road is designed so as not to lower the stability of the slope. Such a road shall not be used for general ingress/egress to the property unless otherwise approved as part of a development proposal.*

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6e. Seasonal Restriction. Permitted Clearingsite development work shall be allowed only from May 1st to October 1st of each year; provided, that the City manager may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved *forest practice* permit issued by the City or the Department of Natural Resources. An exception may be granted by the city manager for emergency repair of structures or landslides when waiting for the clearing window will (1) create a life-threatening risk, (2) do additional damage to the structure, or (3) damage adjacent property or structures.

f. Trails. Trails shall be permitted when all of the following conditions have been met:

i. The proposed trail shall not decrease the existing factor of safety within the *landslide hazard area* or any required *buffer*;

ii. The proposed trail is for non-vehicular use only, and is a maximum of 4 (four) feet wide;

iii. The trail shall not be sited within a *landslide hazard area* or associated *buffer* when there is such a high risk of *landslide* activity that the use of the trail would be hazardous; and

iv. The trail shall be designed and constructed using an engineered drainage system or other methods to prevent the trail surface from becoming a drainage course.

9g. Subdivisions. The division of land in *landslide hazard areas* and associated *buffers* is subject to the following:

ai. Land that is located wholly within a *landslide hazard area* or its minimum *buffer* as required by 18.55.650.B.1.a KMC ~~may~~ shall not be subdivided.

ii. Land that is located partially within a *landslide hazard area* or its minimum *buffer* may be divided; provided, that each resulting *lot* has sufficient buildable area outside of, and will not affect, or be affected by, the *landslide hazard area* or its *buffer*; ~~and~~. For single-family residential subdivisions and short subdivisions on sites in the R-4 zone located partially within a *landslide hazard area* and its minimum *buffer*, minimum lot size in the area outside of the *landslide hazard area* and its *buffer* may be reduced to 5,400 sq.ft. with no limitation on the percentage of smaller lots, regardless of KMC 18.21.030 footnote 16. These smaller lots shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties and the lot area shall exclude access easements and access panhandles.

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iii. Access roads shall be allowed within a *landslide hazard area* and associated *buffer* only if the *City* determines that no other feasible alternative exists, and the road is designed so as not to lower the stability of the slope.

10j. Prohibited *Development*. On-site sewage disposal systems, including drain fields, shall be prohibited within *landslide hazard areas* and related *buffers*.

2. High Landslide Hazard Areas – Additional Standards.

a. No new *alteration* shall be permitted in a high *landslide hazard area* unless approved as a *reasonable use* exception, KMC 18.55.180.

b. Modifications to a previously approved *alteration*, including remodeling of an existing residence, in a high *landslide hazard area* may be permitted only if a *critical areas report* is submitted demonstrating that the proposal is determined to be safe as sited and designed and under anticipated conditions by a qualified engineer, or engineering geologist, as appropriate, licensed in the State of Washington.

3. Moderate Landslide Hazard Areas – Additional Standards.

4a. Design Standards. *Alterations of a moderate landslide hazard area and/or its buffer may only occur for activities for which a critical areas report is submitted. Alterations within an erosion hazard area, landslide hazard area and/or buffer* shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this *chapter/article*. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

ai. The proposed *development* shall not decrease the factor of safety for *landslide* occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;

eii. *Structures* and improvements shall minimize *alterations* to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

diii. *Structures* and improvements shall be located to preserve the most critical portion of the *site* and its natural landforms and *vegetation*;

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~~11C~~ ~~eiv~~. The proposed *development* shall not ~~decrease slope stability on adjacent properties or~~ result in greater risk or a need for increased *buffers* on neighboring properties;

~~fv~~. The use of *retaining walls* that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

~~gvi~~. *Development* shall be designed to minimize impervious *lot* coverage.

~~11C~~ **Slopes Created by Previous Grading.** Artificial slopes meeting the criteria of a *landslide hazard area* based on slope steepness and height that were created through previous permitted *grading* or ~~are legally non-conforming~~ may be further altered or graded provided the applicant provides information from a *qualified professional* demonstrating that the naturally occurring slope, as it existed prior to the permitted *grading*, did not meet any of the criteria for a *landslide hazard area* and that a new hazard will not be created. ~~Previously graded slopes meeting the criteria of a landslide hazard area that were not permitted or were illegally created are considered to be landslide hazard areas.~~

~~BD~~ **Seismic Hazard Areas.** Activities proposed to be located in *seismic hazard areas* shall meet the standards of KMC [18.55.640](#), Performance standards – General requirements, ~~and the International Building Code. Development or renovation of property in designated tsunami or seiche zones, when identified by the USGS or Washington State Department of Natural Resources, may be allowed if taking into account *Designing for Tsunamis, Seven Principles for Planning and Designing for Tsunami Hazards* (National Tsunami Hazard Mitigation Program, 2001) and following the regulations for floodways.~~

~~CE~~ **Other Hazard Areas.** Activities on sites ~~containing or~~ adjacent to ~~other~~ *geologically hazardous areas* shall meet the standards of KMC [18.55.640](#), Performance standards – General requirements.

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THIS ARTICLE HAS BEEN COMPLETELY REWRITTEN

**Chapter 18.55
CRITICAL AREAS**

Sections:

Article XIX. Flood Hazard Areas

- 18.55.700 Purpose.**
- 18.55.705 Definitions**
- 18.55.707 Lands to which this article applies.**
- 18.55.710 Basis for establishing flood hazard areas.**
- 18.55.715 Permits.**
- 18.55.720 Final certification by surveyor.**
- 18.55.723 Designation and responsibilities of the local administrator.**
- 18.55.725 Information to be obtained and maintained by the City.**
- 18.55.730 Development standards applicable to all flood hazard areas.**
- 18.55.740 Development standards for specific uses in flood hazard areas.**
- 18.55.750 Development in the floodway.**
- 18.55.760 Habitat assessment.**
- 18.55.770 Warnings and disclaimer of liability.**
- 18.55.780 Variances in flood hazard areas.**
- 18.55.790 Penalties for noncompliance.**
- 18.55.795 Abrogation and greater restrictions.**

Article XIX. Flood Hazard Areas

18.55.700 Purpose.

The Washington State Legislature has delegated the responsibility to each community to adopt *floodplain* management regulations consistent with the National Flood Insurance Program designed to promote the public health, safety and general welfare of its citizenry. The State Legislature also has established that *floodplains* and other areas subject to *flooding* perform important hydrologic functions, and as such they must also be regulated as *critical areas* under the Growth Management Act (GMA). This article addresses both mandates as an integrated set of regulations.

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The *flood hazard areas* of the City of Kenmore, which encompass the Federal Emergency Management Agency (FEMA)-designated *areas of special flood hazard*, are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for *flood* protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These *flood* losses may be caused by the cumulative effect of *development* in areas of *flood* hazard which increase *flood* heights and velocities.

Uses that are inadequately floodproofed, elevated, anchored, or otherwise protected from *flood* damage contribute to *flood* losses and may cause damage in other areas. The purpose of this article is to establish minimum standards for *developments* located within or adjacent to *flood hazard areas*, including *areas of special flood hazard*. The following statements describe the purpose of this article:

- A. Protect human life and health;
- B. Minimize expenditure of public money and costly *flood* control projects;
- C. Minimize the need for rescue and relief efforts associated with *flooding*;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public infrastructure, facilities and utilities;
- F. Minimize damage to critical fish and wildlife habitat areas;
- G. Protect frequently flooded areas that provide natural and beneficial ecological functions, including providing vital habitat to support salmon and other fish and wildlife species;
- H. Ensure that potential buyers are notified that property is in a *flood hazard area*;
- I. Ensure that those who occupy *flood hazard areas* assume responsibility for their actions; and
- J. Qualify for participation in the National Flood Insurance Program, thereby providing owners located within the mapped *area of special flood hazard* the opportunity to purchase *flood* insurance.

18.55.705 Definitions.

Most of the terms used in this article are defined in Chapter 18.20 KMC. However, there are some terms used in this article that are required to have unique meanings separate from those in Chapter 18.20 KMC. Those terms listed below are defined in 44CFR 59.1 and supersede those provided in Chapter 18.20

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KMC for purposes of administering this article. Any undefined terms used in these definitions will also be based on 44CFR 59.1.

A. "Appeal" means a request for a review of the interpretation of any provision of this article or a request for a *variance*.

B. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other *structures*, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

D. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a *structure*.

E. "Manufactured home" means a *structure*, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *manufactured home* does not include a *recreational vehicle*.

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

G. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and

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4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

H. "Structure" means, for *floodplain* management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a *manufactured home*.

I. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a *structure*, the cost of which equals or exceeds 50 percent of the market value of the *structure* before the *start of construction* of the improvement. This term includes *structures* which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

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

J. "Variance" means a grant of relief by the *City* from the terms of a *floodplain* management regulation.

18.55.707 Lands to which this Article applies.

This article shall apply to all *flood hazard areas* within the jurisdiction of the City of Kenmore, including *areas of special flood hazards* as mapped by FEMA and shown on the *FIRM*.

18.55.710 Basis for establishing flood hazard area.

A. The *City* shall determine the *flood hazard area* after obtaining, reviewing and utilizing *base flood elevations* and available *floodway* data for a *flood* having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year *flood*." The *base flood* is determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by the *City*, in which case these future flow projections shall be used.

B. The *areas of special flood hazard* identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled "The Flood Insurance Study of King County, Washington and Incorporated Areas," dated November 8, 1999, and any revisions thereto, with an accompanying effective *flood insurance rate map (FIRM)*, dated November 8, 1999, and any revisions thereto, are hereby adopted by reference and declared to be a part of this article. The *flood insurance study* is on file at Kenmore City Hall. In areas where the *flood insurance study* for the *City* includes detailed *base flood elevation*

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calculations, those calculations will be used until projections of future flows are completed and approved by the *City* and FEMA.

C. The *City* may use other sources of *flood* hazard data to determine *floodplain* boundaries, *floodway* boundaries, *base flood elevations* or cross sections when identifying a *flood hazard area* if the data from sources listed below is more restrictive than the effective data:

1. Preliminary Flood Insurance Rate Maps;
2. Preliminary Flood Insurance Studies;
3. Draft *flood* boundary work maps and associated technical reports;
4. *Critical area* reports prepared in accordance with FEMA standards contained in 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual provisions for *floodplain* analysis;
5. Approved Letter of map amendments;
6. Approved Letter of map revisions;
7. Channel migration zone maps and studies;
8. Historical *flood* hazard information;
9. Wind and wave data provided by the United States Army Corps of Engineers; and
10. Any other available data that accurately classifies and delineates the *flood hazard area* or *base flood elevation*.

D. Where elevation data is not available either through the *flood insurance study* or from the *FIRM*, or another authoritative source for the *City* to administer the *floodplain* development requirements, applications for building permits shall be reviewed to ensure that proposed construction will be reasonably safe from *flooding*. The test of reasonableness is a federal, state or local source; historical data; documented high water marks; photographs of past *flooding*; or additional modeling studies, etc., where available. *Structures* shall be elevated two feet above the *highest adjacent grade* in these zones.

E. Where *base flood elevation* data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed *developments* which contain at least 50 lots or five acres (whichever is less).

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18.55.715 Permits.

A. Development Permit Required. A development permit shall be obtained before construction or *development* begins within any *flood hazard area*. The permit shall be for all *structures*, including *manufactured homes* as defined in KMC 18.55.705, and for all *development* as defined in KMC 18.55.705.

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the City of Kenmore and may include but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed *structures*, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level and the effective *flood study base flood elevation* survey datum of the *lowest floor* (including *basement*) of all *structures*;
2. Elevation in relation to mean sea level and the effective *flood study base flood elevation* survey datum to which any *structure* has been floodproofed;
3. Map depicting existing conditions, *wetlands*, *streams*, waterbodies, designated fish and wildlife habitats of importance, the boundary of the *flood hazard area* and *floodway*, and the location of grading and *structures* in the proposed *development*.
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed *development*; and
5. Certification by a registered professional engineer or architect that the *floodproofing* methods for any nonresidential *structure* meet the *floodproofing* standards in this article.

C. All elevated construction shall be designed and certified by a professional structural engineer licensed by the State of Washington and shall be approved by the *City* prior to construction.

D. Prior to approving any permit, the *City* shall determine that all permits required by State or federal law have been obtained.

E. A notice on title shall be recorded consistent with KMC 18.55.250.

18.55.720 Final certification by surveyor.

A. For all new *structures* or *substantial improvements* in a *flood hazard area*, the *applicant* shall provide certification by a professional land surveyor licensed by the State of Washington of:

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1. The actual as-built elevation of the *lowest floor*, including *basement*; and
2. The actual as-built elevation to which the *structure* is floodproofed, if applicable.

B. The surveyor shall indicate if the *structure* has a *basement*.

18.55.723 Designation and responsibilities of the local administrator.

The *city manager* is hereby appointed to administer and implement this article by granting or denying development permit applications in accordance with its provisions. Duties of the *city manager* shall include, but not be limited to:

- A. Review of the *flood hazard area* maps, and other source documents, for any *development proposal* to determine whether the proposed project area for a regulated activity falls within a potential *flood hazard area*;
- B. Review of proposed *development* located within a *flood hazard area* to ensure compliance with the *flood hazard area* standards set forth in this article; and.
- C. Interpretation of flood hazard area boundaries. The *city manager* shall make interpretations, where needed, as to exact location of the boundaries of the *flood hazard area*, including the FEMA-mapped *area of special flood hazard* (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the *hearing examiner* as provided in KMC Chapter 19.30.

18.55.725. Information to be obtained and maintained by the City.

- A. The *City* shall obtain, verify and record the actual elevation (in relation to mean sea level and the *base flood elevation datum*) of the *lowest floor* (including *basement*) of all new or substantially improved *structures*, and whether or not the *structure* contains a *basement*.
- B. For all new or substantially improved floodproofed *structures*, the *City* shall maintain the *floodproofing* certifications required in this article.
- C. Alteration of Watercourses.
 1. The *City* shall notify adjacent communities and the Department of Ecology, or federal resource agencies where required, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means.

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2. The *City* shall require that the *flood* carrying capacity of the altered or relocation portion of said watercourse is maintained.
3. *Base flood elevations* may increase or decrease resulting from physical changes affecting *flooding* conditions. If a project will alter the *base flood elevation* or boundaries of the *area of special flood hazard*, then the project proponent shall provide the *City* with engineering documentation and analysis regarding the proposed change. If the change to the *base flood elevation* or boundaries of the *area of special flood hazard* would normally require a Letter of Map Change, then the applicant shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. As soon as practicable, but not later than six months after the date such information becomes available, the *city manager* shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. The *City* reserves the right to require the *applicant* to develop and provide the required technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting *flooding* conditions, risk premium rates and *floodplain* management requirements will be based upon current data.
4. The *City* shall notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

D. The *City* shall maintain for public inspection all records pertaining to the provisions of this article.

18.55.730 Development standards applicable to all flood hazard areas.

Development proposals on sites within flood hazard areas, including the area of special flood hazard, shall meet the following requirements:

- A. Buffers. No *critical area buffer* is required for a *flood hazard area*.
- B. Anchoring.
 1. All *new construction* and *substantial improvements* shall be anchored to prevent flotation, collapse, or lateral movement of the *structure* resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 2. All *manufactured homes* must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize *flood* damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground

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anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

C. Construction Materials and Methods.

1. All *new construction* and *substantial improvements* shall be constructed with materials and utility equipment resistant to *flood* damage.
2. All *new construction* and *substantial improvements* shall be constructed using methods and practices that minimize *flood* damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other utility and service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of *flooding*.
4. Adequate drainage paths shall be provided around *structures* on slopes to guide floodwaters around and away from proposed *structures*.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during *flooding*. They shall be, to the extent possible, located outside of the *flood hazard area*. The installation of a new on-site sewage disposal system in the *flood hazard area* may be allowed if no feasible alternative *site* is available.
4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances.
5. Buried utility transmission lines transporting *hazardous substances* shall be buried at a minimum depth of four feet below the maximum depth of scour for the *base flood*, as predicted by a professional civil engineer licensed by the State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
6. Water wells shall be located on high ground that is not in the *floodway*.

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E. Encroachments.

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

18.55.740 Development standards for specific uses in flood hazard areas.

A. Residential Construction.

1. *New construction and substantial improvement* of any residential structure shall have the *lowest floor*, including *basement*, elevated one foot above the *base flood elevation*. In any *flood hazard area* where the *base flood elevation* has not been determined on the *FIRM*, the *base flood elevation* is determined by the *city manager* consistent with KMC 18.55.710.
2. Fully enclosed areas below the *lowest floor* that are subject to *flooding* are prohibited unless used solely for parking, access or storage. These areas shall be designed to automatically equalize hydrostatic *flood* forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings on opposite walls having a total open area of not less than one square inch for every square foot of enclosed area subject to *flooding* shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

B. Manufactured Homes.

1. Except as noted in B.2, all *manufactured homes* to be placed or substantially improved within any *flood hazard area* shall be elevated on a permanent foundation such that the *lowest floor* of the *manufactured home* is elevated one foot above the *base flood elevation* and shall be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement. In any *flood hazard area* where the *base flood elevation* has not been determined on the *FIRM*, the *base flood elevation* is determined by the *city manager* consistent with KMC 18.55.710. The *City* reserves the right to require the *applicant* to perform the engineering studies necessary to determine the *base flood elevation*.

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2. *Manufactured homes* to be placed or substantially improved on sites in an existing *manufactured home park or subdivision* within a *flood hazard area* that have not incurred *substantial damage* as the result of a *flood* shall be elevated so that either:

- a. The *lowest floor* of the *manufactured home* is elevated one foot above the *base flood elevation*; or
- b. The *manufactured home* chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

C. Nonresidential Construction. *New construction* and *substantial improvement* of any commercial, industrial or other nonresidential *structure* shall either have the *lowest floor*, including *basement*, elevated one foot above the *base flood elevation*; or, together with attendant utility and sanitary facilities, shall:

- 1. Be floodproofed so that below one foot above the *base flood* level the *structure* is watertight with walls substantially impermeable to the passage of water;
- 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 3. Be certified by a professional civil or structural engineer licensed by the State of Washington that the *floodproofing* methods are adequate to withstand the *flood* depths, pressures, velocities, impacts, uplift forces and other factors associated with the *base flood*. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications;
- 4. Nonresidential *structures* that are elevated, not floodproofed, must meet the same standards for space below the *lowest floor* as described in subsection (A)(2) of this section;
- 5. Approved building permits for floodproofed nonresidential *structures* shall contain a statement notifying *applicants* that *flood* insurance premiums shall be based upon rates for *structures* which are one foot below the floodproofed level (e.g., a building floodproofed to the *base flood* level will be rated as one foot below);
- 6. Sewage and agricultural waste storage facilities shall be floodproofed to the *flood protection elevation*.

D. Recreational Vehicles. *Recreational vehicles* placed on sites within *flood hazard areas* shall either:

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1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on their wheels or jacking systems, attached to the *site* only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Meet the requirements of subsection B of this section, including the elevation and anchoring requirements.

E. *Critical facility*. Construction of new *critical facilities* shall be, to the extent possible, located outside the limits of *flood hazard areas*, including the *area of special flood hazard*. Construction of new *critical facilities* shall be permissible within the *flood hazard area* if no feasible alternative *site* is available and if the proposal is evaluated through the *conditional use permit* process. *Critical facilities* constructed within the *flood hazard area* shall have the *lowest floor* elevated three feet or more above the level of the *base flood elevation* (100-year) at the site. *Floodproofing* and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the *base flood elevation* shall be provided to all *critical facilities* from the nearest maintained public *street* or roadway.

F. Subdivisions, short subdivisions and binding site plans shall meet the following requirements:

1. New building *lots* shall contain 5,000 square feet or more of buildable land outside the *flood hazard area*, and building *setback* areas shall be shown on the face of the plat to restrict permanent *structures* to this buildable area;
2. All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with KMC 18.55.730;
3. *Base flood* data and *flood* hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the *base flood elevation*, required *flood protection elevations* and the boundaries of the *flood hazard area* and the *floodway*, if determined;
4. The following notice shall also be shown on the face of the recorded subdivision, short subdivision or binding site plan for all affected *lots*;
5. All subdivision proposals shall be consistent with the need to minimize *flood* damage; and

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6. All subdivision proposals shall have adequate drainage provided to reduce exposure to *flood* damage.

NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

18.55.750 Development in the floodway.

A. Encroachments. Encroachments, including fill, *new construction*, *substantial improvements*, and other *development*, within the adopted regulatory *floodway* are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in *flood* levels within the *City* during the occurrence of the *base flood* discharge.

B. If the requirements in Subsection A are satisfied, the requirements which apply to *all flood hazard areas* (KMC 18.55.730 and .740), including the *area of special flood hazard*, shall also apply to all *new construction* and *substantial improvements* in the *floodway*. The more restrictive requirements shall apply where there is a conflict.

C. Any *development proposal*, including, but not limited to, new or reconstructed *structures*, that results in any increase in the *base flood elevation* shall meet the following requirements:

1. Amendments to the *flood insurance rate map* are approved and adopted by FEMA, in accordance with all requirements of 44CFR 65.7, to incorporate the increase in the *base flood elevation*; and
2. Appropriate legal documents are prepared in which all property owners affected by the increased *flood* elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

D. If allowed, post or piling construction techniques which permit water flow beneath a *structure* shall be used.

18.55.760 Habitat assessment

To comply with Federal Endangered Species Act requirements, the applicant shall provide an assessment of impacts to federal, state or locally listed species, habitat, water quality and aquatic riparian habitat impacts, for any proposal lying within a mapped *area of special flood hazard*. See KMC Chapter 18.55, Article XIV.

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18.55.770 Warnings and disclaimer of liability.

The degree of *flood* protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. *Floods* larger than the regulatory *base flood* can and will occur. *Flooding* and *flood* hazards may occur in unmapped areas. *Flood* heights may be increased by manmade or natural causes. This article does not imply that land outside *flood hazard areas* or uses permitted within such areas will be free from *flooding* or *flood* damages. This article shall not create liability on the part of the City of Kenmore, any officer or employee thereof, or the Federal Emergency Management Agency for any *flood* damages that result from reliance on this article or any administrative decision lawfully made hereunder.

18.55.780 Variances in flood hazard areas.**A. Conditions for Variances.**

1. Generally, the only condition under which a *variance* from the elevation standard may be issued is for *new construction* and *substantial improvements* to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing *structures* constructed below the *base flood* level, providing subsections (B)(1) through (B)(11) of this section have been fully considered. As the lot size increases the technical justification required for issuing the *variance* increases.
2. *Variances* may be issued for the repair or rehabilitation of *historic structures* or the *City's* local landmarks, upon a determination that the proposed repair or rehabilitation will not preclude the *structure's* continued designation as a *historic structure* and the *variance* is the minimum necessary to preserve the historic character and design of the *structure*.
3. *Variances* shall not be issued within a designated *floodway* if any increase in *flood* levels during the *base flood* discharge would result.
4. *Variances* shall only be issued upon a determination that the *variance* is the minimum necessary, considering the *flood* hazard, to afford relief.
5. *Variances* shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the *variance* would result in exceptional hardship to the applicant;

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- c. A determination that the granting of a *variance* will not result in increased *flood* heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. *Variances* as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the *structure*, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, *variances* from the *flood* elevations should be quite rare.
7. *Variances* may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of *floodproofing* than watertight or dry *floodproofing*, where it can be determined that such action will have low damage potential, complies with all other *variance* conditions except subsection (A)(1) of this section and otherwise complies with KMC 18.55.730(A) and (B).
8. Any applicant to whom a *variance* is granted shall be given written notice that the *structure* will be permitted to be built with a *lowest floor* elevation below the *base flood elevation* and that the cost of *flood* insurance will be commensurate with the increased risk resulting from the reduced *lowest floor* elevation.
- B. If a *variance* to the standards in this article is proposed, the decisionmaker shall consider, in addition to the conditions itemized in subsection A, above, and the standard *variance* criteria itemized in KMC 18.115.030:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to *flooding* or erosion damage;
 3. The susceptibility of the proposed facility and its contents to *flood* damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed *use* which are not subject to *flooding* or erosion damage;
 7. The compatibility of the proposed *use* with existing and anticipated *development*;

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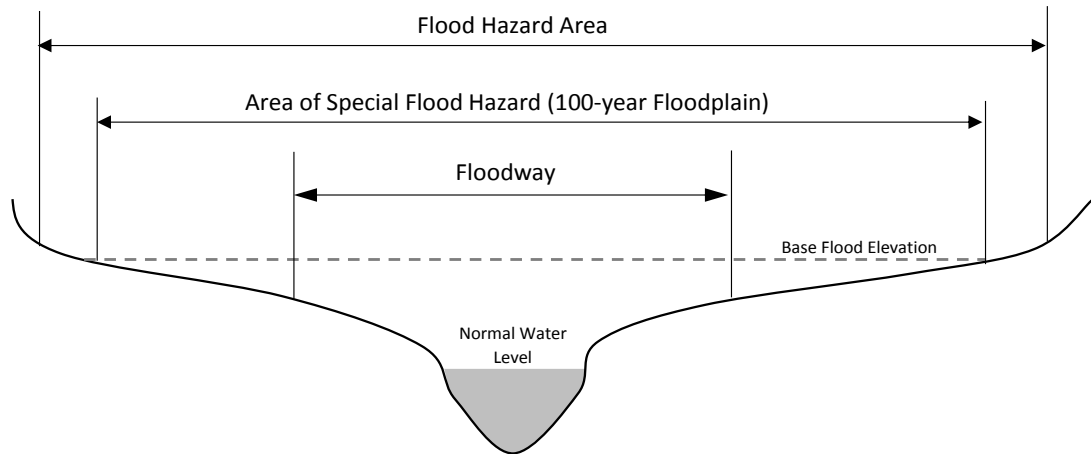
8. The relationship of the proposed *use* to the comprehensive plan and *floodplain* management program for that area;
 9. The safety of access to the property in times of *flood* for ordinary and emergency vehicles;
 10. The expected depths, heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the *site*; and
 11. The costs of providing governmental services during and after *flood* conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. The *city manager* shall report any *variances* to the Federal Emergency Management Agency upon request.

18.55.790 Penalties for noncompliance.

No *structure* or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violations of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein contained shall prevent the City of Kenmore from taking such other lawful action as is necessary to prevent or remedy any violation.

18.55.795 Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.



Note: The City's Flood Hazard Area encompasses the Area of Special Flood Hazard, which is the 100-year floodplain and floodway mapped by FEMA, and may be expanded to include those areas determined by the City to be subject to flood risks from channel relocation or stream meander.

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THIS IS AN ENTIRELY NEW ARTICLE

**Chapter 18.55
CRITICAL AREAS**

Sections:

Article XX. Groundwater Susceptibility and Critical Aquifer Recharge Areas

18.55.800 Designation of groundwater susceptibility and critical aquifer recharge areas.

18.55.810 Critical Areas Report.

Article XX. Groundwater Susceptibility and Critical Aquifer Recharge Areas

18.55.800 Designation of groundwater susceptibility and critical aquifer recharge areas.

Groundwater recharge areas play an important role in groundwater quality and the general environmental health of the area in which they are located. Although no critical aquifer recharge areas are designated within the city limits at this time, the City understands the importance of protecting its groundwater resources. For example, groundwater can be an important source of water in City streams and wetlands, particularly during dry summer months, which supports associated vegetation communities and aquatic habitat. Some communities rely on groundwater for irrigation or drinking water. In the City, areas susceptible to groundwater contamination have been designated using the City of Kenmore Groundwater Susceptibility Map, which was developed based on the *Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances* (Ecology, 1998). The map is the result of combining the ratings of a variety of factors for areas throughout the City including: geologic unit (i.e. depositional environment), near surface permeability (based on the county soil map), and depth to groundwater. The map identifies areas with “moderate” or “high” susceptibility to groundwater contamination.

18.55.810 Critical Areas Report.

A. The purpose of a hydrogeologic assessment report is to evaluate actual hydrogeologic conditions and determine a site's proximity to vulnerable groundwater resources. This information then is used to evaluate the likely impacts of proposed activities and to determine appropriate construction practices, monitoring programs, and other mitigation measures required to ensure achievement of the purpose and intent of these regulations.

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- B. The information required by the hydrogeologic assessment report should be coordinated with the study and reporting requirements for any other critical areas located on the site.
- C. The hydrogeologic assessment report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer licensed in the State of Washington and has experience in preparing hydrogeologic assessments.
- D. The City of Kenmore Groundwater Susceptibility Map, referenced under KMC 18.55.800, identifies the level of evaluation required at a particular site within the City.

1. Level One Hydrogeological Assessment – Areas of Moderate Susceptibility.

- a. A level one hydrogeologic assessment shall be required for any of the following non-residential proposed activities at sites located within groundwater susceptibility zones that are rated as “Moderate Susceptibility:”
 - i. The storage, handling, treatment, use, production, recycling, or disposal of hazardous substances, other than hazardous household substances used according to the directions specified on the packaging for domestic applications. See RCW 70.105.010.
 - ii. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per acre.
 - iii. Any other activity determined by the *city manager* likely to have an adverse impact on groundwater quality or quantity, or on groundwater recharge.
- a. A level one hydrogeologic assessment shall include the following site and development-related information at a minimum:
 - i. Information regarding geologic and hydrogeologic characteristics of the site, including the permeability of the unsaturated zone (soils located above the groundwater table) based on existing data.
 - ii. Groundwater depth, flow direction, and gradient based on available information.
 - iii. Location of wells and springs within 1,300 feet of the project area.

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- iv. Location of other critical areas, including surface waters, within 1,300 feet of the project site.
 - v. Available historic water quality data for the area to be affected by the proposed activity.
 - vi. Best Management Practices (BMPs) proposed to be utilized.
2. Level Two Hydrogeologic Assessment – Areas of High Susceptibility.
- a. A level two hydrogeologic assessment shall be required for any of the following non-residential, proposed activities at sites located within groundwater susceptibility zones that are rated as “High Susceptibility:”
 - i. The storage, handling, treatment, use, production, recycling, or disposal of hazardous substances, other than hazardous household substances used according to the directions specified on the packaging for domestic applications. See RCW 70.105.010.
 - ii. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per acre.
 - iii. Any other activity determined by the city manager likely to have an adverse impact on groundwater quality or quantity, or on groundwater recharge.
 - b. A level two hydrogeologic assessment shall include the following site and proposal-related information at a minimum, in addition to the requirements for a level one hydrogeologic assessment:
 - i. Historic water quality and elevation data for the area to be affected by the proposed activity compiled for at least the previous five-year period, unless otherwise approved by the *city manager*.
 - ii. Groundwater monitoring plan provisions.
 - iii. Discussion of the effects of the proposed project on groundwater quality and quantity, including:

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1. Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features.
 2. Predictive evaluation of contaminant transport based on potential releases to groundwater.
-
- iv. Identification of the type and quantities of any hazardous materials that will be stored, handled, treated, used, produced, recycled, or disposed of on the site, including but not limited to materials, such as elevator lift/hydraulic fluid, hazardous materials used during construction, materials used by the building occupants, proposed storage and manufacturing uses, etc.
 - v. Proposed methods of storing any of the above substances, including containment methods to be used during construction and/or use of the proposed facility.
 - vi. Proposed plan for implementing protection standards during construction.
 - vii. A spill prevention, control and countermeasure (SPCC) plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.
 - viii. A discussion of past environmental investigations, sampling, spills, or incidents that may have resulted in or contributed to contaminated soil or groundwater at the site. Attach copies of all historical and current reports, and sampling results.

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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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City of Kenmore
Comprehensive Plan

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.

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City of Kenmore
Comprehensive Plan

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- 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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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, flood plain 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:
- 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.
 - 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.

Views and Aesthetics

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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 DAMAGE PREVENTION~~ REGULATIONS TO MEET THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT AND THE DEPARTMENT OF ECOLOGY'S GUIDELINES FOR FLOOD HAZARD REDUCTION.

Water Quality, Stormwater and Nonpoint Pollution

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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.
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.

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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

General Use Policies

GOAL 23.1. DEVELOPMENT WITHIN THE SHORELINE JURISDICTION SHALL PROTECT THE PUBLIC'S HEALTH AND SAFETY, AND PRIVATE

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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.

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;

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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 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

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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 StateWashington Departments of Fisheries and GameWildlife 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.

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.

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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: 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

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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.

- 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.~~

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- 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.

- 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.

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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~~⁶⁶ 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~~⁷⁷ Public recreational shoreline areas should serve as emergency refuge areas for boaters.

Policy LU-23.9.~~87~~⁸⁸ 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.~~98~~⁹⁹ The acquisition of public easements to the shoreline should be encouraged.

Policy LU-23.9.~~109~~¹¹⁰ Setbacks should be established for recreational development in the shoreline jurisdiction to protect ~~existing~~ shoreline ecological processes and functions,

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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 consider~~ ~~should be given to~~ revegetating the shoreline, re-siting roads and parking areas further away from the shoreline, and removing stream channelization and shoreline protection devices.

Policy LU-23.9.12 Prime fishing areas should be given priority and protected for recreational use.

Policy LU-23.9.13 Boating activities that increase shore erosion should be discouraged.

Policy LU-23.9.14 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:

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;

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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 environment 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.

24.2. Shoreline Stabilization

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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.
- Policy LU-24.2.10 Appropriate soft shore armoring methods, as determined by a qualified specialist professional, should be used for shoreline stabilization when

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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.
- Policy LU-24.2.16 Multiple use of shoreline stabilization structures or non-structural solutions should be encouraged.

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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-24.2.22¹ 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.

24.3 ~~Piers and Docks~~ **Water Access Structures**

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- 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.
- 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

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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.

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.

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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 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.

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

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- 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.
- 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.

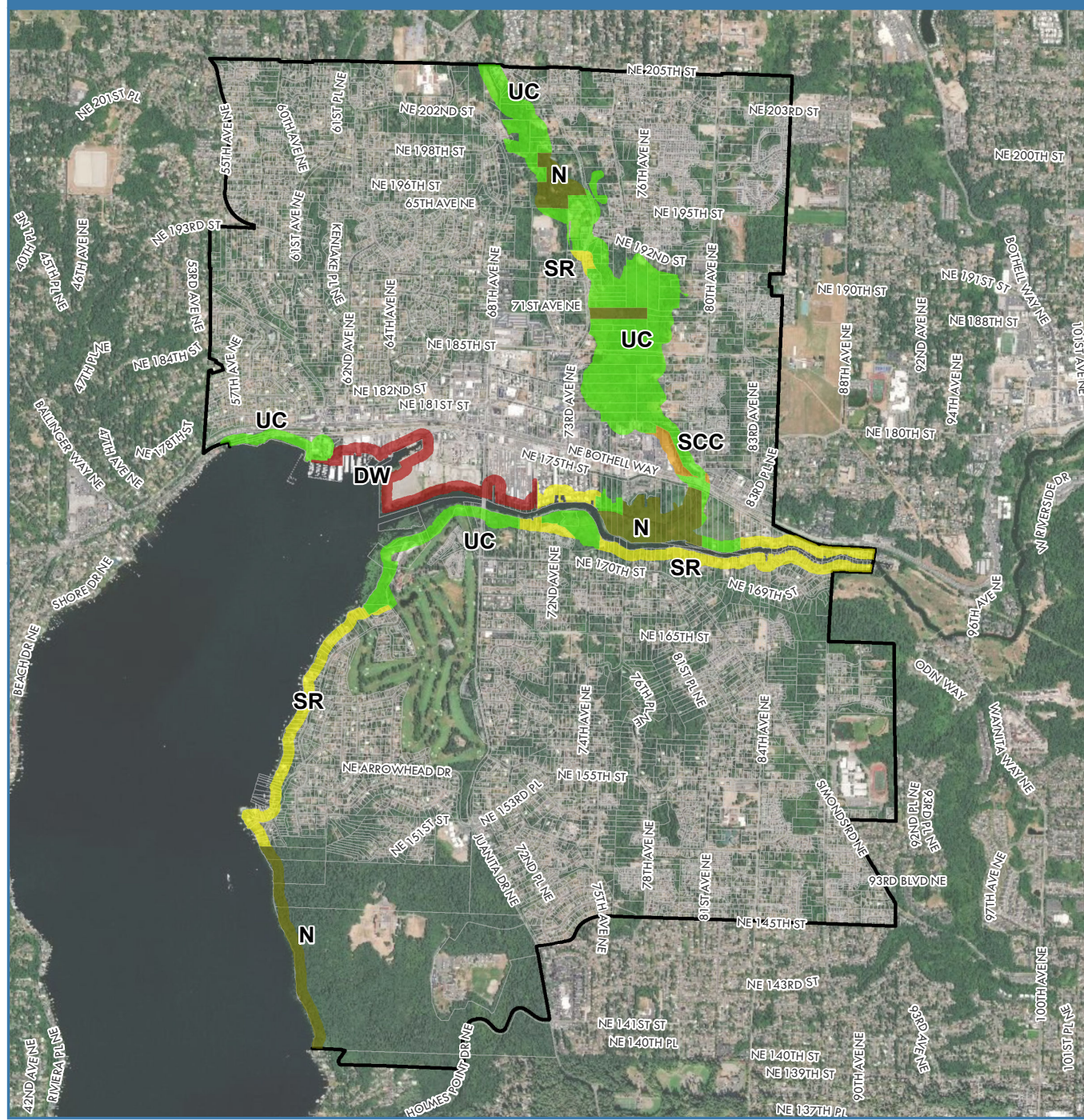
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Insert Revised Shoreline Map

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)

 Kenmore City Boundary

☐ Kenmore Parcels

*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.

The information included on this map has been compiled by City of Kenmore staff from a variety of sources and is subject to change without notice. City of Kenmore makes no representation or warranties, expressed or implied, as to the accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. City of Kenmore shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of City of Kenmore.

Map Date: March 2019

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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

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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, 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.

~~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).~~

~~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).~~

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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).
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).

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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).

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).

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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.

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~~Certain e~~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 20122019 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.

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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.
- ~~16.10.020~~ 38 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.
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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.
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- ~~16.10.355 Park/recreation recreational/cultural uses.~~
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- 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.~~
- 16.10.590 Water-dependent use.
- 16.10.610 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 appear as an otherwise permitted, conditional or prohibited use in the use allowances for a given

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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.

16.10.02938 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 date), "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, 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."

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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.

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

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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.~~

160.10.106 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.~~

16.10.110 Critical areas.

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

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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 date), "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 an anchored walkway or other surface that abuts the shoreline and floats floating up on 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.

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.

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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 date), "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 EII.

"EII" 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 date), "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*.

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."

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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 Category I wetlands as defined in KMC 18.55.300; or

D. Type 1 streams waters 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) federal Bald and Golden Eagle Protection Act.

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 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.

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16.10.210 Floodplain.

"Floodplain" is defined in WAC 173-26-020(19) as now or hereafter amended; as of (insert date). "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 date), "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."

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.

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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 date), "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*.

16.10.275 Live-aboard.

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

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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.

16.10.320 Non-water-oriented uses.

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

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~~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 date), "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.~~

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.

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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.

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.

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~~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**~~ **16.10.400 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.

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](#).

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

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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 as Exhibit 2, and incorporated by reference—REPLACE WITH NEW MAP). 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.

16.10.6020 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,

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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.

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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.

16.45.010 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.
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~~

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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.

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.

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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. 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:

a. 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

(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.

b. 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

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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.

c. 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 **director/city manager** and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington State Department of

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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.

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 and light manufacturing 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

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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 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.~~

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:

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.

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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
Adult entertainment business	P2	P2	X	X	X	X
Air transportation service	X	X	X	X	X	C14
Ambulatory surgery center	X	X	X	X	X	X
Animal kennel/shelter	X	X	X	X	X	X
Recreational/cultural Arts, entertainment, indoor	P25	P2	P6X	P62,18	P7X	C5X
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 services, standard	P2, X2	P2	X	P2, 3, X2	X	C2X
Cemetery, columbarium or mausoleum	X	X	X	X	X	X
College/university	P3	P3	P3	P3	X	U
Community residential facility	P2	P2	P	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	P2,18	X	X

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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>Educational service</u>	P2	P2	P2	P2	X	X
<u>Family child-care home</u>	X	X	P	X	C	X
<u>Golf course</u>	X		X	C	X	X
<u>Government services/Fire or police facility</u>	P43	P3	P43	PC43	P4X	C4U
<u>Funeral home/crematory</u>	X	X	X	X	X	X
<u>Health care and social assistance</u>	P2,15	P2,15	X	P2,15	X	X
<u>Hospital</u>	X	X	X	X	X	X
<u>Laboratory</u>	P2	P2	X	X	X	X
<u>Manufacturing, uses heavy</u>	P2X	X	X	X	X	X
<u>Manufacturing, light</u>	P2	P2	X	X	X	X
<u>Marijuana business</u>	P2	P2	X	X	X	X
<u>Marijuana cooperative</u>	X	X	X	X	X	X
<u>Marina (recreational boat moorage)</u>	P8		X	P	X	P
<u>Mobile food service</u>	P2	P2	X	P2	X	P43
<u>Mobile home park/Manufactured housing community</u>	X	X	C16	X	X	X
<u>Multiple-family dwelling, multiple-family. See also KMC Section 16.50.090.</u>	P2	P2	P	P2	X	X

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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
Office	P2	P2	X	P2	X	X
Park. See also KMC Section 16.50.070.	P4	P4	P5	P5	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	P2	P2	X	P2	X	X
Recreational facility, outdoor. See also KMC Sections 16.50.050, 16.50.070, and 16.55.050.	P4, 17	P4, 17	P5, 17	P5, 17	P6	P3, 4
Regional land use, except for airport, ferry terminal, and highway and street, which are described below. See also KMC Section 16.50.085.	C7	C7	X	X	X	C3
Airport/heliport or helistop	C, X17, 14	X	X	X	X	C, X17, 14
Ferry terminal	C	X	X	X	X	C
Highway and street, except for in-water uses	C11, 10	C10	C11, 10	C11, 10, 12	C11, 10, 12	C11, 12
In water and overwater highway and street facilities	X		C11, 14	C11, 14	C11, 14	C11, 14

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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
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
Mining Resource 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, X218	X	C2X
Retail sales, bulk	X	P2	X	X	X	X
Secure facility	X	X	X	X	X	X
Signs	P15		P15	P15	P15	P15

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Shoreline Use Table

KEY	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
P – Permitted Use						
C – Shoreline Conditional Use						
X – Prohibited Use						
U – Same use allowances as in adjacent upland Environment						
Single detached dwelling units, single detached. See also KMC 16.50.090.	X	X	P	P	C	P9.10
Commuter Standalone parking. See also KMC Section 16.50.087.	C16.13	X	X	X	X	X
Group residences Supportive living facility	P2	P2	P	PX	CX	X
Temporary lodging	P2	P2	X	X	X	X
Transportation. See also KMC Section 16.50.085.	C2	C2	X	X	X	X
Utility facility, except for in-water uses. See also KMC Section 16.50.080.	P13.11	P11	P13.11	P13.11	P13.11	XP3.11
In-water utility facilities	X		C13	C13	C13	C13
Vehicle or equipment rental	P3.18	X	X	P3.18	X	P3.18
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					

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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
	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:

- 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.

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2. *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 KMC Chapter 18.55](#) and where the proposed development would substantially increase the width and enhance the habitat quality of the buffer along Swamp Creek; or

(3) on a site physically separated from the shoreline by another property or public right of way; or

(4) at a shoreline location where navigability is severely limited and the use provides a significant public benefit per "c" below.

b. The *non-water-oriented uses* are located on land [unless otherwise authorized in 16.50.075](#); 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;

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(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;

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 the Downtown Waterfront and AquaticSwamp Creek Commercial Environments, water-oriented recreational uses including parks and public access trails and facilities 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 recreational uses shall be prohibited.

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

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~~76.~~ In the Natural Environment, *water-oriented* passive and low-impact ~~recreational uses, including public access trails,~~ shall be allowed. All other ~~outdoor arts, entertainment or~~ 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.

~~98.~~ 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*.

~~110.~~ 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.

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~~1311~~. 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.

~~1412~~. 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.~~

~~1613~~. Commuter parking ~~may only, and only be allowed~~ if it is designed to serve a passenger ferry system.

~~1714~~. Helistops and heliports are prohibited in all environments.

15. Veterinary clinics are prohibited in the shoreline environment.

16. Except for manufactured housing communities existing as of (date of ordinance), which are permitted outright.

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

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18. Only when accessory to a park or recreational facility and related to water access for the public.

C. Accessory Uses.

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.

21. Uses Conditional or 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, air transportation service, 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.

32. 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 according to subsection A of this section only if unless 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.

43. 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 director/city manager determines that adequate on-site or off-site dry land parking within 800 feet is not reasonably available.

54. 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.

65. 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.

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6. KMC Section 16.50.090 contains additional standards for residential accessory uses.

D. 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:

1. Storage shall not be permitted in required setbacks and shall not be located between the building(s) and the primary street.
2. 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.
3. 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.
4. 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.
5. Lighting shall be directed away from adjacent residential zones and shall be shielded as necessary to reduce impacts.

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.

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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 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;

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- I. *Public access* shall be provided in accordance with KMC [16.50.060](#);
- 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 **light** 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. 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).**

B. Where *public access* is required, an applicant shall:

- 1. Seek to provide physical *public access* consistent with the shoreline public access plan;**

AC. 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;

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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.

BD. 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.

CE. Where public access is required, the ~~director~~*city manager* shall ~~prepare written findings demonstrating that the conditions imposed are consistent with the~~*first consider the* principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.

DE. *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).~~

FG. 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*; ~~or~~ *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.*

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~~3. Where constitutional or other legal limitations apply.~~

16.50.070 Parks and Recreation.

A. *Recreational development* in all 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.
4. *Public access* trails within the shoreline shall be regulated by the provisions of KMC [16.50.060](#) **and 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 be designed primarily for pedestrian access, including access by wheelchair where appropriate, and should be no **larger** ~~wider~~ than is necessary to accommodate expected pedestrian traffic;
3. Removal of **native** vegetation for recreational uses shall be the minimum necessary to provide pedestrian access and limited visual access to the shoreline;
4. Public contact with unique and fragile areas shall be permitted where possible without destroying the natural character of the area; and

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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 uses.

A. Water-dependent and water-related commercial and light manufacturing uses are permitted subject to the applicable requirements and conditions of KMC 16.50.030.A and B.

B. Non-water-dependent and non-water-related uses may be allowed if incorporated with water-dependent uses, if the site is separated from the shoreline, in areas of limited navigability, or if the proposed development provides public access, a significant ecological benefit, or another specified public benefit. (See KMC 16.50.030.B.2.)

C. Commercial or light manufacturing 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 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** migratory **habitat**;

B. Water intakes shall not be permitted near fish spawning, migratory, 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;

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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. Non-water-dependent transportation uses shall be located as far landward as possible.

~~EB~~. Transportation uses facilities shall employ mitigation sequencing specified in Chapter 18.55 KMC to avoid and mitigate for impacts to *critical areas*.

~~BC~~. Bridges, when necessary, should span open water and *floodways*.

~~CD~~. 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 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.

F. Expansion of existing highways and streets in the shoreline jurisdiction shall be permitted 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 a., above.

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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.

16.50.087 Parking

A. Parking facilities in shoreline jurisdiction are not a preferred use and shall be allowed only as necessary to support an authorized use. 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. Plan, locate and design proposed parking facilities 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.

16.50.090 Residential uses.

A. Public access to the shoreline shall be required for the following residential developments:

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1. Multiple-family dwelling unit developments, including mixed use developments that contain multiple-family dwelling units; and
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. **Unless a site-specific study by a qualified professional concludes otherwise, if** 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*:

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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*.
 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.**

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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 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.

~~C.D.~~ 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.

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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*.

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

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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						
<u>Dock or pier – Public</u>	P	X	P	P	C	U
<u>Dock or pier – Commercial</u>	P	X	X	X	X	U
<u>Floatplane lifts</u>	C9	X	C	C	X	U
<u>Watercraft lifts (including jet ski lifts)</u>	P	X	P	X	X	U
<u>Other floats and moorage buoys</u>	P	X	P	P	P8	U
<u>Repair or replacement of existing water access structures</u>	P	P	P	P	P	P
Fill. See also KMC Section 16.55.060.						
<u>Filling Upland outside of floodplain</u>	P5, C5	P	P5, C5	P5, C5	C5	C5NA
<u>Upland inside of floodplain</u>	P	C	C	C	C	NA
<u>Waterward of the ordinary high-water mark, restoration</u>	NA	P	P	P	P	P
<u>Waterward of the ordinary high-water mark, non-restoration</u>	NA	C	C	C	C	C
Breakwaters, jetties, groins, and weirs						
<i>Breakwaters, jetties, groins and weirs</i>	C65	C5	C65	C65	C65	C65
Grading and dredging. See also KMC Section 16.55.060.						
<u>Grading, dredging, dredge material disposal</u>	P5, C5		P5, C5	P5, C5	C5	C5
<u>Dredging</u>	NA	P	P	P	P	P
<u>Grading</u>	P	P	P	P7	C	NA

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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						
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	P 76	P 6	P 76	P 76	P 76	P 76

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*.

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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.~~

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~~

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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:

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

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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 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.

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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 facilitiesWater access structures.

A. ~~Any~~All water access structures, including docks, piers, moorage, buoys, floats or launching facilities authorized by this chapter shall ~~not interfere with navigation~~comply with the following general standards:

~~B1.~~ Any dock, pier, moorage, buoy, float or launching facilitywater access structure authorized by this chapter shall ~~not interfere with navigation~~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)~~).
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.

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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;

c. 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

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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 material, 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 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

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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;
- (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;~~
- ~~(76)~~ 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
- ~~(87)~~ Only one boat lift canopy per single detached residence shall be allowed.

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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.

~~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>.	

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	- Only joint use boat lifts, docks, piers, moorage buoys, floats or launching facilities may be permitted for multiple-family dwelling unit development proposals. - Docks, or piers serving boating facilities 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 ramps and floats	- Docks or piers 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	- Docks or piers 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	<u>Residential</u> 4 ft. for pier or dock 4 ft. for ramp 6 ft. for ell and float <u>Public or Commercial</u> 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 ells 5 ft. for ramp, including railings (travel width is effectively 4 ft.) 8 ft. for ell and float.	<u>Residential</u> 4 ft. for ramp 6 ft. for float <u>Public or Commercial</u> 5 ft. for ramp 6 ft. for float
Maximum Length	26 ft. for ells 20 ft. for floats	20 ft. per float per residential unit, and laid end-to-end. The maximum length is

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	In no case may any moorage facility extend more than 150 feet waterward of the <i>ordinary high-water mark</i>.	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>.	<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

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	All floats and ells must be at least 30 feet waterward of the ordinary high-water mark.	- facilities may extend no farther waterward than one-third the width of the river in the location of the proposed structure. - The city manager may allow floats to be positioned up to an additional 10 feet waterward from the ordinary high-water mark as needed to reach a sufficient boat moorage depth (greater than 3 feet). - Floats shall be located as far as feasible 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 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 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 float 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 feasible 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.	

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Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	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. - Mooring buoys shall not interfere with navigation. b. The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or float 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.	

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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.

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.

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(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.

CD. Proposals that do not meet the requirements of subsection B (B)(6), (B)(8), (B)(9) or (B)(15) 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 *director/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 *director/city manager* 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*;
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

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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**
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

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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:**

- 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. ~~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.

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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.

DE. 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.

HG. 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;

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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.

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

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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.

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:

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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 18.55 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 18.55.520.

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

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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	11
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)	11
Non-water-oriented parks and outdoor recreational facilities	50 ft (1)	NA	75 ft	100 ft	150 ft	11
Other water-oriented uses	20 ft	NA	100 ft	150 ft	150 ft	11
All other non-water-oriented uses	50 ft (1)	NA	150 ft	150 ft	150 ft	11
Water-dependent commercial development	20 ft (1)		2	115 ft (1)	2	0
Water-related commercial development	20 ft (1)		2	115 ft (1)	2	0
Non-water-dependent and non-water-related commercial development	50 ft (1)		2	150 ft	2	2
Government services	20 ft (6)		20 ft (6)	20 ft (6)	20 ft (6)	0
Single-family residential development	2		25 ft (2)	115 ft (2)	150 ft (2)	2
Multifamily residential development	50 ft		75 ft	115 ft	2	2
Water-dependent and water-related manufacturing and industrial use	20 ft (1) (3)		2	115 ft (1) (3)	2	0
Non-water-related manufacturing and industrial use	50 ft		2	2	2	2

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Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Parks and recreation	50 ft (4)		75 ft (4)	115 ft (4)	115 ft (4)	0
Accessory surface parking	100 ft		100 ft	115 ft	150 ft	0
Utilities and regional land uses	50 ft (5)		75 ft (5)	115 ft (5)	115 ft (5)	2
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 - 15 (6)	150 ft	150 ft	11
Water-oriented parks and outdoor recreational facilities	50 ft (3)	NA	50 ft (3)	100 ft (3)	150 ft (3)	11
Non-water-oriented parks and outdoor recreational facilities	100 ft	NA	75 ft	100 ft	150 ft	11
Other water-oriented uses	75 ft	NA	50 ft	100 ft	150 ft	11
All other non-water-oriented uses	100 ft	NA	150 ft	150 ft	150 ft	11
Shoreline Buffers from OHWM on Swamp Creek						
Residential development ¹	NA	60 ft	50 ft	150 ft	150 ft	11
Water-oriented parks and outdoor recreational facilities	NA	50 ft	(3)	(3)	(3)	11
Non-water-oriented parks and outdoor recreational facilities	NA	60 ft	75 ft	100 ft	150 ft	11
Other water-oriented uses	NA	50 ft	50 ft	100 ft	150 ft	11
All other non-water-oriented uses	NA	60 ft	150 ft	150 ft	150 ft	11
Building Setback from the Shoreline Buffer						
Single-family usesAll uses	15 ft (2)	15 ft (2)	2515 ft (2)	15 ft (2)	15 ft (2)	21

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Shoreline Density and Dimensions Table

	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
All uses except single family uses	15 ft		15 ft	15 ft	15 ft	N
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 (57)	Yes (5)	Yes (57)	Yes (7) 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. 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

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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 bBuilding 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.~~

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. 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~~

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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: ~~New public access improvements shall comply with the requirements of Chapter 18.55 KMC; provided,~~

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 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).

b. ~~that new public access improvements may be allowed within critical areas, or shoreline or critical area buffers, if~~ New or expanded *water-oriented* development shall follow mitigation sequencing to protect existing riparian areas and other critical areas. Unavoidable impacts ~~are~~ 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, ~~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

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~~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.~~

~~c. 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, and the public access improvements meet the following standards:~~

~~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.~~

~~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.~~

~~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:~~

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- 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. 12-0334 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.

6. The shoreline buffer of 15 feet applies to the existing manufactured housing communities. A 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

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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.

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.

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.

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.

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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 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

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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.

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.

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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.

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

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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 storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water 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.**
- 5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.**

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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.

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.

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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;
6. A description of stormwater management practices to treat stormwater runoff to reduce both water quantity and water quality impacts;

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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:

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.

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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:

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

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- 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.

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.

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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:

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.

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~~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 ~~receipt~~filing 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 ~~receipt~~filing 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 ~~director~~city manager.

The ~~director~~city manager is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The ~~director~~city manager may prepare and require the use of such forms as are necessary to its administration.

16.75.100 Enforcement.

A. The ~~director~~city 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 ~~director~~city 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 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

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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;
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;

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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.
- 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

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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.

16.75.160 Criteria for hearing examiner review.

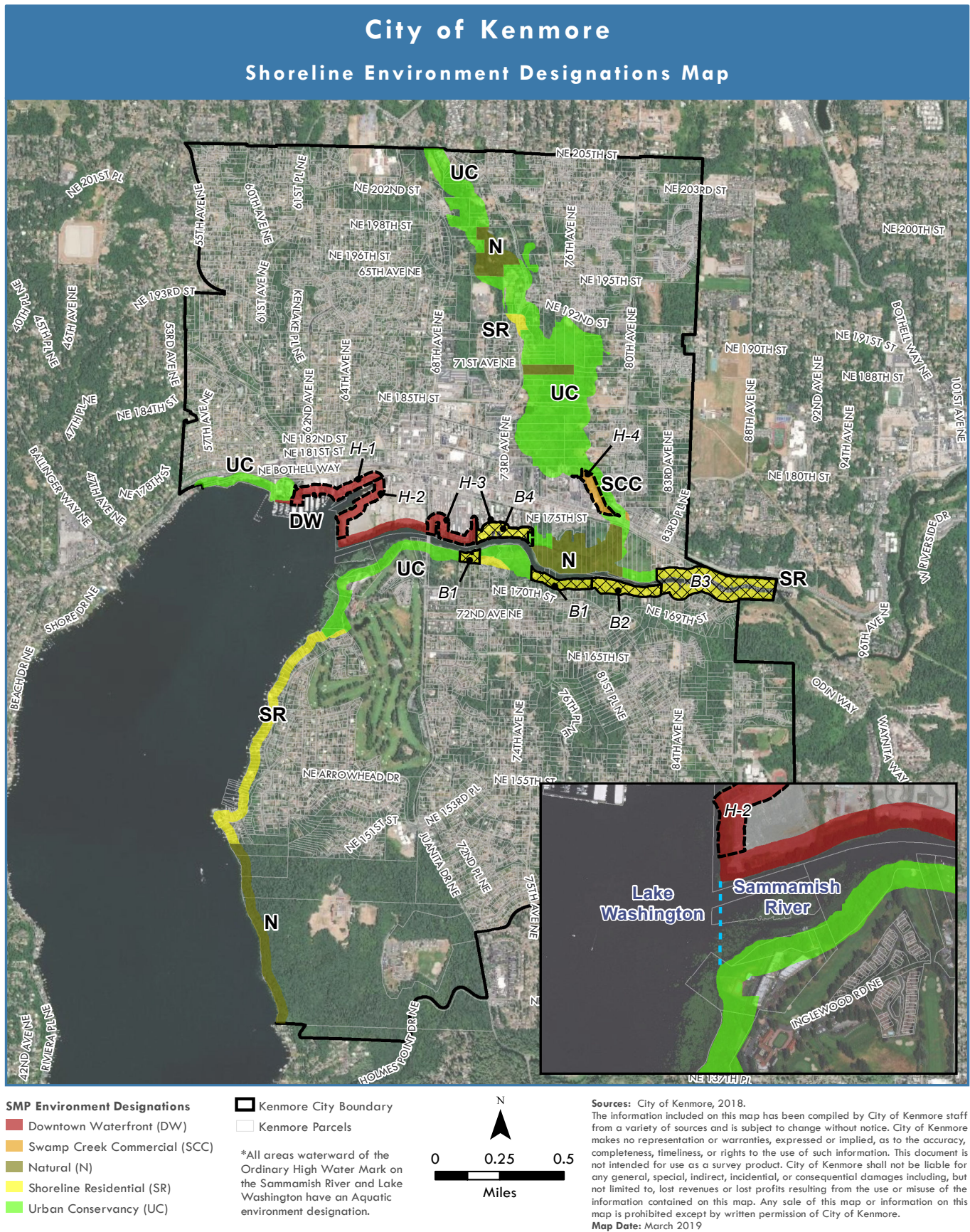
A *shorelines redesignation* referred to the hearing examiner for a public hearing shall be reviewed based upon the requirements of comprehensive plan policies and City *shorelines* management goals and objectives and the following additional standards:

A. The proposed change implements and supports the goals of the State Shorelines Management Act and City of Kenmore *Shoreline Master Program* requested;

ATTACHMENT 9

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](#).



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Amendments to other sections of the Zoning Code related to the Public Agency and Utility Exception

18.30.190 Setbacks – Modifications.

The following *setback* modifications are permitted:

A. When the common property line of two *lots* is covered by a *building(s)*, the *setbacks* required by this chapter shall not apply along the common property line; and

B. When a *lot* is located between *lots* having nonconforming *street setbacks*, the required *street setback* for such *lot* may be the average of the two nonconforming *setbacks* or 60 percent of the required *street setback*, whichever results in the greater *street setback*.

C. The *city manager* may reduce *setbacks* in residential zones regulated by KMC 18.21 to 10 feet, and *setbacks* in other zones to 5 feet in order to maximize the protection of a *critical area* or buffer and avoid exceptions or variances.

18.40.030 Computation of required off-street parking spaces.

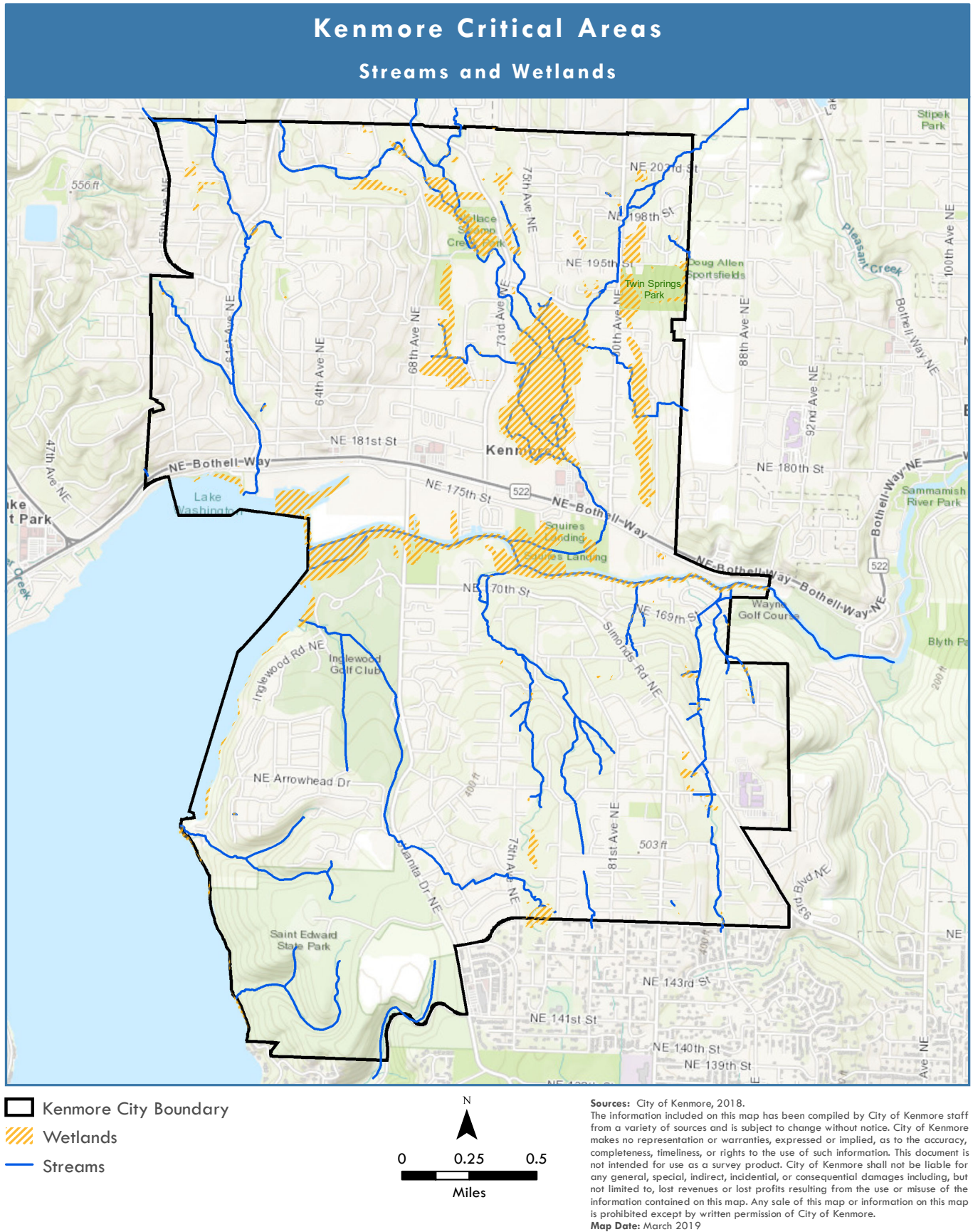
B. An *applicant* may request a modification of the minimum required number of *parking spaces* by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to 50 percent of the minimum required number of spaces.

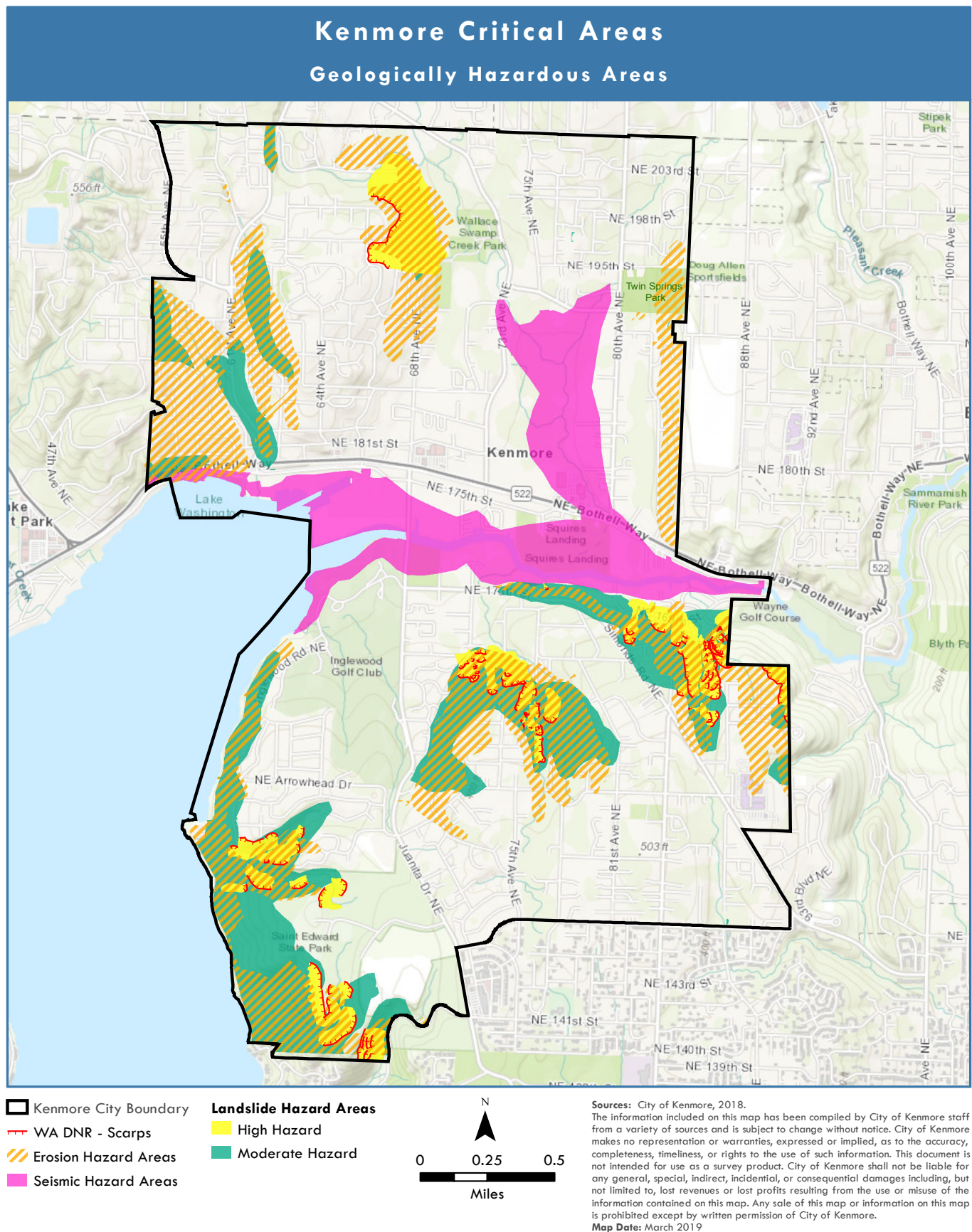
D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

H. Tree Retention – DC and DR Zones. Where an applicant proposes retention of *trees* in accordance with KMC [18.35.100\(G\)](#) in the DC and DR zones, the *city manager* may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements.

ATTACHMENT 10

I. *Critical Area* or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its buffer. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the buffer or critical area.





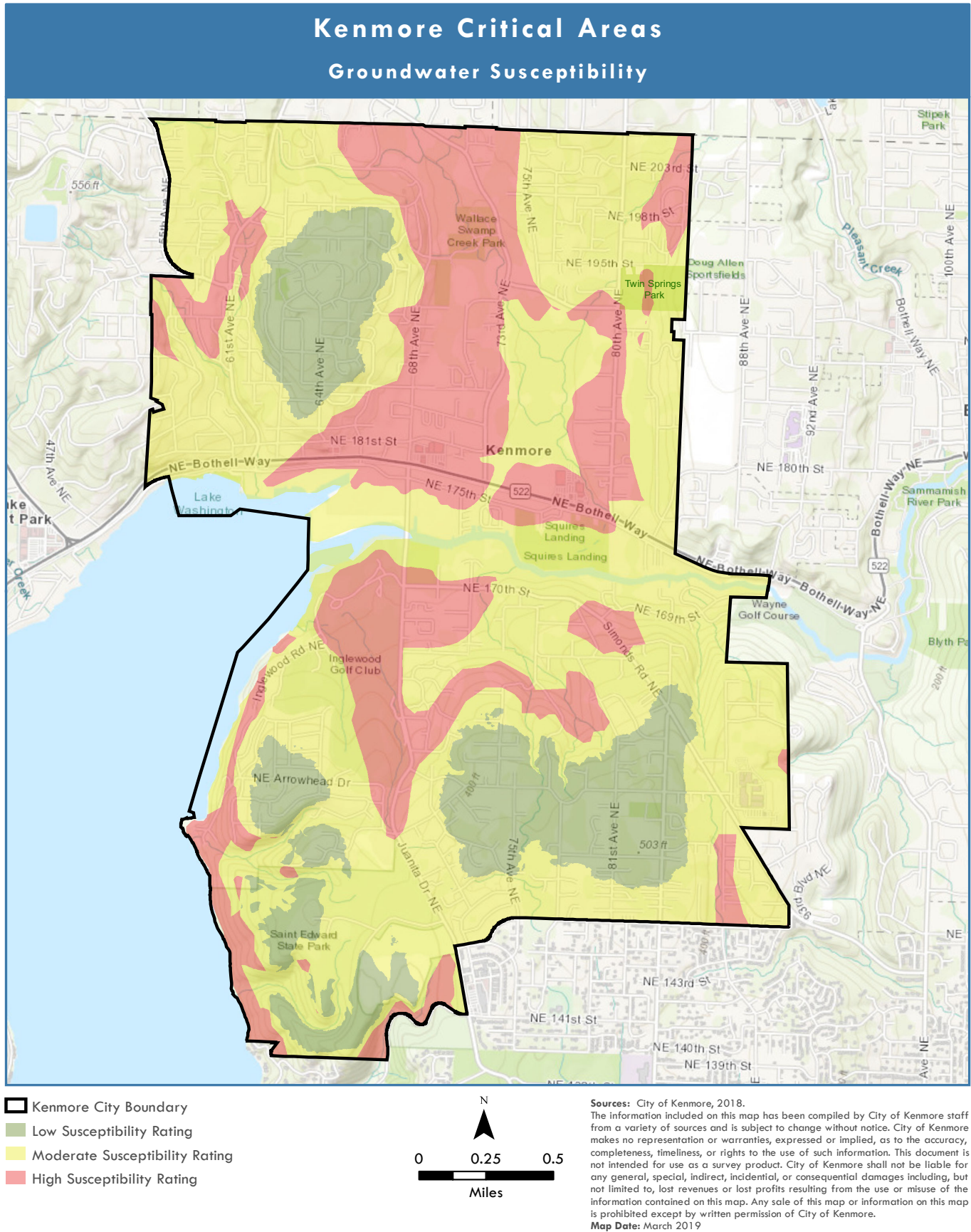


EXHIBIT C**FREQUENTLY ASKED QUESTIONS****Critical Area Regulations**General provisions

- How has the public agency and utility exception (PAUE) been addressed?

In fall 2018, the City convened a meeting with multiple stakeholders for a PAUE discussion. Represented were the City (parks planning), King County Natural Resources and Parks (wastewater), Northshore School District, Washington State Department of Commerce, Washington State Department of Ecology, and Washington State Department of Fish and Wildlife. The group discussed experiences around siting public agency and utility facilities—permitting issues, difficulties and potential criteria for the PAUE process. Following the meeting, PAUE amendments were drafted and a best available science (BAS) paper was prepared (see Attachment D to the Council packet).

After review of the draft code amendments, the Department of Commerce suggested revisions—including that the process only be used for expansions of existing public facilities, rather than new public facilities. New facilities would be evaluated through a variance or reasonable use exception process. Staff incorporated the recommended changes and has not heard further concerns.

For clarification, the PAUE process (a Type 2 permit review just like the process for a variance or reasonable use exception) is not available to applicants in the shoreline jurisdiction.

Wetlands

- Why have the wetland buffers changed?

The proposal amends the wetland categorizations to match those used by the Washington Department of Ecology, the U.S. Army Corps of Engineers, and other surrounding jurisdictions. This consistency will aid applicants as they apply for permits from other agencies. The wetland buffers have been adjusted to follow the new categorizations and the latest best available science published by Ecology. In addition to the buffer width changes, the recommended amendments would codify specific mitigation and minimization measures and provide for a habitat corridor when feasible.

Streams

- Why have the stream buffers changed?

As with wetlands, the recommendations move away from City-specific categorizations and buffers and adopt the State framework for stream typing.

Fish and Wildlife Habitats of Importance

- How is eagle protection addressed?

The bald eagle has been delisted by the federal government and the State of Washington and so no State or federal Endangered Species Act protections are in place. Rather than develop Kenmore-specific recommendations, the amendments acknowledge that protections under other federal laws (Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act) continue to apply and require applicants to certify that they are in compliance with those protections. In cases where the City has site-specific

information about eagle habitat or updated protection standards, staff could request additional details from the applicant.

- Why has the buffer for the great blue heron rookery been reduced?

The recommended code amendments are based on “best available science” and the most recent science provided by the Washington Department of Fish and Wildlife indicates that the area of concern around heron habitat is 656’ rather than the current standard of 900’.

Geologically Hazardous Areas

- Why is development being prohibited in high landslide hazard areas?

Given updated information about the risks of development in high landslide hazard areas (generated as a result of the Oso slide), the recommendation would prevent new development on high landslide hazard areas. Expansion of existing structures in these areas would be permitted with a geotechnical report. If the standard prevented all development on a site, a reasonable use exception permit would be required--to allow, but minimize, construction.

- What is the purpose of reducing lot sizes in the R-4 zone when a geohazard is present?

To mitigate the impact of the new landslide hazard area standards, the recommendations would allow lot size reduction and clustering on projects constrained by steep slopes. Lot sizes could be reduced from 7,200 to 5,400 square feet outside of the landslide hazard area and its buffer. The smaller lots would be located to have the least impact on surrounding properties in terms of consistency of street frontages and privacy of abutting properties. This approach supports the allowable density, but shifts it away from the hazard.

Shoreline Master Program policies and regulations

- Why was a new shoreline designation (Swamp Creek Commercial) created?

The current Shoreline Master Program identifies the commercial area around Kenmore Square (north of SR-522, near 80th Avenue NE) as “Urban Conservancy.” Urban Conservancy is a fairly restrictive designation that does not fit well with the commercial nature (and zoning) of the properties. The new designation more accurately reflects and accommodates existing and planned development and was encouraged by the Department of Ecology.

- Why have the shoreline buffers changed?

Under current rules, only shoreline buffers along Lake Washington are specified. Buffers along Swamp Creek and the Sammamish River reflect the critical area stream buffer standards (150 feet regardless of existing development or conditions). In the amendments, area-specific shoreline buffers have been established along the Sammamish River, recognizing existing development and eliminating the one-size-fits-all stream buffer standard. Shoreline buffers also have been added for Swamp Creek. The effect of shoreline and critical area wetland buffers is overlapping. For example, on the Sammamish River, a narrow shoreline buffer might be extended significantly by a wetland buffer if a wetland is present along the shoreline.

A forum was convened in fall 2018 specifically to discuss Sammamish River docks and buffers. Participants included City staff (parks and permit review), a private dock consultant, U.S. Army Corps of Engineers, Washington State Department of Ecology, Washington State Department of Fish and Wildlife,

and Washington State Department of Natural Resources. Different “reaches” or shoreline areas along the River were identified and buffers for each reach have now been specified.

EXHIBIT D

Best Available Science Evaluation

APRIL 2019 | PUBLIC AGENCY & UTILITY EXCEPTION (PAUE)

Prepared for:

City of Kenmore



18120 68th Ave NE
Kenmore, WA 98028

Prepared by:



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1. Situation and Recommendation

BACKGROUND AND PURPOSE

Public agency and utility projects are often both difficult to site and to permit. A public agency and/or utility may have limited funding and constraints on facility location or access to property. Before a public agency or utility project even enters the permit process, there may have been years of public discussion about project design and location. The project may have been discussed in the Comprehensive Plan and/or placed into a Capital Facilities Plan. In other cases, public projects may have been permitted many years ago on properties containing critical areas. Changes in current conditions may necessitate expansion, renovation or replacement of the public facility or utility despite critical area concerns.

Historically, if a public agency or utility could not meet the City of Kenmore's critical areas regulations standards, an exception permit review process (the Public Agency and Utility Exception or PAUE) was allowed subject to a study and demonstration that impact minimization and other criteria had been met. Several years ago, it was determined that this exception only could be applied to utility projects, leaving no exception for public agency projects. In an attempt to remedy this situation, revisions to the PAUE were proposed in 2016. These revisions were appealed to the Growth Management Hearings Board which overturned the regulations after finding that the City needed to better demonstrate how the code proposal incorporated best available science (BAS) in development of the regulations or provide the basis for departures from BAS in its record.

State guidance provides criteria for including BAS in development regulations and also discusses departures from BAS:

WAC 365-195-915

Criteria for including the best available science in developing policies and development regulations.

(1) To demonstrate that the best available science has been included in the development of critical areas policies and regulations, counties and cities should address each of the following on the record:

(a) The specific policies and development regulations adopted to protect the functions and values of the critical areas at issue.

(b) The relevant sources of best available scientific information included in the decision-making.

(c) Any nonscientific information—including legal, social, cultural, economic, and political information—used as a basis for critical area policies and regulations that depart from recommendations derived from the best available science. A county or city departing from science-based recommendations should:

(i) Identify the information in the record that supports its decision to depart from science-based recommendations;

(ii) Explain its rationale for departing from science-based recommendations; and

(iii) Identify potential risks to the functions and values of the critical area or areas at issue and any additional measures chosen to limit such risks. State Environmental Policy Act (SEPA) review often provides an opportunity to establish and publish the record of this assessment.

(2) Counties and cities should include the best available science in determining whether to grant applications for administrative variances and exemptions from generally applicable provisions in policies and development regulations adopted to protect the functions and values of critical areas.

Counties and cities should adopt procedures and criteria to ensure that the best available science is included in every review of an application for an administrative variance or exemption.

The purpose of this report is to address BAS for the PAUE regulations. The City presently is updating all its critical area regulations and amendments to the PAUE appropriately are included with this update.

Attachment A summarizes the City's current code for the PAUE for utilities. Attachment A also shows the 2016 Kenmore code amendment proposal, which would have reextended the exception to public agency projects, as well as utilities, and added more stringent review criteria. This is the proposal that was challenged and not upheld by the Growth Management Hearings Board due to the Board's findings. Washington Department of Commerce recommendations about PAUEs, which continue to incorporate public agencies as recently as their June 2018 *Critical Areas Handbook*¹, are also provided in Attachment A.

This BAS Evaluation is intended to address scientific and other considerations consistent with the Growth Management Act (GMA) rules, and to identify issues and options towards amending PAUE regulations to address necessary public agency and utility projects. The document is organized as follows:

1. Situation and Recommendations
2. Best Available Science Provisions in GMA
3. Science and Regulatory Context
4. Other Considerations
5. Departures from Best Available Science
6. Conclusion

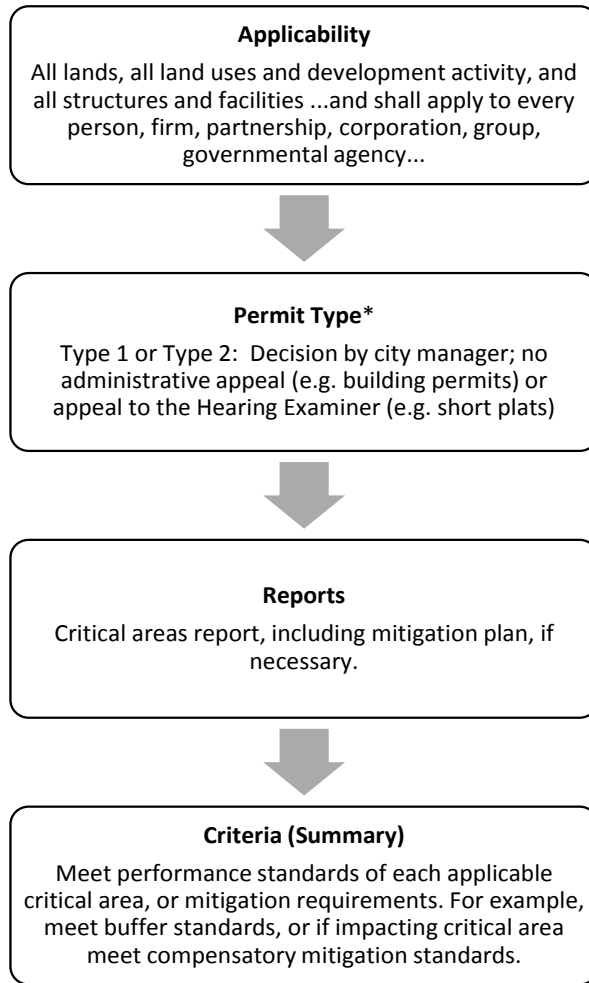
The City's critical area regulations are found in Chapter 18.55 of the Kenmore Municipal Code. These regulations are designed to protect critical areas and their functions and values. Chapter 18.55 also sets out the critical areas review process and exemptions, variances and exceptions to the rules. According to the Commerce Critical Areas Handbook, exemptions are those activities or uses for which the critical area rules do not apply and no review is required. Variances may be used to modify the standards. Exceptions are used when application of the critical area regulations would prohibit a development proposal by either a public agency or utility or a private property owner. The evaluation in this report is focused on the BAS underlying revisions to the PAUE and its critical areas review process. Attachments support elements of this evaluation.

CRITICAL AREA EVALUATION PROCESS

Standard Process

The City applies its critical areas regulations to all types of development and project sponsors. The permit review is administrative in many cases.

¹ Washington Department of Commerce (2018). Critical Areas Handbook (Chapter 3: Structuring Critical Areas Regulations). Available: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>

Exhibit 1 Kenmore Standard Critical Areas Regulations Process

Note: *Review may take permit type of associated land use activity. Type 1 City Manager (CM) Decision, Type 2 CM Decision with Appeal to Hearing Examiner, Type 3 Hearing Examiner Decision with CM recommendation, and Type 4 City Council Decision with CM and Hearing Examiner recommendation.

However, there are limited circumstances in which variances or exceptions are needed. The City's Municipal Code addresses three different ways to modify the regulations: a variance, a reasonable use exception, or a PAUE. Review procedures for these three processes are described below.

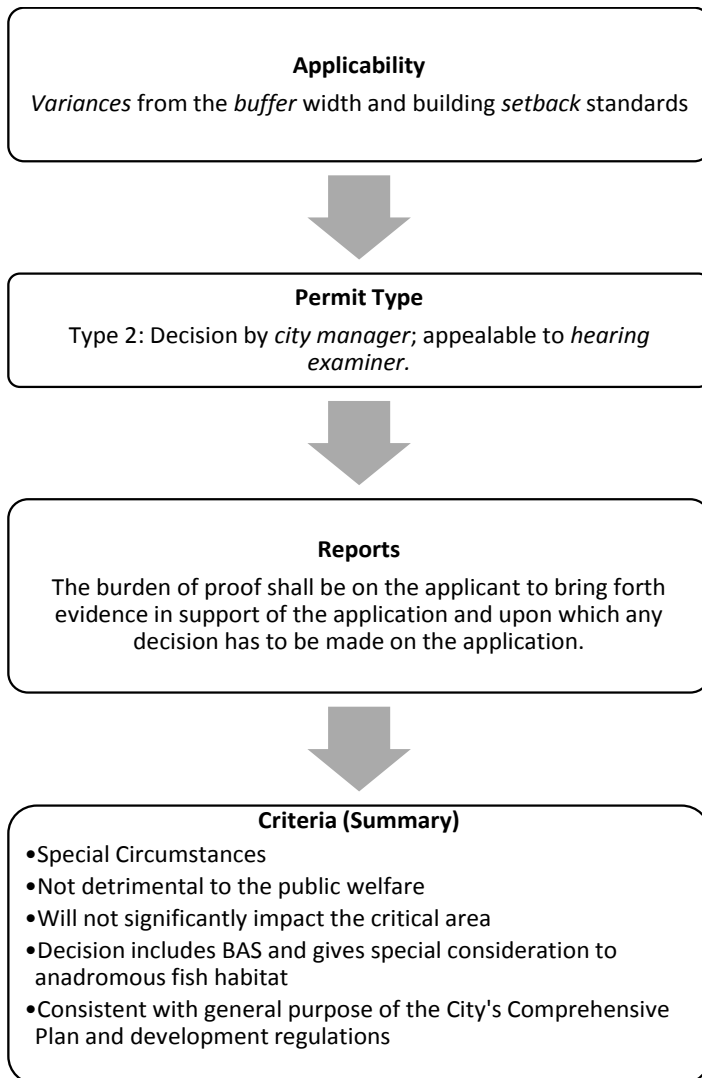
Variance

A variance is a deviation from the dimensional standards in the code. The City allows a critical area variance from the buffer width and building setback standards of the code. The decision is administrative, but appealable to the City's Hearing Examiner. A couple of the review criteria for a variance are difficult for public agency and utility projects to address because they are geared for private landowners. For example:

“2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question;”

While variances have been used historically by public agencies for buffer modifications, the variance process is better suited to private applications where no balancing of public agency responsibilities is considered. In addition, variances only apply to buffer width and building setback standards and cannot be used for projects within a critical area.

Exhibit 2. Kenmore Critical Areas Variance Process



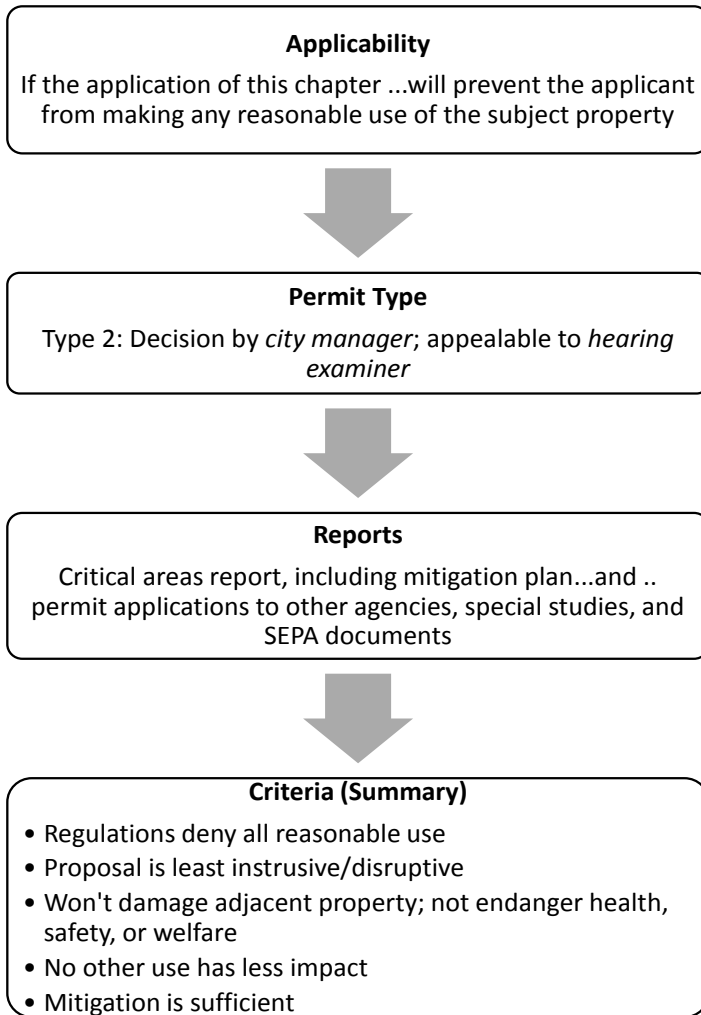
Reasonable Use Exception

For private development, in cases where an entire property is encumbered by critical areas and the development proposal would be prohibited by the critical area regulations, the City allows a Reasonable Use Exception (RUE) to avoid takings of private property rights. This would be used if a variance process is not feasible or fully applicable – for example, if a critical area may be altered beyond a buffer or setback change. The RUE process is a Type 2 decision like a variance (administrative, but appealable to the City’s Hearing Examiner). The RUE is intended for projects where “critical areas will prevent the applicant from making any reasonable use of the subject property...”

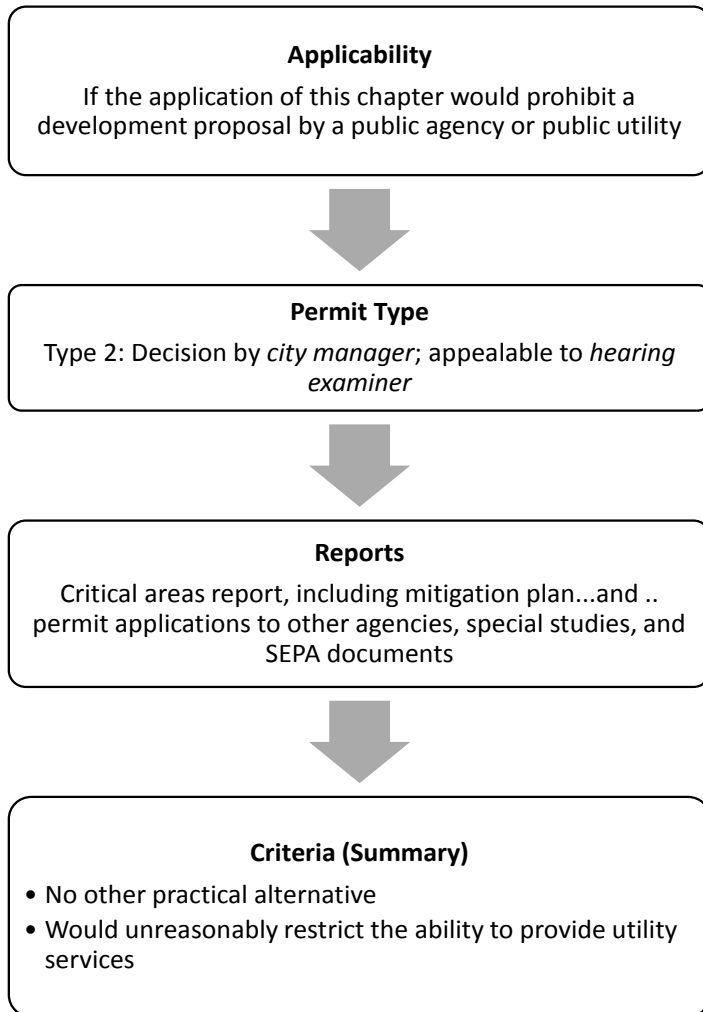
The specific review criteria for an RUE are inappropriate for public agency and utility projects, as they are meant for the exercise of private property rights and to avoid the taking of private property rights. For example:

“a. The applicant demonstrates that the application of this chapter will deny all reasonable use of the subject property otherwise allowed by applicable law;”

Allowing a minimal level of “reasonable use” could substantially restrict or prevent a public agency service from being provided.

Exhibit 3. Kenmore Critical Areas Reasonable Use Exception**Public Agency and Utility Exception (PAUE)**

For public utilities, when a development proposal includes critical area or buffer alterations that are otherwise prohibited, the City offers the PAUE. This would include cases where buffer and/or critical area intrusion or impacts would occur, and standard requirements cannot be met. The process is a Type 2 decision like a variance or RUE (administrative, but appealable to the City's Hearing Examiner).

Exhibit 4. Kenmore Current Public Agency and Utility Exception

The Washington Department of Commerce has published a 2018 Critical Areas Handbook (“Handbook”). Chapter 3 of the Handbook describes having Exemptions, PAUEs, Allowed Uses or Activities, and RUEs.

The City of Kenmore’s existing critical areas procedures follow the Handbook and include similar PAUE criteria. However, the City proposes to depart from the Handbook PAUE criteria to: 1) allow critical area review for public agency projects that expand existing public facilities, beyond linear utilities; and 2) propose enhanced decision-making procedures with amended decision criteria to assure no net loss of critical areas functions and values. See Attachment A, part A-3 for Commerce example language.

State law requires the City (and other public agencies) to adequately plan for capital facility projects, including procedural steps that include public input and consideration (for example, RCW 36.70A.070(3),(4),(6) – GMA mandatory elements). Without the PAUE, planned capital facility projects that are not candidates for consideration under the variance process have no alternative process for

permit evaluation. The RUE process is used by private applicants but is not applicable to public agencies. For example, an existing public facility, such as a school, may already include uses or structures at or near the edge of a critical area. Without a proper review process, future support of school and education requirements by expansion and modernization of buildings and supporting recreation areas might not be accomplished without the PAUE.

Prior to the interpretation that the PAUE was to be used only for utilities, public agency projects were permitted through that process. In Kenmore, the Brightwater conveyance system portal access and odor control facility intruded into wetlands, streams and their buffers and was reviewed through the PAUE process. The project provided extensive enhancement and restoration as described under historic projects further below. Without the PAUE, the expansion of beneficial public agency capital facilities may be precluded by application of the critical areas rules, negating the ability of a public agency to provide needed public services.

CODE OPTIONS AND RECOMMENDATIONS

This section recommends amendments to the PAUE for public agency and utility² proposals.

Review Process and Reports

We recommend that the PAUE permit review process continue as Type 2 with City Manager Decision, Appealable to Hearing Examiner and continue with a Critical Area Report and Mitigation Plan.

Rationale: The decision-making process provides for sufficient oversight and evaluation, with an appeal process should there be unusual circumstances. The added Criteria for Approval will strengthen the review process and will be addressed in the Critical Area Report and Mitigation Plan.

Exception or Variance Options

Options for consideration of public agency projects include:

1. Propose amendments as presented in 2016 ordinance.
2. Amend 18.55.160 Exception – Public Agency and Utility to ensure a consistent approach to public agency proposals and utilities that serve the public interest and address new decision criteria (see below). Allow conditions of approval and consideration of best management practices (BMPs) like King County allowed alterations in their critical area regulations.
3. Remove 18.55.160 Exception – Public Agency and Utility and integrate allowances for considering public agency proposals and utilities into Variance or Reasonable Use processes; provide for unique criteria. Allow conditions of approval and consideration of BMPs like King County allowed alterations in their critical area regulations.
4. Allow utility projects and the expansion of existing capital facilities, as defined by the GMA, by way of the PAUE process in 18.55.160, per #2. Additionally, for new public agency capital facility

² Where private utilities (e.g. telecommunications, power) serve the general public, have a duty to serve under state and federal laws, or have oversight and requirements to plan such as with the Washington Utilities and Transportation Commission, the City has indicated it wishes to treat them similar to public facilities and services.

projects, allow them to be reviewed under the Variance (buffer widths) or RUE (critical areas) process with criteria adapted for public agencies' unique considerations per #3.

5. Retain the existing PAUE which limits review to utility projects.

We recommend that the City select Option 4 and amend the PAUE as well as Variance and RUE criteria.

Rationale: Based on Commerce's review of the PAUE in January 2019, and its recommendation to limit the PAUE to linear utilities and the expansion of existing public agency capital facilities, Option 4 is recommended. An amended PAUE would be similar to the current structure, meet the 2018 Commerce Guidebook recommendations for process, and recognize that public capital facilities and utilities must meet public purposes and other laws. The focus of the PAUE would be adapted to allow for consideration of buffer and critical area adjustments for the expansion of existing public agency capital facilities, which are likely to be the majority of the situations in Kenmore given the "built out nature" and decades of investment in parks, schools, and other public agency facilities prior to critical areas regulations. It would also allow for consideration of public and private utilities that serve the public, which are typically linear facilities that have physical and locational requirements that are unique.

Option 4 would also allow for permit review of "new" public agency facilities under a Variance (for buffers) and RUE (for critical areas standards)) process. The Variance and RUE criteria would need to be revised to provide such review (e.g. having both common criteria and unique criteria for public proposals). Though using the Variance and RUE would blur the distinction between private development and a process to reduce takings and a process to consider the needs of public agencies and utilities that have different responsibilities for the community compared to a private owner, revisions to the criteria and the City's experience in applying the code to public agency proposals since 2016 would help overcome this concern.

Criteria for Permit Approval

PAUE

We recommend amendments to the permit decision criteria.

Rationale: This is the heart of the proposal – to have a more comprehensive list of decision criteria that illustrate the thought and care that has gone into the public agency and utility proposal, the ways in which mitigation sequencing has been integrated, the consistency of the proposal with a system-wide plan, program, or policy, and assures no net loss of critical areas functions and values and protects/mitigates critical areas.

Specifically, we recommend that the City:

1. Retain the criterion that states that there is no other practical alternative to the proposed development with less impact on the critical areas.
2. Amend the criterion that states that the application of this chapter would unreasonably restrict the ability to provide public agency or utility services to the public.
3. Add criteria like the following:
 - The proposal consists of linear utilities/transportation facilities or the expansion of existing public agency facilities.
 - There is not another feasible location with less adverse impact on the critical area and its buffer.

- Mitigation sequencing³ has been demonstrated in a mitigation plan, with a robust demonstration of the agency or utility's efforts to site mitigation using a watershed approach.
- Development activities involve the least intrusion into and disruption of the critical area necessary while fulfilling a public purpose and need.
- The proposal is consistent with a public agency or utility system plan, master plan, program, or policy that has been the subject of a public review process.
- The proposal is consistent with the general purpose and intent of the City's comprehensive plan and adopted development regulations.
- The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.
- The proposal protects existing critical area functions and values and mitigates impacts to the critical area functions and values consistent with the best available science.
- The proposal would result in no-net-loss of critical area functions and values.
- The proposal is consistent with other applicable regulations and standards.

PAUE Standard Conditions of Permit Review and Approval

We recommend that the City require documentation from the applicant that demonstrates that all feasible options have been considered, and that mitigation is robust. Sources of example best management practices (BMPs) include King County table notes and the Commerce Guidebook. See Attachment A, parts A-3 and A-4 respectively. Applicants also should address Conditions of Approval by federal and state agencies described in Section 3 of this document under "Impacts, Risks, Protections, and Mitigation."

1. Further, we recommend that the City: Continue to condition proposals based on the critical area report and mitigation plan; and
2. Identify best management practices (BMPs) for PAUE proposals as standard conditions; these standard conditions could be supplemented or adjusted based on the results of the critical area report and mitigation plan.

Example standard conditions of approval could include (but not be limited to):

³ Per KMC 18.20.1710 "Mitigation" means the use of any or all of the following actions listed in descending order of preference:

A. Avoiding the impact by not taking a certain action;
 B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
 C. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area or buffer;
 D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
 E. Compensating for the impact by replacing, enhancing or providing substitute critical areas and environments; and
 F. Monitoring the impact and taking appropriate corrective measures."

Facilities over water:

- Facilities/utilities are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the city manager determines that there is no other feasible crossing site.
- The construction occurs during approved periods for instream work.
- Facilities/utilities will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.
- If new construction, bridge piers or abutments for bridge crossings are not placed within the FEMA floodway or waterward of the ordinary high-water mark.

Facilities in fish or wildlife habitat or buffer; or wetland buffer:

- No clearing, external construction or other disturbance in a fish or wildlife habitat of importance is allowed during breeding seasons.
- Minimize impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the facility is specifically designed and intended to meet Americans with Disability Act provisions.
- To the maximum extent practical, buffers are expanded equal to the width of the facility (a trail, for example) including disturbed areas.
- The facility is not located over habitat used for a species listed as endangered or threatened by the state or federal government; except that the city manager may approve the location if it is determined that there is no other feasible crossing site for linear facilities such as pipelines, bridges, or trails.
- Standard conditions for facilities over water are followed where applicable.
- To the extent feasible, temporarily disturbed areas will be replanted to native forest or shrub communities. Applicants will plan and implement a robust invasive species monitoring and control program.

Facilities in geologically hazardous areas:

- The alterations will not subject the critical area to an increased risk of landslide or erosion.
- Vegetation removal is the minimum necessary to locate the facility.
- In a landslide hazard area, information from a qualified geotechnical professional demonstrates that the project is safe as sited and designed.

Variance and RUE Criteria Amendment

We suggest amending variance criteria that are currently difficult for public agency and utility projects to address because they are geared for private landowners. For example:

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question;

Regarding #1 the public owned property may or may not be similarly situated as other properties and may not own other properties where such an activity can occur; substituting a practical alternatives criterion would be appropriate for a new public agency proposal.

Regarding #2, we suggest a criterion more applicable to a public agency, regarding the need to fulfil a duty to serve, to provide an essential public facility, or to meet a service demand per an adopted capital plan or system plan or other plan that has been the subject of an alternatives evaluation and public review process.

The specific review criteria for a RUE regarding the need to avoid the taking of private property rights is inapplicable to a public agency proposal:

- a. The applicant demonstrates that the application of this chapter will deny all reasonable use of the subject property otherwise allowed by applicable law;
- b. The development activities involve the least intrusion into and disruption of the critical area necessary to allow a reasonable use of the subject property.

Allowing a minimal level of “reasonable use” under “a” could substantially restrict or prevent a public agency service from being provided. Instead, we suggest a criterion about a duty to serve, etc. per the discussion of variance criteria above.

Regarding “b”, the idea of the least intrusion is applicable to both private and public proposals, but “necessary to allow a reasonable use” is best for a private proposal, and something like “or to achieve a public agency responsibility consistent with adopted laws, rules, and plans” would be a better match to public agency proposals.

2. Best Available Science Provisions in GMA

As mentioned in the Background/Purpose section of this report, State rules implementing GMA guide how to demonstrate that best available science is included in the development of critical areas policies and regulations. The criteria also acknowledge that agencies can depart from best available science and consider non-scientific information such as legal, social, cultural, economic, and political information.

WAC 365-195-915 Criteria for including the best available science in developing policies and development regulations.

(1) To demonstrate that the best available science has been included in the development of critical areas policies and regulations, counties and cities should address each of the following on the record:

- (a) The specific policies and development regulations adopted to protect the functions and values of the critical areas at issue.*
- (b) The relevant sources of best available scientific information included in the decision-making.*

(c) Any nonscientific information—including legal, social, cultural, economic, and political information—used as a basis for critical area policies and regulations that depart from recommendations derived from the best available science. A county or city departing from science-based recommendations should:

(i) Identify the information in the record that supports its decision to depart from science-based recommendations;

(ii) Explain its rationale for departing from science-based recommendations; and

(iii) Identify potential risks to the functions and values of the critical area or areas at issue and any additional measures chosen to limit such risks. State Environmental Policy Act (SEPA) review often provides an opportunity to establish and publish the record of this assessment.

(2) Counties and cities should include the best available science in determining whether to grant applications for administrative variances and exemptions from generally applicable provisions in policies and development regulations adopted to protect the functions and values of critical areas. Counties and cities should adopt procedures and criteria to ensure that the best available science is included in every review of an application for an administrative variance or exemption.

Consistent with state rules, this document provides the analysis necessary to support PAUE regulations that accommodate critical areas modifications in support of necessary public agency and utility projects. It is worth noting that a PAUE is *not* an exception from the requirement to complete and document a thorough mitigation sequencing process, nor is it an exception from the requirement to implement appropriate mitigation. The unique characteristics of the PAUE lie in recognition that many projects proposed by public agencies and utilities have more limited opportunities to avoid and minimize critical area impacts at the project scale. However, on the flip side, they typically have had more extensive avoidance and minimization analysis at that entity's program planning scale or have other opportunities for off-site mitigation at other public sites.

Each of the BAS tenets related to development of critical area regulations is addressed in the following sections of this report.

3. Science and Regulatory Context

This section of the report addresses:

(a) The specific policies and development regulations adopted to protect the functions and values of the critical areas at issue.

(b) The relevant sources of best available scientific information included in the decision-making.

CRITICAL AREA FUNCTIONS AND VALUES, BAS AND PROTECTIVE REGULATIONS

Critical area functions and values are described more fully in several BAS sources developed by Washington State agencies (See Attachment B).

A summary of common critical area functions and values is provided in Exhibit below. Critical areas are listed in rows, and typical functions and values are listed in columns. Where functions and values are typically associated with that critical area an "X" appears in the intersecting cell.

For example, in terms of water quantity, wetlands can store surface water, alter flood flows, or recharge or discharge groundwater. They can improve water quality by removing sediments and decreasing

downstream erosion, moderating water temperatures, and removing nutrients. They provide habitat for aquatic species, birds, and other wildlife. (Washington Department of Ecology 2005)

However, in an urban environment, not all functions and values are fully present. For example, habitat quality and structure may markedly differ in an urban environment, and species dependent on the habitat and associated buffers may differ in their responses to abutting urban uses, roads, etc.

Recent research is emphasizing that relatively undisturbed uplands between wetlands are important for maintaining the populations of many wetland dependent species. A narrow undisturbed buffer can provide the first stage of a connection between wetlands, or it alone can provide that connection if wetlands are close together. A buffer, however, that is not part of a system of connected upland and wetland habitats may not provide adequate protection for populations of amphibians. (Washington Department of Ecology 2013)

Exhibit 5. Critical Area Functions and Values Summary

	Water Quantity		Water Quality				Habitat	Safety
	Flow	Storage	Sediment	Nutrients	Temperature	Contaminants	Quality & Structure	Persons & Property
Streams (Water) and/or Buffers	X		X	X	X	X	X	
Fish and Wildlife Habitats of Importance							X	
Wetlands and/or Buffers		X	X	X	X	X	X	
Frequently Flooded Areas	X	X	X					X
Geologic Hazards			X					X

POTENTIAL IMPACTS, PROTECTIONS, AND MITIGATION

All projects in Kenmore that could impact critical areas or their buffers, regardless of the nature of the project or applicant, are required to demonstrate how mitigation sequencing has been applied. The mitigation sequencing process itself was formalized at the federal level by a joint memorandum between the Environmental Protection Agency and the U.S. Army Corps of Engineers in 1990 as part of its Clean Water Act review, indicating recognition by the agencies that avoidance and minimization cannot always eliminate adverse impacts. Prior to that, mitigation sequencing was incorporated into state and local regulations and guidance (such as those listed in Attachment B, WAC 197-11-768 in 1984, and elsewhere in this document), and much of the science in the natural resources management realm relates to quantifying impacts and designing compensation. Projects that may be pursuing an exception from a specific dimensional or performance standard contained in the regulations would not be exempt from that process.

A critical areas report also is required for any project affecting critical areas or their buffers. This report must be prepared by a qualified professional and must incorporate BAS to protect the functions and values of the critical areas. KMC 18.55.110 states that BAS is scientific information applicable to the

critical area prepared by local, State or federal natural resource agencies, a qualified scientific professional or a team of qualified scientific professionals.

Kenmore's critical area regulations (KMC Chapter 18.55) focus on preserving and protecting critical areas in the City. In general terms, projects that may need to pursue a PAUE, RUE, Variance, or some other higher-level approval have the potential to adversely affect functions and values of critical areas and buffers. These projects may affect the critical area directly or its buffer. Extending the PAUE to public agencies may increase the number of projects that could depart from strict adherence to the regulations. However, the existing City codes and standards provide a framework for ensuring that projects are thoughtfully designed, and any impacts are appropriately minimized and mitigated. KMC 18.55.200, for example, requires that "Mitigation shall be ... sufficient to maintain the functions and values of the critical area, or to prevent risk from a hazard posed by a critical area."

Several agencies other than the city have permit authority over projects in and over streams and lakes, or in wetlands. Any project in these areas would still be required to obtain all necessary permits. These agencies have designed protections and mitigations to address potential adverse impacts. These protections and mitigations, which are based on best available science, could be adapted by the City for projects in critical areas or their buffers and included as additional conditions of approval in City permits.

The following table (Exhibit 6) summarizes potential impact mechanisms and how they may be moderated through Kenmore's existing Municipal Code and standard conditions adapted from other state and federal regulatory authorities.

Exhibit 6. Potential Impacts and Mitigation

Functions and Values	Potential Impacts and Risks	Protections and Mitigations in Existing City Code	Protections and Mitigations in Applicable State and Federal Codes
Habitat	▪ Short-term losses of vegetation and associated habitat during construction. ▪ Permanent losses of vegetation and associated habitat. ▪ Short-term or permanent wetland fill, stream channel modifications, or other alterations. Note: As a practice, the City does not issue permits for permanent wetland fill. In many cases, the proposed "impacted" buffer areas are already in use and	▪ Both permanent and temporary impacts to vegetation in critical areas and their buffers are required to be mitigated as outlined in Kenmore Municipal Code. For example, enhancement, restoration, or compensatory mitigation onsite or offsite may be allowed. ▪ All wetland fills would require mitigation consistent with KMC, as well as	Any in-stream or in-wetland activities would likely require permits from Washington Department of Fish and Wildlife, Washington Department of Ecology, and/or U.S. Army Corps of Engineers. These permits include extensive conditions designed to protect aquatic habitats. ▪ "No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the

Functions and Values	Potential Impacts and Risks	Protections and Mitigations in Existing City Code	Protections and Mitigations in Applicable State and Federal Codes
	a proposed change of conditions or use in that area of buffer does not result in any practical changes to buffer function or degradation of the critical area.	federal and state standards.	crossing should be designed and constructed to minimize adverse effects to aquatic life movements.”¹ ▪ “Confine the use of equipment to specific access and work corridors to protect riparian, wetland, and aquatic vegetation.”² ▪ “Restore the disturbed bed, bank, and riparian zones as close as possible to pre-project condition unless modified elevations and contours are authorized by the department in the approved construction drawings.”²
Water Quality	▪ Short-term construction-related impacts from sediment/erosion. ▪ Short-term construction-related impacts from incidental spills or accidents. ▪ Long-term operation-related impacts from stormwater management. Note: In many cases within urban areas, potential water quality impacts are temporary in nature, and technologies and BMPs exist that can significantly reduce the duration or intensity of an impact. Rarely do projects introduce long-term adverse water quality impacts. It is more common that new stormwater detention and/or treatment requirements in urban areas developed before modern standards will improve water quality compared to a current condition.	▪ Compliance with the City-adopted <i>2016 King County Surface Water Design Manual</i> when applicable. ▪ All projects with any ground disturbance already require development of and compliance with a Temporary Erosion and Sediment Control (TESC) plan. ▪ All projects require compliance with the City’s <i>Stormwater Pollution Prevention Manual</i>.	▪ All projects over an acre or that might discharge into waterbodies would be operating under a National Pollutant Discharge Elimination System Construction Stormwater General Permit from Washington Department of Ecology, which includes a Stormwater Pollution Prevention Plan and monitoring and reporting requirements. ▪ “Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark..., must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow...”¹ ▪ “Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.”² ▪ “Protect all disturbed areas from erosion. Maintain erosion and sediment control until work and cleanup of the job site are completed.”² ▪ “Completely remove any temporary fill and return the affected areas to pre-project elevation and contours. Fill material must be removed before the end

Functions and Values	Potential Impacts and Risks	Protections and Mitigations in Existing City Code	Protections and Mitigations in Applicable State and Federal Codes
			of the in-water timing window if the fill material could erode into or deliver sediment-laden water into waters of the state.” ²
Water Quantity	Changes to ground or surface water inputs to streams and wetlands resulting from site development and stormwater management.	Compliance with the City-adopted <i>2016 King County Surface Water Design Manual</i> when applicable.	Any in-stream or in-wetland activities would likely require permits from Washington Department of Fish and Wildlife, Washington Department of Ecology, and/or U.S. Army Corps of Engineers. These permits include extensive conditions designed to protect aquatic habitats. “To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, stormwater management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).”¹

¹ Source: U.S. Army Corps of Engineers Nationwide Permit General Conditions.

² Source: WAC 220-660-120 (Common freshwater construction provisions) which are incorporated into Washington Department of Fish and Wildlife Hydraulic Project Approvals.

WATERSHED APPROACH TO MITIGATION FOR PUBLIC AGENCY PROJECTS

Over the years, scientific studies^{4,5,6,7} have increasingly shown that on-site, in-kind mitigation can fail to provide adequate compensation for lost functions in the long term, for a variety of reasons. Some of those reasons are specific to management and maintenance (or lack of) of the mitigation site in the first

⁴ Johnson, P., D.L. Mock, A. McMillan, L. Driscoll, and T. Hruby (2006). Washington State Wetland Mitigation Evaluation Study Phase 2: Evaluating Success. Washington State Department of Ecology Publication #02-06-009. Available: <https://fortress.wa.gov/ecy/publications/documents/0206009.pdf>

⁵ Hruby, T., K. Harper, and S. Stanley (2009). Selecting Wetland Mitigation Sites Using a Watershed Approach. Washington State Department of Ecology Publication #09-06-032. Available: <https://fortress.wa.gov/ecy/publications/documents/0906032.pdf>

⁶ Johnson, P., D.L. Mock, E. Teachout, and A. McMillan (2000). Washington State Wetland Mitigation Evaluation Study Phase 1: Compliance. Washington State Department of Ecology Publication #00-06-016. Available: <https://fortress.wa.gov/ecy/publications/documents/0006016.pdf>

five to ten years after implementation. However, some of those reasons are related to larger-scale ecosystem processes and urbanization outside of the mitigation site. For example, Ecology's *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Hruby and others, 2009) says this:

"Permitting agencies require compensatory mitigation when applicants cannot reasonably avoid all impacts to wetlands and their functions and values. State and national studies of wetland mitigation, however, show a disappointingly low success rate in meeting performance measures and replacing wetland functions (Ecology 2002; National Research Council 2001). The studies identify a number of reasons for this including poor site selection. Our past policies and practices have over-emphasized the need to replace lost functions at or near the wetlands impacted (the impact site), rather than choosing mitigation sites that best fit with the mitigation goals of the project and its contributing basin. The studies demonstrate a clear need to change this approach."

Accordingly, there is increasing science-based guidance and agency rules that provide direction on how and where to implement mitigation (such as the joint Environmental Protection Agency and U.S. Army Corps of Engineers *Compensatory Mitigation for Losses of Aquatic Resources*⁷ and the Ecology resources mentioned above).

Many City critical areas codes (e.g., Sammamish, Kirkland, Lake Forest Park, Seattle), including Kenmore's, include a preference for on-site and in-kind mitigation, with a set of criteria for when off-site and out-of-kind mitigation is appropriate (related to probability of success, connectivity, and adjacent land uses or development pressures). These codes are consistent with Ecology's 2016 *Wetland Guidance for CAO Updates: Western Washington Version*. Effectively, these criteria do not preclude use of a watershed approach to mitigation, and on-site mitigation may still be appropriate. In practice, though, the watershed approach is more difficult to implement as envisioned for private property owners who have limited access to other potential mitigation sites unless there are banking or in-lieu fee programs that serve the impacted drainage basin. Public agencies and utilities typically have a larger suite of properties and corridors to choose from, which may even span multiple drainage basins. They are therefore better equipped to use and implement a watershed approach, starting with comprehensive and forward-looking planning efforts prior to project-specific design and later in the mitigation development process.

City of Mukilteo provides an example of evaluating watershed characterization results at a sub-basin scale. This pairing with local fine scale information led to stormwater and land use strategies and prioritization of specific capital improvements for Japanese Creek basins.^{8,9}

4. Other Considerations

This section of the report addresses:

⁷ Environmental Protection Agency and U.S. Army Corps of Engineers, 2008, *Compensatory Mitigation for Losses of Aquatic Resources*, Final Rule. 73 FR 70:19594-19705. April 10. Available: https://www.epa.gov/sites/production/files/2015-03/documents/2008_04_10_wetlands_wetlands_mitigation_final_rule_4_10_08.pdf

⁸ See example with Washington Department of Ecology Watershed Characterization Project Website: <https://fortress.wa.gov/ecy/coastalatlus/wc/StoryMap.html?id=mukilteo>.

⁹ See the City of Mukilteo's Critical Areas Mitigation Program https://mukilteowa.gov/wp-content/uploads/2015/08/01_CAMP-11-10-11_complete01.pdf

- (c) *Any nonscientific information—including legal, social, cultural, economic, and political information—used as a basis for critical area policies and regulations that depart from recommendations derived from the best available science.*

As part of its BAS review, the City can consider non-BAS factors – e.g. legal, social, economic, and political information. Some considerations related to public agency and utility proposals include:

Duty to Serve (Legal): Some public agencies or utilities have a duty to serve the public. For example, schools must serve children at least 8 years old and above and offer K-12 education. Water providers must service all properties in their retail service area. Telecommunication providers must provide landline phone connections. Agencies may have federal or state requirements regarding service reliability, redundancy, expansion, proximity to population served, or other factors. To meet each agency's duty, they may need to consider a variety of planning, engineering, and legal practicalities to site and operate existing and future facilities.

Feasibility (Economic): Under state wetlands protection laws, mitigation requirements should be practicable, and an agency may weigh public costs, logistics, and technology:

State and federal laws require applicants to avoid and minimize impacts whenever reasonable through practicable alternatives. Under state rule, a practicable alternative is defined as an alternative that is:

"Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."

Avoiding and minimizing impacts becomes even more important when rare, high quality, or difficult to replace resources are involved. (State of Washington Department of Ecology, 2018)

Under the federal Clean Water Act, practicable is similarly defined:

Pursuant to these requirements, the district engineer will issue an individual section 404 permit only upon a determination that the proposed discharge complies with applicable provisions of 40 CFR part 230, including those which require the permit applicant to take all appropriate and practicable steps to avoid and minimize adverse impacts to waters of the United States. Practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. Compensatory mitigation for unavoidable impacts may be required to ensure that an activity requiring a section 404 permit complies with the Section 404(b)(1) Guidelines. (CFR › Title 33 › Chapter II › Part 332 - Compensatory Mitigation for Losses of Aquatic Resources, Section 332.1(c)(2))

Essential Public Facilities (Legal): Under the Growth Management Act some public facilities are considered essential such as highways of regional significance like SR 522 or difficult to site facilities such as solid waste, airports, etc. and cannot be precluded, though mitigation can be required. (RCW 36.70A.200)

Growth Management Act Goals, Other State Laws, and Local Plans and Regulations (Legal and Social): The Growth Management Act has 14 goals that guide plans and regulations, and they are not listed in a priority order. Each community weighs and balances goals. These goals address: urban growth, reduce sprawl, transportation, housing, economic development, property rights, permits, natural resources industries, open space and recreation, environment, citizen participation, public facilities and services, historic preservation, and shoreline management. The City must accommodate growth and provide capital facilities and services to meet the demands of growth according to levels of service standards. Additionally, there are other laws and rules that guide local planning such as regular transportation

improvement programs, stormwater standards, etc. The City must respond to a range of laws as well as the desires and needs of its community.

Capital Facilities Plans (Legal, Social, and Political): Public agencies or utilities often prepare capital facilities plans to meet state laws (e.g. water or wastewater) or to qualify for grant funding (e.g. parks). Through these plans, the need and demand for the facilities is addressed, alternative alignments or locations are considered, and the public is engaged in the policy choices. The agency or utility can use that process to help demonstrate that the least impactful and most appropriate locations have been selected, or there are no other feasible alternatives.

For the City, State law requires “early and continuous public participation” prior to adoption of a capital facilities plan. Public agency projects generally are vetted through this type of process prior to any efforts to implement at the permit review stage, providing more detailed review of potential critical areas impacts and mitigation.

Attachment C provides an evaluation of Parks, Schools, Roads and Trails, Stormwater, Sewer and Water, and Power and Telecommunications, including applicable laws, current facilities, and planned facilities including system plans, master plans, and programs. The information shows that the City and other agencies are managing infrastructure and facilities built decades ago, are extensive throughout the City, and touch on every critical area. However, each has identified needs to modernize or add to their system in a way that accounts for environmental stewardship and meets requirements of federal, state, and local laws.

5. Departures from BAS

HISTORIC PROJECTS

This section of the report addresses the first criterion for departure from BAS:

(i) Identify the information in the record that supports its decision to depart from science-based recommendations;

Historically, the following ten examples of public agency projects support the City’s decision to depart from Handbook PAUE recommendations. In all cases, the process to review, approve and construct the capital facility projects included submittal of needed critical area studies and required compliance with appropriate conditions of approval. These critical public agency capital facilities could not have been completed under the standard critical area regulations, but still continue to protect critical area functions and values consistent with BAS while allowing public agencies to meet their responsibilities under state law:

- | | |
|--|--|
| ▪ Brightwater portal (2005) | ▪ SR-522 pedestrian bridge (2006) |
| ▪ Log Boom Park play area (2006) | ▪ SR-522 Phase II (2005) |
| ▪ Log Boom Park regulator (facility for odor control) (2007) | ▪ Swamp Creek flood reduction (2003) |
| ▪ Log Boom Park restroom (2007) | ▪ Tributary 0057 storm drainage and box culvert (2011) |
| ▪ Sewer main extension 163 rd / 90 th (2015) | ▪ Wallace Swamp Creek Park sediment pond improvements (habitat channel) (2004) |

These projects were a mix of recreation, utility, transportation, and flood control-related modifications that served public needs, with impacts distributed between streams, wetlands, and their buffers. Any of the above projects that included work in or over a stream, or in a wetland, were also subject to state and/or federal agency review and approval. Following are more comprehensive descriptions of some of these projects that demonstrate the need for the PAUE and the resulting protection of functions and values of the affected critical areas.

Brightwater Wastewater Treatment Facility

Facilities associated with the Brightwater Wastewater Treatment Facility were approved through a PAUE. These actions required more than a variance (which is limited to buffer modifications) and exceeded what could be considered a minimal “reasonable use” of the property. Impacts to wetlands and streams were necessary to install the regional conveyance system portal access and odor control facility. The mitigation strategy included daylighting two streams, and creating, enhancing and restoring wetlands. Hydrology and vegetation monitoring were required for 10 years.

Log Boom Park Restroom Relocation

Although this property is within the shoreline jurisdiction and the PAUE is not applicable, it does illustrate the necessity for special consideration of public agency projects in or near critical areas. Nearly all of Log Boom Park is within wetland buffers. In 2008, an existing restroom, approximately 20 feet from Lake Washington, was relocated to approximately 96 feet from Lake Washington in an area occupied by maintained lawn and a pathway. The existing restroom area was then converted to a swimming beach, a water-dependent use. The project reduced overall impervious surface. Mitigation and enhancement were provided for the buffer impacts, and a maintenance agreement was signed.

Kenmore Jr. High Renovation

The renovation of Kenmore Junior High School was approved through the critical areas variance process but would have required a PAUE had there been any direct wetland impacts and not just buffer modifications. The project also received a zoning variance that enable additional minimization of the proposed buffer impacts. The school facilities were already in wetland buffers. Facility renovations in the buffer required enhancement and restoration.

SR522 West Segment A Project

This major road improvement project was completed in 2016 and included widened and additional vehicle lanes, sidewalks, and public access improvements, among other actions. It was approved through the critical areas variance process but would have required a PAUE had there been any direct stream or wetland impacts and not just buffer modifications. Road realignment activities shifted paved surfaces farther from the stream when feasible. Impacts were mitigated through buffer enhancements.

NEED FOR THE PAUE

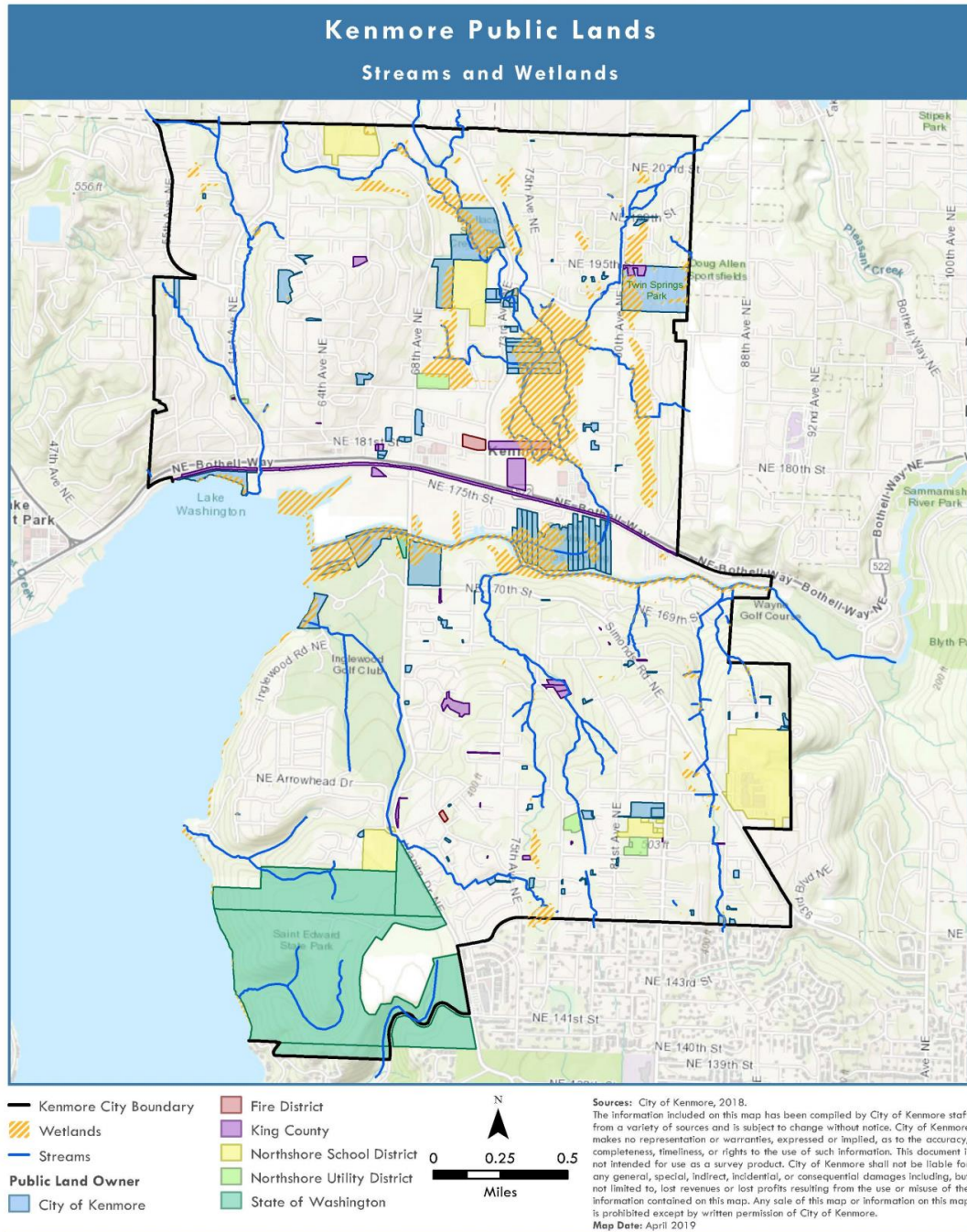
This section of the report addresses the second criterion for regulatory departure from BAS:

(ii) Explain rationale for departing from science-based recommendations;

Kenmore incorporated in 1998 but has been a growing urban place since at least the 1930s. The City provides parks and recreation, stormwater, and transportation services. SR-522 traverses Kenmore.

Northshore Utility District provides water and sewer service, and King County provides wastewater treatment. Northshore School District provides elementary, middle, and high schools. PSE provides power and gas service. Several parks contain extensive critical areas (e.g. Squires Landing and Saint Edward State Park), schools often abut critical areas, and roads and utilities cross and parallel them. See the development pattern and selected critical areas in Exhibit 7.

Exhibit 7. Map of Facilities



Source: City of Kenmore, King County, BERK 2018

As previously mentioned and demonstrated by the list of historic projects, public agency and utility projects are unique because of the balancing of non-environmental factors with protection of critical areas. The need for the PAUE process will continue as growth occurs and the Comprehensive Plan and capital facilities plans include projects necessary to manage that growth as required by State law.

FUTURE PROJECTS

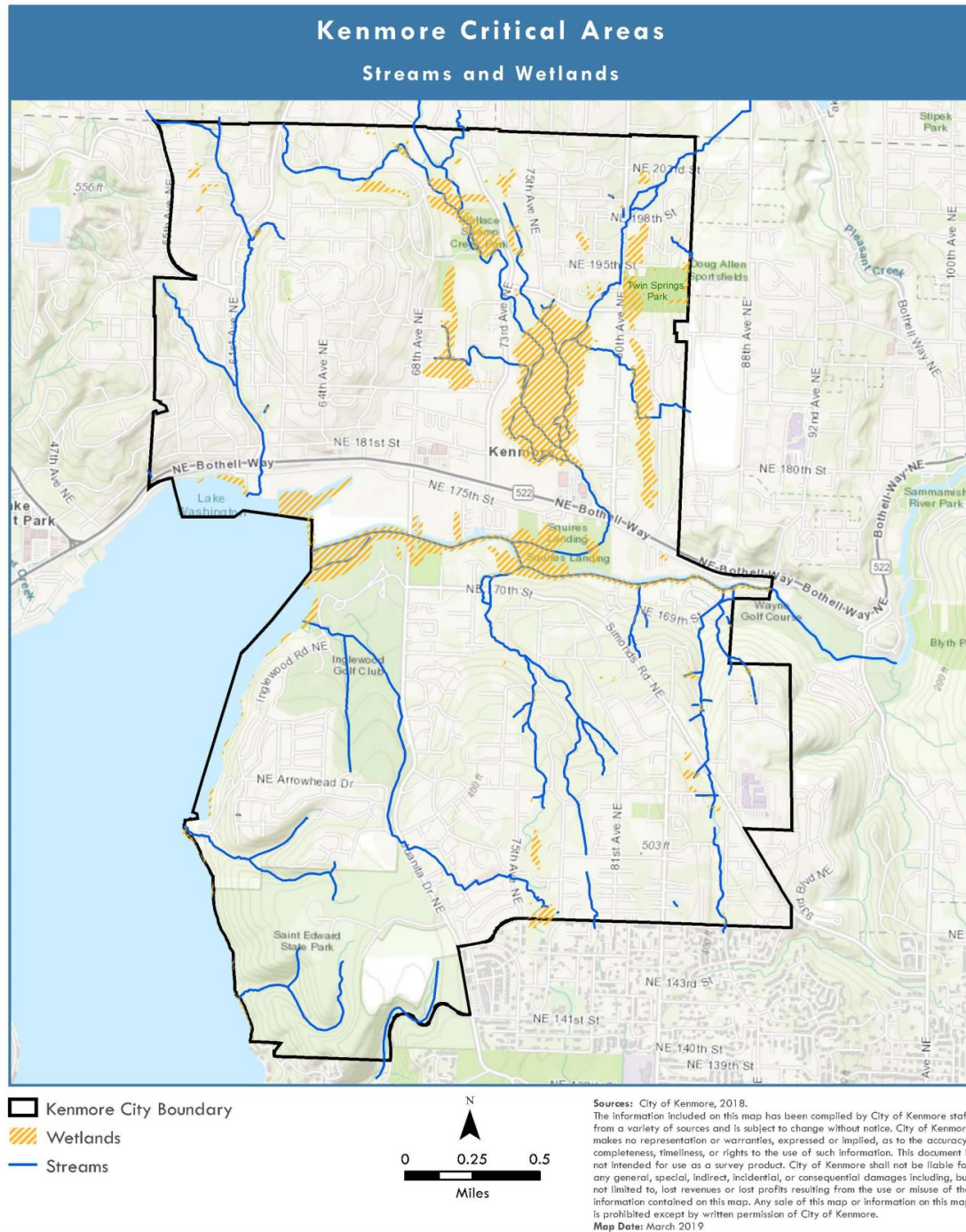
This section of the report addresses the third criterion for regulatory departure from BAS:

(iii) Identify potential risks to the functions and values of the critical area or areas at issue and any additional measures chosen to limit such risks. State Environmental Policy Act (SEPA) review often provides an opportunity to establish and publish the record of this assessment.

The City contains three shorelines of the state – Lake Washington, Sammamish River, and Swamp Creek. Smaller streams drain to these shorelines. See Exhibit 8. Wetlands are concentrated within the floodplains of Swamp Creek and the Sammamish River. See Exhibit 8. Geologic hazard areas in Kenmore include lands with erosion, landslide, and seismic hazards. See Exhibit 9.

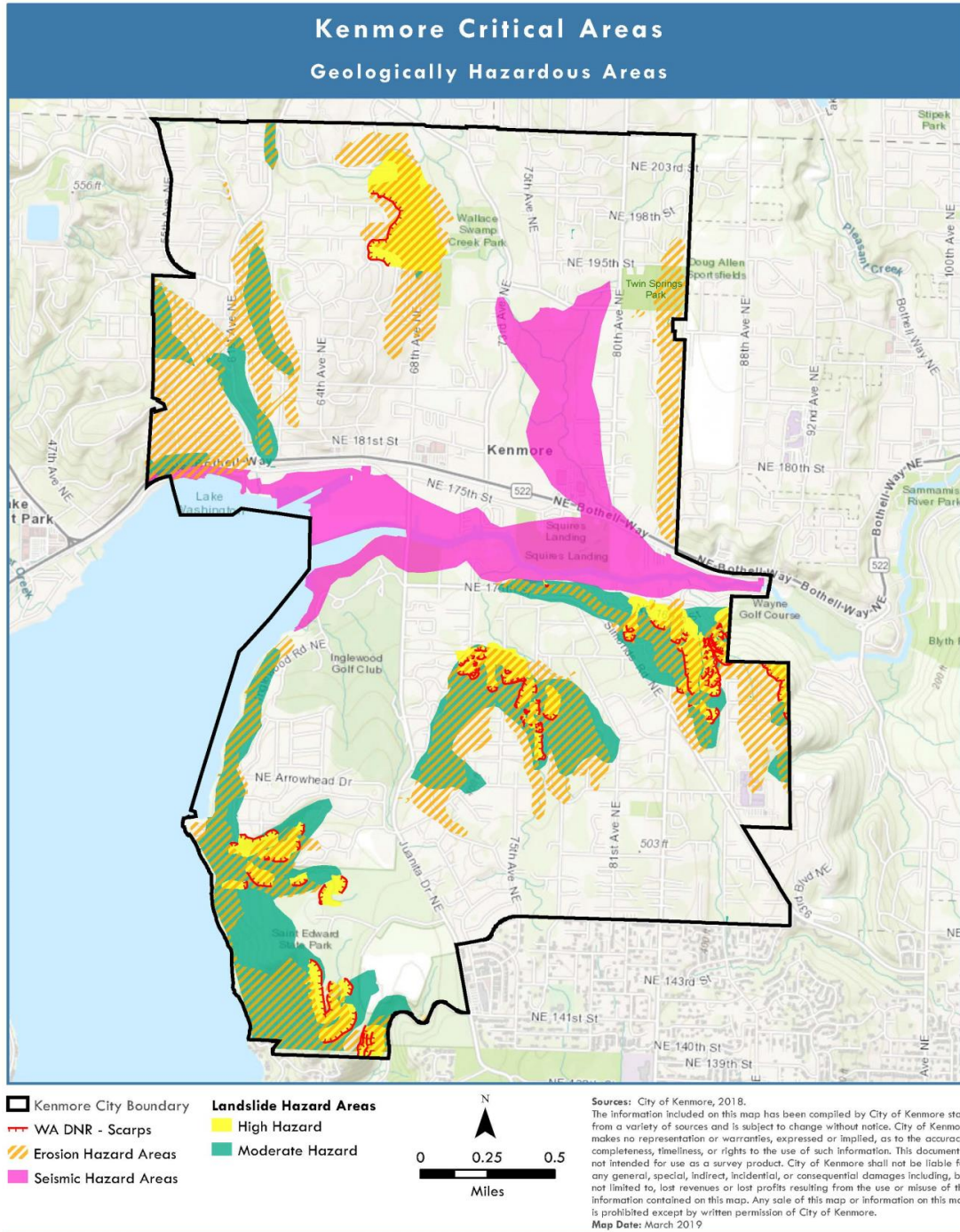
Critical areas in Kenmore provide the following functions and values:

- **Wetlands** – assist in reducing erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats.
- **Streams** – provide physical habitat for aquatic life and support terrestrial species, convey surface water; includes riparian areas that reduce erosion, store flood waters, and promote water quality
- **Fish and wildlife habitats of importance** – contribute to biodiversity and provide open space corridors.
- **Frequently flooded areas** – perform important hydrologic functions and may present a risk to persons and property.
- **Geologically hazardous areas** – include areas susceptible to erosion, sliding, earthquake, or other geological events, and pose a threat to public health and safety when incompatible development is sited in areas of significant hazard.

Exhibit 8. Streams and Wetlands

Source: City of Kenmore, WDNR, USFWS, AWC, BERK, 2019

Exhibit 9. Geologically Hazardous Areas



Source: City of Kenmore, Shannon & Wilson, WDNR, AWC, BERK, 2019

Based on current capital facilities plans and master plans (described in Attachment C), the proposals most likely to use the PAUE process in the next 6 years include:

Parks

The City inherited these sites primarily from King County upon incorporation. These sites provide for active and passive recreation, and open space. Improvements are planned to all parks and most have critical areas including degraded habitats. The system is improved based on a comprehensive evaluation of the system and based on site master plans. The plans balance public health and recreation needs with ecological stewardship. Attachment C lists critical area enhancements incorporated into park master plans. As previously noted, the PAUE process is not available within the shoreline jurisdiction.

Schools

Most schools were renovated and updated in the last 10 years as shown in Attachment C, except Inglemoor High School. There are no specific capacity projects in the 6-Year Capital Plan in Kenmore currently. However, beyond adding capacity, the District implements maintenance and rehabilitation projects. The ability to meet federal and state laws and manage their system may require some campus proposals.

Roads and Trails

The City prepares a Transportation Element, Capital Facilities Element, Transportation Improvement Program, and implements a sidewalk program and neighborhood program. The City has successfully permitted projects with shorelines and critical areas, and improves critical area functions and values, e.g. culverts and fish passage, etc. For SR 522, an essential public facility, the City also complies with federal laws and authorities which may result in other environmental requirements. See Attachment C.

Stormwater

The City manages a built stormwater system in the context of the natural surface water system. The City applies modern stormwater standards for new development. Improvements to the existing system may require alterations of critical areas, but often involve associated environmental enhancements (e.g. culverts and fish passage, reduced erosion and improvement of water quality, etc.) that can result in a net improvement to ecological function.

Water and Sewer

Several sewer or water improvements are proposed to cross over or under streams or rivers or affect geologic hazard areas. Improvements would be designed to avoid impacts where feasible and provide for vegetation restoration. See Attachment C.

Power and Telecommunication

It is likely that projects will be needed near critical areas. Much of it takes place in improved right of way. A current gas project is taking place across the Sammamish River. Within established rights of way, impacts are not anticipated or easily mitigated.

Potential Project-Specific and Cumulative Impacts

The Growth Management Hearing Board's decision included the following statement:

The City failed to include an analysis of environmental impacts of amending the PAUE.

Without assurances that preservation of critical areas functions and values will occur and that critical areas impacts will be minimized, project-specific and cumulative impacts of these public agency and utility projects could be significant in terms of loss of habitat, flood storage, water filtration, and other functions. However, as noted in Exhibit 6, “As a practice, the City does not issue permits for permanent wetland fill. In many cases, the proposed “impacted” buffer areas are already in use and a proposed change of conditions or use in that area of buffer does not result in any practical changes to buffer function or degradation of the critical area.” Effectively, many of the projects that could pursue a PAUE in the future include critical area and buffer intrusions “on paper” that do not translate to on-the-ground function reduction. This is the mostly likely circumstance for future park and school projects, and many road and trails projects.

The potential for the utilities (stormwater, water, sewer, power and telecommunications) projects described above to directly encounter functioning critical areas and buffers is greater than for schools, parks, and some road and trail projects. In the case of new or replacement utility lines, the more common impacts relate to temporary construction-related disturbance if the line is below-ground (trenched or directional drilling). These impacts are typically well-controlled by compliance with standard BMPs included in project-specific temporary erosion and sediment control (TESC) plans. If the line bisects a forested community (either wetland or upland buffer), there may also be permanent conversion of forest to shrub depending on utility-specific requirements for plantings, maintenance and future access. Utility line corridors can also become dominated by non-native, invasive plants (Scotch broom or Himalayan blackberry).

6. Conclusion

The Growth Management Hearing Board’s decision included the following statement:

The City failed to explain how expanding the kinds of projects exempted from critical area regulations can be done without impacting the functions and values of critical areas in violation of RCW 36.70A.172.

As discussed in this BAS Evaluation, the City’s original and revised PAUE proposals are not exemptions from critical areas regulations, but provide an appropriate pathway for allowing essential projects with clear public benefit to move forward while still requiring full and robust compliance with all steps of the mitigation sequencing process.

The fundamental difference between a PAUE and the accepted Variance and RUE processes is in the nature of the projects and the nuances of the review criteria. The same science-based standards for mitigation sequencing and compensation planning and implementation apply to all these processes. However, where the reasonable use exception typically provides a single owner with a mechanism to implement a proposed development that serves only that owner, the PAUE provides public agencies and utilities a mechanism to implement a proposed development that serves the public consistent with federal laws, balancing GMA goals, and meeting local needs. Local system plans help guide city and other agency investments and offer stewardship and enhancement opportunities as demonstrated in Kenmore’s local parks, roads, and stormwater plans.

Using the recommended approach to the PAUE for both utility proposals and for expansions of existing public agency proposals, described in the *Code Options and Recommendations* section above, these future

projects would go through mitigation sequencing, would have a critical areas report prepared by a qualified professional, would meet specific approval criteria founded in BAS, would include public notification and an appeal process, and the permit would include appropriate conditions such as those described above in *Standard Conditions of Permit Review and Approval*. This BAS Evaluation identifies a code proposal that strengthens PAUE review criteria and identifies standard conditions of approval based both scientific and non-scientific considerations consistent with BAS rules. This report would combine the PAUE revisions, with targeted Variance and RUE criteria adjustments for new public agency proposals to recognize the unique public service requirements these uses would have.

Attachment A: Example Exception and Allowed Activity Processes

A-1. KENMORE CURRENT 18.55.160 EXCEPTION – PUBLIC AGENCY AND UTILITY. DETERMINED TO APPLY ONLY TO UTILITIES.

- A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section, unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter 16.75 KMC.
- B. Exception Request and Review Process. An application for a public agency and utility exception shall be made to the City and shall include a critical areas report, including mitigation plan, if necessary, and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (SEPA).
- C. City Manager Review. The city manager shall review the application. The city manager shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the public agency and utility exception criteria in subsection D of this section.
- D. Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions follow:
 - 1. There is no other practical alternative to the proposed development with less impact on the critical areas; and
 - 2. The application of this chapter would unreasonably restrict the ability to provide utility services to the public.

A-2. KENMORE 2016 PROPOSAL

Amend Kenmore Municipal Code (KMC) Section 18.20.2102 as follows:

18.20.2102 Practical alternative.

“Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration effectiveness, engineering feasibility, cost, safety, existing technology, and logistics in light of overall project needs, purposes and objectives, and has less impacts to *critical areas*. For example, a practical alternative to a proposal to place a sidewalk through a wetland might be to place an elevated boardwalk through the wetland.

Amend Kenmore Municipal Code (KMC) Section 18.55.160 as follows:

18.55.160 Exception – Public agency ~~and~~ private utility.

A. If ~~the~~ strict application of this chapter would prohibit a *development* ~~proposal~~ by:

1. a public agency or
2. public utility a private entity delivering water, sewer, stormwater, electrical, or gas services (private utility),

then the agency or private utility may apply for relief from strict application of this chapter through an exception pursuant to this section, unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter 16.75 KMC.

B. Exception Request and Review Process. An application for a *public agency* ~~and~~ private utility exception shall be made to the *City* and shall include a *critical areas* report, including *mitigation* plan, if necessary, and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (SEPA).

C. *City Manager* Review. The *city manager* shall review the application as a Type 2 land use decision under KMC 19.25.020. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal’s ability to comply with all of the *public agency* and private utility exception criteria in subsection D of this section.

D. *Public Agency and Private Utility Exception Review* Criteria. The criteria for review and approval of *a public agency and/or private utility exceptions* are as follows:

1. There is no other *practical alternative* to the *proposed development proposal* with less impact on the *critical areas or buffer*; and
2. The *development proposal* benefits the public; and
3. *Strict* application of this chapter would *unreasonably restrict or prohibit* the *ability to provide utility services to the public development proposal*; and
4. The *development proposal* *minimizes impacts to the critical area or buffer to the maximum extent practical, for example, through placement of facilities on previously disturbed areas, boring rather than trenching for utilities, use of pervious or other low impact materials, etc.; and*
5. The *development proposal* *mitigates impacts to the critical area functions and values to the maximum extent practical, consistent with the best available science and with the objective of no net loss of critical area functions and values. For impacts to wetlands, the development proposal should strive to meet the mitigation performance standards outlined in KMC Sections 18.55.330(G) and 18.55.330(H).*

A-3. COMMERCE CRITICAL AREAS HANDBOOK, 2018

Agency/Utility Exceptions

The Commerce Critical Areas Handbook 2018 gives example language on agency/utility exceptions:

If the application of the critical areas regulations would prohibit a development proposal by a public agency or utility, the regulations may allow the agency or utility to apply for an exception. Criteria for review and approval may include:

- There is no other practical alternative to the proposed development with less impact on the critical areas;
- The application of the critical area regulations would unreasonably restrict the ability to provide utility services to the public;
- The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
- The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
- The proposal is consistent with other applicable regulations and standards.

Commerce Guidebook 2018 – Allowed Uses or Activities

The Handbook also provides guidance on allowed activities in critical areas or buffers such as some roadway expansion or minor utility proposals:

“Allowed uses or activities” are those uses or activities that are unlikely to result in a critical areas impact because of other regulations or previous reviews. These activities are subject to review by the city or county, but do not require a separate critical areas review or report. Since these activities are generally not “exempt,” the critical areas standards continue to apply and the underlying permit could be conditioned to ensure that the activity complies with critical areas protection. Some jurisdictions use the term “partial exemptions” to note that these activities are exempt from the critical areas review process, but not the protection standards. Allowed uses or activities that may not need to complete a new critical review might include:

- **Projects previously reviewed for critical areas impacts.** Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits), may not need to complete a new critical area review. Some jurisdictions place a time limit on how long a previous critical area review is good for, such as five years, to account for changes in codes, critical areas’ boundaries, or other factors over time.
- **Modification of existing structures.** Structural modifications or replacement of an existing legally constructed structure that doesn’t alter or increase impacts to a critical area or buffer and doesn’t increase risk to life or property.
- **Activities within the improved right-of-way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a county/city authorized private roadway. Provisions to address activities that alter a wetland or watercourse or result in the transport of sediment or increased stormwater runoff may include: (1) Increasing buffer widths equal to the width of the right-of-way improvement, including disturbed areas; and (2) Retention and replanting of native vegetation along the right-of-way and resulting disturbance.
- **Minor utility projects.** Utility projects with minor or short-duration impacts to critical areas and no significant impact on the function or values of a critical area, provided such projects are constructed with best management practices and additional restoration measures. Criteria for minor utility projects can include: (1) No practical alternative with less impact on the critical area; (2) The activity involves the placement of a small utility facility (e.g., pole, street sign, etc.); and (3) The activity involves disturbance of an area less than a certain number of square feet.
- **Public and private pedestrian trails.** Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers. Conditions for approval can include: (1) The trail surface must meet all other requirements including stormwater regulations; (2) Critical area and/or buffer widths must be increased, where

WAC 365-195-910 does not say Commerce’s model ordinances are the best and most current science available. *Id* at 15.

possible, equal to the width of the trail corridor, including disturbed areas; and (3) Trails proposed in landslide or erosion hazard areas must be constructed so as to not increase the risk of landslide or erosion in accordance with an approved geotechnical report.

- **Minor vegetation removal.** Selective removal of invasive, noxious and non-native vegetation with hand labor and light equipment. However, removal of vegetation from a critical area or its buffer may require approval.
- **Removal of hazard trees.** Removal of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property may require a report from a certified arborist, registered landscape architect, or professional forester. The report documents the hazard and provides a replanting plan for replacement trees consistent with the jurisdiction's compensatory mitigation standards to provide for no net loss of ecosystem functions and values. Other tree pruning or cutting activities may be subject to requirements regarding tree replacement or provision for critical wildlife habitat. Measures to control a fire or halt the spread of disease or damaging insects should be consistent with the state Forest Practices Act (Chapter 76.09 RCW, and local forest regulations if adopted) with provisions for replacement.
- **Chemical applications.** The application of herbicides, pesticides, fertilizers, or other hazardous substances, as approved the city/county. Provided, their use should be restricted in accordance with state Department of Fish and Wildlife Management Recommendations and the regulations of the state Department of Agriculture and the U.S. Environmental Protection Agency.¹⁰
- **Minor site investigation work.** Work necessary for land use permit submittals, such as surveys, soil logs, percolation tests, and other related activities, can be an allowed use when they do not require construction of new roads or significant amounts of excavation. But, in every case, impacts to the critical area should be minimized and disturbed areas immediately restored.
- **Navigational aids and boundary markers.** Construction or modification of navigational aids and boundary markers.

A-4. KING COUNTY ALLOWED ALTERATIONS EXAMPLES

King County has a detailed table of allowances in critical areas.

KEY Letter "A" in a cell means alteration is allowed A number in a cell means the corresponding numbered condition in subsection D. of this section applies "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E E P S L O P E H A Z A R D	A N D B U F F E R A N D	W E T L A N D A N D	B U F F E R A N D	A Q U A T I C A R E A A N D	B U F F E R A N D S E V E R E	C H A N N E L M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K	
	ACTIVITY											
	Roads											
Construction of new public road right-of-way structure on unimproved right-of-way					A 26		A 26					
Construction of new road in a plat					A 26		A 26					
Expansion beyond public road right-of way structure	A		A		A 26		A 26					
Bridges or culverts												
Construction of a new bridge	A 16, 39		A 16, 39		A 16, 39		A 16, 39			A 4, 16, 39		
Replacement of bridge or culvert	A 16		A 16		A 16		A 16, 30			A 16, 27		
Expansion of bridge or culvert	A 16, 17		A 16, 17		A 16, 17, 31		A 17, 31			A 4		
Utilities and other infrastructure												
Construction of new utility corridor or utility facility	A 32, 33		A 32, 33		A 32, 34		A 32, 34			A 27, 32, 35		
Construction or maintenance of a hydroelectric generating facility	A 67		A 67		A 66		A 66			A 4, 66		
Construction of a new residential utility service distribution line	A 32, 33		A 32, 33		A 32, 60		A 32, 60			A 27, 32, 60		
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33		A 32, 33		A 32, 34, 36		A 32, 34, 36			A 4, 32, 37		
Construction of new surface water conveyance system	A 32, 33		A 32, 33		A 32, 38		A 32, 38			A 4		
Construction, maintenance or repair of in-water heat exchanger					A 68		A 68					
Maintenance, repair or replacement of existing surface water conveyance system	A 33		A 33		A 16, 32, 38		A 16, 40, 41			A 4, 37		
Construction of new surface water flow control or surface water quality treatment facility					A 32		A 32			A 4, 32		
Construction of new flood protection facility					A 42		A 42			A 27, 42		
Maintenance, repair or replacement of flood protection facility	A 33, 43		A 33, 43		A 43		A 43			A 27, 43		
Flood risk reduction gravel removal	A 61		A 61		A 61		A 61			A 61		
Construction of new instream structure or instream work	A 16		A 16		A 16		A 16, 44, 45			A 4, 16, 44, 45		
Recreation												
Construction of new trail	A 46		A 46		A 47		A 47			A 4, 47		
Habitat, education and science projects												
Habitat restoration or enhancement project	A 49		A 49		A 49		A 49			A 4, 49		

A summary of common conditions cited in the table includes:

Facilities over water:

- the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site.
- the corridor width is minimized to the maximum extent practical.
- the construction occurs during approved periods for instream work.
- the corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.
- if new construction, bridge piers or abutments for bridge crossings are not placed within the FEMA floodway or waterward of the ordinary high-water mark.

Facilities in geologically hazardous areas:

- the alterations will not subject the critical area to an increased risk of landslide or erosion.
- vegetation removal is the minimum necessary to locate the utility or construct the corridor.
- significant risk of personal injury is eliminated or minimized in the landslide hazard area.

Construction of new trail:

- No clearing, external construction or other disturbance in a fish or wildlife habitat of importance is allowed during breeding seasons.
- Allowed as long as the trail is not constructed of impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons.
- to the maximum extent practical, buffers are expanded equal to the width of the trail corridor including disturbed areas.
- there is not another feasible location with less adverse impact on the critical area and its buffer.
- the trail is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site.
- the trail width is minimized to the maximum extent practical.
- the construction occurs during approved periods for instream work.
- the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.
- the trail may be located across a critical area buffer for access to a viewing platform or to a permitted dock or pier.

Attachment B: State Sources of Science

Washington State Department of Ecology's sources of science for **wetlands** include, but are not limited to:

- *Wetlands in Washington State - [Volume 1: A Synthesis of the Science](#)*, March 2005
- *Wetlands in Washington State - [Volume 2: Guidance for Protecting and Managing Wetlands](#)*, April 2005
- *[Update on Wetland Buffers: The State of the Science](#)*, October 2013
- *[Washington State Wetland Rating System for Western Washington](#)*, 2014 Update
- *Selecting Wetland Mitigation Sites Using a Watershed Approach*, December 2009

The Washington State Department of Fish and Wildlife's sources of science for **fish and wildlife habitat conservation areas** include, but are not limited to:

- *Management Recommendations for Washington's Priority Habitats: [Riparian](#)*, 1997 (currently being updated and open for public comment)
- *Riparian Ecosystems, [Volume 1: Science Synthesis and Management Implications](#)*, 2018
- *Riparian Ecosystems, [Volume 2: Management Recommendations](#)*, 2018
- *[Stream Habitat Restoration Guidelines](#)*, 2012
- *[Water Crossing Design Guidelines](#)*, 2013

The Washington State Department of Ecology describes sources of best available science and effective regulation in **frequently flooded areas** at a website:

- *[Frequently flooded areas: Critical Areas Ordinance](#)*, accessed September 19, 2018

A description of **geologic hazards**, mapping, and resources is found at the Washington Department of Natural Resources website:

- *[Geologic Hazards and the Environment](#)*, accessed September 19, 2018.

The Washington State Department of Commerce Growth Management Services has also been updating guidance on how jurisdictions consider BAS in **critical areas regulations**, with several chapters completed in June 2018, and the final chapters ready in fall 2018:

- *[Critical Areas Handbook](#)*, 2018

Attachment C: Public Facility and Utility Evaluation

This section considers system plans or master plans, how these plans address alternative public facility and utility locations, and how they have identified avoidance, impacts, and mitigation measures.

PARKS

Growth Management Act Goals and Requirements

Goals – RCW 36.70a.020

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Elements – RCW 36.70a.070

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

Identification of Open Space Corridors – RCW 36.70A.160

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030. Identification of a corridor under this section by a county or city shall not restrict the use or management of lands within the corridor for agricultural or forest purposes. ...

Other Laws and Rules

Federal Americans with Disabilities Act requirements influence project locations and design, e.g. trail and sidewalk widths and parking.

The State Shoreline Management Act requires no-net-loss of shoreline ecological function and requires shoreline public access be implemented when new demand is created.

Washington State plans for state facilities and applies public use rules and regulations.

Inventory

After Kenmore incorporated in 1998, the City eventually inherited parks acquired by King County. Kenmore has 92.5 acres of parks.

Exhibit 1. Kenmore Park Inventory

Park Name	Classification	Acreage	Shoreline	Stream	Wetland	Flood	Geo
Linwood	Neighborhood	1.4		X			
Moorlands	Neighborhood	3.6					
Northshore Summit	Neighborhood	3.6			X		X
Squire's Landing	Nature	40.4	X		X	X	X
Wallace Swamp Creek	Nature	25.5	X		X	X	X
Rhododendron	Community	12.5	X				
Log Boom	Waterfront	5.5	X		X		
Total		92.5					

Source: City of Kenmore 2013

Other regional facilities include St Edward State Park, Burke Gilman Trail, and Tolt Pipeline Trail.

Exhibit 2. Regional Park Facilities

Park Name	Owner	Acreage/Length	Shoreline	Stream	Wetland	Flood	Geo
St Edward	State Park	291 acres	X	X	X		X
Burke-Gilman Trail	King County	2.5 miles	X	X	X	X	X
Tolt Pipeline Trail	Seattle/Kenmore	.28 miles			X		

Source: City of Kenmore 2013

The City has also inherited or acquired Public Open Space, which includes property that is not presently accessible or serves to protect habitat or environmentally sensitive areas. Examples include the Inglewood Wetlands located along Lake Washington and the Sammamish River and multiple parcels along 73rd Avenue NE associated with flood control efforts. In all the City has 29.36 acres of city-owned open space, King County has 2.58 acres associated with the heron rookery, and Seattle Audubon has 4.16 acres.

System Management / Future Plans

The City plans and manages its parks, recreation, and open space through a Park, Recreation, and Open Space Plan (PROS; adopted Nov. 25, 2013). The City has goals to enhance and develop its existing

properties, add a water walk, as well as protect sensitive areas. The PROS Plan also has a habitat conservation element.

Goal P-2 Create an interconnected system of Linear Parks, sidewalks, bike routes and safe crossings linking and improving access to the downtown, waterfront, parks, and public spaces within Kenmore and with neighboring cities. (A/D) (PP)

Goal P-3 Protect environmentally sensitive areas, including Nature Parks, and provide opportunities for restoration, enhancement and public access. (S)

Goal P-4 Preserve, develop, and enhance existing parks and similar city properties to provide a balance between passive and active recreation opportunities, acquire new parks where needed and appropriate and when resources are available.

Kenmore has also developed park master plans for most parks which identify critical area protection and enhancement measures. The Kenmore Walkways and Waterways includes several projects in current parks including Rhododendron Park, Log Boom Park, and Squire's Landing.

Exhibit 3. Kenmore Parks Plans and Critical Area Protection & Enhancement Measures

Property	Master Plan	Critical Area Protection & Enhancement Measures
Existing Parks		
Linwood	X	Not applicable
Moorlands	X	Not applicable
Northshore Summit	X	Enhanced wetland, wetland buffer
Squire's Landing	X	- New elevated walkways, trails, and viewpoints, and natural open space and environmental enhancements (listed below) - Environmental enhancements: upland restoration, wetland creation area, wetland restoration/enhancement, and wetland buffer.
Wallace Swamp Creek	X	Restore degraded habitat areas including riparian corridor restoration
Rhododendron	X	Walkways and Waterways Proposals: improve public access to waterfront and to preserve and enhance ecological functions of existing wetlands and their buffers.
Log Boom	X	- Improve public access to Lake Washington waterfront and preserve and enhance ecological functions of existing wetlands and their buffers, as much as possible. - Log Boom Beach restoration assumes 6:1 mitigation for 0.5-acre beach restoration
Tolt Pipeline Trail	X	Not applicable
New Projects		
Water Walk and Waterfront Master Plan	Future	Since land is not fully acquired the environmental conditions are unknown. If critical areas are present, critical area regulations, shoreline regulations, and master planning would determine habitat protection and enhancement measures.
Twin Springs Park (Future)	Future	Habitat restoration

Source: City of Kenmore 2013, 2018

Summary

The City owns developed and undeveloped parkland and open space. Other state and county agencies own regional parkland and trails. Most of the properties contain critical areas or their buffers and serve both recreation and open space functions.

Future park and trail development has been identified through a system plan. Given limited land availability and development patterns, the City must leverage its existing parks and work with partners such as Seattle on the Tolt Pipeline to create new opportunities. To connect existing and future facilities and to provide recreation that meets the demand for parks and recreation, the City would develop already disturbed sites in an urban environment with degraded wetlands and streams and shorelines. There are opportunities for both recreation and environmental protection and enhancement going forward. The City has identified opportunities for restoration and enhancement on its park sites through master plans. Master plans have thoughtfully balanced both public access to recreation with stewardship of environmentally sensitive areas and enhancement/restoration.

SCHOOLS

Growth Management Act Goals and Requirements

Goals – RCW 36.70a.020

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Elements – RCW 36.70a.070

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

Other Laws and Authorities

Many state laws address education requirements from operations to curriculum to public works. A detailed list is available at this link: <http://www.k12.wa.us/RulesRegs.aspx>. In terms of a duty to serve, any child 8 years of age and under 18 years of age shall attend a public school.

Inventory

There are three elementary schools, one middle school, and one high school in Kenmore. All were built decades before Kenmore incorporated in the 1950s and 1960s. Many decades later, schools were modernized. All have portables.

Exhibit 4. School Sites in Kenmore: Capacity, Age, Recent Improvements

School	Year Built	Last Modernization or addition	Permanent Classroom Capacity	Portables			Total Capacity
				Total #	Interim Capacity	% of Total	
Arrowhead ES	1957	1994/2011	312	4	96	23.5%	408
Kenmore ES	1955	2002/2011	408	6	144	26.1%	552
Moorlands ES	1963	2002/2011	432	9	216	33.3%	648
Kenmore MS	1961	2002/2008/2012	849	1	23	2.6%	872
Inglemoor HS	1964	2000	1,677	6	146	8.0%	1,823

Source: Northshore School District, 2017

Most of the school sites are located in or near mapped critical areas and their buffers.

Exhibit 5. Kenmore School Sites and Critical Areas Onsite or Near

School	Shoreline	Stream	Wetland	Flood	Geo
Arrowhead ES		X			
Kenmore ES			X	X	
Moorlands ES					
Kenmore JHS		X	X		X
Inglemoor HS					X

Source: City of Kenmore, BERK 2018

System Management / Future Plans

District growth projections anticipate growth of over 2,300 new students in the next ten years. The District also must respond to federal and state requirements, e.g. reduced class sizes. The District uses several means to manage and efficiently use its facilities such as altering attendance boundaries, installing portables, and adding capacity at existing sites or new properties. However, no major capital projects are proposed in Kenmore in the 2017 6-year capital facility plan (2017-2022). Improvements are proposed in other locations in the district. However, as shown in prior tables the schools are several decades old and were modernized for the most part in 2011 and 2012 except for Inglemoor High School last modified in 2000. It is anticipated that future school improvements may be proposed as needs or demand arises.

The District conducts environmental review itself, but projects in or near critical areas must comply with City regulations.

ROADS AND TRAILS

Growth Management Act Goals and Requirements

Goals – RCW 36.70a.020

- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Elements – RCW 36.70a.070

- (6) A transportation element that implements, and is consistent with, the land use element.
 - (a) The transportation element shall include the following subelements:
 - (i) Land use assumptions used in estimating travel;
 - (ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;
 - (iii) Facilities and services needs, including: [see law for details – all modes – local and state]
 - (iv) Finance, including: [see law for details]
 - (v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
 - (vi) Demand-management strategies;
 - (vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.
 - (b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies.

...
 - (c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation

systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

Other Laws and Authorities

If federal funds are used for roads or if a permit is required from a federal agency, the City must comply with the National Environmental Policy Act and related environmental authorities such as federal Endangered Species Act. Many roads have stormwater facilities and must comply with other state or federal laws (see below).

Inventory

The City of Kenmore owns and maintains over 110 miles of public road, and shares management of 2 miles of SR 522 with the Washington State Department of Transportation. The City's Public Works Department manages the improvement and maintenance of this transportation network.

Some roadways cross or abut streams, wetlands, floodplains, and geologically hazardous areas. Many of the roads were established decades ago without modern stormwater treatment or management.

SR 522 is a state highway under Kenmore's management. It is an essential public facility under state laws. It crosses shorelines (e.g. Swamp Creek), creeks, floodplains, and geologically hazardous areas (seismic), and lies near wetlands.

System Management / Future Plans

The City or state may require roadway improvements to manage all modes of travel – cars, transit, bikes, and pedestrians.

The City has adopted a Transportation Element of its Comprehensive Plan. The City also phases and programs projects through its Capital Facility Plan and Transportation Improvement Program. The City also has a Neighborhood Transportation Plan Program, where local projects may include signing and striping or lighting. Some larger projects may also be identified.

A sample of city capital programs and projects include:

- SR 522 West Segment B Improvements (57th to 61st Avenues)
- West Sammamish River Bridge (Southbound Traffic) (See environmental permitting results below)
- Sidewalk Plan – 20-30 Year Plan with 6-Year Priority List
- Walkways and Waterways

- Juanita Drive Pedestrian and Bicycle Safety
- 68th Avenue Pedestrian and Bicycle Safety

Examples of recent road projects that resulted in shoreline and critical areas permits and related enhancements include:

West Sammamish River Bridge Proposal and Environmental Protection: Replacement of an existing two-lane, 600 foot-long by 30-foot-wide bridge that carries southbound traffic across the Sammamish River ("West Sammamish River Bridge"). Constructed in 1938, the West Sammamish River Bridge has become an important link in the regional transportation network; each day 26,000 vehicles and 2,000 transit riders utilize the bridge. In 2012, an inspection of the bridge revealed critical deficiencies including cracking, settlement and significant loss of soil around the piers. The bridge sufficient rating is 6.45 out of 100; replacement is considered critical. Repair is not considered cost-effective or practical. The project proposes to replace the deteriorated bridge with a new and wider two-lane bridge that includes an added 16-foot-wide bicycle and pedestrian path that meets current ADA standards.

The existing bridge is supported by 11 piers and the new replacement bridge will be supported by six (6) piers that align with the East Sammamish River Bridge, resulting in a net reduction of piers and improved navigability and channel flow. Cofferdams will be installed to isolate pier removal and pier installation areas from Sammamish River flows.

The project does not add additional vehicle capacity and is not anticipated to result in additional noise. Work includes construction of the bridge, abutments, roadway work tying the new bridge into 68th Avenue NE/Juanita Drive NE roadways, lighting, aesthetic improvements to the East Sammamish River Bridge so both bridges match, extending and improving bicycle and pedestrian facilities along both sides of 68th Avenue NE, upgrading signals, replacing utilities, landscaping, stormwater treatment, and temporary reconfiguring boat launch parking during construction.

The project spans three (3) shoreline environments: 1) Downtown Waterfront (DW) located north of the Sammamish River, 2) Urban Conservancy (UC) located south of the Sammamish River, and 3) Aquatic (A) located in areas below the Ordinary High-Water Mark (OHWM).

Environmentally Critical Areas include the Sammamish River, Fish and Wildlife Habitats of Importance, Seismic Hazard, Flood Hazard, and two (2) associated Wetlands. Environmentally critical areas have been addressed in detail to ensure compliance and adequate protection measures.

Lower Swamp Creek Bridge Repair: The proposal is for the repair of existing bridge referred to as Lower Swamp Creek Bridge #5015 located at NE 175th St and 80th Ave NE. The repair includes patching pick holes on the top of the concrete bridge, treating the ends of the glulam cap beams with roofing tar and covering with tin hats, hand relocating existing loose scatter riprap to protect the upstream corner of Pier #1 and placing quarry spalls behind the timber fender planks. Best management practices (BMPs), as outlined in the King County Surface Water Design Manual, will be implemented to reduce and control soil erosion.

STORMWATER

Growth Management Act Goals and Requirements

Goals – RCW 36.70a.020

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Elements – RCW 36.70a.070

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land... The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. ... Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

Other Laws and Authorities

The City must comply with:

- Clean Water Act
- National Pollutant Discharge Elimination System

Inventory

Kenmore's Public Works Department is responsible to ensure that public surface water and stormwater systems function properly. They oversee 4,550 catch basins and manholes, 69 miles of drainage pipes, 13 miles of ditches, and over 200 flow control and water quality facilities.

The City also inspects and regulates privately owned and maintained surface water and stormwater systems, including an additional 2,400 catch basins and manholes, 47.5 miles of drainage pipes, 6 miles of ditches, and 130 flow control and water quality facilities. Surface water management also relies on

the natural surface water system and vegetation including forests, wetlands, floodplains, rivers, and streams on both public and private lands.

Development can cause problems like flooding, erosion, sedimentation, habitat loss, loss of groundwater recharge, and water quality degradation, and therefore Surface Water Management policies, codes, and procedures are implemented to reduce adverse impacts including comprehensive and thorough permit review, construction inspection, enforcement, and maintenance. The City's full Surface Water Runoff Policy can be found in [Kenmore Municipal Code Chapter 13.35](#). Since 2016, the City has utilized the [2016 King County Surface Water Design Manual](#), [City of Kenmore Surface Water Design Manual Addendum](#), and the [2016 City of Kenmore Road Standard](#) to design and implement projects.

[Low Impact Development \(LID\)](#) is the City's surface water management philosophy that strives to manage surface water at the source through principles such as, but not limited to:

- Retention of native soils, vegetation and trees
- Reduction of impervious areas
- Clustering of development away from critical habitat

These requirements are met by using Best Management Practices (BMPs) like rain gardens, green roofs, bio-retention facilities and permeable surfaces (including asphalt and concrete pavements, pavers and reinforced vegetated surfaces).

SEWER AND WATER

Growth Management Act Goals and Requirements

Goals – RCW 36.70a.020

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Elements – RCW 36.70a.070

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

Other Laws and Authorities

The District must abide by several state and federal laws:

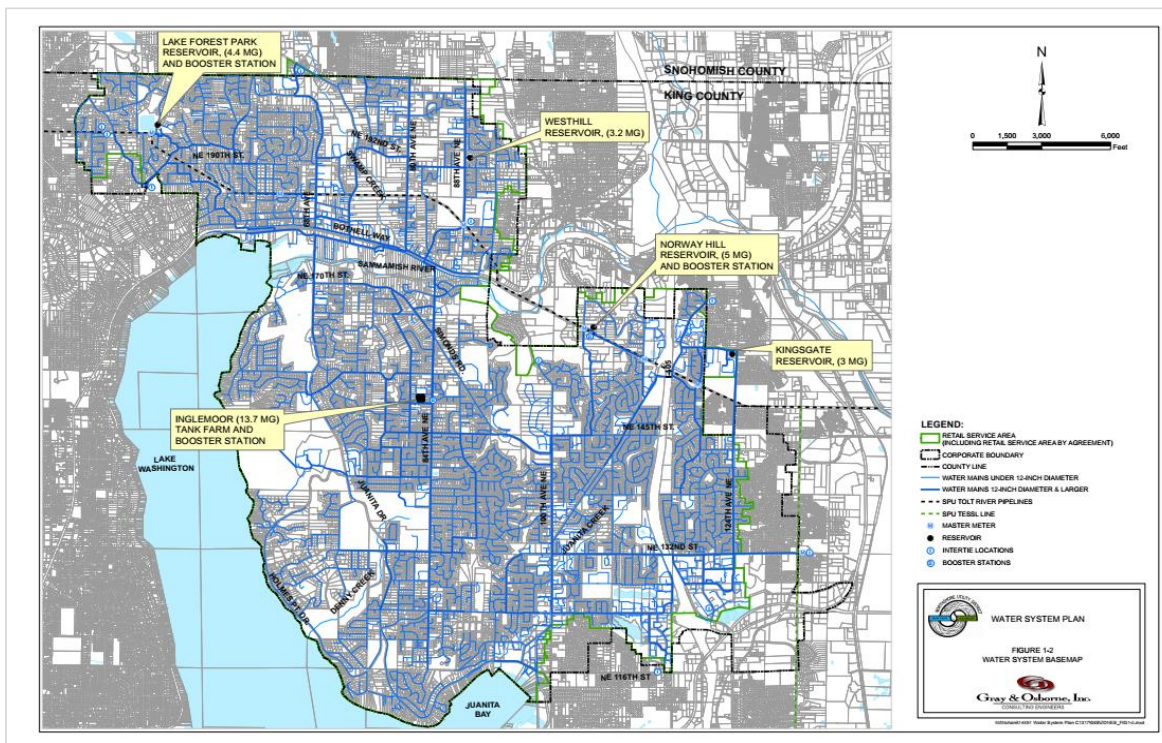
- Federal Clean Air Act
- Federal Clean Water Act
- Federal Endangered Species Act
- Local Permits (e.g. Critical Areas)
- Municipal Water Law
- National Environmental Policy Act
- Reclaimed Water Regulations and Standards
- Safe Drinking Water Act
- Shoreline Management Act Permit
- State Hydraulic Project Approval
- State Environmental Policy Act
- State Water Pollution Control Act
- Water Rights

Inventory

Northshore Utility District provides the local water distribution system and wastewater collection system. The district purchases water from the City of Seattle and has a 60-year contract as of 2005.

The Northshore Utility District has a duty to serve within its water retail service area. All proposed structures and developments within the District's retail service area is required connect directly to the District's water system.

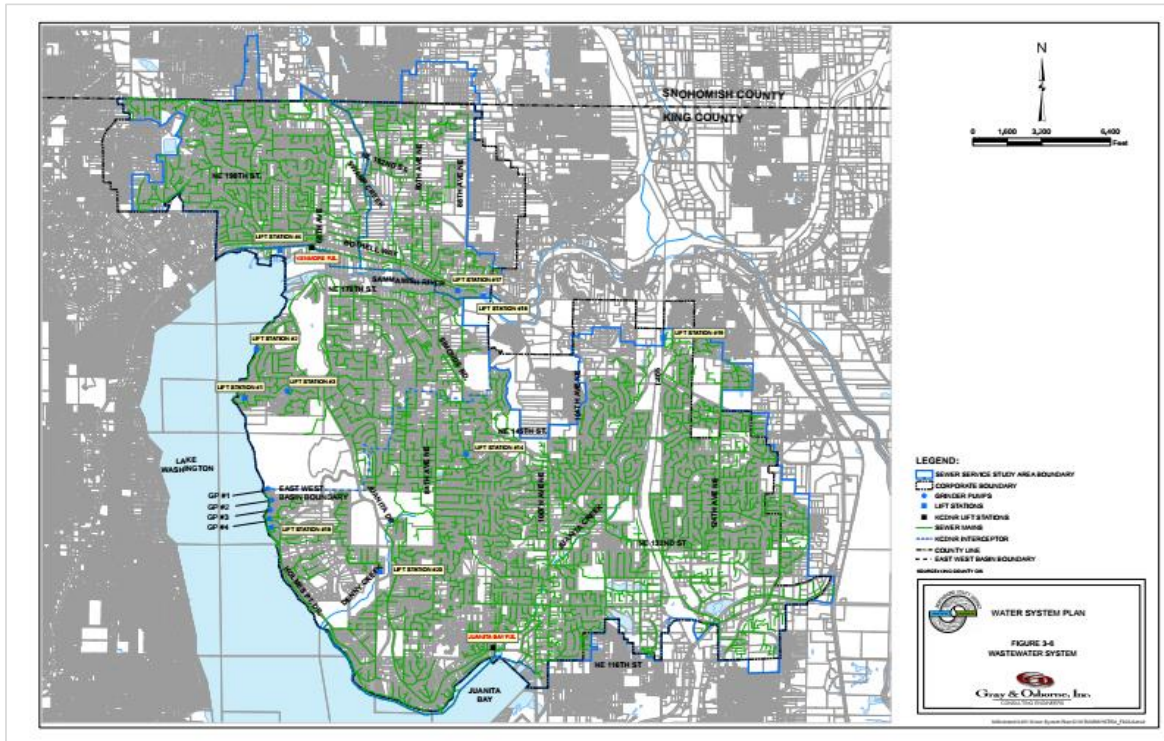
The water system traverses every corner of Kenmore and crosses all types of critical areas and shorelines.

Exhibit 6. Water System Base Map

Source: NUD 2016

The District has a 2017 Water System Comprehensive Plan. Proposed water system capital projects are proposed in Kenmore including water main replacement projects. For example, projects include St. Edwards Water Main Loop that will be located in an existing sewer easement. The Inglesmoor Restrained Joints in Liquefaction Zone Project will strengthen the pipeline through unstable soils along its alignment. The 68th Avenue NE Bridge Water Main Replacement would replace approximately 800 linear feet of the existing 12-inch ductile iron water main attached to the existing bridge crossing of the Sammamish River. The Sammamish River Crossing Replacement Water Mains project plans to directionally drill a 10-inch water main beneath the Sammamish River at 84th Avenue NE. The Inglesmoor Transmission Main Replacement would replace the Inglesmoor Transmission Main between the Tolt connection and the Inglesmoor Tank Farm and likely follow the alignment of the existing pipeline.

The District owns and operates a wastewater collection system consisting of collection sewers, trunk sewers, lift stations and force mains. King County's Department of Natural Resources (KCDNR) Brightwater Treatment System provides wastewater treatment. In response to increased growth and limited expansion options, KCDNR designed and constructed the Brightwater Treatment System which began operation in September 2011.

Exhibit 7. Wastewater System

Source: NUD 2016

The District has a 2006 Wastewater System Comprehensive Plan. A recently bid project in Kenmore includes:

- Slough/68 City of Kenmore Bridge Sewer Bypass Installation of approximately 380 linear feet (LF) sanitary sewer piping, approximately 170 LF of steel casing pipe, four manholes, one sanitary sewer stub, two connections to the existing system, and abandonment in place of the existing sanitary sewer main. Work will include all labor, appurtenances, equipment to facilitate the work, and restoration. The proposed project is located within City of Kenmore - Rhododendron Park, Kenmore Boat Launch, and City right-of-way.

POWER AND TELECOMMUNICATIONS

Growth Management Act Goals and Requirements

Goals – RCW 36.70a.020

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Elements – RCW 36.70a.070

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

Other Laws and Rules

The Washington Utilities and Transportation Commission (WUTC) regulates Power (electric and gas) and Telecommunication utilities.

By rule, ([WAC 480-100-238](#)) and ([WAC 480-90-238](#)), all natural gas and electric utilities regulated by the commission are required to develop plans for how they will obtain future energy resources for their customers. An Integrated Resource Plan is used to identify a utility company's long-term energy resource strategy. These plans describe how the company will meet future customer needs at the least cost to ratepayers. Utility companies are required to update their plans every two years.

The WUTC regulates the rates and services of telephone companies operating in the state of Washington. The Federal [Telecommunications Act of 1996](#) was the first major re-write of the [Communications Act of 1934](#). It opened up local markets to competition, which changed the dynamics of the existing system of funding universal service. The 1996 Act explicitly adopted principles to guide universal service policy. These principles include:

- Promote the availability of quality services at just, reasonable and affordable rates for all consumers
- Increase nationwide access to advanced telecommunications services
- Advance the availability of such services to all consumers, including those in low income, rural, insular, and high cost areas, at rates that are reasonably comparable to those charged in urban areas
- Increase access to telecommunications and advanced services in schools, libraries and rural health care facilities
- Provide equitable and non-discriminatory contributions from all providers of telecommunications services for the fund supporting universal service programs

Inventory

Frontier Communications Northwest, Inc. serves Kenmore with traditional landline services. Puget Sound Energy provides electric and natural gas service to Kenmore. These facilities tend to be in street rights of way and are found in every neighborhood and extent of the city limits. The facilities cross all critical areas types in Kenmore.

Puget Sound Energy is implementing a gas main relocation area across the Sammamish River Bridge in 2018: <https://www.pse.com/pages/pse-projects/kenmore-public-improvement-projects>. Other projects are likely in the future as areas change, e.g. Lakepointe.

Attachment D: Preparer Qualifications

SHANNON & WILSON, INC.

Amy Summe, Associate

Amy is a senior biologist/permit specialist and associate with Shannon & Wilson, Inc., a geotechnical engineering and environmental services firm. Amy has more than twenty years of experience in local, state and federal permitting of public and private projects, including schools, parks, utilities, roads, and commercial and residential developments. Over the last 15 years, she has also specialized in policy and regulation development: critical areas regulations updates under the state's Growth Management Act (over 6 efforts) and shoreline master programs under the Shoreline Management Act (managed or contributed to more than over 34 efforts, including cities and counties in eastern and western Washington). Most of those SMP updates also included updates of the critical areas regulations as they apply in shoreline jurisdiction.

Education

- B.S. Zoology, Washington State University, Pullman, 1997
- B.S. Environmental Science, Washington State University, Pullman, 1997

BERK CONSULTING, INC.

Lisa Grueter, Principal

Lisa is a senior land use planner and principal with BERK Consulting, Inc., a public policy firm. Lisa has more than thirty years of experience in community planning for the public and private sectors. Her expertise includes comprehensive planning, subarea planning, capital facility planning, and development regulations under the state's Growth Management Act (over 24 efforts), programmatic and planned action environmental documentation under the State Environmental Policy Act (over 36 efforts), and shoreline master programs under the Shoreline Management Act (over 15 efforts).

Education

- Master of City Planning, University of California, Berkeley, 1990
- B.A. Social Ecology, University of California, Irvine, 1987
- American Institute of Certified Planners

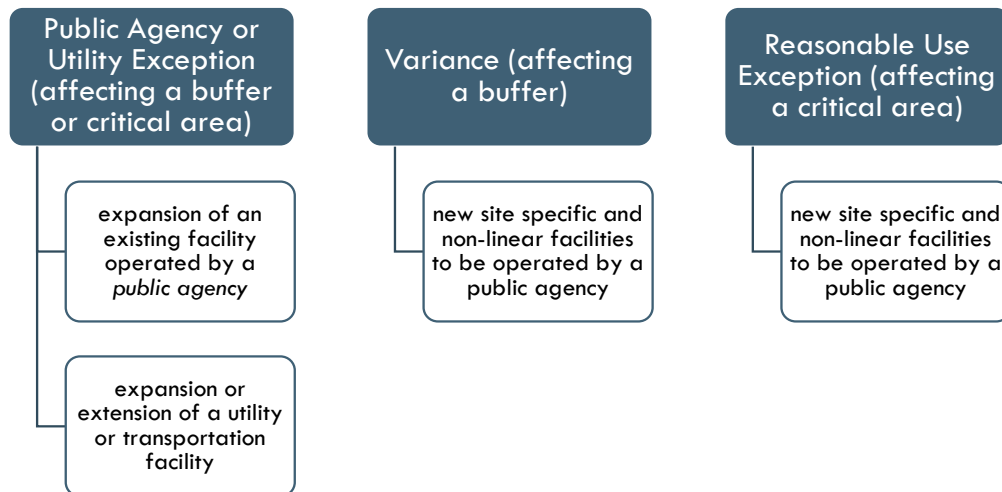
Public Agency or Utility Exception (PAUE) Flowchart

February 28, 2019

Kenmore's Municipal Code addresses three different ways to modify Critical Area Regulations: a Variance, a Reasonable Use Exception (RUE), or a Public Agency or Utility Exception (PAUE). All are Type 2 decisions appealable to the Hearing Examiner. However, criteria are different.

Given State comments and City revisions, the PAUE would be used for existing public agency facilities (e.g. schools or parks) and utilities and roads that are linear. New public facilities would be subject to a Variance or RUE processes for new facilities along with adjusted criteria.

At the February 26, 2019 Planning Commission meeting, a flow chart was requested to help identify which types of public or utility projects would undergo PAUE review and which would require a Variance or RUE. The following flow chart was prepared in response to the request. At the next update of the Best Available Science Evaluation paper (last version dated February 2019) the chart can be incorporated.





City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Presentation of community survey results for the Park Recreation and Open Space (PROS) Plan Update Proposed Council Action/Motion: No action is needed.	For Council Meeting Agenda of: May 13, 2019 Department: Community Development Prepared by: Debbie Bent, Community Development Director Maureen Colaizzi, Parks Project Manager <u>Initial & Date</u> Approved by Department Head: <u>DS 5/13/19</u> Approved by City Attorney: <u>N/A</u> Approved by Finance Director: _____ Approved by City Manager: <u>FZ 5/13</u> Exhibits/Attachments: Attachment A: Park and Recreation Community Survey Findings Report, March 2019
INFORMATION/BACKGROUND: At the 5/13/19 Council meeting, staff and Ryan Murray with ETC Institute (City Consultant) will give a PowerPoint presentation summarizing the findings from the 2019 park and recreation community survey (Survey). Attachment A, the Findings Report includes the following five sections: 1. Charts showing the overall results of the survey 2. Priority Investment Rating (PIR) that identifies priorities for facilities and programs 3. Benchmarking analysis comparing the City's results to national results 4. Tabular data showing the overall results for all questions on the survey, and 5. A copy of the survey instrument (Survey Questions). The City hired ETC Institute to administer the survey, analyze the data and synthesize the results. Given the extent of their survey work with parks and recreation agencies across the country they were able to report how Kenmore's responses compare to other agencies in the United States. Included in these agencies is: Sequim, King County, Edmonds, Shoreline, Issaquah, Redmond, Mercer Island, Vancouver, Camas and Washougal from Washington. The results of these surveys have provided a 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 understanding their community. A summary of all tabular comparisons is provided in Section 3 of the Findings Report. <u>Survey Administration</u> ETC Institute mailed a survey packet to a sample (3,000) of randomly selected households in the City of Kenmore in January. 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 survey was open from January 18 through February 25th. The goal to obtain completed surveys from at least 400 residents was exceeded – ETC received 578. The overall results for the sample of 578 households have a precision of at least $\pm 4.02\%$ at the 95% level of confidence.

Survey Instrument Design and Priority Investment Rating

The survey was designed to incorporate questions from the 2013 PROS Plan survey and Imagine Kenmore surveys conducted in 2015 and 2016. Work done later in 2019 will analyze results from 2019 with previous surveys to determine if community need or interest has significantly changed. Also, the 2019 survey includes Priority Investment Rating (PIR) questions designed by ETC Institute to help identify the facilities and programs residents think should receive the highest priority for investment. 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. ETC Institute will review the PIR charts in their presentation.

PROS Plan Update

The Survey was conducted to provide statistically valid background information (the Findings Report) as Staff engages the community to update the Parks, Recreation and Open Space (PROS) Plan, last updated in 2013. The PROS Plan is a required element in the City's Comprehensive Plan and it is required to be updated every six years, so the City maintains eligibility to apply for grants offered through the Washington State Recreation and Conservation Office (RCO). Update of the PROS plan is one of the 2019 Planning Commission docket work program items.

FISCAL CONSIDERATION: \$155,000 is allocated within the 2019-2020 Community Development Department budget related to park planning projects including the following: updating the PROS plan (\$50,000); updating the rate study for park impact fees (\$50,000); assistance with preparing grant application materials (\$30,000); and miscellaneous projects e.g. title reports or surveys (\$10,000). The consultant contract of \$18,750.00 (Contract 18-C1956) with ETC Institute is also funded from this budget allocation.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal 8. To continue to implement a Parks Improvement Plan.

Attachment A

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 $\pm 4.02\%$ 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.”

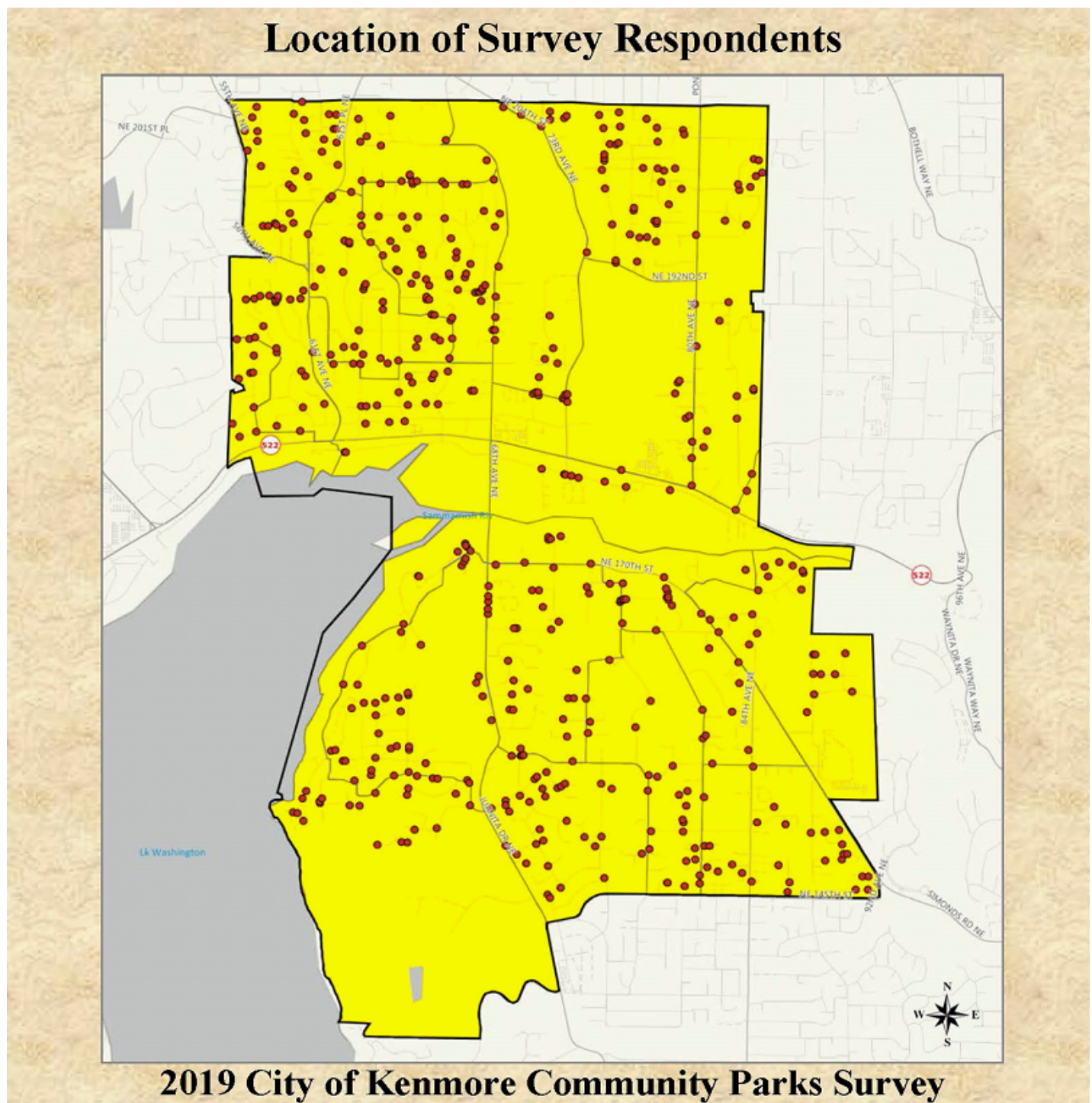
The top two facilities most regularly visited by respondent households, that are operated by non-City providers, were: Burke Gilman Trail (75%) and St. Edward State Park (74%).

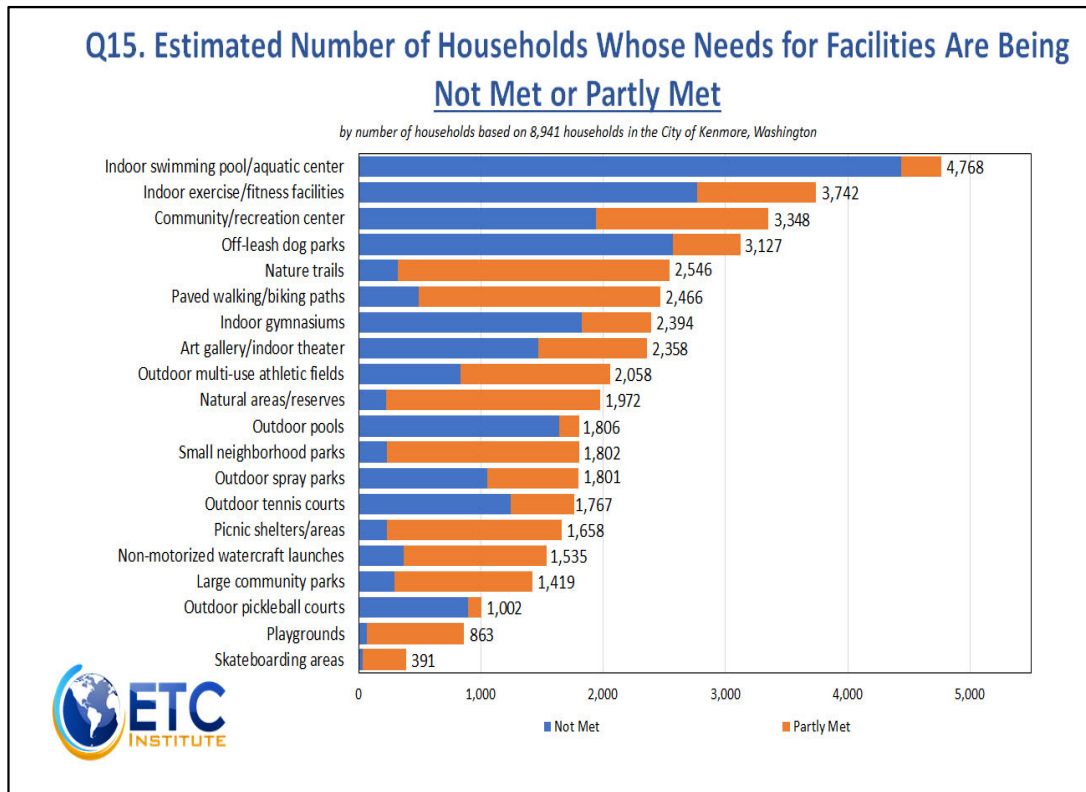
Ratings. Thirty-percent (30%) of respondent households rated the physical condition of City Parks and Recreation facilities as “excellent,” 62% of respondents rated the physical condition of City Parks and Recreation facilities as “good,” 8% of respondent households rated the physical condition of City 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.

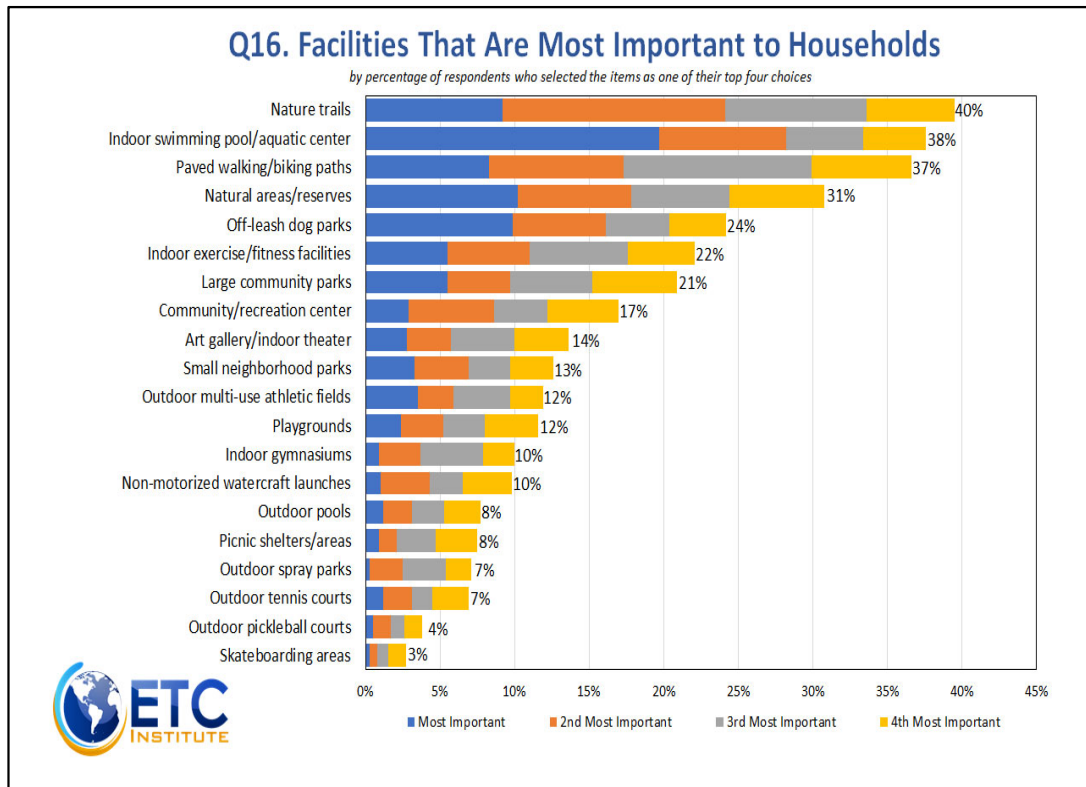




Facility Importance: In addition to assessing the needs for each facility, ETC Institute also assessed the importance that residents placed on each facility. Based on the sum of respondents' top four choices, the four most important facilities to residents were:

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.

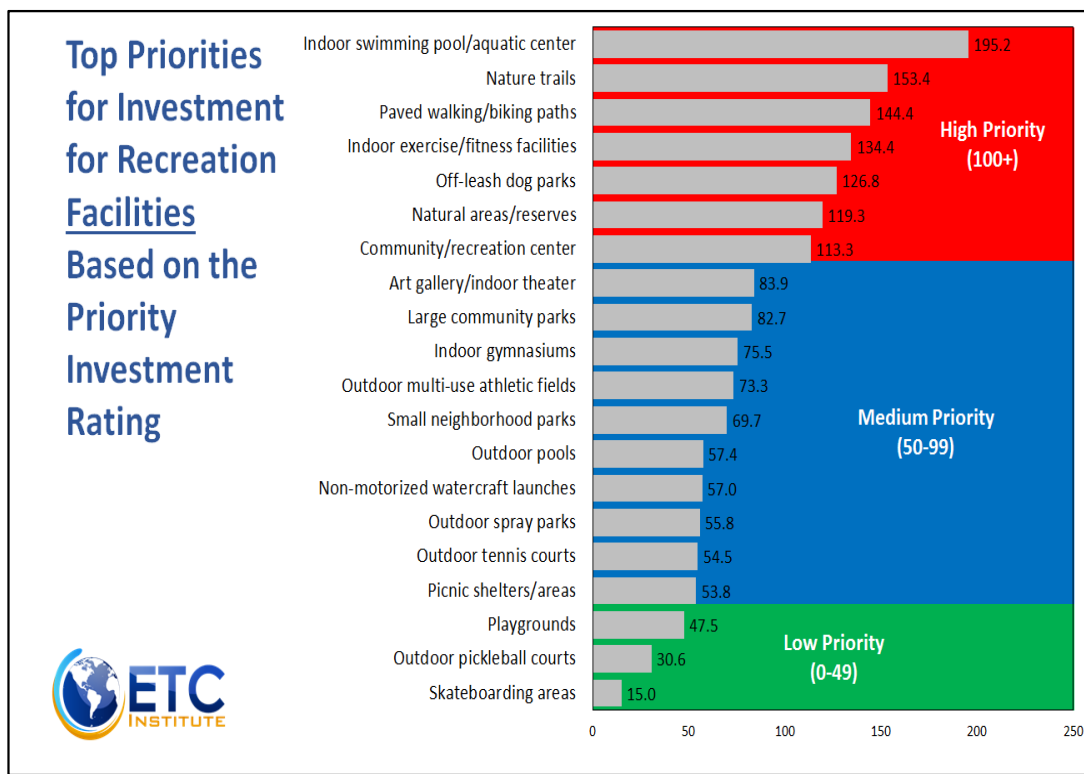


Priorities for Facility Investments. The **Priority Investment Rating (PIR)** was developed by ETC Institute to provide organizations with an objective tool for evaluating the priority that should be placed on Parks and Recreation investments. The **Priority Investment Rating (PIR)** equally weights (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)

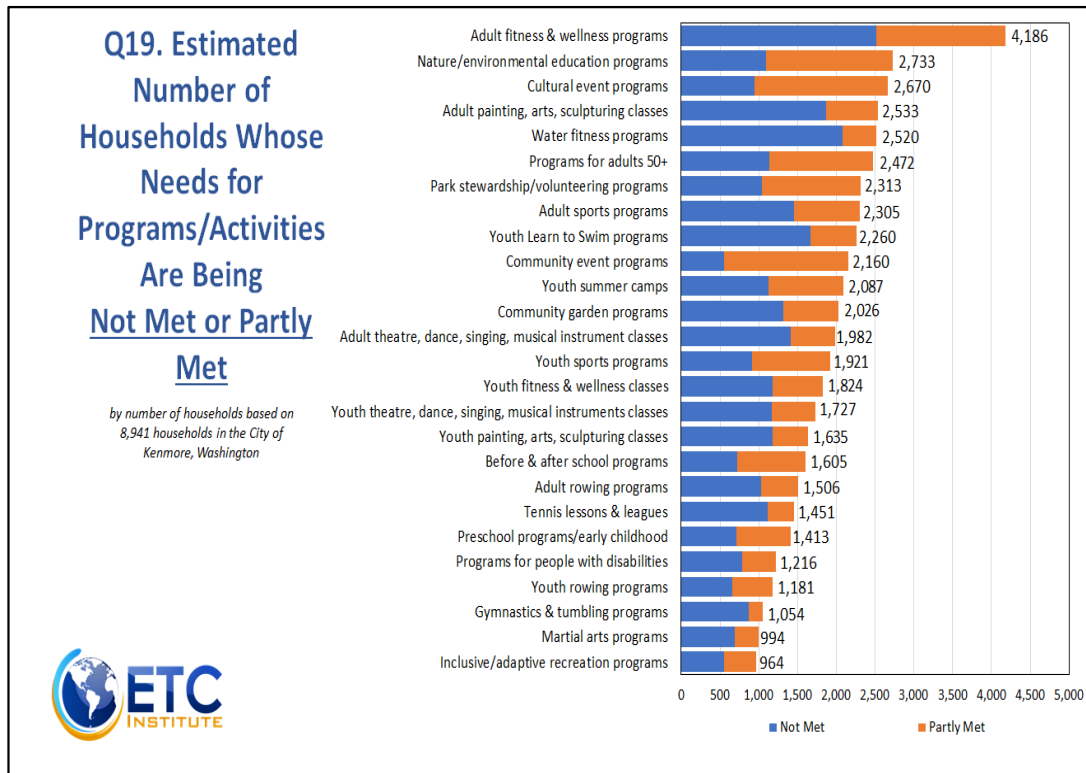
The chart at the top of the following page shows the **Priority Investment Rating (PIR)** for each of the 20 facilities that were assessed on the survey.



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.

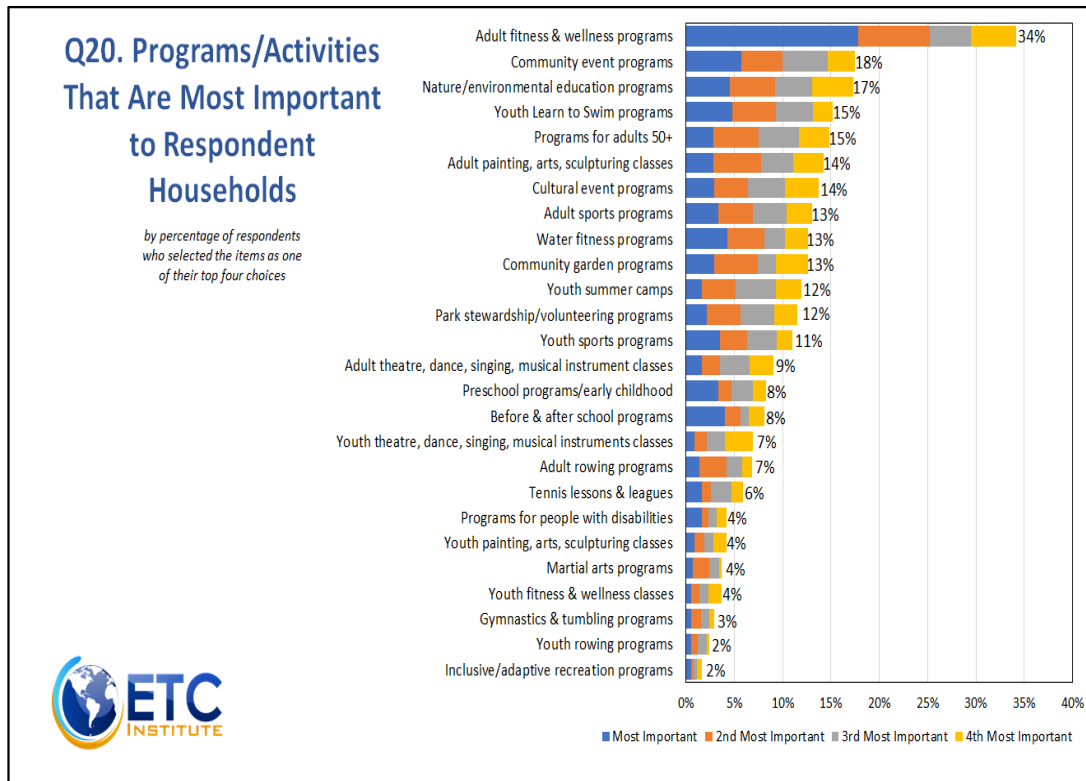
The four programs/activities with the highest percentage of households that had needs were: adult fitness and wellness programs (54%), community event programs (41%), cultural event programs (37%), and nature/environmental education programs (36%). ETC Institute estimates a total of 4,783 households 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%).

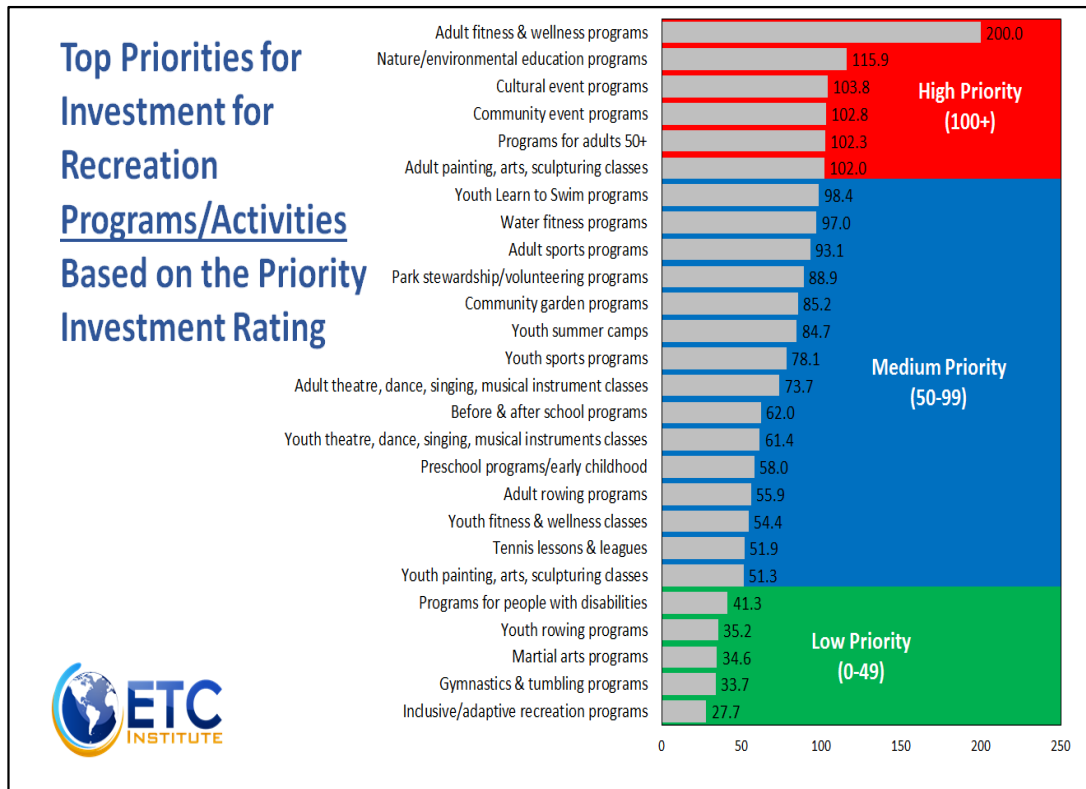
The percentage of residents who selected each program/activity as one of their top four choices is shown in the table at the top of the following page.



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

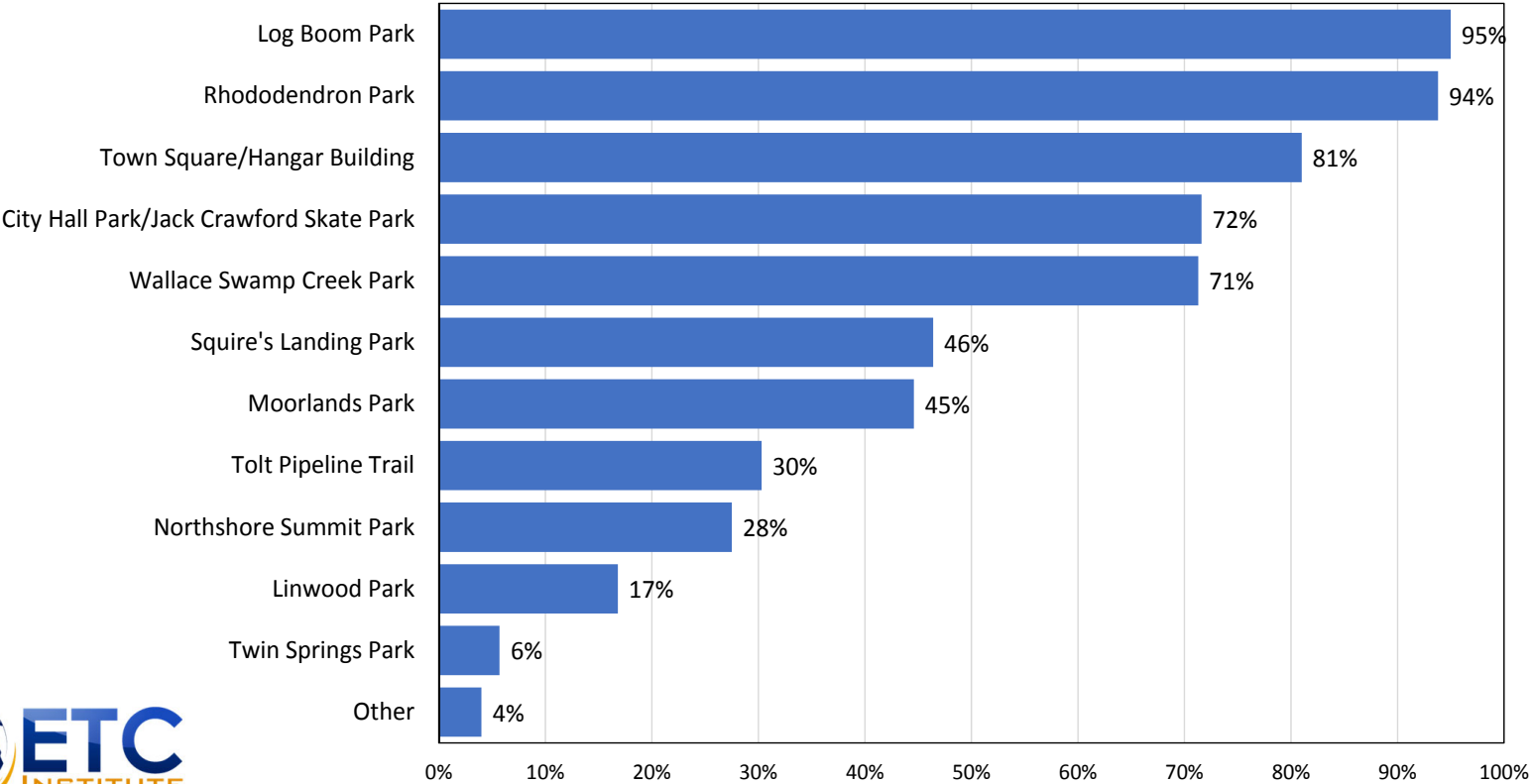
2019 City of Kenmore Parks and Recreation Survey Charts and Graphs of Overall Results



...helping organizations make better decisions since 1982

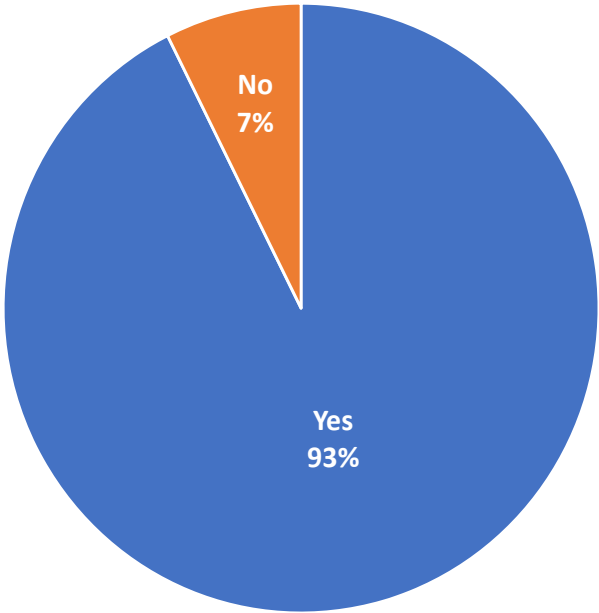
Q1. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities that you are aware of.

by percentage of respondents (multiple choices could be chosen)



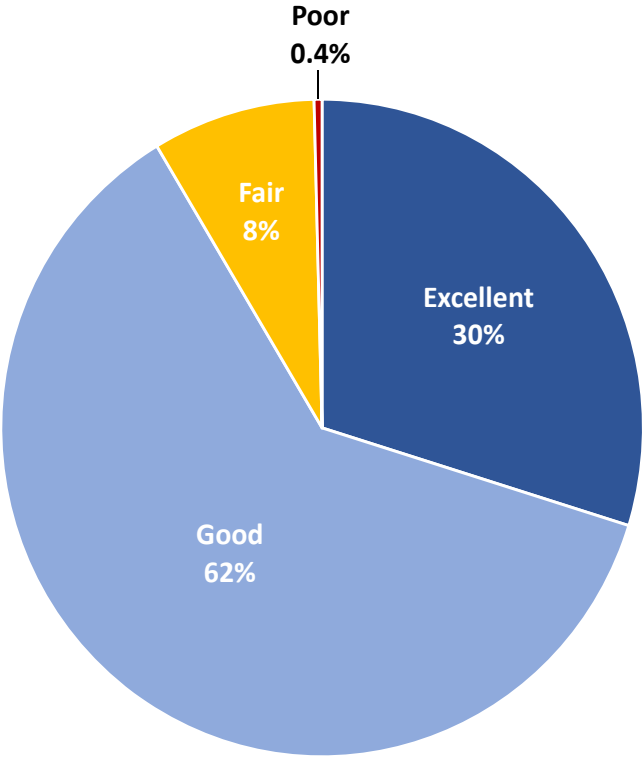
Q2. In the past 12 months, have you or any member of your household visited any of the City of Kenmore parks and recreation facilities listed in Question 1?

by percentage of respondents



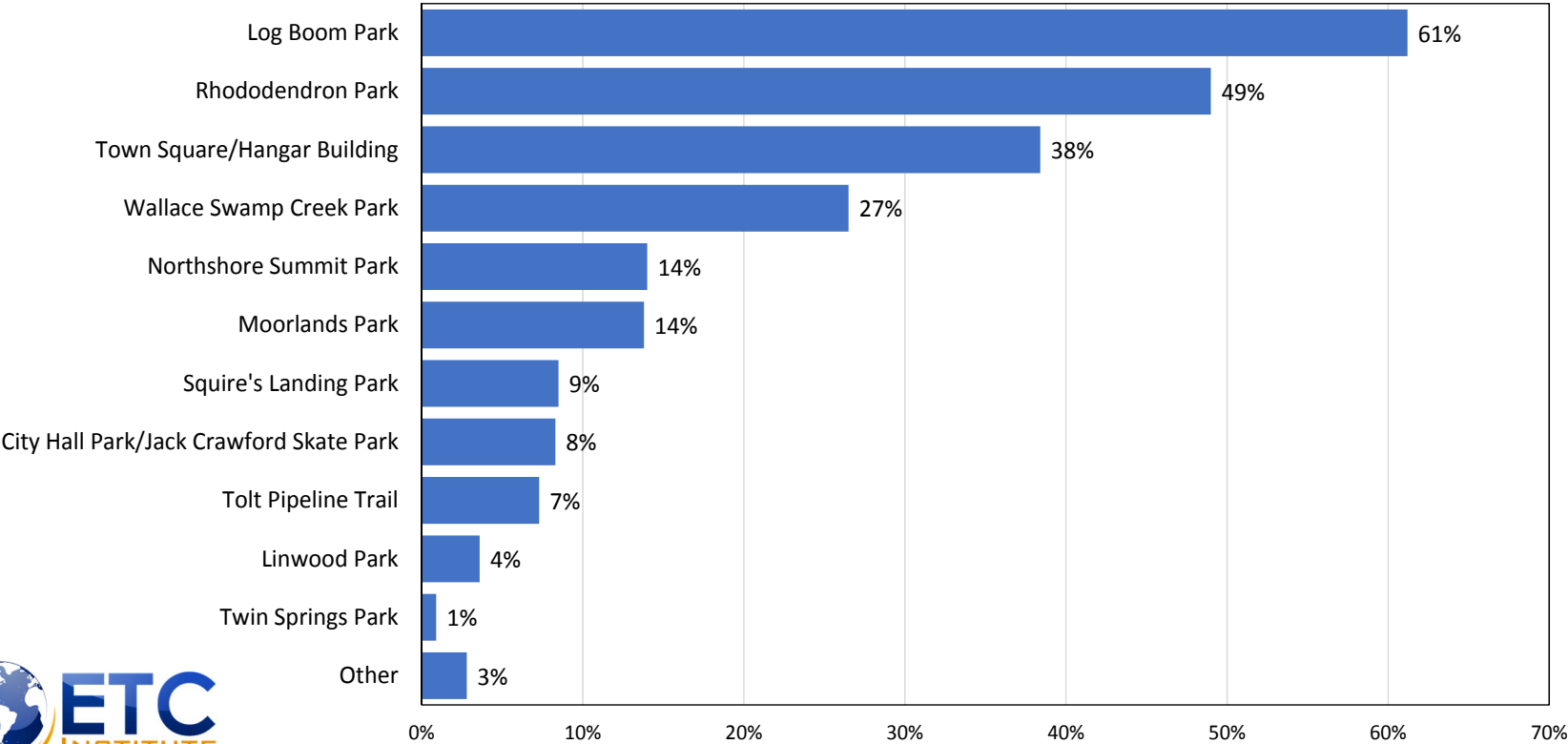
Q2a. Overall, how would you rate the physical condition of ALL the City of Kenmore parks and recreation facilities you have visited?

by percentage of respondents who have visited facilities in the past 12-months



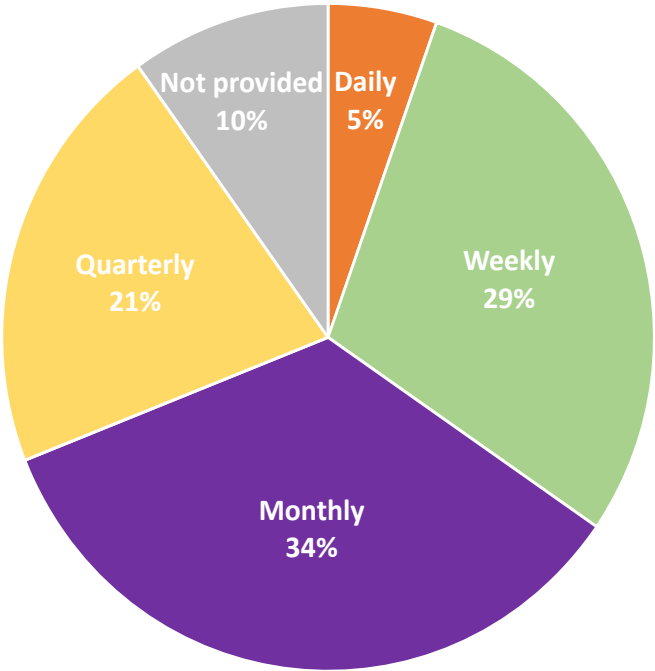
Q3. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities you visit regularly.

by percentage of respondents (multiple choices could be chosen)



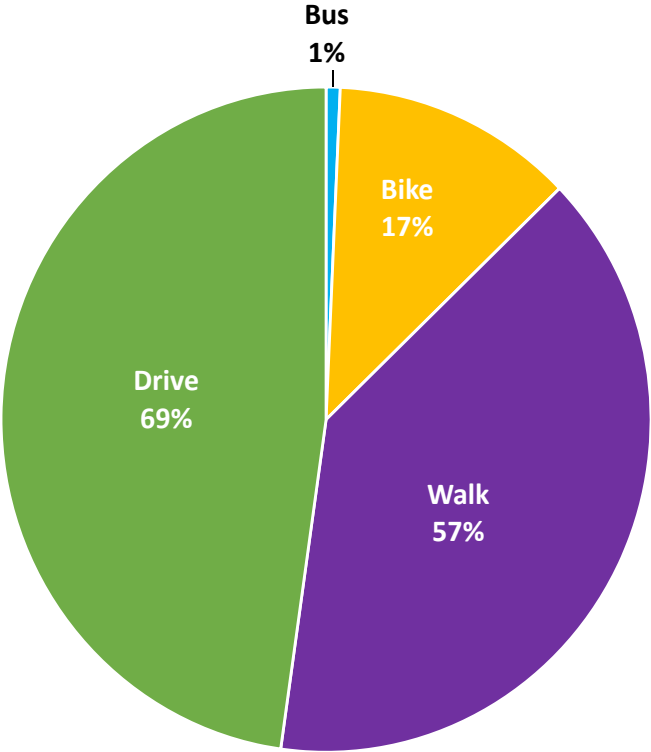
Q3a. How often do you visit the City of Kenmore park and recreation facilities you checked in Question 3?

by percentage of respondents



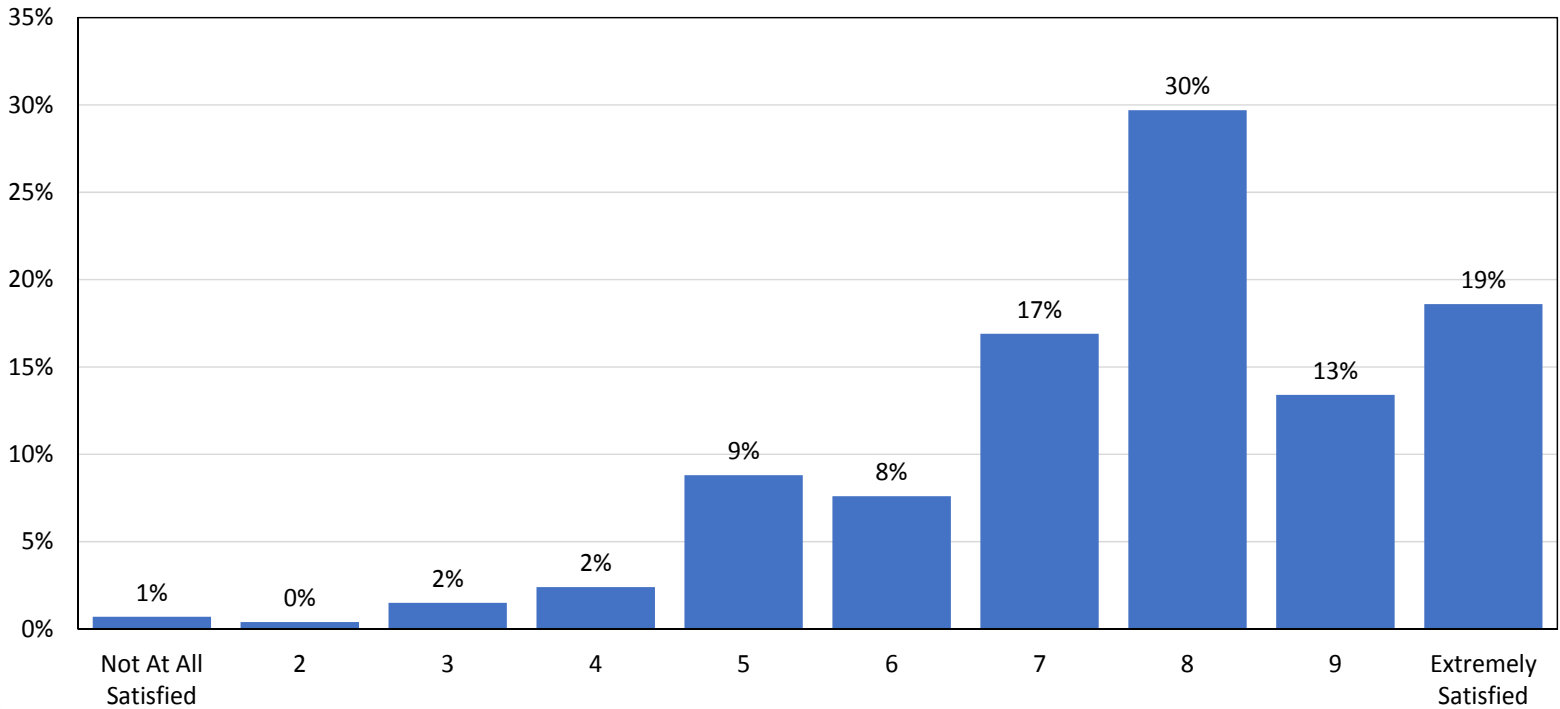
Q3b. How do you access the City of Kenmore parks and recreation facilities
you checked in Question 3?

by percentage of respondents



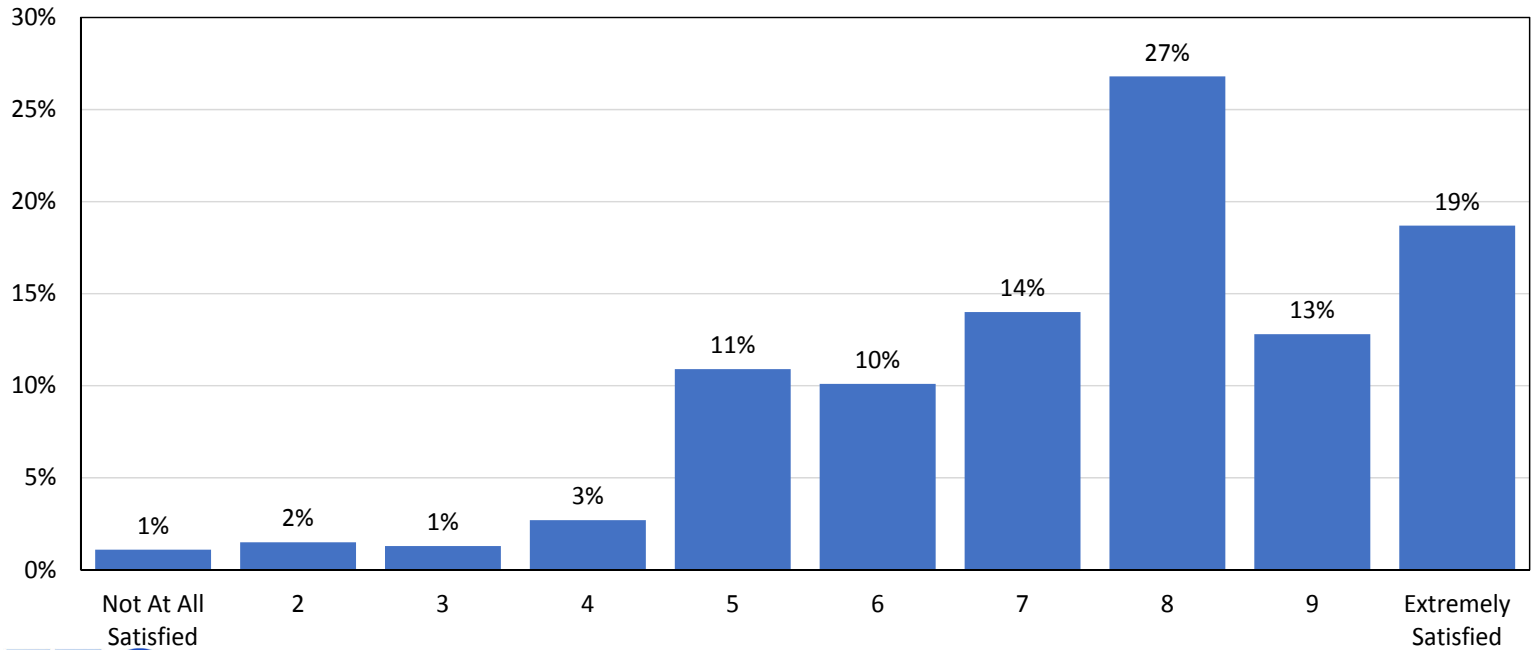
Q4. How satisfied are you with the number of City-owned parks and recreation facilities in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



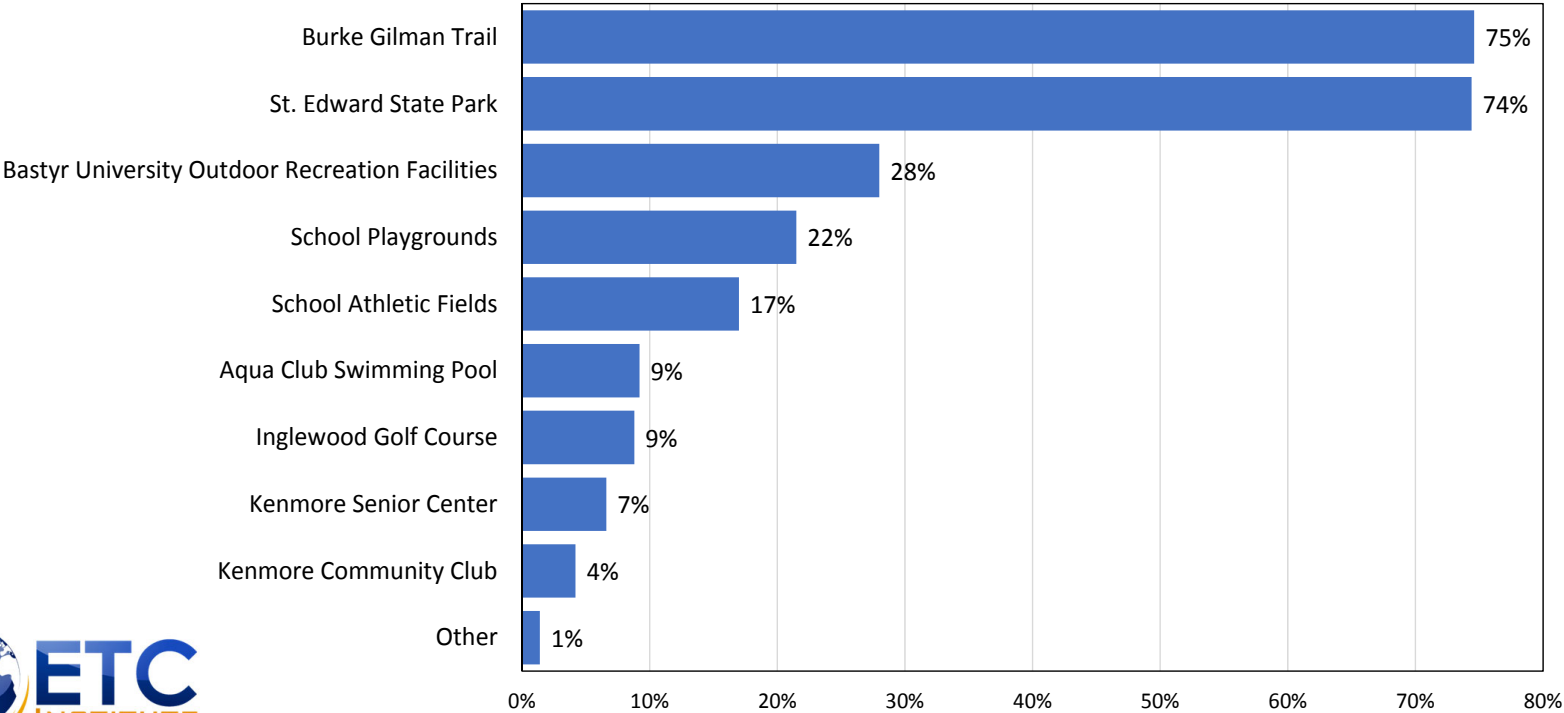
Q5. How satisfied are you with the progress that the City is making in improving and investing in parks and recreation facilities in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



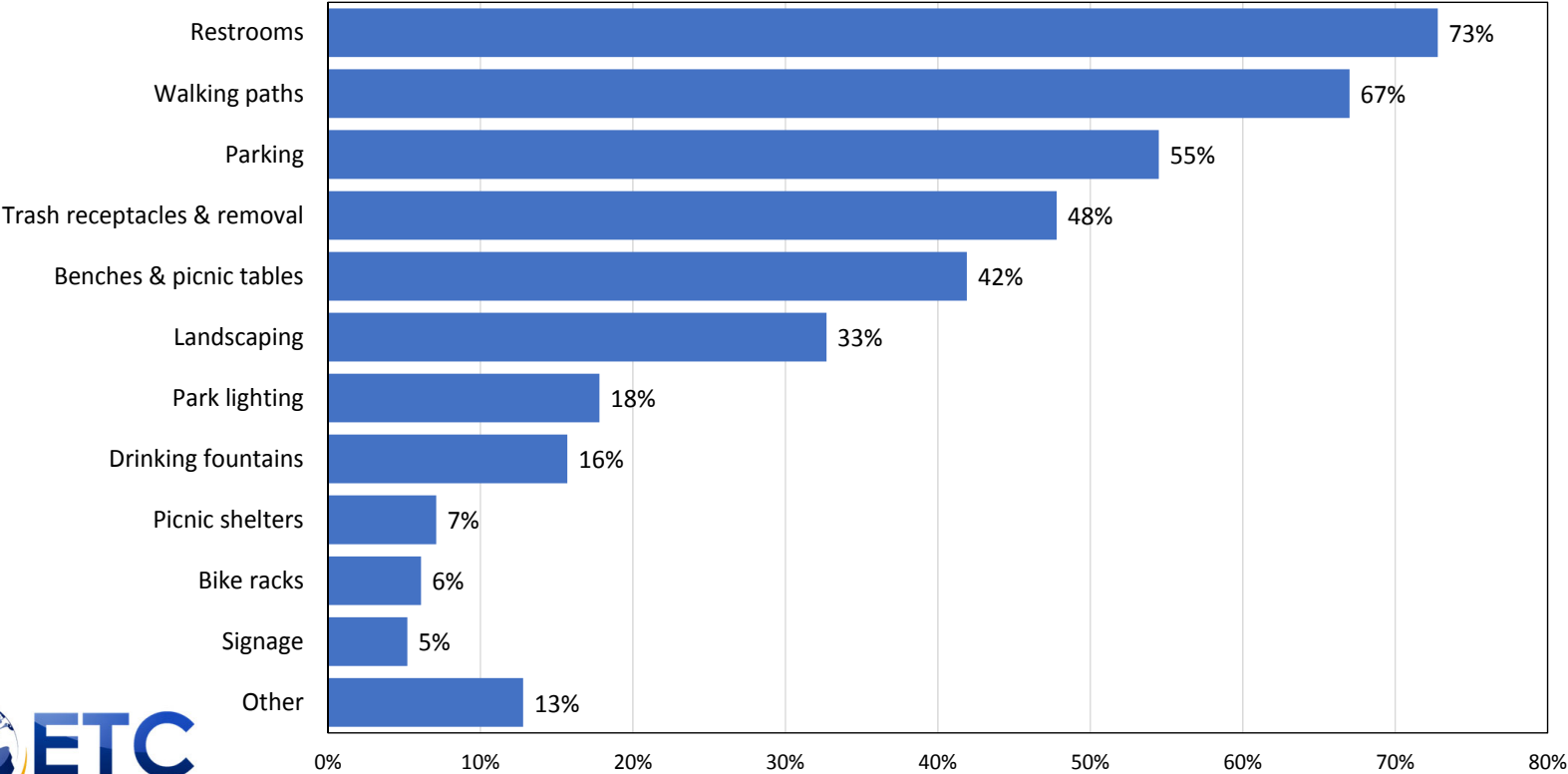
Q6. From the following list, please CHECK ALL the parks and recreation facilities operated by OTHER providers that you visit regularly in the City of Kenmore.

by percentage of respondents (multiple choices could be chosen)



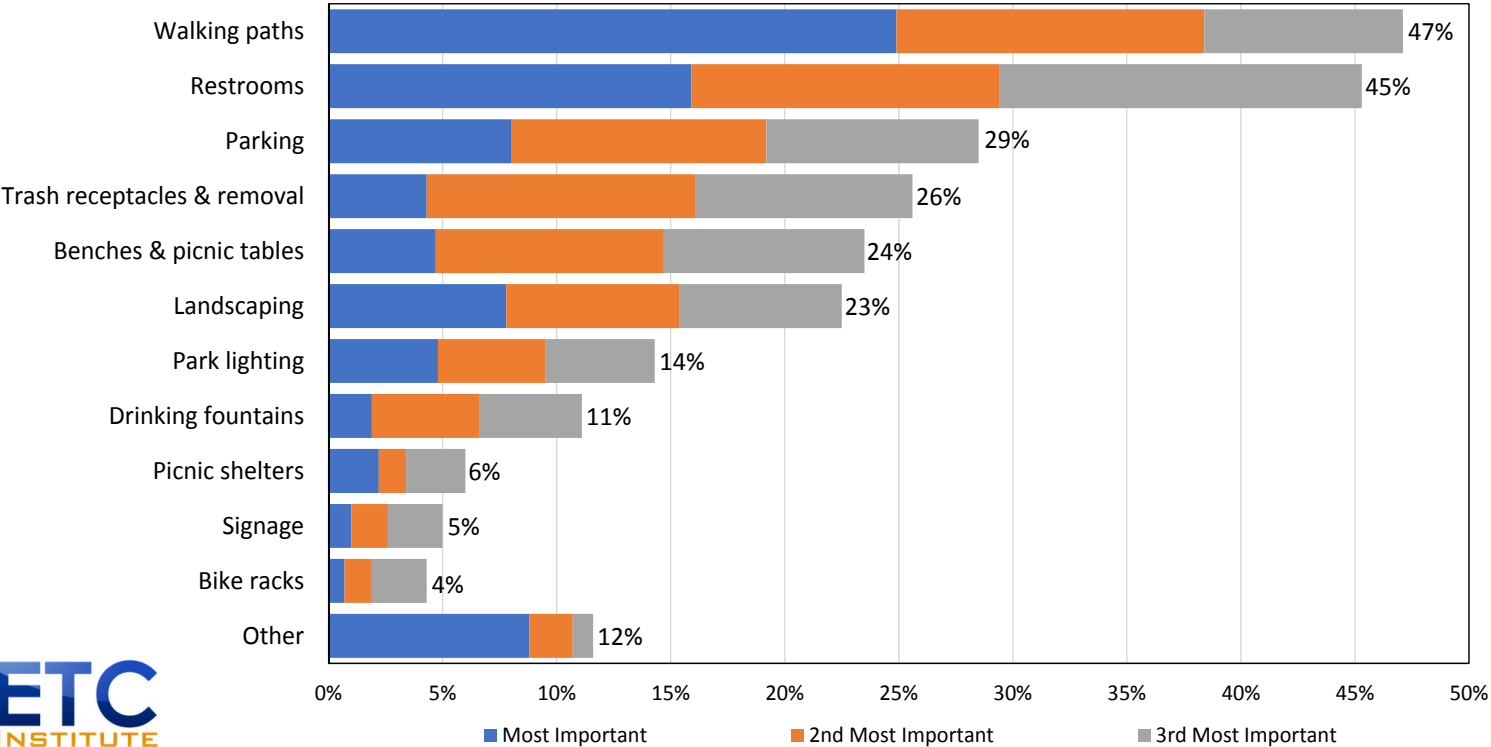
Q7. From the following list, please check the FOUR park features found in public parks that are MOST IMPORTANT to you and your household.

by percentage of respondents who selected the items as one of their top four choices



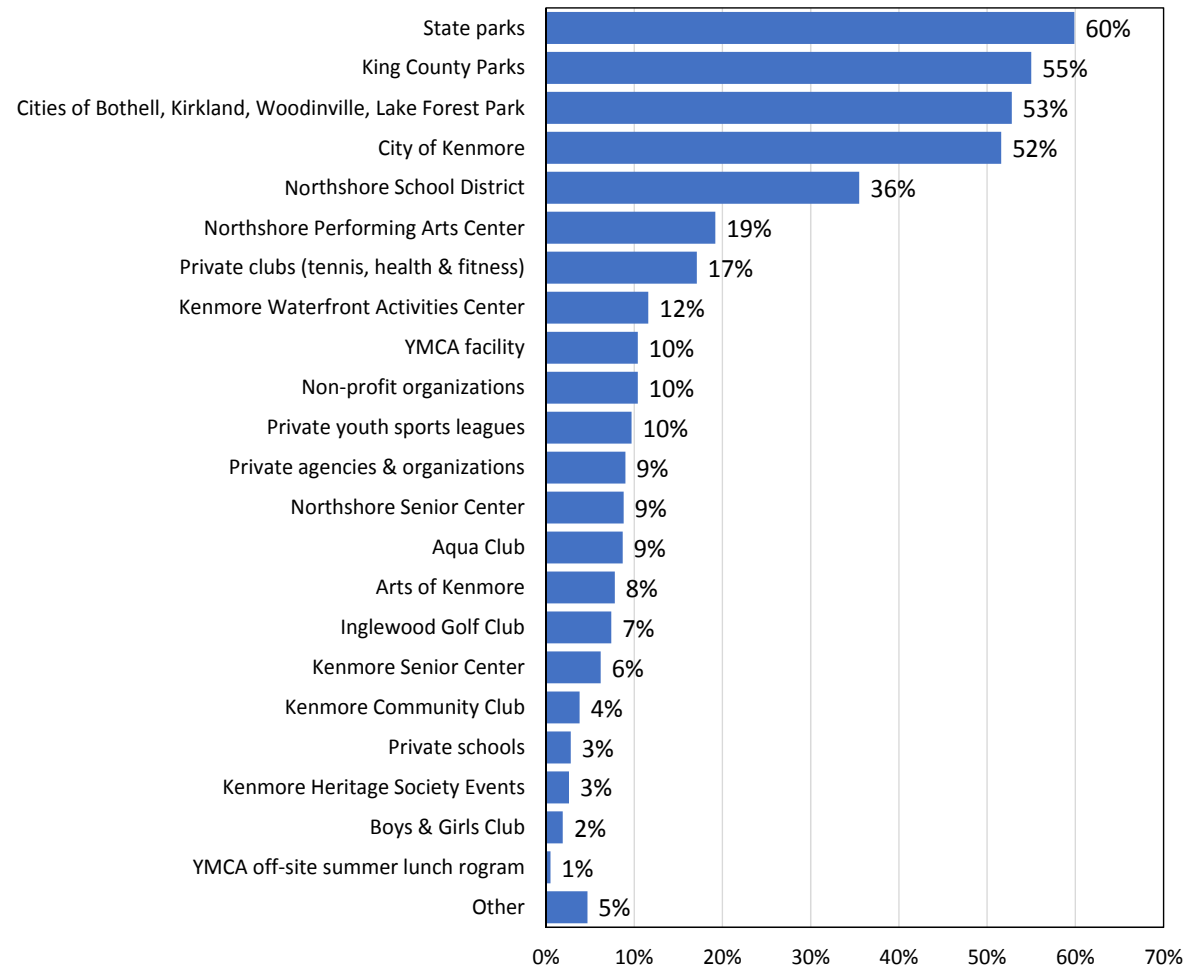
Q8. Of the park features listed in Question 7, please choose the **THREE** park features you feel are **MOST IMPORTANT** to be added or improved in Kenmore?

by percentage of respondents who selected the items as one of their top three choices



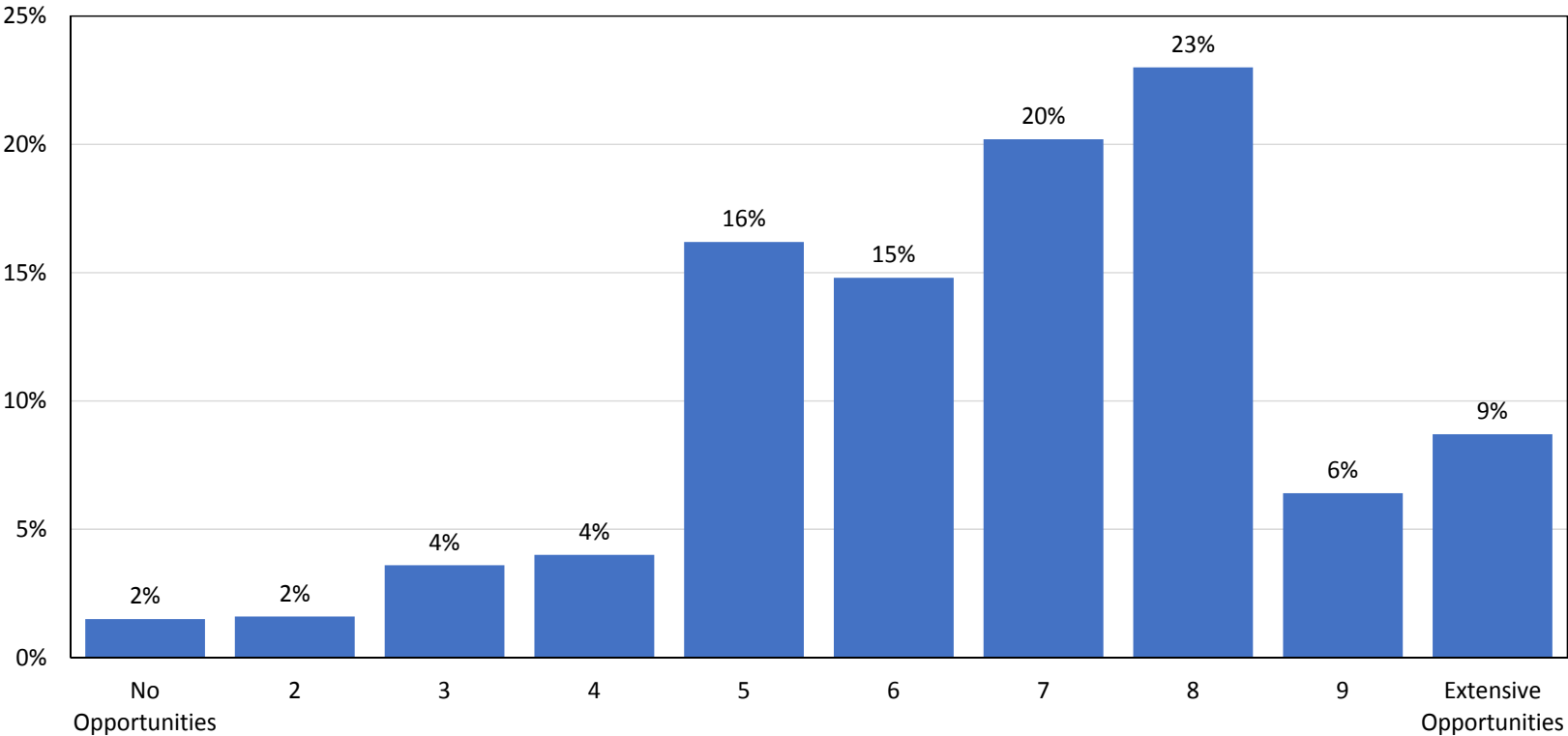
Q9. From the following list, please CHECK ALL the organizations that you and members of your household use for parks, recreation and cultural programs and facilities.

*by percentage of respondents
(multiple choices could be chosen)*



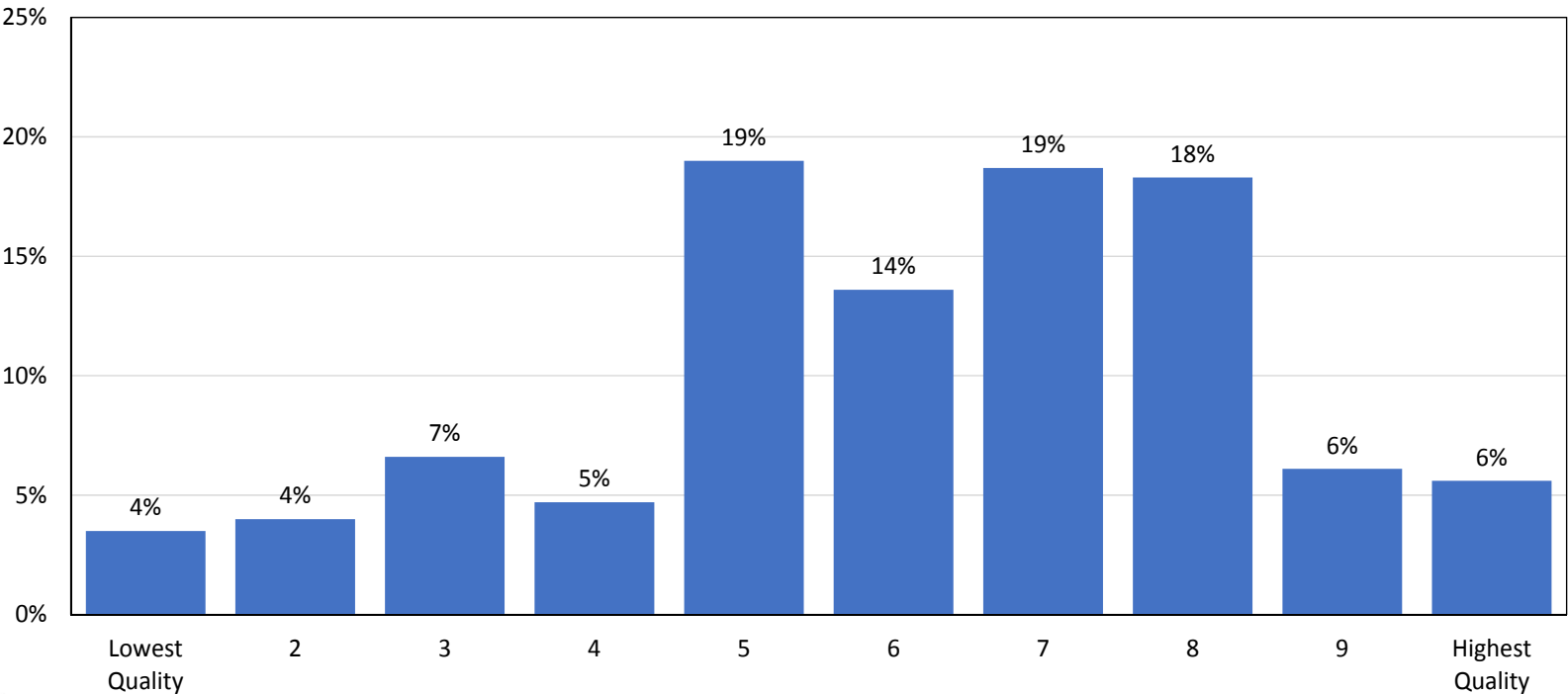
Q10. How would you rate the recreational opportunities in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



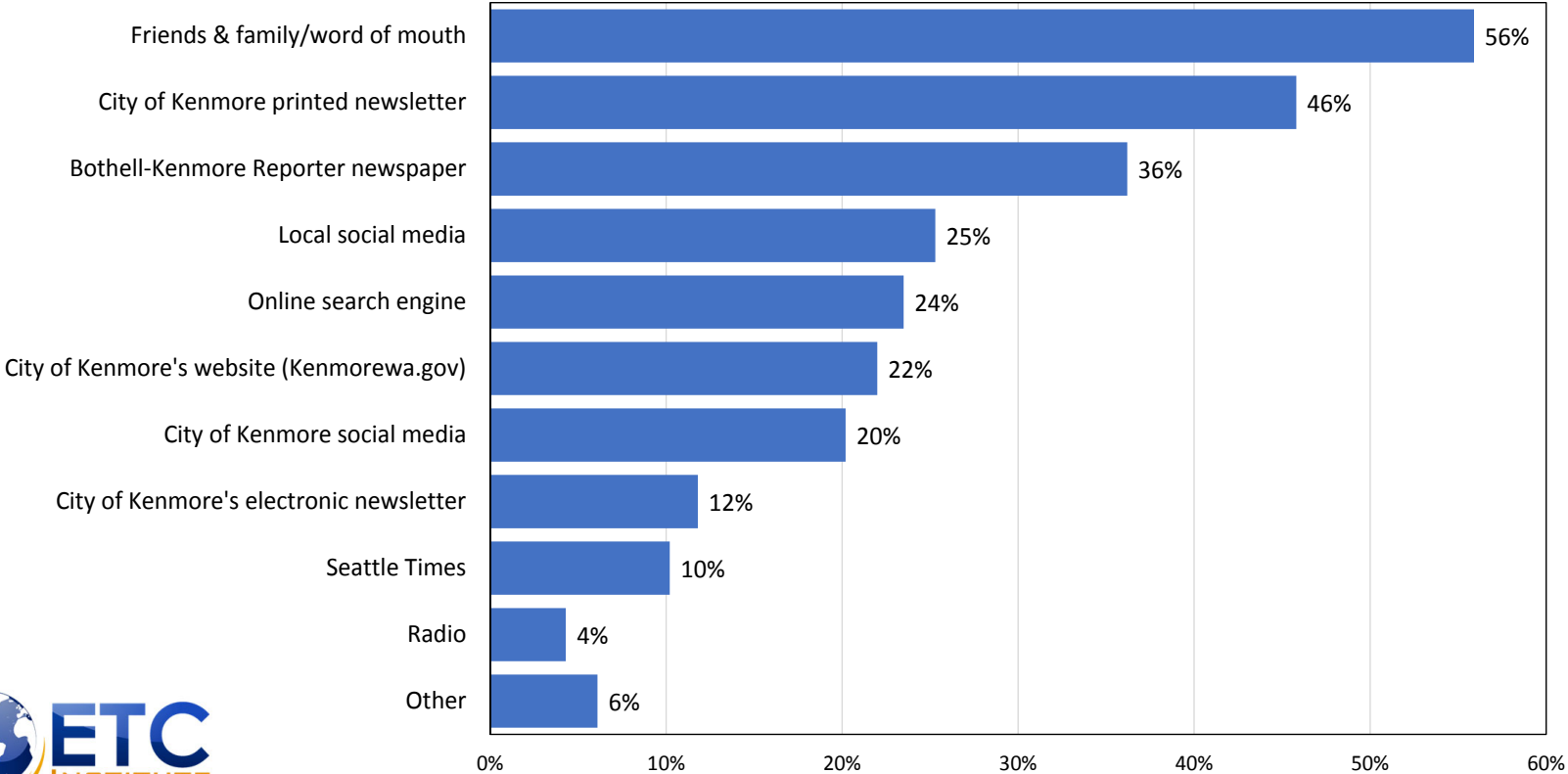
Q11. How would you rate the quality of recreation programs or classes in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale (excluding "not provided")



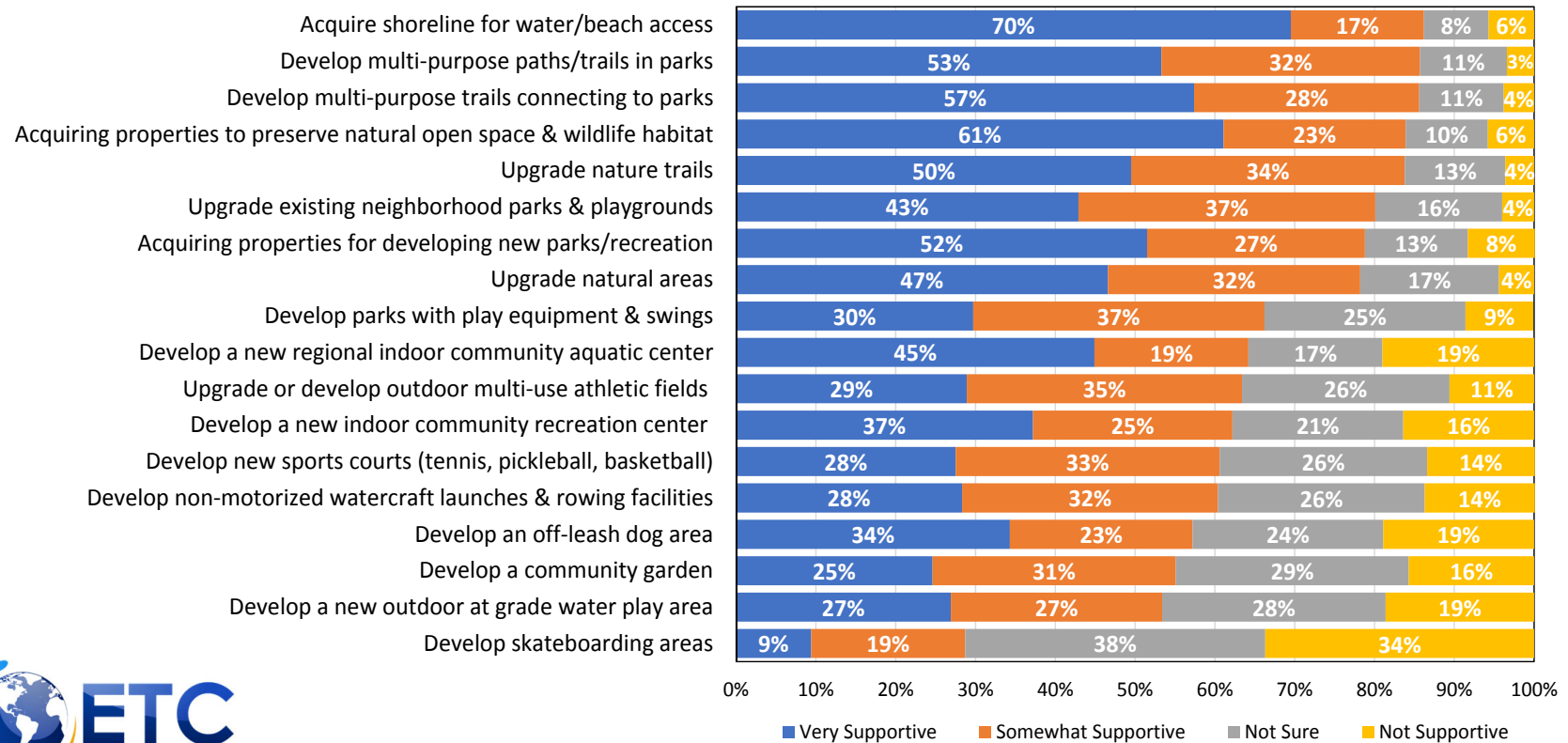
Q12. How do you currently get information about recreational, cultural, and community event programs in the City of Kenmore?

by percentage of respondents



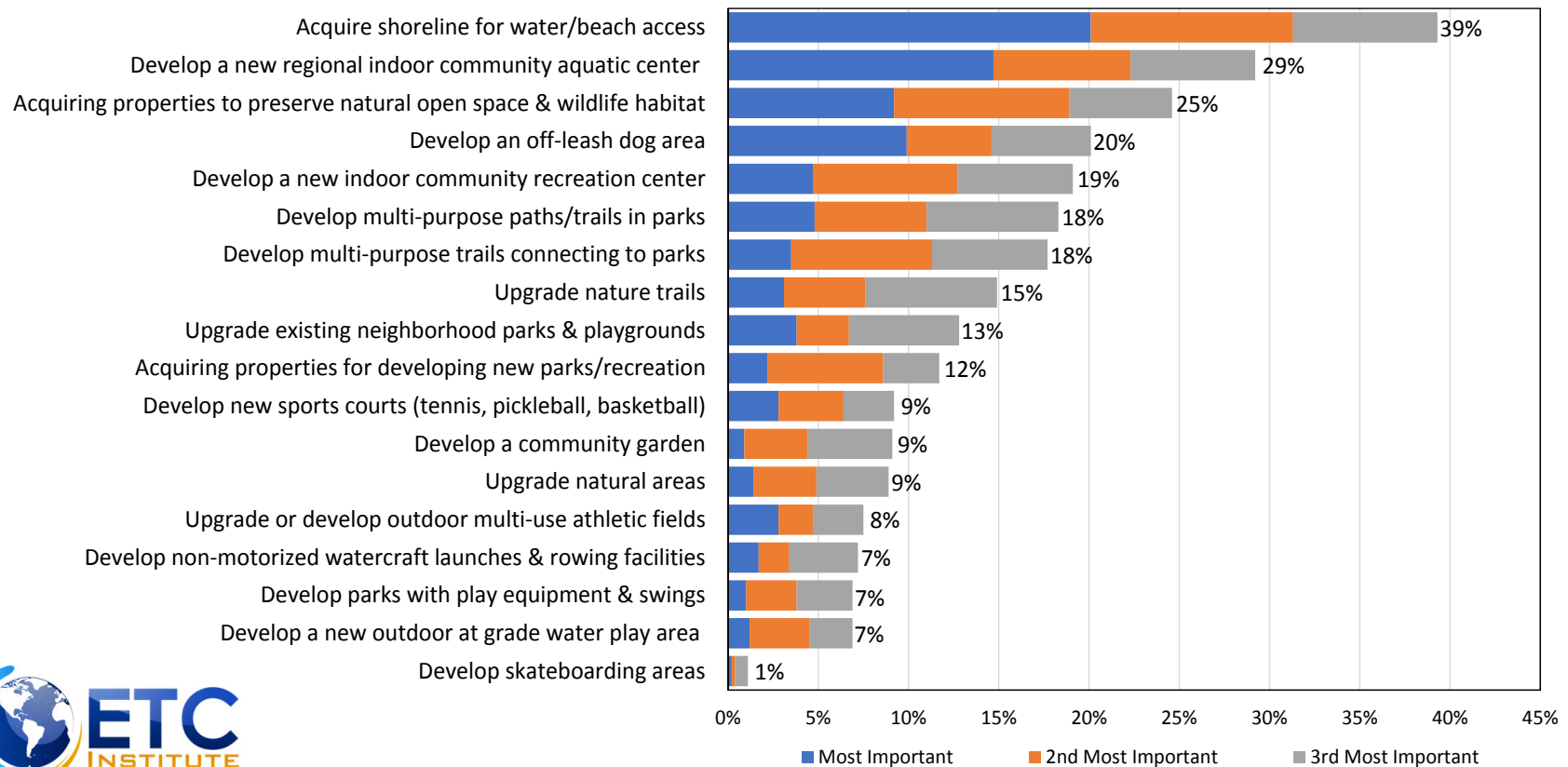
Q13. How supportive are you and your household of the City taking each of the following actions in the future to improve and expand parks and recreation facilities?

by percentage of respondents who rated the item as a 1 to 4 on a 4-point scale (excluding "not provided")



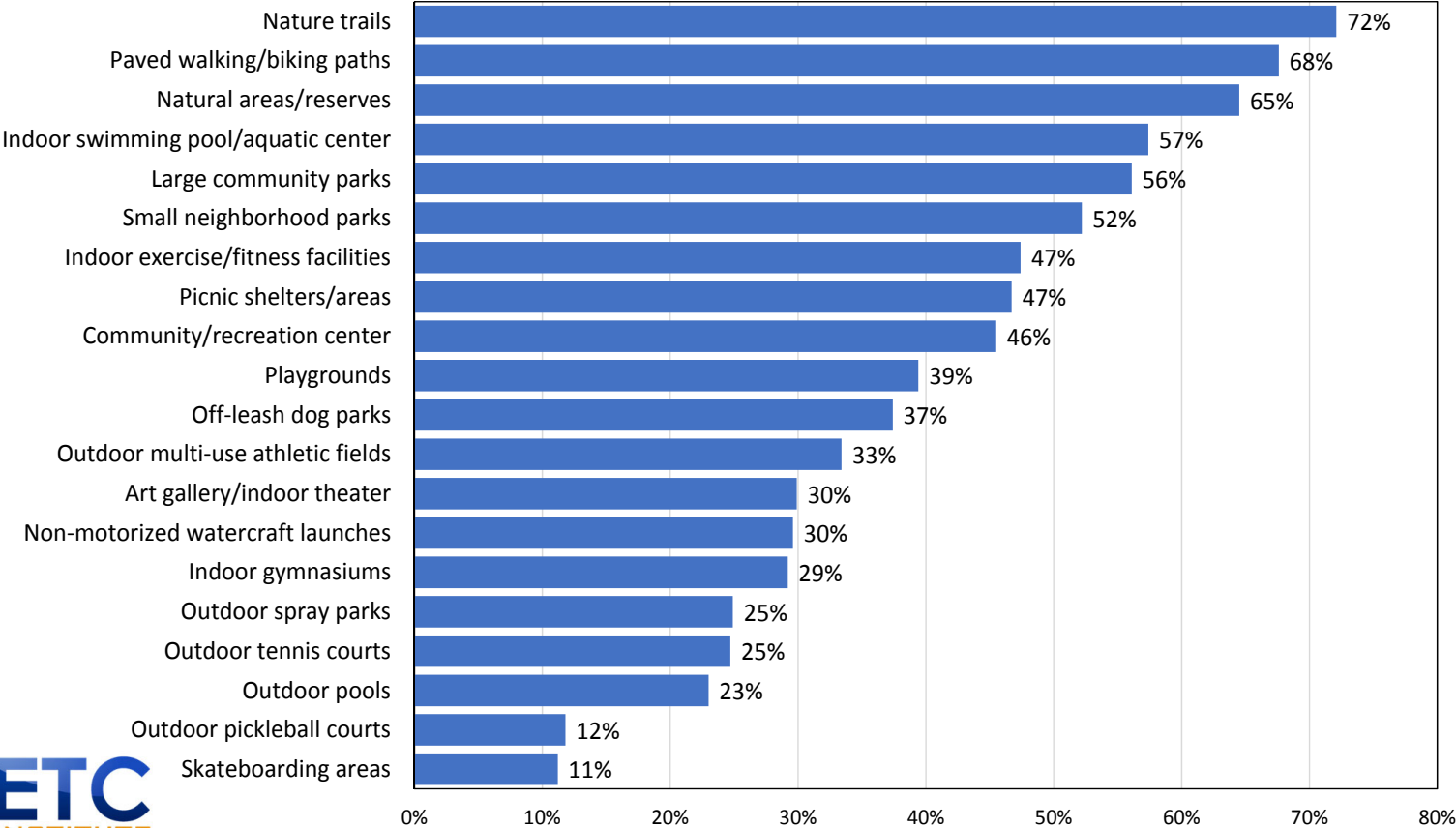
Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household?

by percentage of respondents who selected the items as one of their top three choices



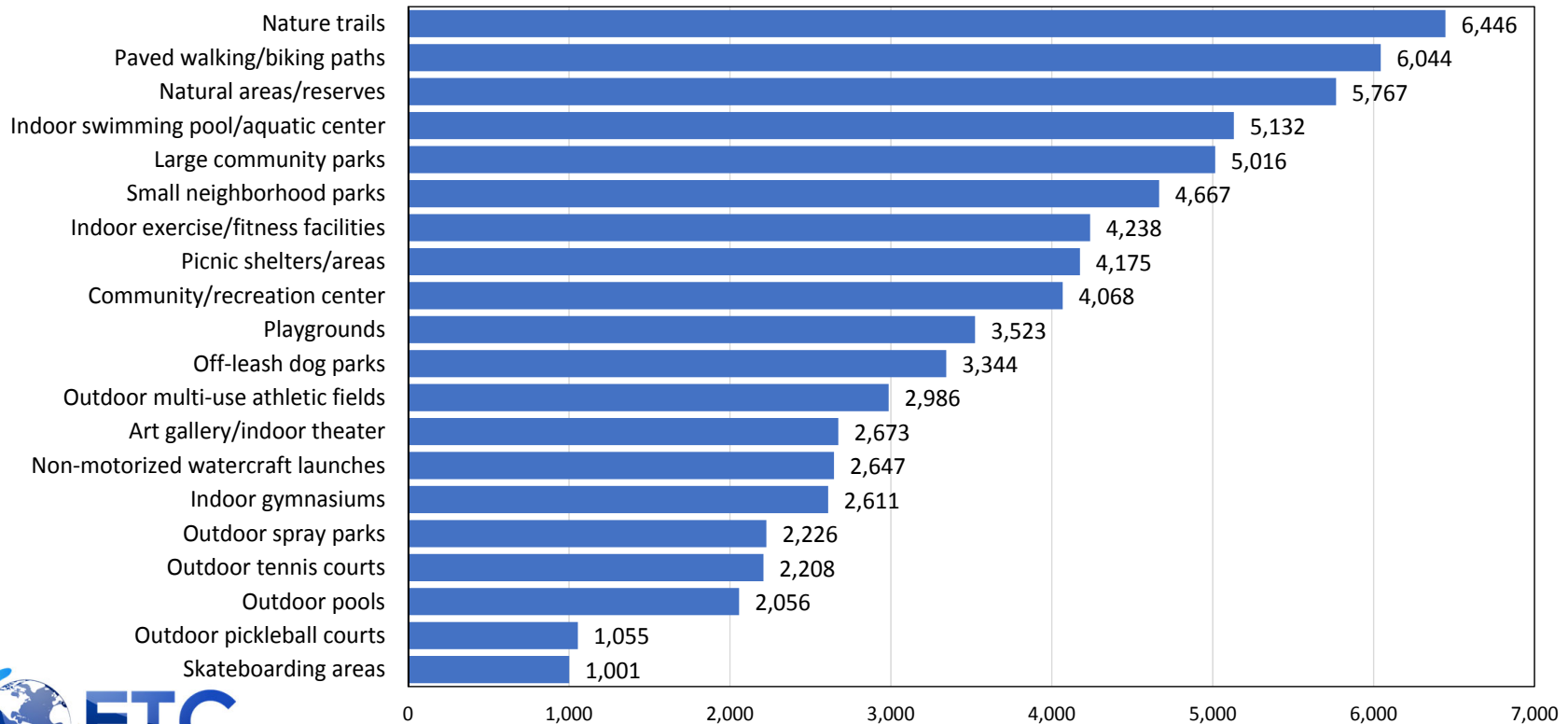
Q15. Facilities Respondent Households Have a Need For

by percentage of respondents (multiple choices could be made)



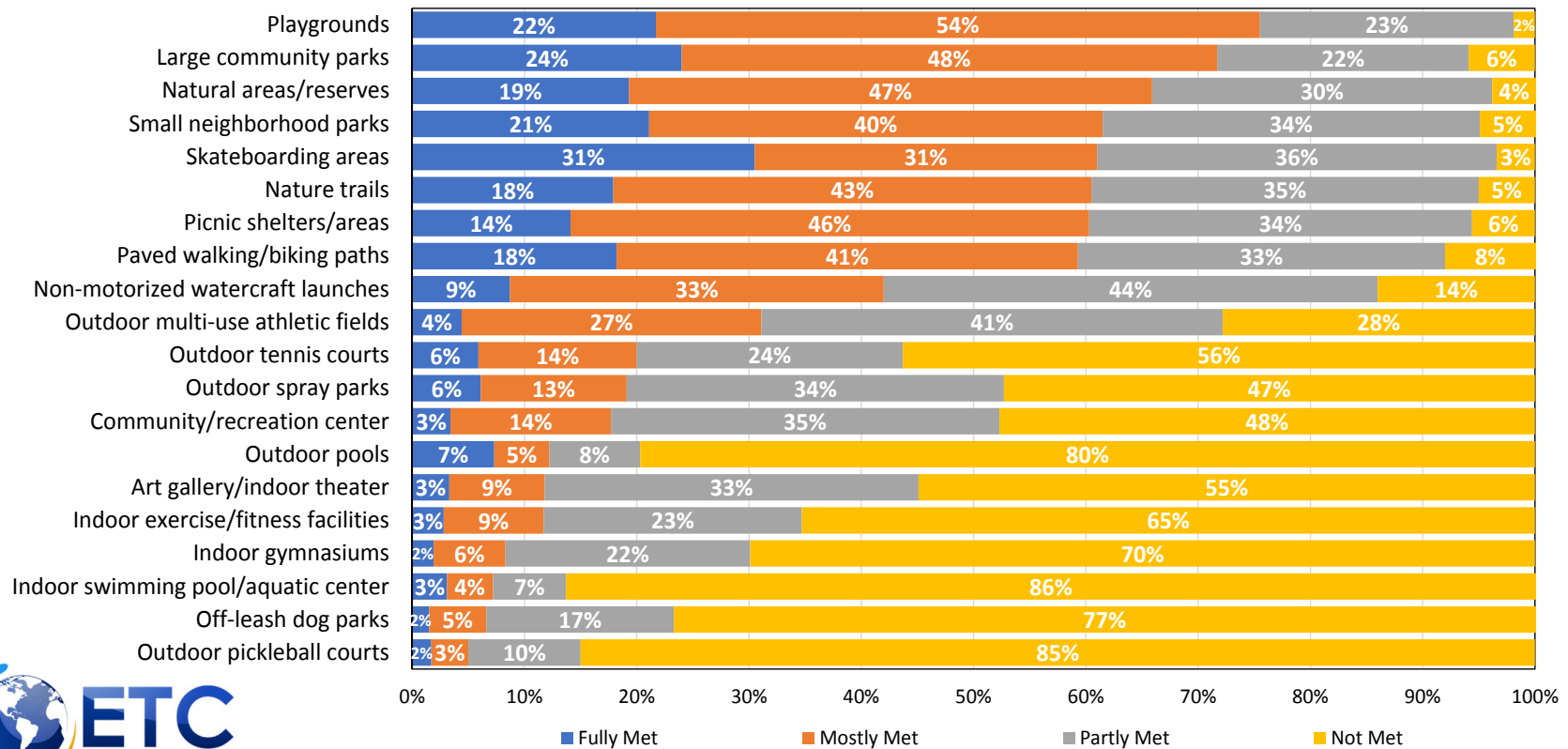
Q15. Estimated Number of Households That Have a Need for Various Facilities

by number of households based on 8,941 households in the City of Kenmore, Washington



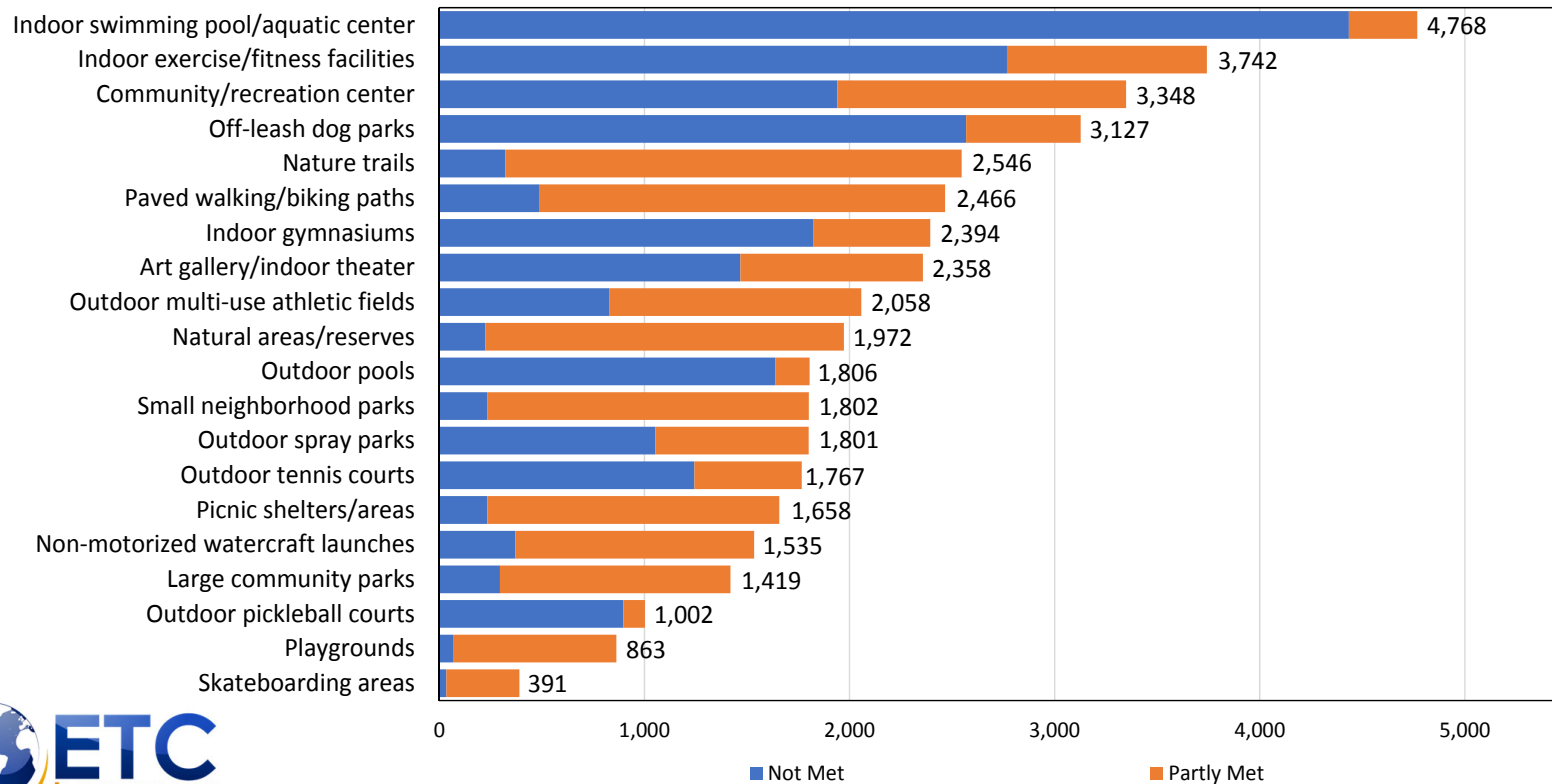
Q15. How Well Parks and Recreation Facilities Meet the Needs for Respondent Households

by percentage of respondents with a need for facilities



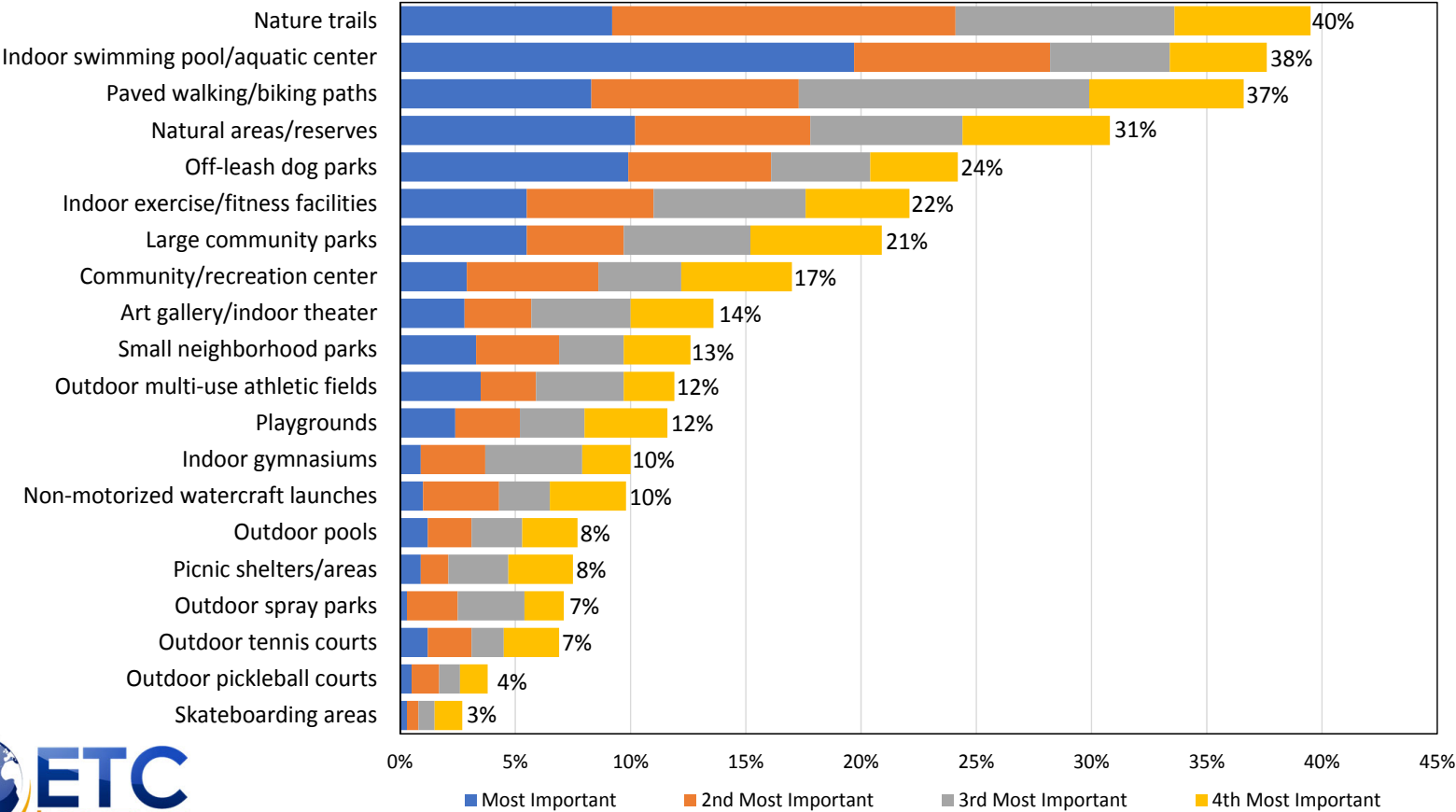
Q15. Estimated Number of Households Whose Needs for Facilities Are Being Not Met or Partly Met

by number of households based on 8,941 households in the City of Kenmore, Washington



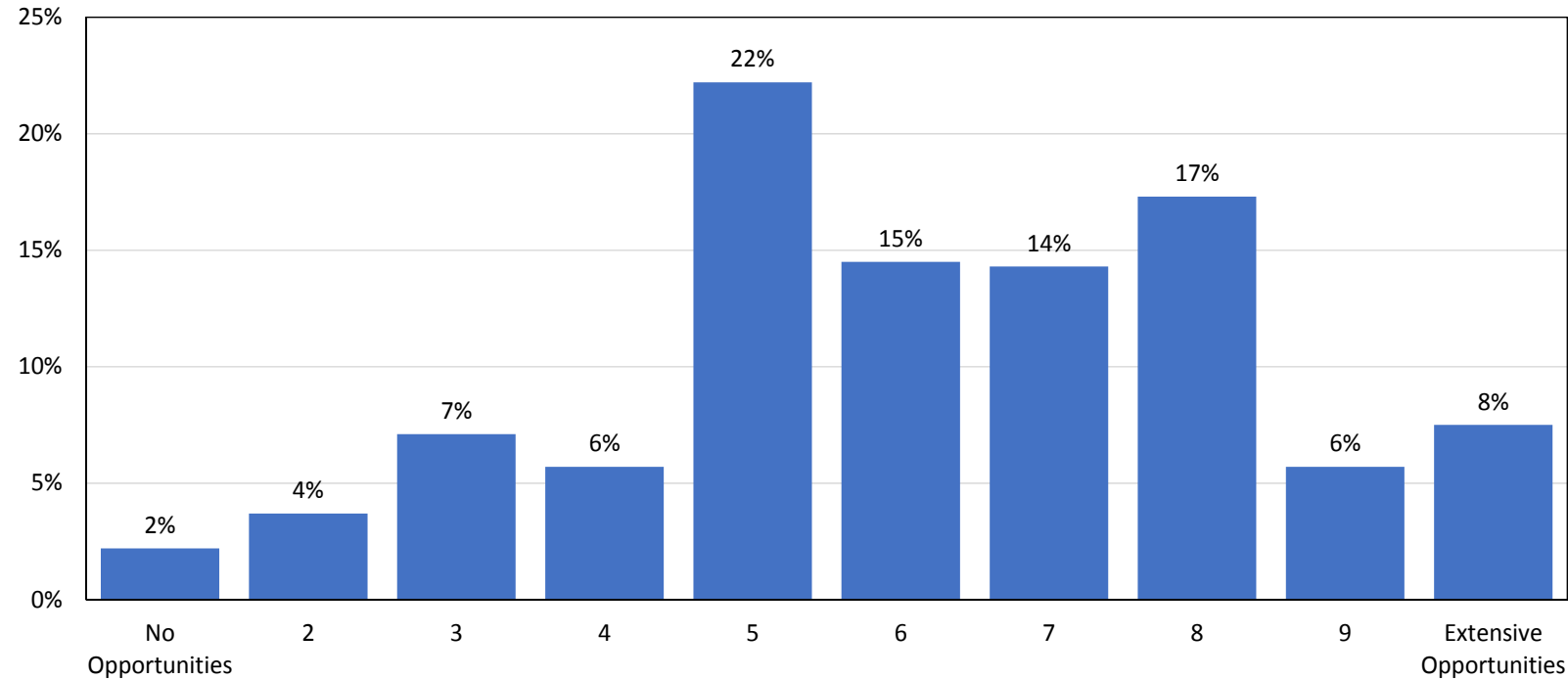
Q16. Facilities That Are Most Important to Households

by percentage of respondents who selected the items as one of their top four choices



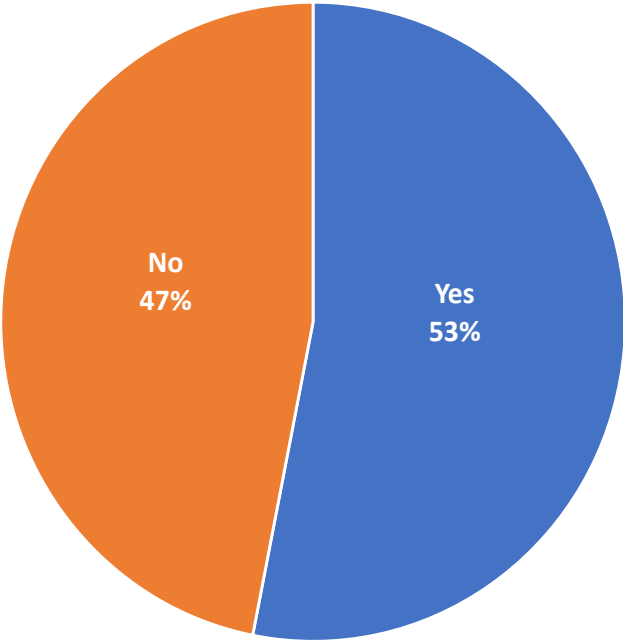
Q17. How would you rate the opportunity to attend community event(s) in the City of Kenmore?

by percentage of respondents who rated the item as a 1 to 10 on a 10-point scale



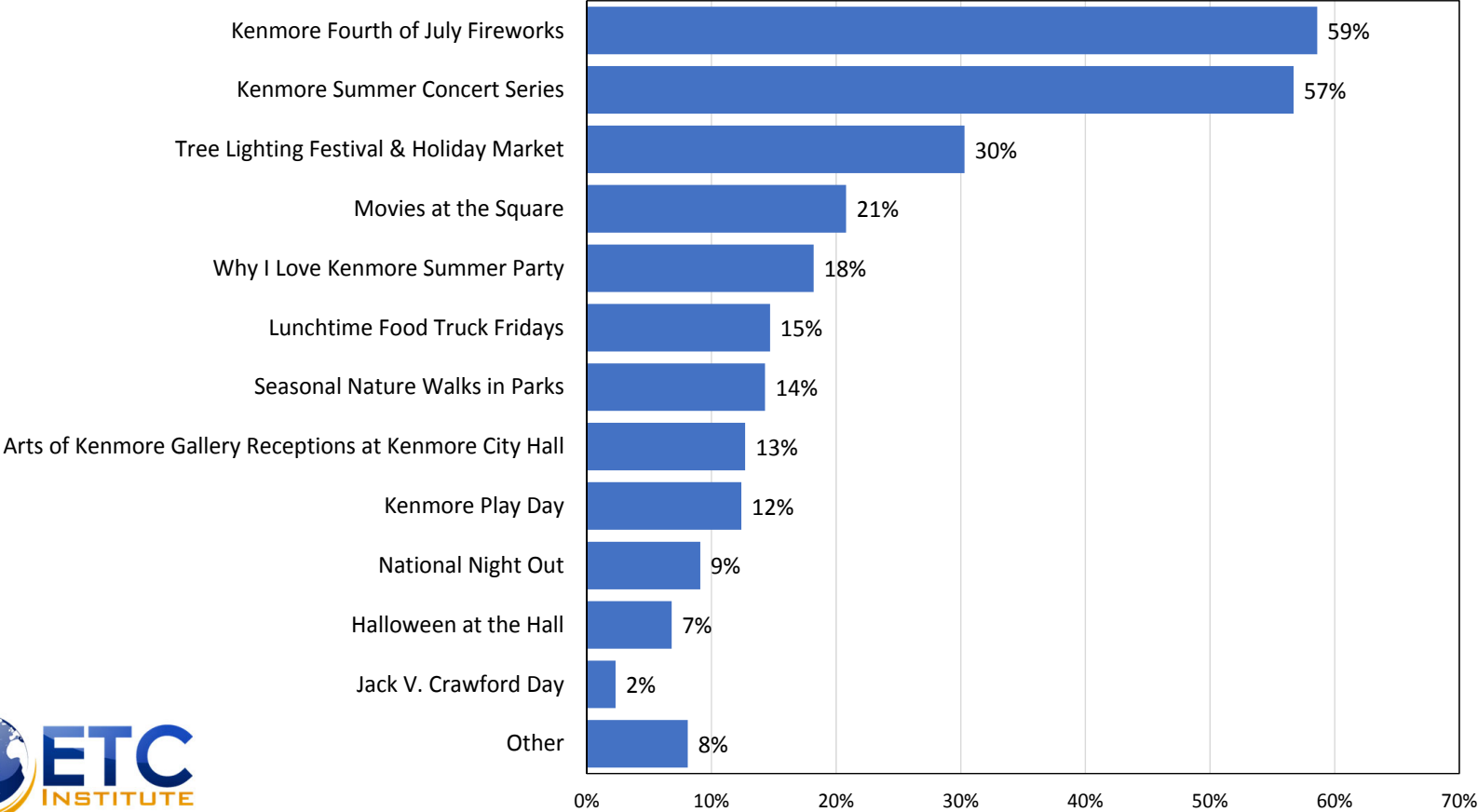
Q18. In the past 12 months, have you or any member of your household attended any community event(s) in the City of Kenmore?

by percentage of respondents



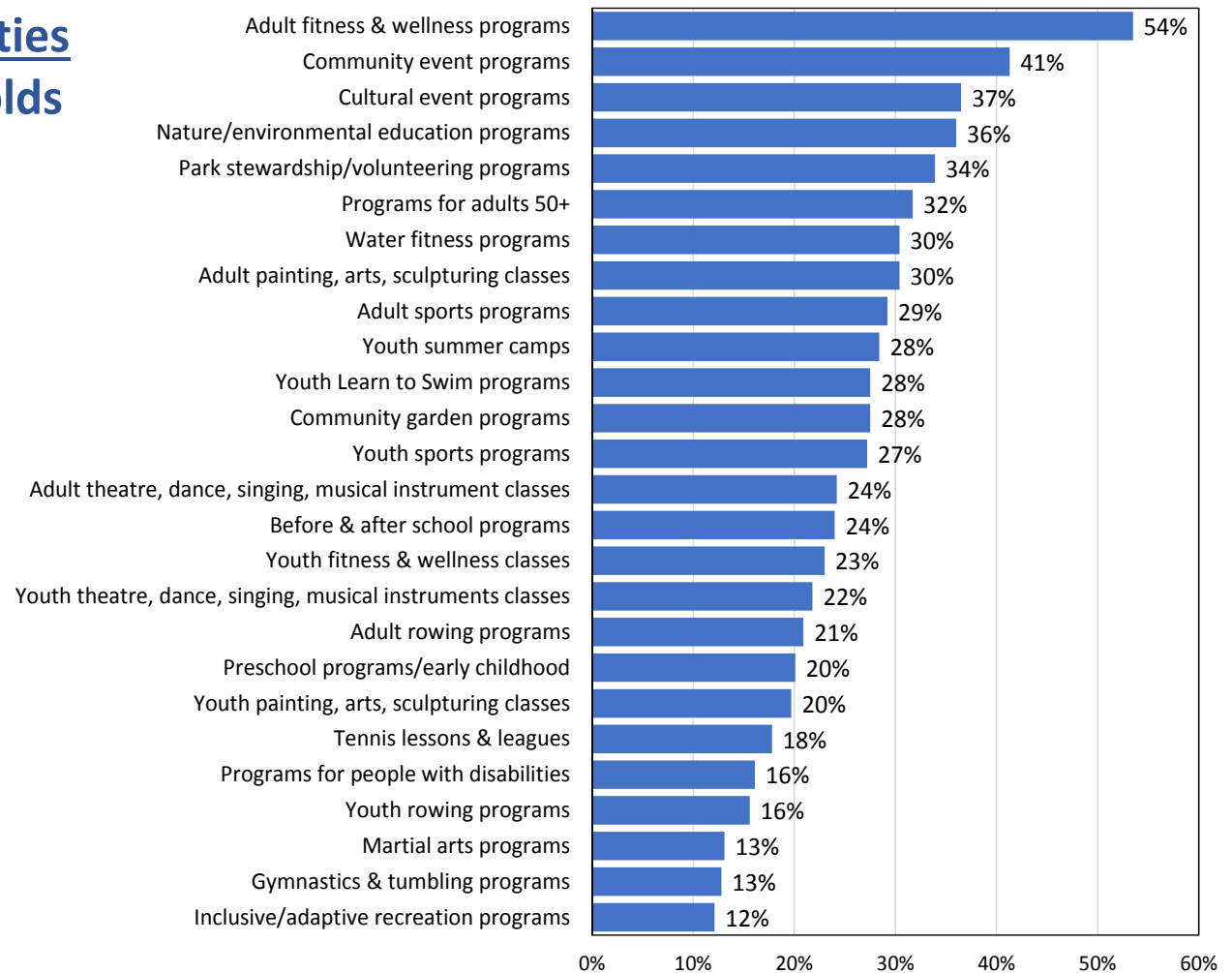
Q18a. Which of the following community event(s) did you attend?

by percentage of respondents who attended community event(s) in the past 12-months



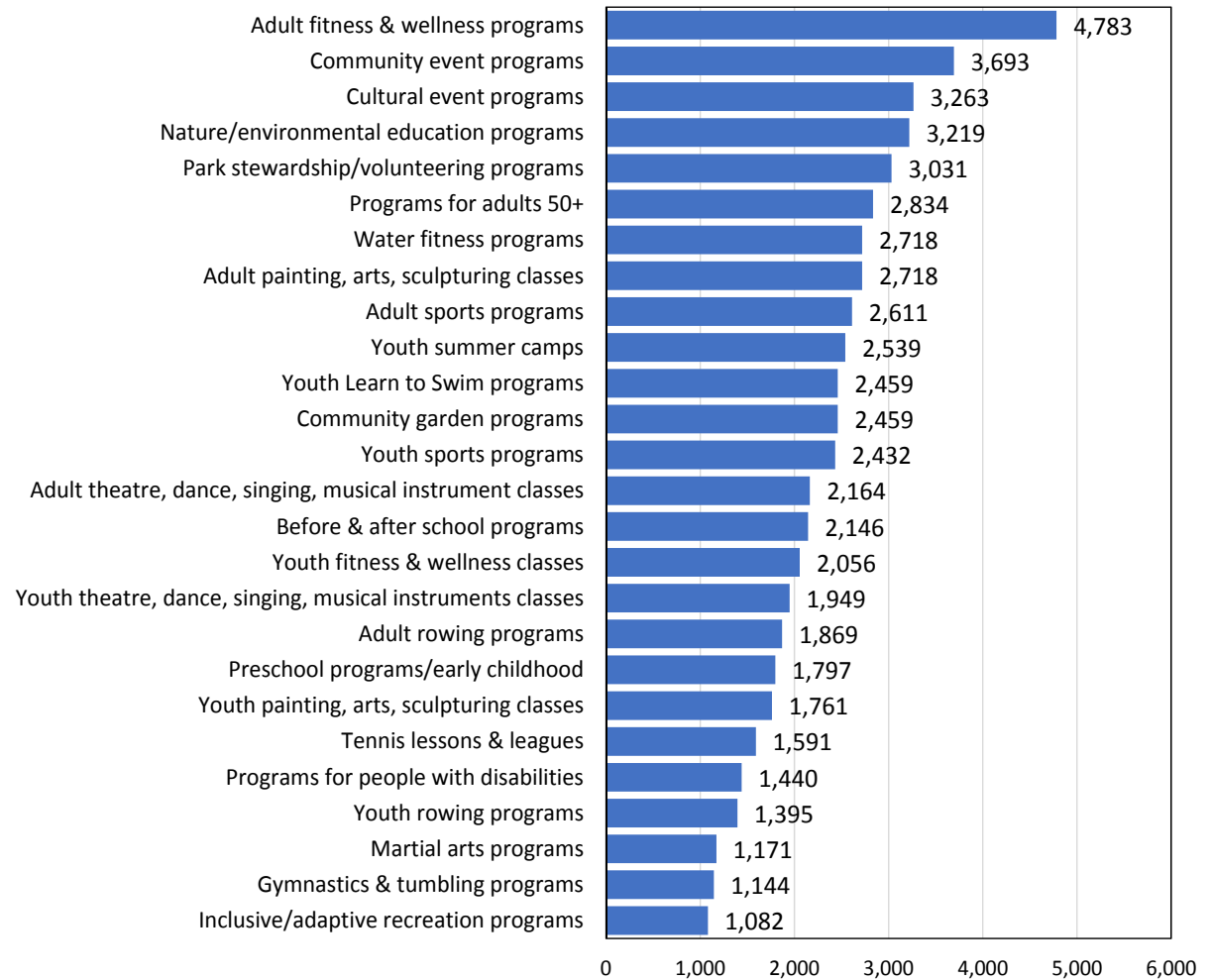
Q19. Programs/Activities Respondent Households Have a Need For

*by percentage of respondents
(multiple choices could be chosen)*



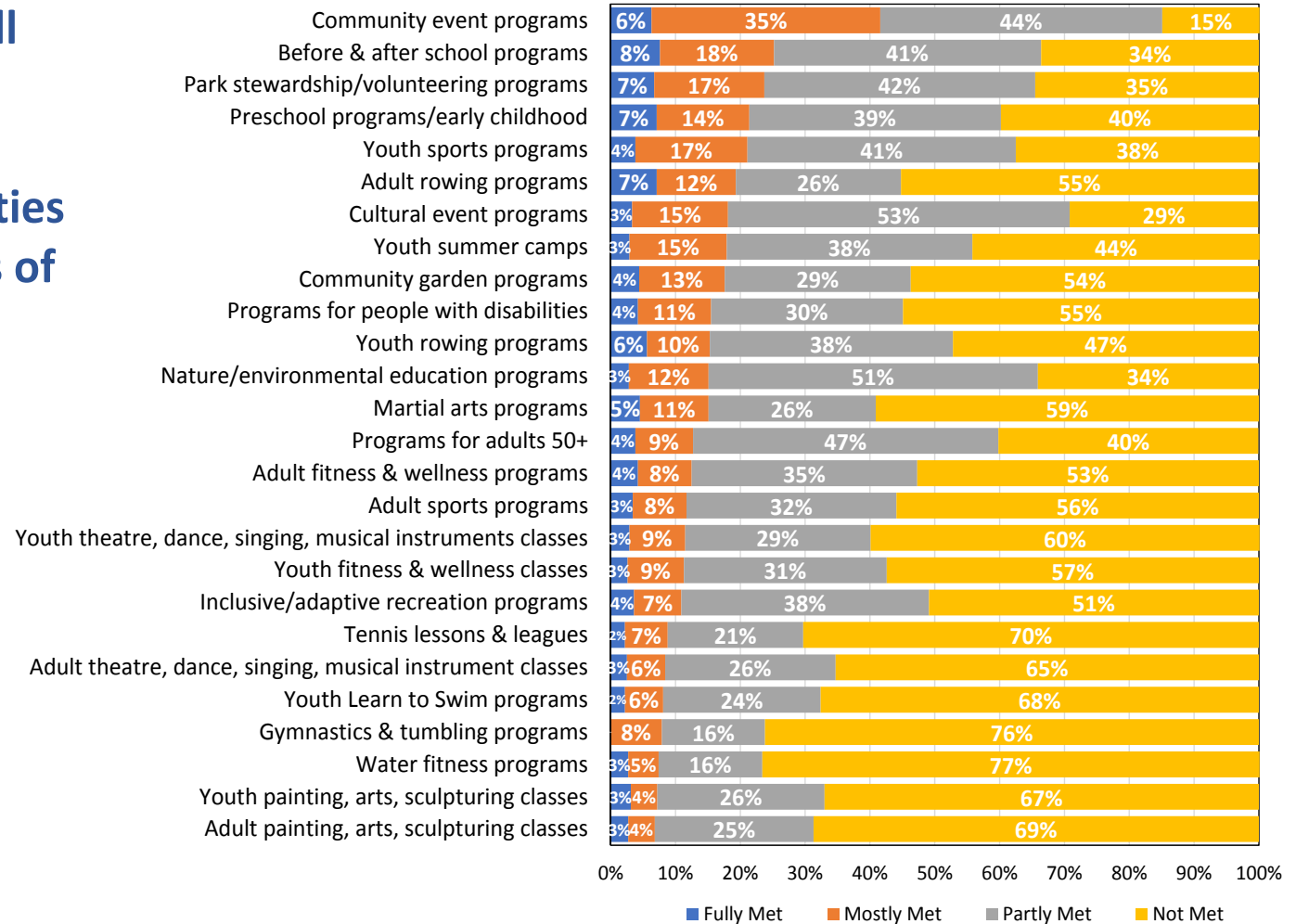
Q19. Estimated Number of Households That Have a Need for Various Programs/Activities

by number of households based on 8,941 households in the City of Kenmore, Washington



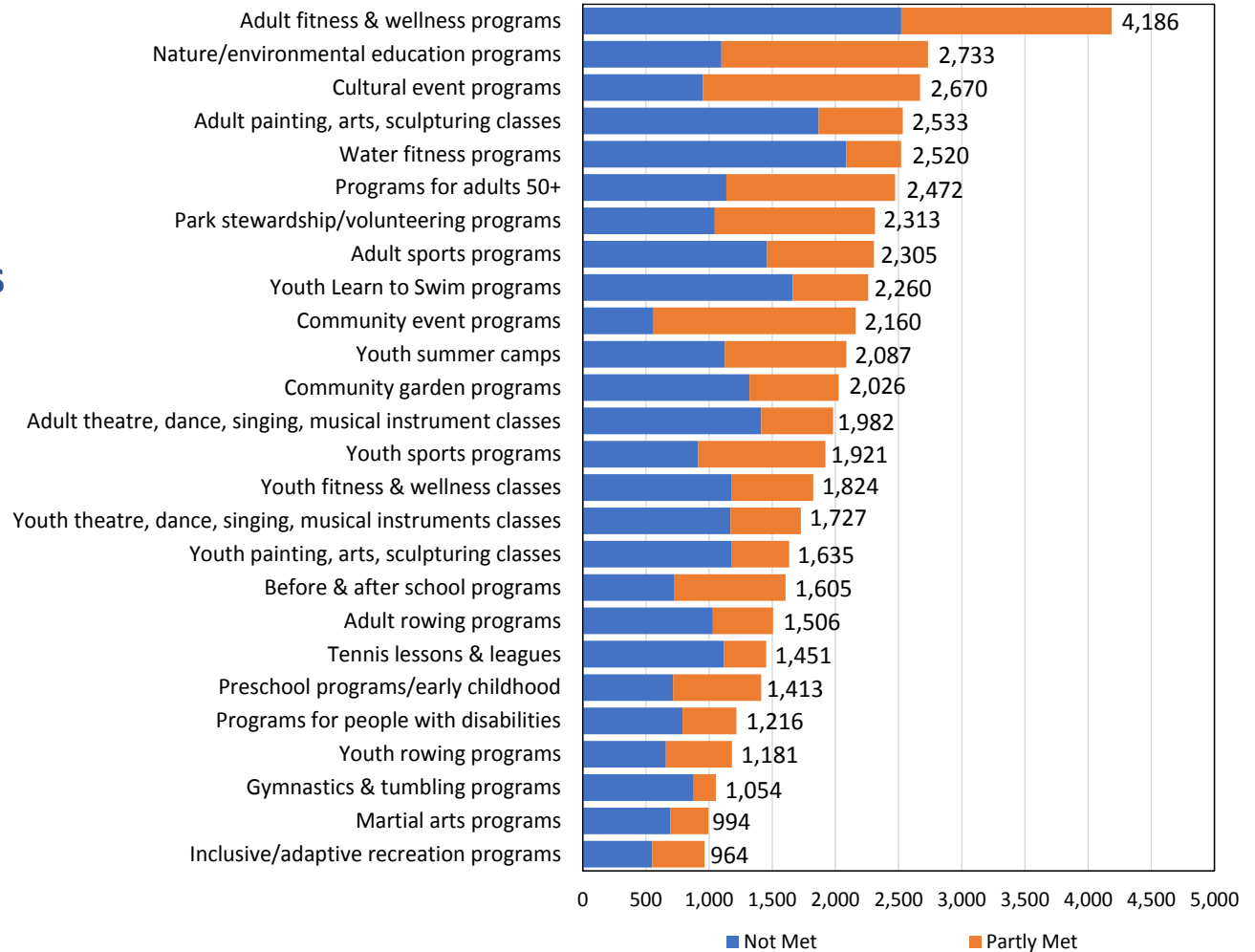
Q19. How Well Parks and Recreation Programs/Activities Meet the Needs of Respondent Households

*by percentage of respondents
with a need for
programs/activities*



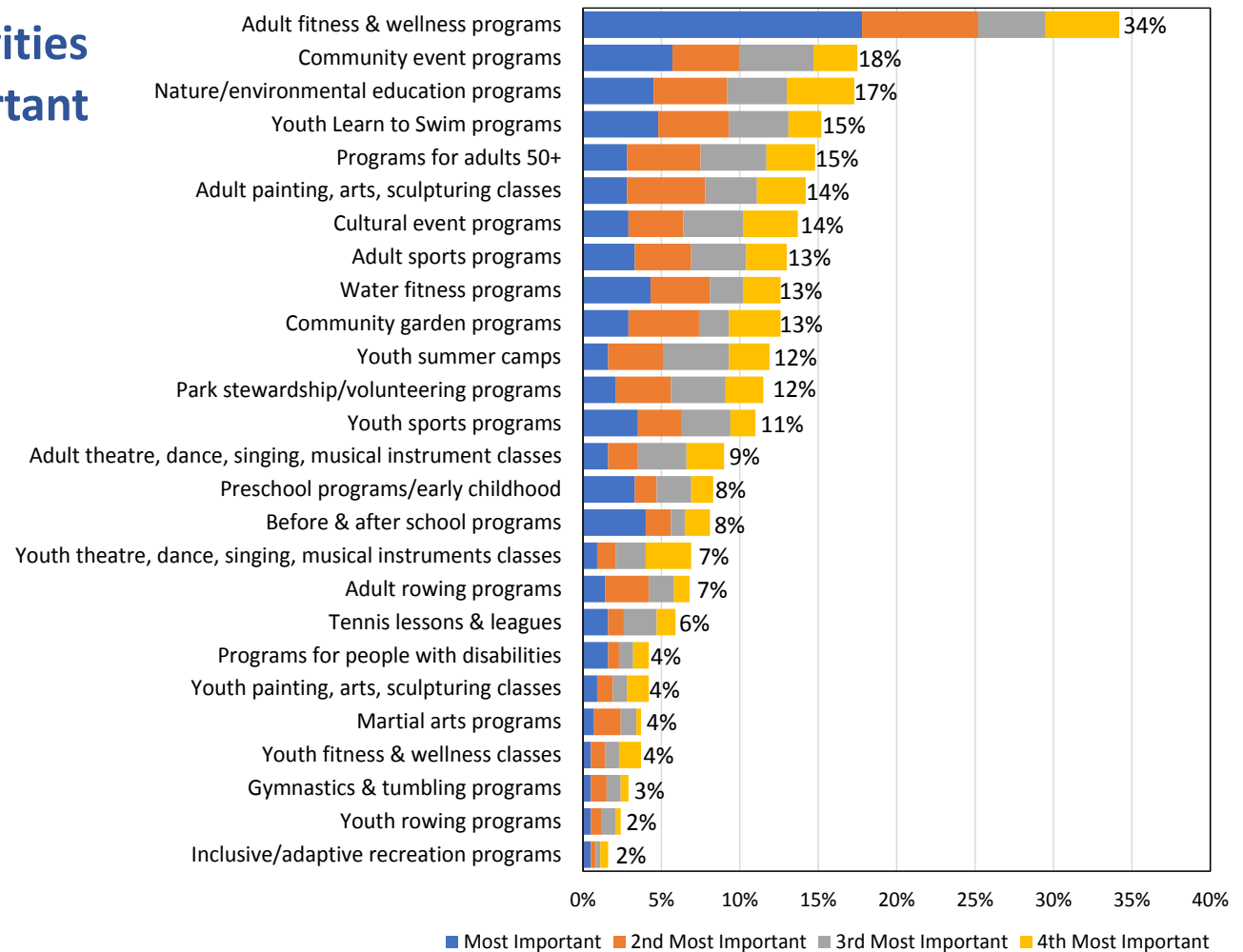
Q19. Estimated Number of Households Whose Needs for Programs/Activities Are Being Not Met or Partly Met

by number of households based on 8,941 households in the City of Kenmore, Washington



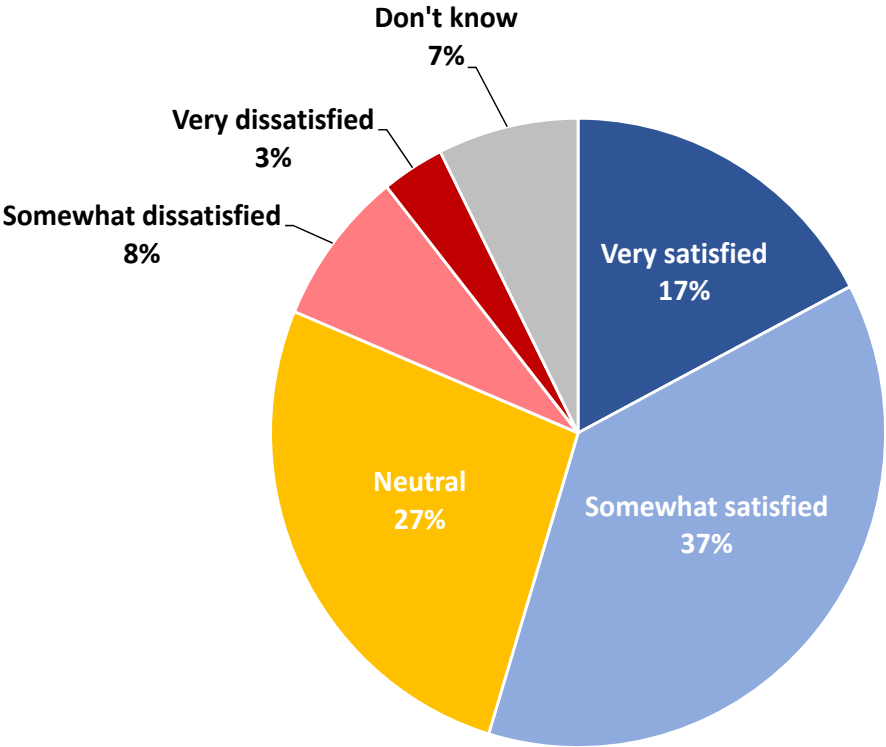
Q20. Programs/Activities That Are Most Important to Respondent Households

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

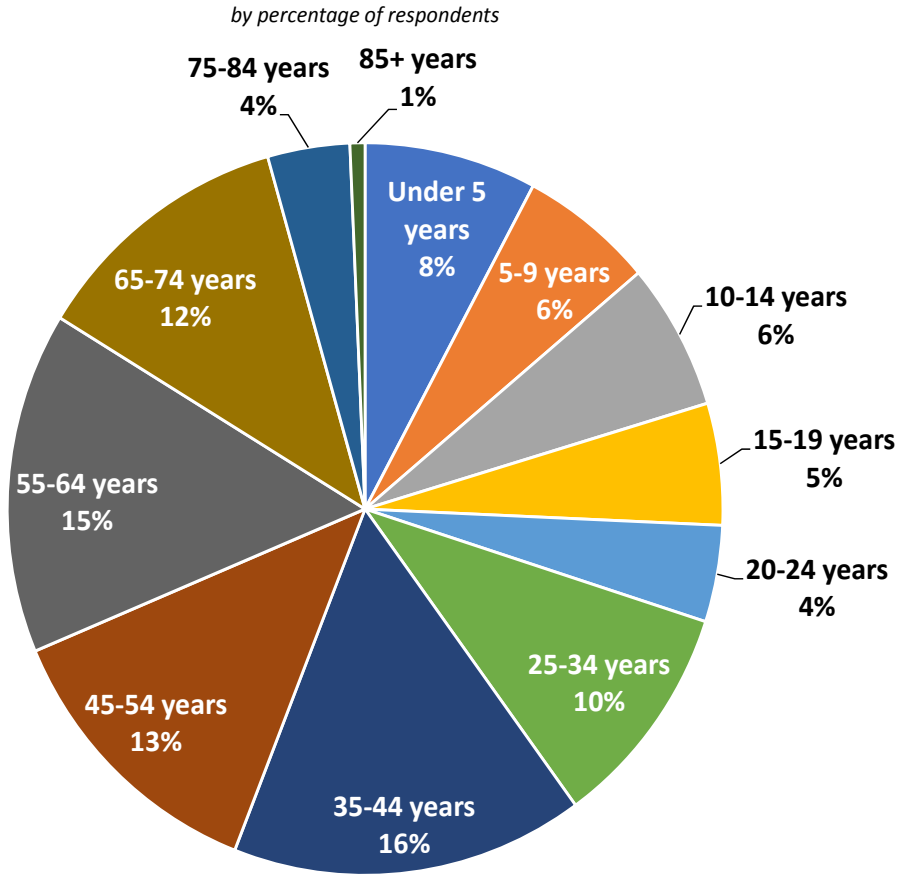


Demographics



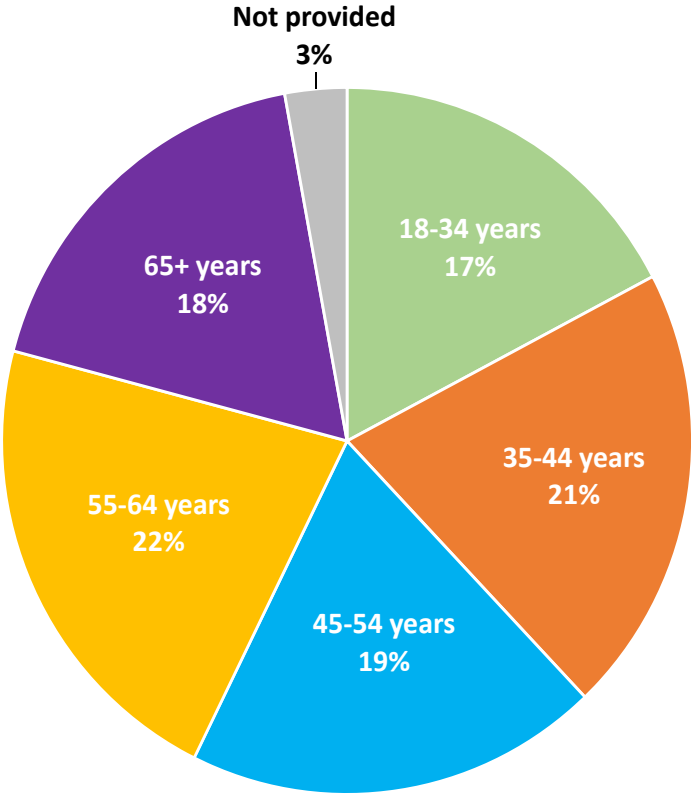
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Q22. Counting yourself, how many people in your household are...

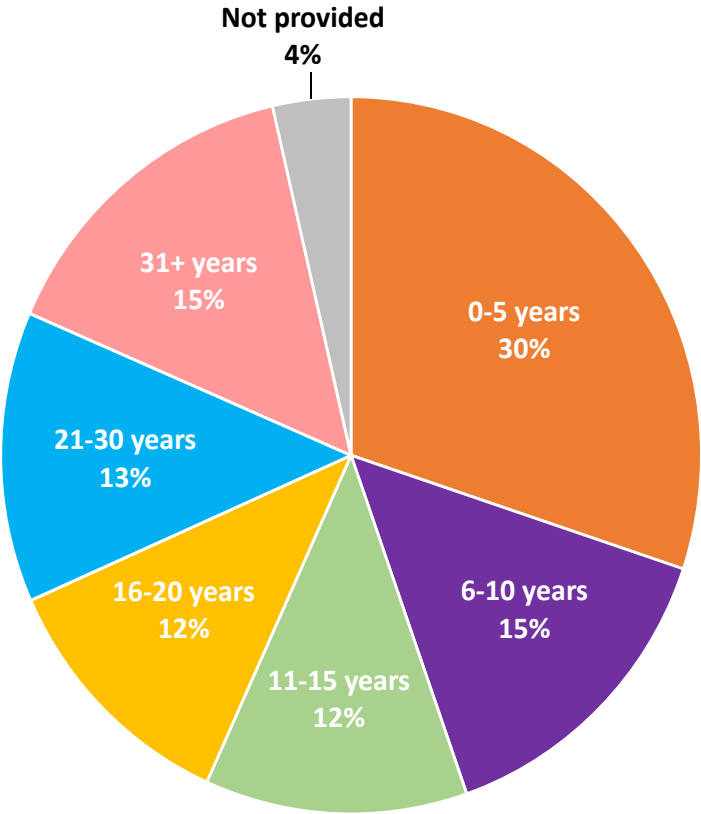


Q23. What is your age?

by percentage of respondents

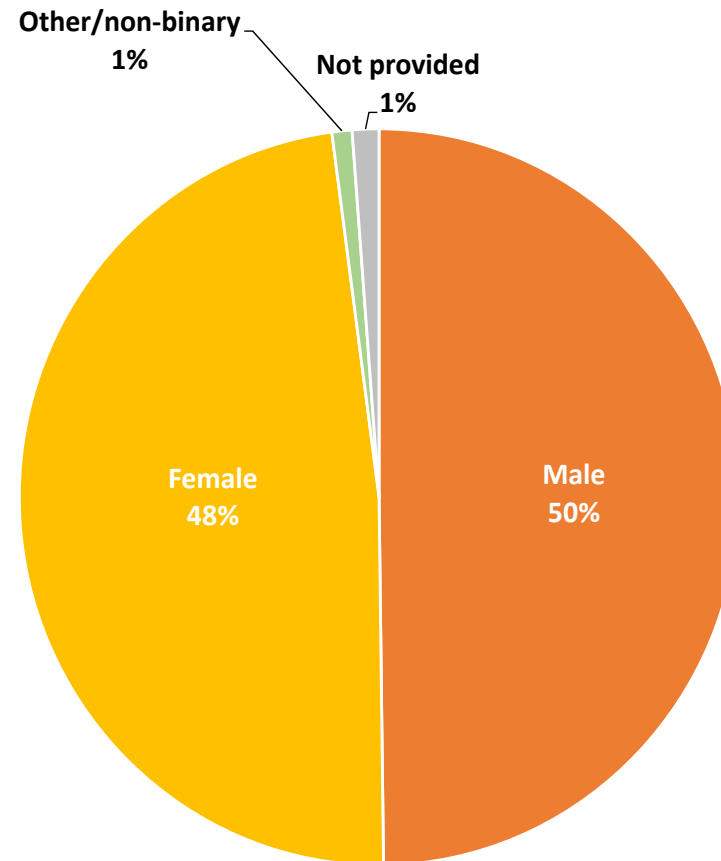


Q24. How many years have you lived in the City of Kenmore?
by percentage of respondents

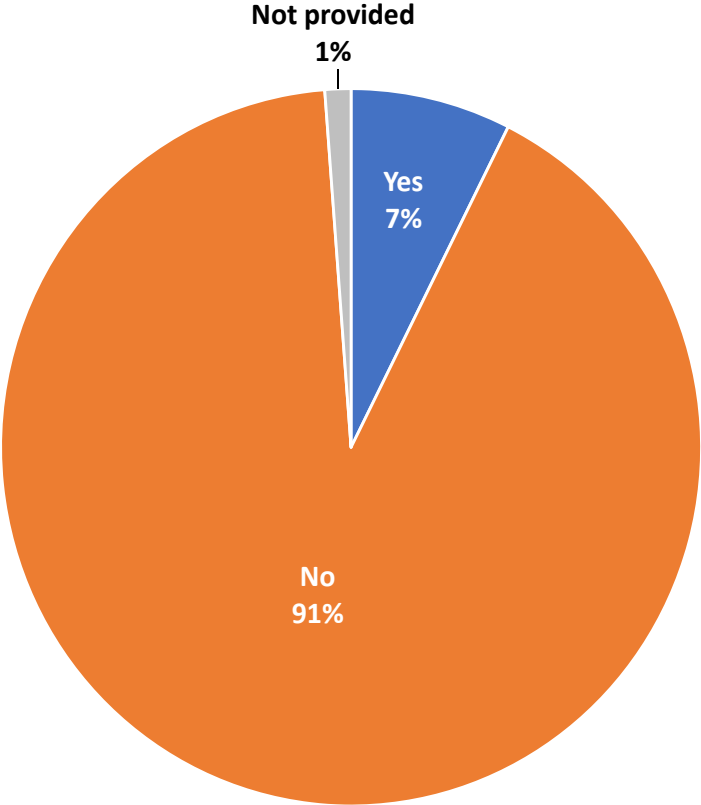


Q25. Your gender:

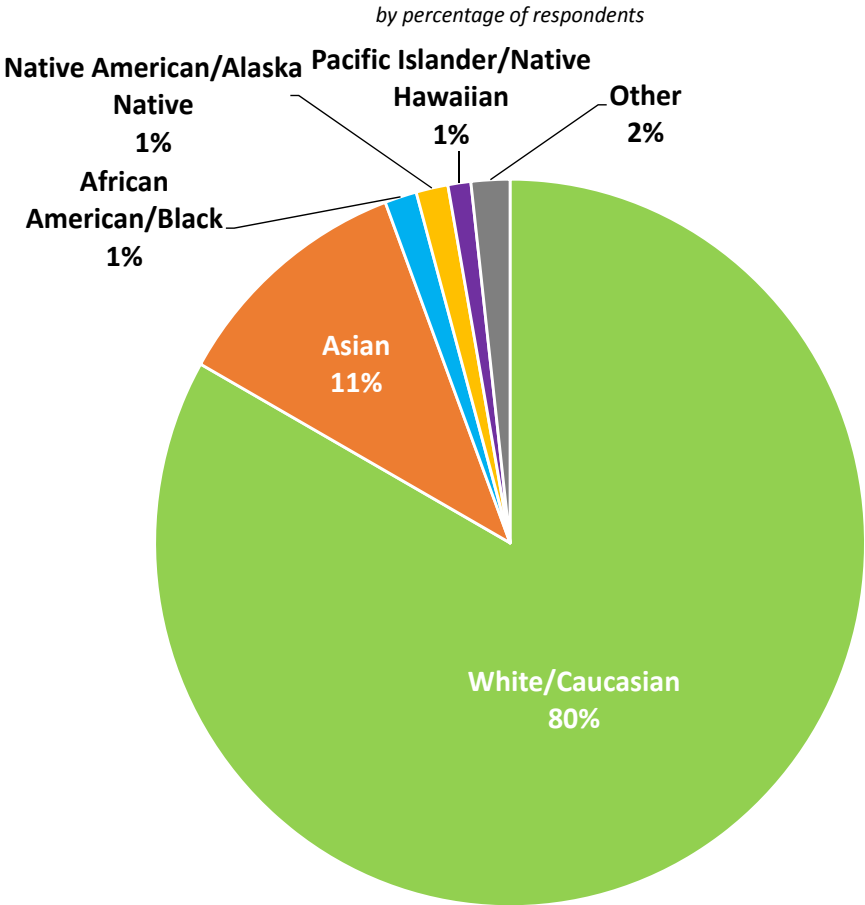
by percentage of respondents



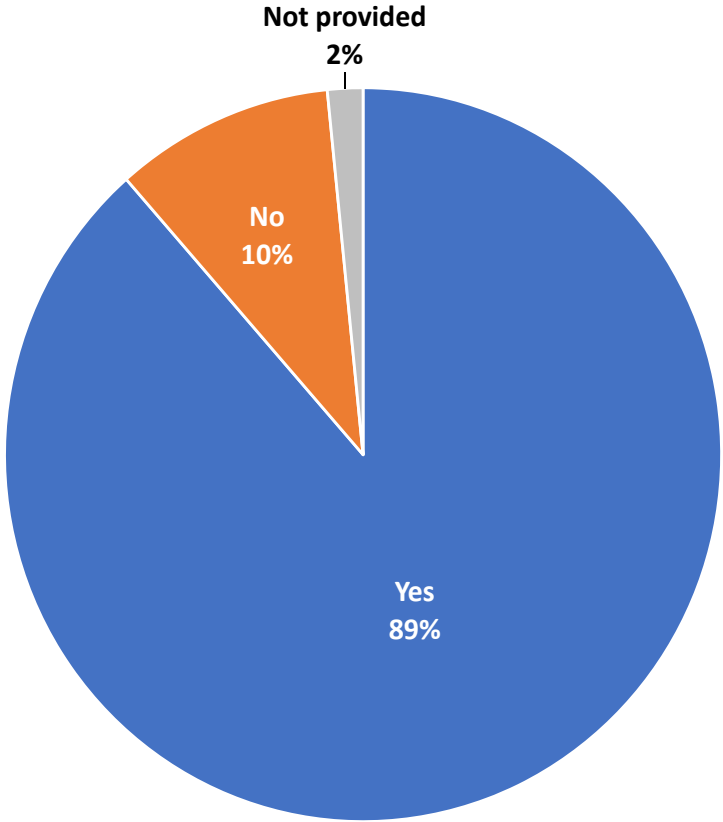
Q26. Are you of Hispanic or Latino ancestry?
by percentage of respondents



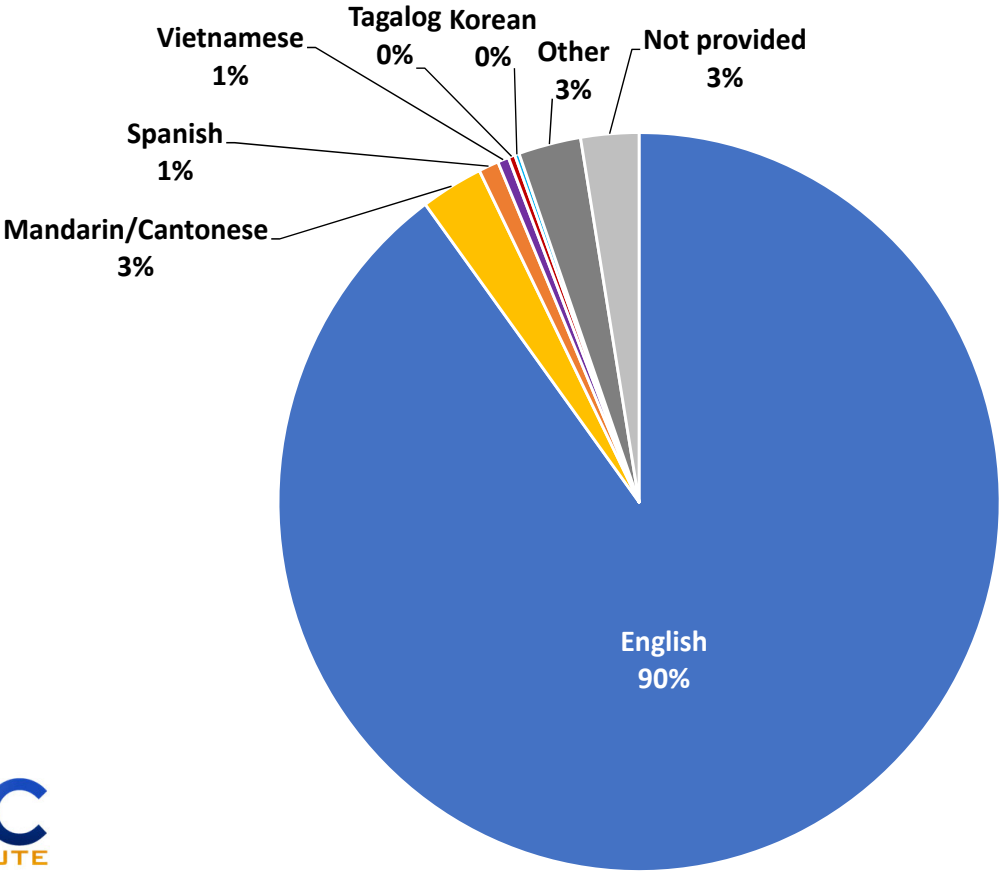
Q27. Which of the following best describes your race/ethnicity?



Q28. Is English your first language? *by percentage of respondents*

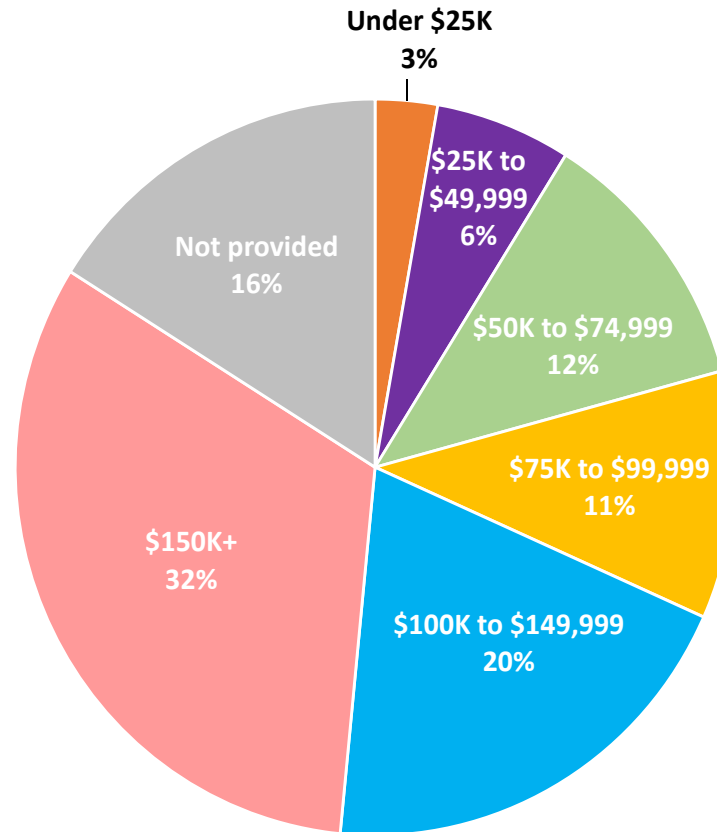


Q29. What is your primary language spoken in your home?
by percentage of respondents



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

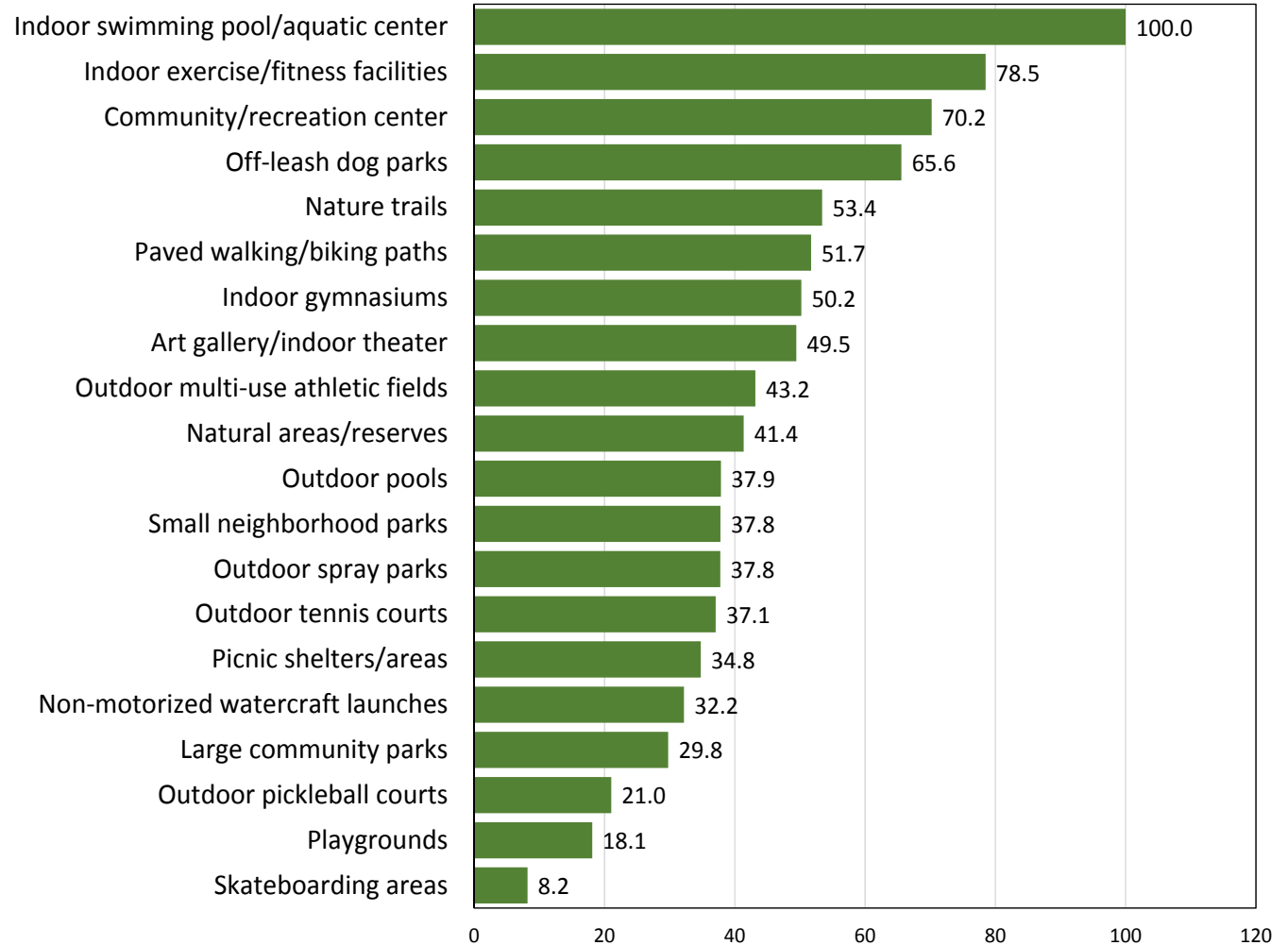


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Unmet Needs Rating for Recreation Facilities

the rating for the item with the most unmet need=100

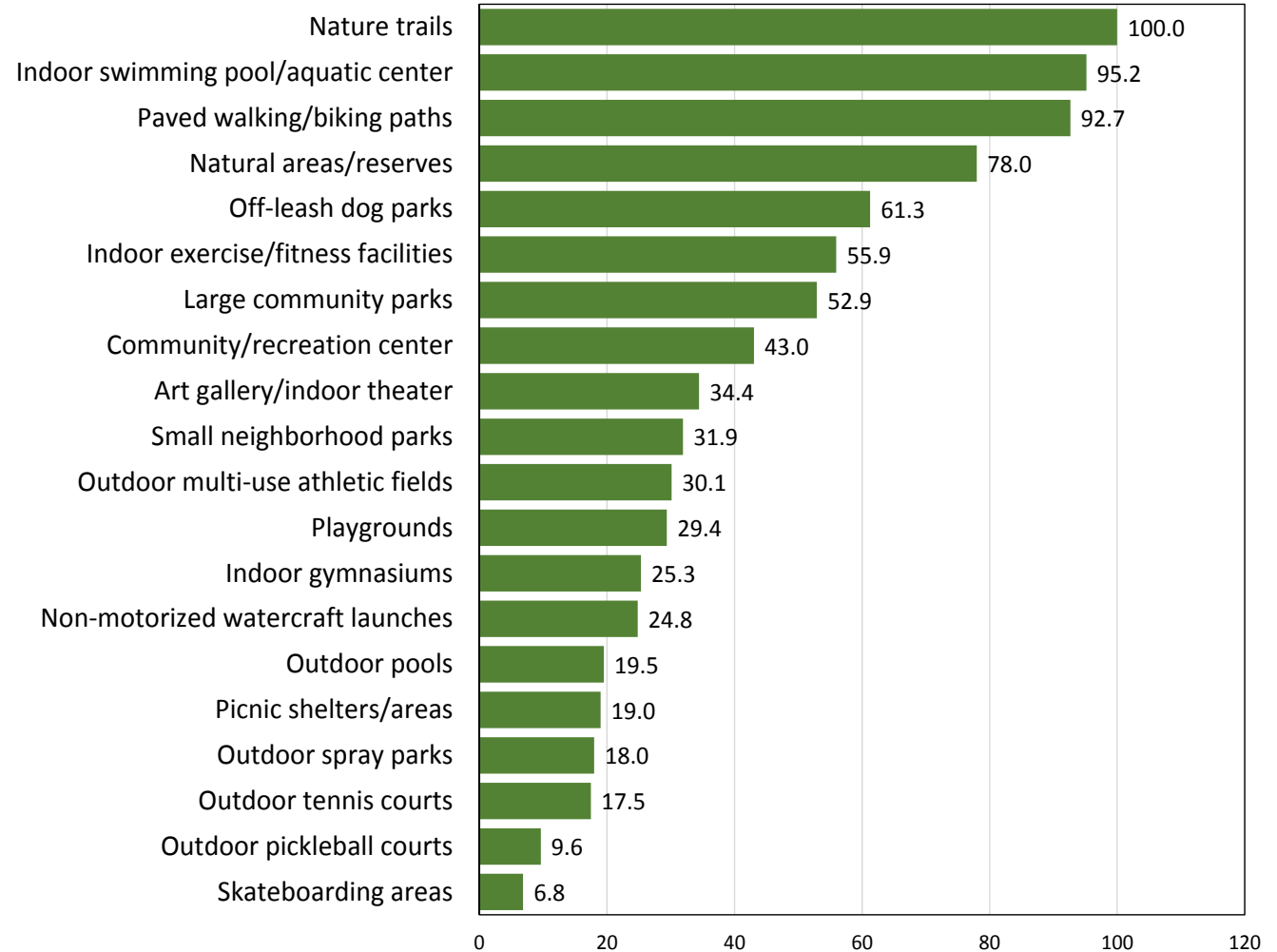
the rating of all other items reflects the relative amount of unmet need for each item compared to the item with the most unmet need



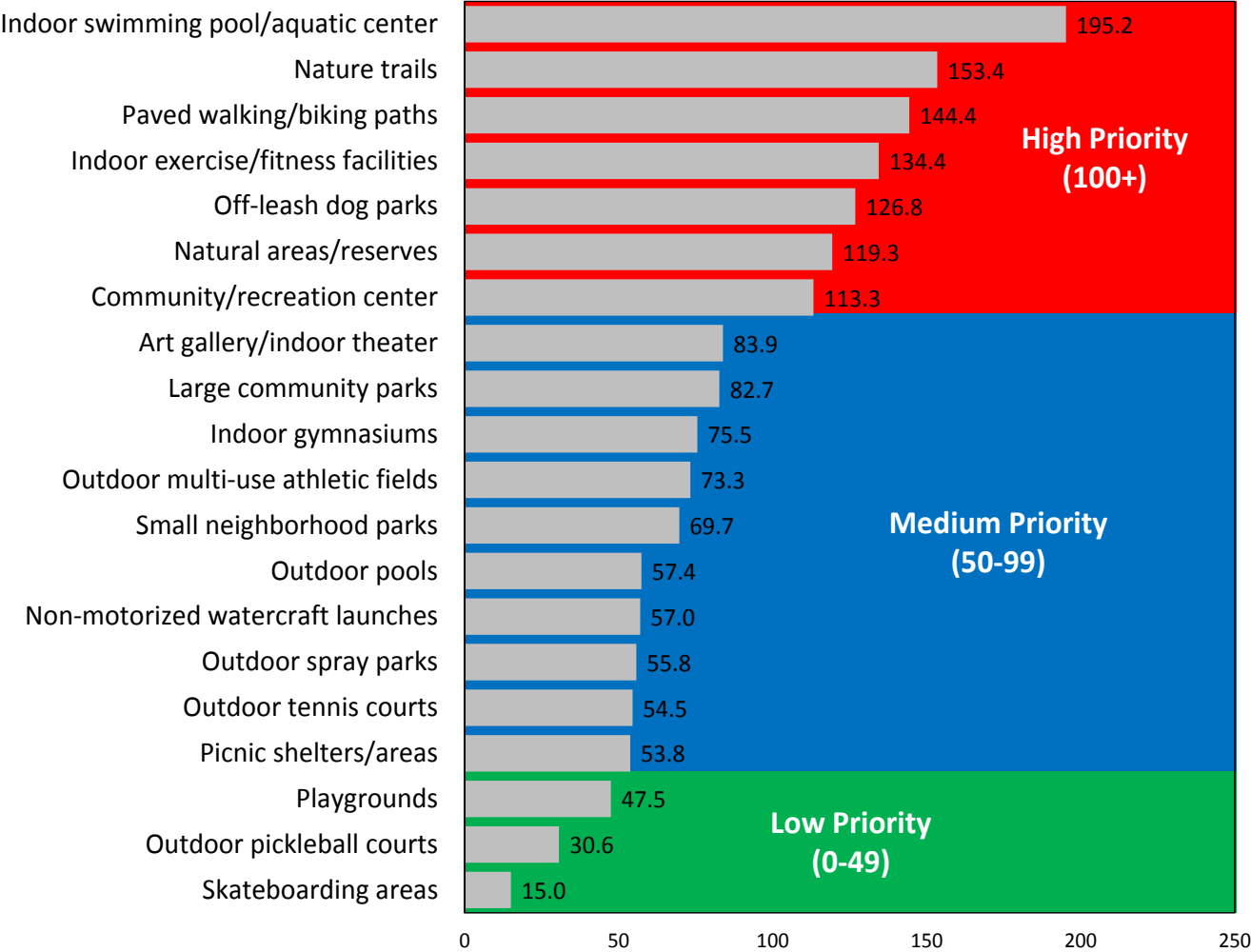
Importance Rating for Recreation Facilities

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*



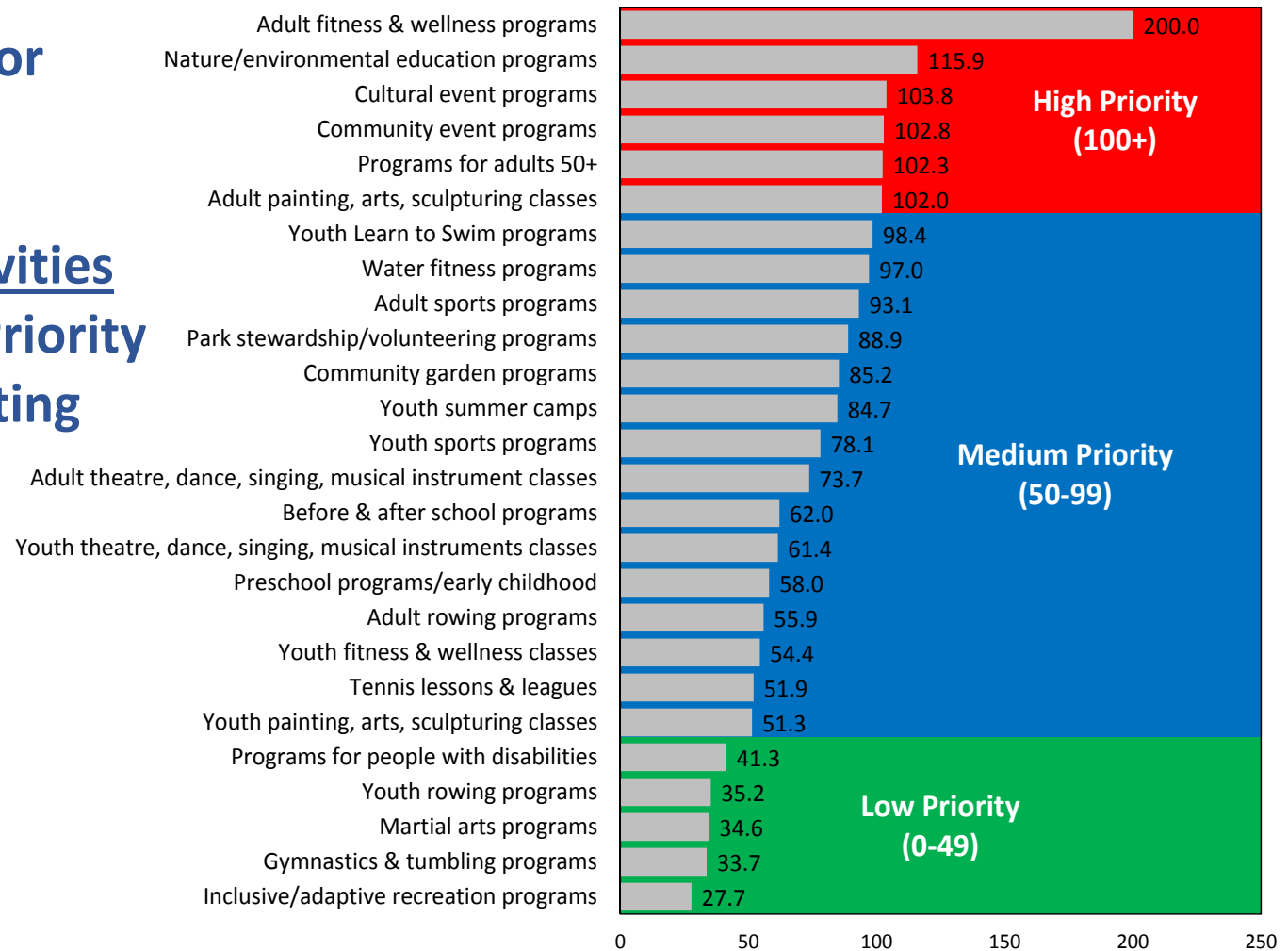
Importance Rating for Recreation Programs/Activities

*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 %
Inglemoor 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>	1	1.4 %
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 opportunitie- s 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?

<u>Q18a. What community event(s) did you attend</u>	<u>Number</u>	<u>Percent</u>
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

<u>Q18a-13. Other</u>	<u>Number</u>	<u>Percent</u>
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 %
<u>COMMUNITY INFORMATION AND MEETINGS</u>	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

Q19-27. Other	Number	Percent
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 %
COMMUNITY SAILING PROGRAM	1	10.0 %
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 %
Other	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 %
Puerto Rican	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
☐ (02) City of Kenmore printed newsletter
☐ (03) City of Kenmore social media
☐ (04) City of Kenmore's electronic newsletter
☐ (05) City of Kenmore's website(Kenmorewa.gov)
☐ (06) Friends and family/word of mouth
☐ (07) Local social media
☐ (08) Online search engine
☐ (09) Radio
☐ (10) Seattle Times
☐ (11) Other: _____

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

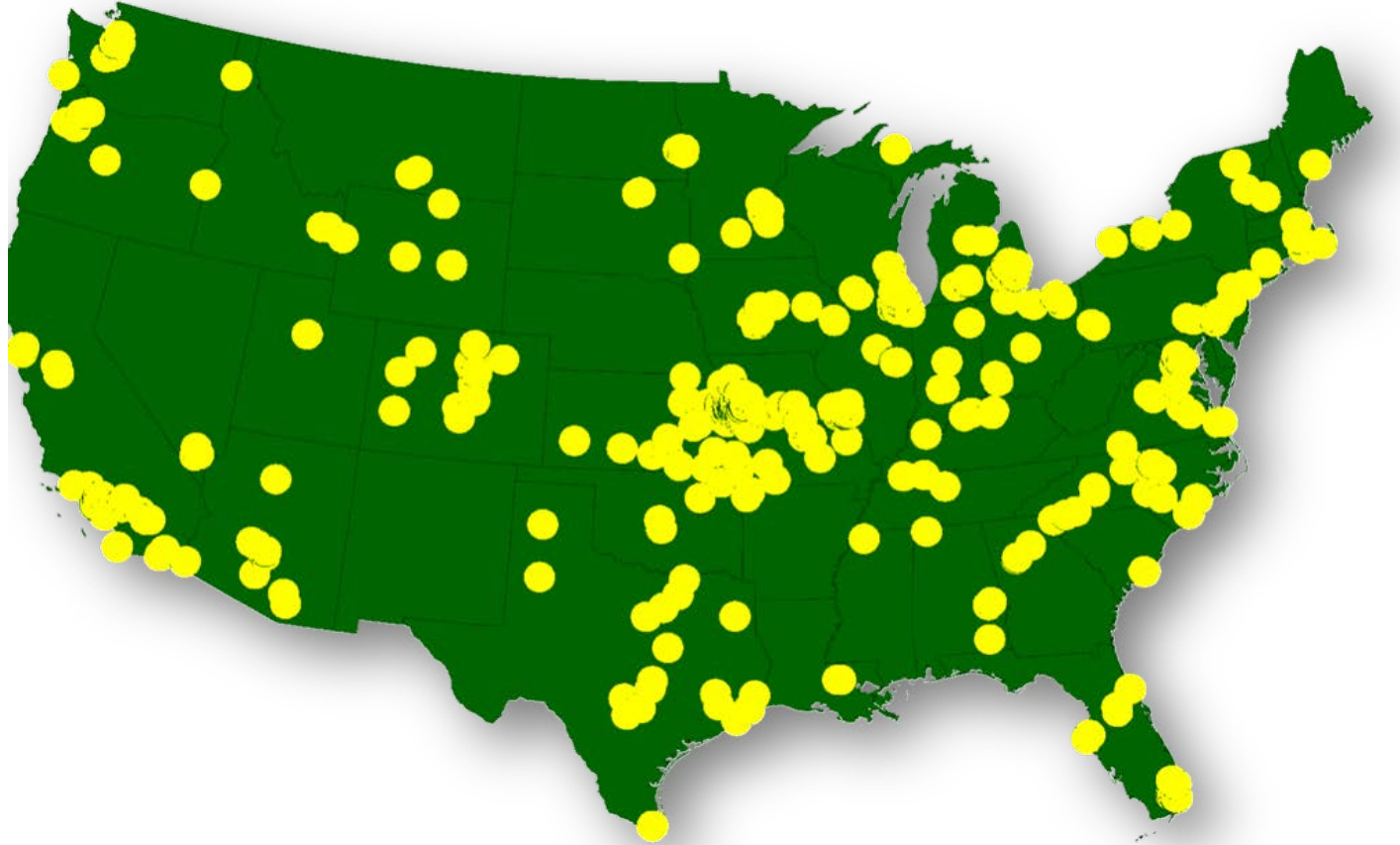
Your responses will remain completely confidential. The address information printed to the right will ONLY be used to help identify geographic areas with special interests.

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.

City of Kenmore Parks and Recreation Survey

Presented by ETC Institute





A National Leader in Market Research for Local Governmental Organizations
More than 2,000,000 Persons Surveyed Since 2009 in more than 900 cities in 49 states
Helping organizations make better decisions

ETC Institute

- Founded in 1982 by Dr. Elaine Tatham
- Specialize in the design and administration of market research for governmental organizations
 - Parks and recreation
 - Community planning
 - Business surveys
 - Employee surveys
 - Transportation surveys
 - Voter opinion surveys
 - Focus groups and stakeholder interviews
- Our research is implementation oriented
- Our research helps balance the needs of the public with special interest groups

Purpose

- Administered as the City begins to update its Parks, Recreation, and Open Space Plan
- To objectively assess leisure and recreation needs in the community
- To help establish priorities for the future improvements of parks, recreation facilities, programs, and services within the community

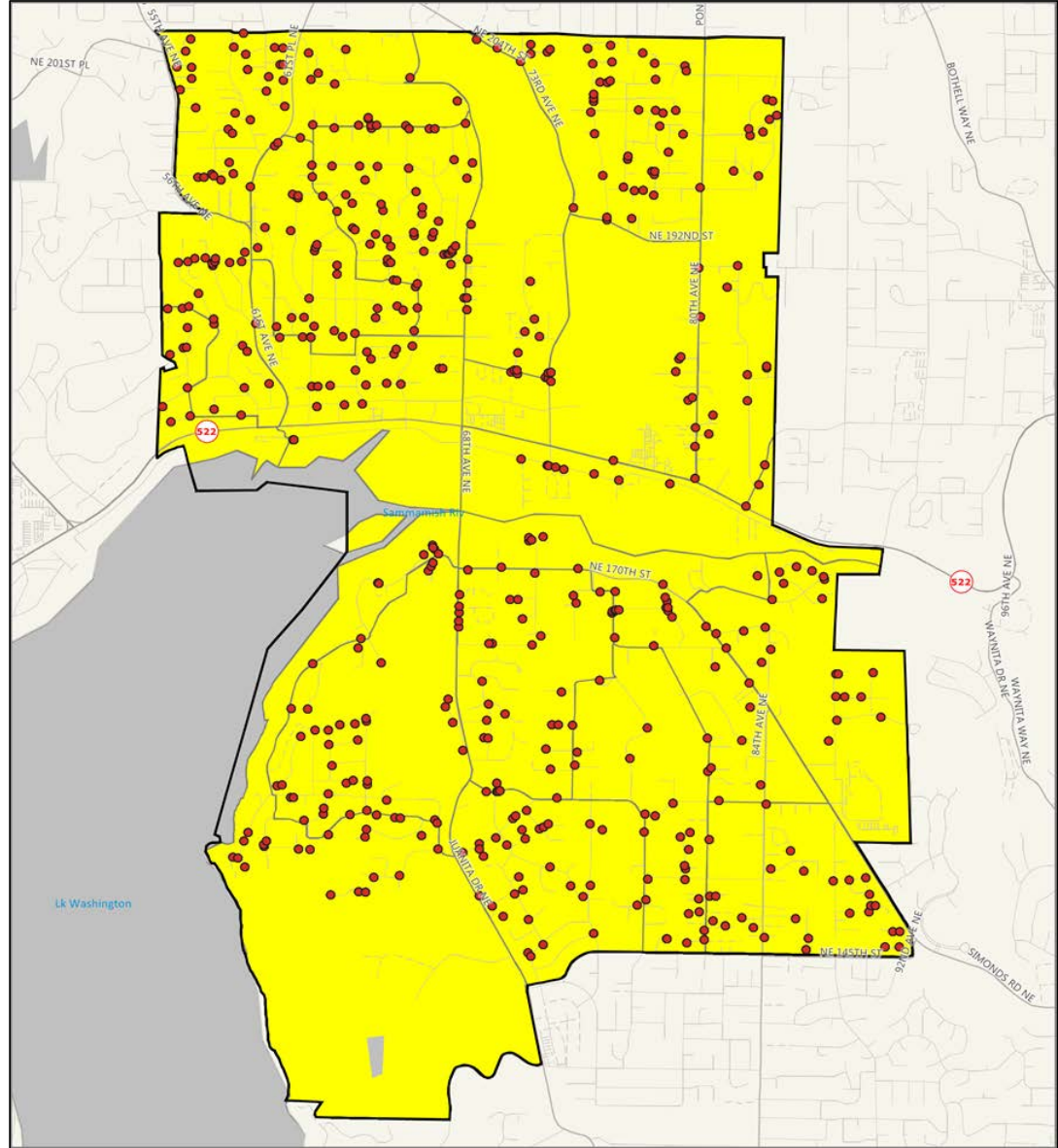
Methodology

- Survey Description
 - Six-page survey
 - 1st survey conducted for the City by ETC Institute
- Method of Administration
 - By mail, online, and phone to a randomly selected sample of households
 - Each survey took approximately 10-15 minutes to complete
- Sample Size Goal: 400
 - 578 actually completed
 - Margin of error: +/- 4.02% at the 95% level of confidence

Methodology – Priority Investment Ratings

- Objective tool used for evaluating the priority that should be placed on parks and recreation investments
- Identifies facilities and programs residents think should receive the highest priority for investment
- Reflects the importance residents place on items and the unmet needs for each item
- The PIR reflects the sum of the Unmet Needs Rating and the Importance Rating
 - $PIR = UNR + IR$
- Investing in items that are determined to be a High Priority will have the greatest impact on the largest number of residents

ETC Institute geocoded the home address of each respondent to help determine needs from throughout the community



What We Learned

- 58% of respondents are satisfied with the number of recreation opportunities in the city
- 49% of respondents gave positive ratings when asked to rate the quality of recreation programs or classes offered in the city
- 79% of respondents are satisfied with the number of city-owned parks and recreation facilities
- 72% of respondents are satisfied with the progress the city is making in improving and investing in parks and recreation facilities
- 91% of those rated the physical condition of the park or facility as either “excellent” or “good”

Top Priorities for Investment

- **Facilities**

- Indoor swimming pool/aquatic center
- Nature trails
- Paved walking/biking paths
- Indoor exercise/fitness facilities
- Off-leash dog parks
- Natural areas/reserves
- Community recreation center

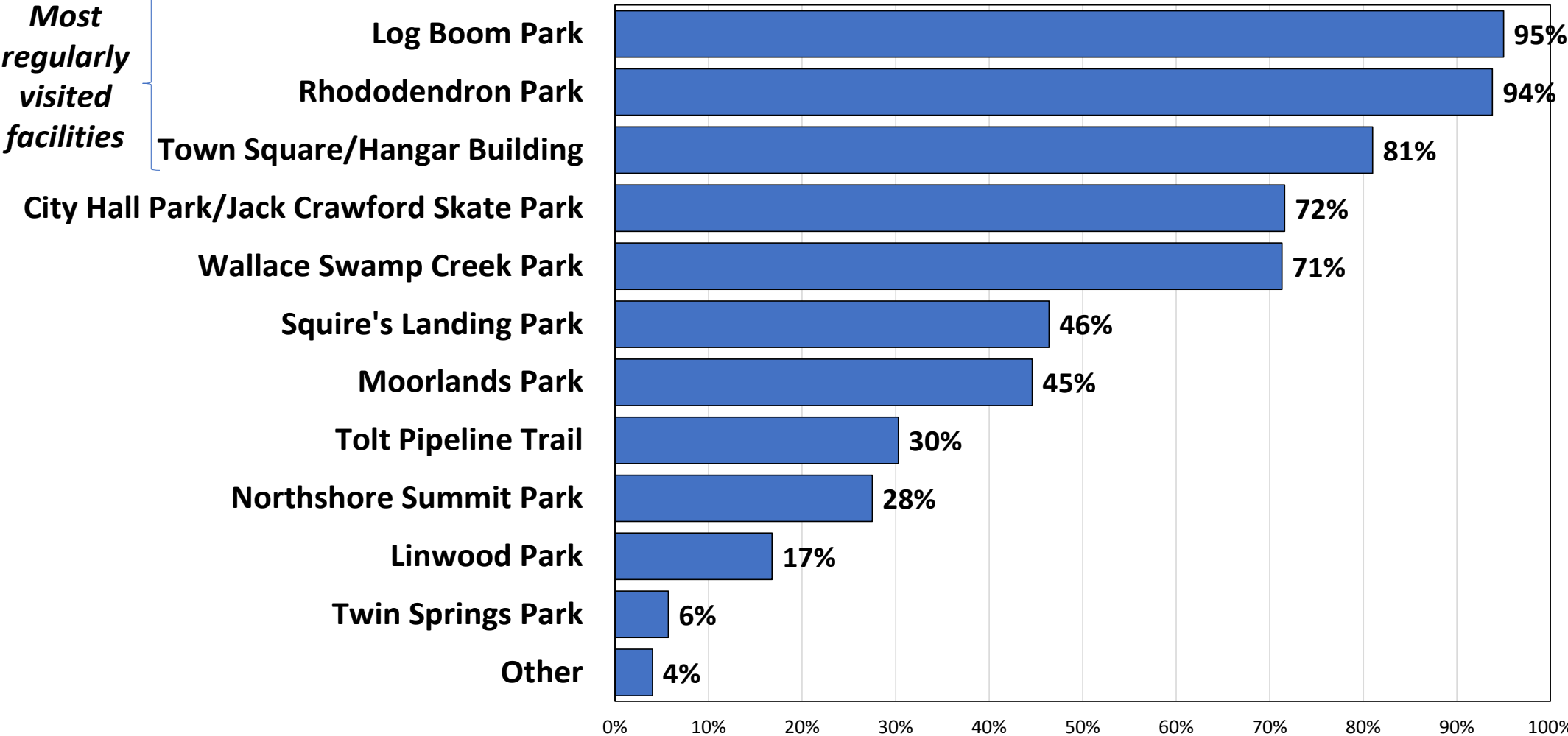
- **Programs/Activities**

- Adult fitness and wellness programs
- Nature/environmental education programs
- Cultural event programs
- Community event programs
- Programs for adults 50+
- Adult painting, arts, sculpturing class

Facility Use and Awareness

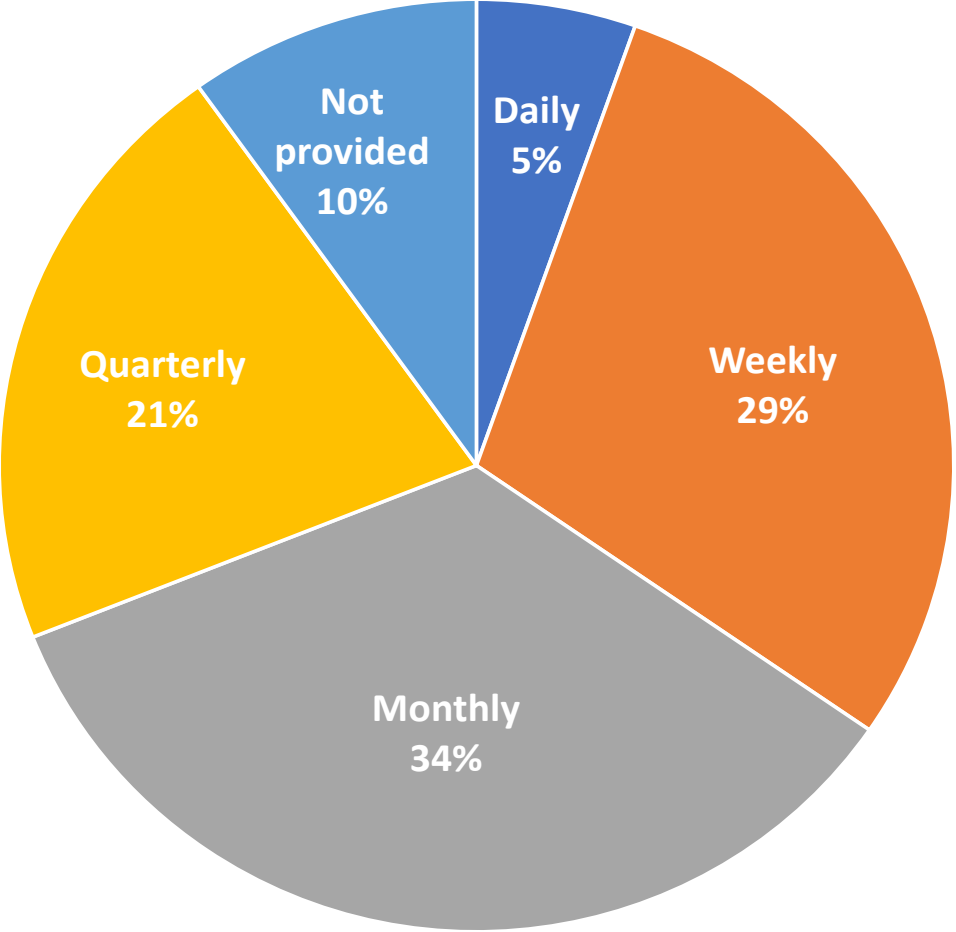
Q1. From the following list, please CHECK ALL the City of Kenmore parks or recreation facilities that you are aware of.

by percentage of respondents (multiple choices could be chosen)



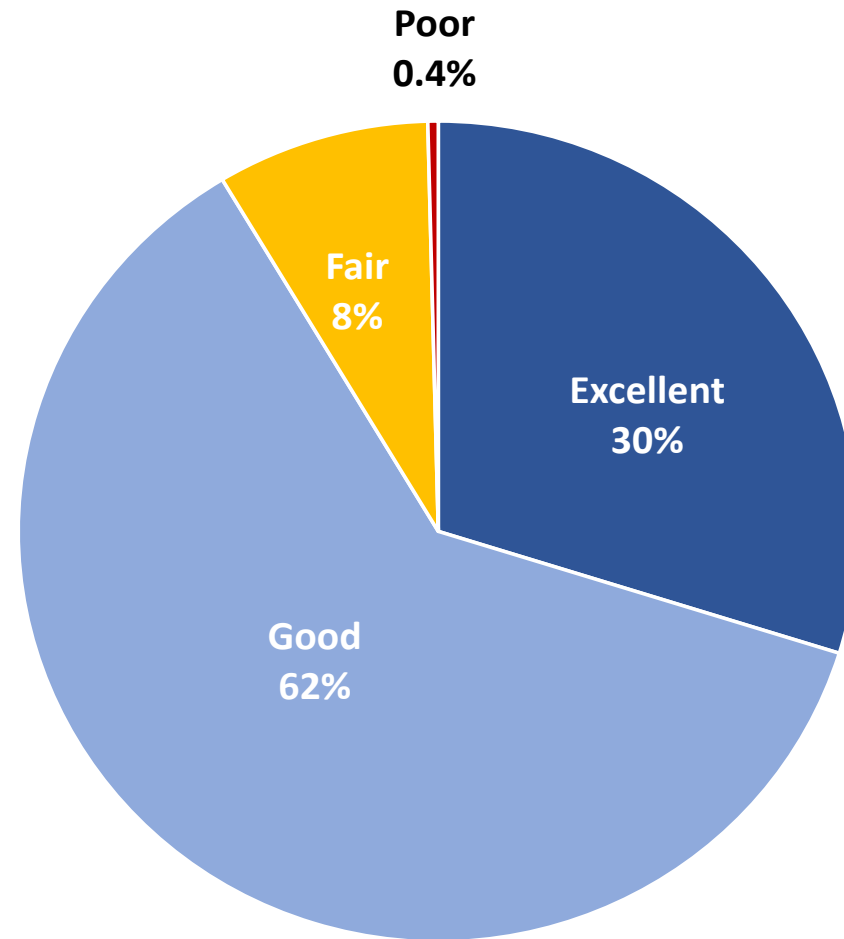
Q3. How often do you visit the City of Kenmore park and recreation facilities?

by percentage of respondents



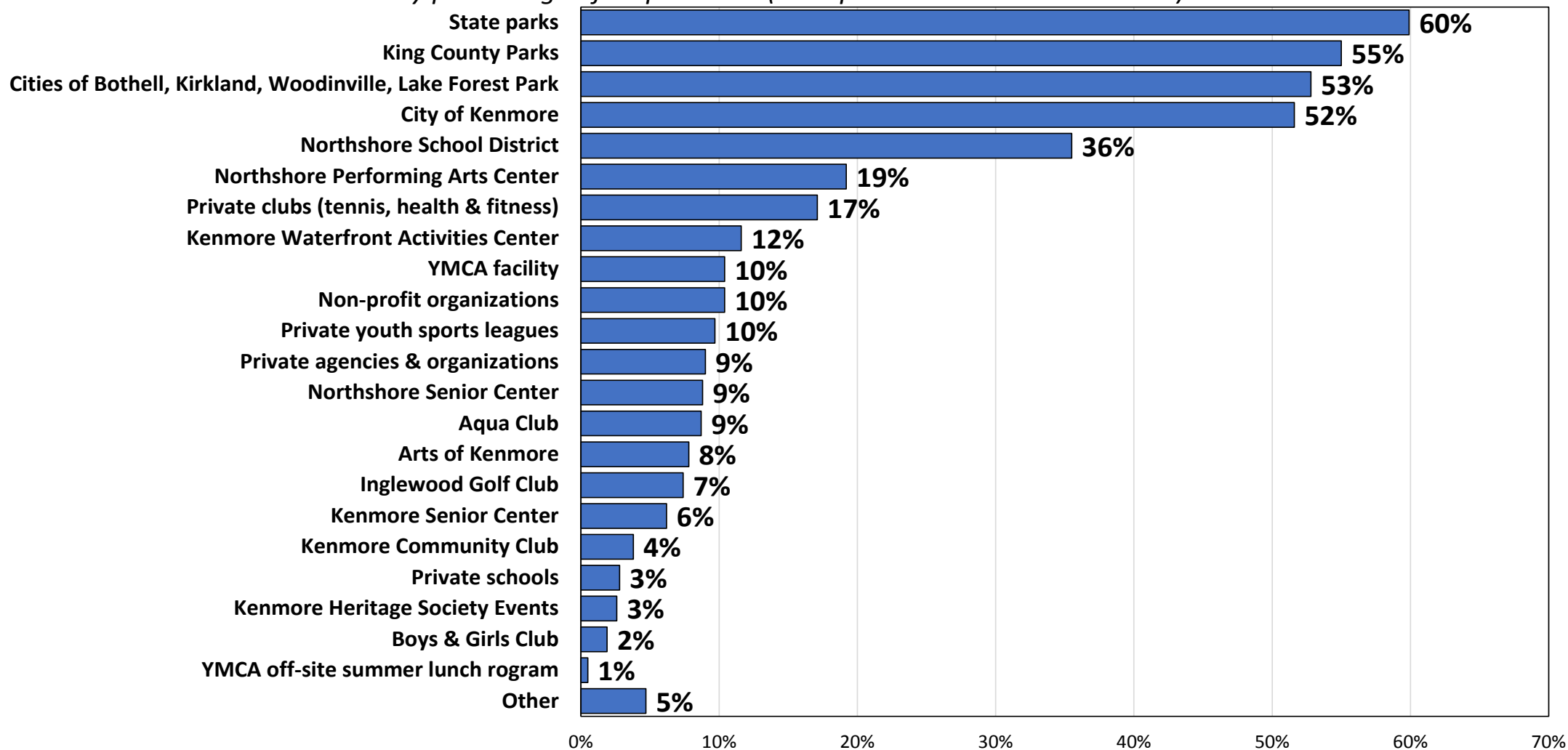
Q2. Overall, how would you rate the physical condition of ALL the City of Kenmore parks and recreation facilities you have visited?

by percentage of respondents who have visited facilities in the past 12-months



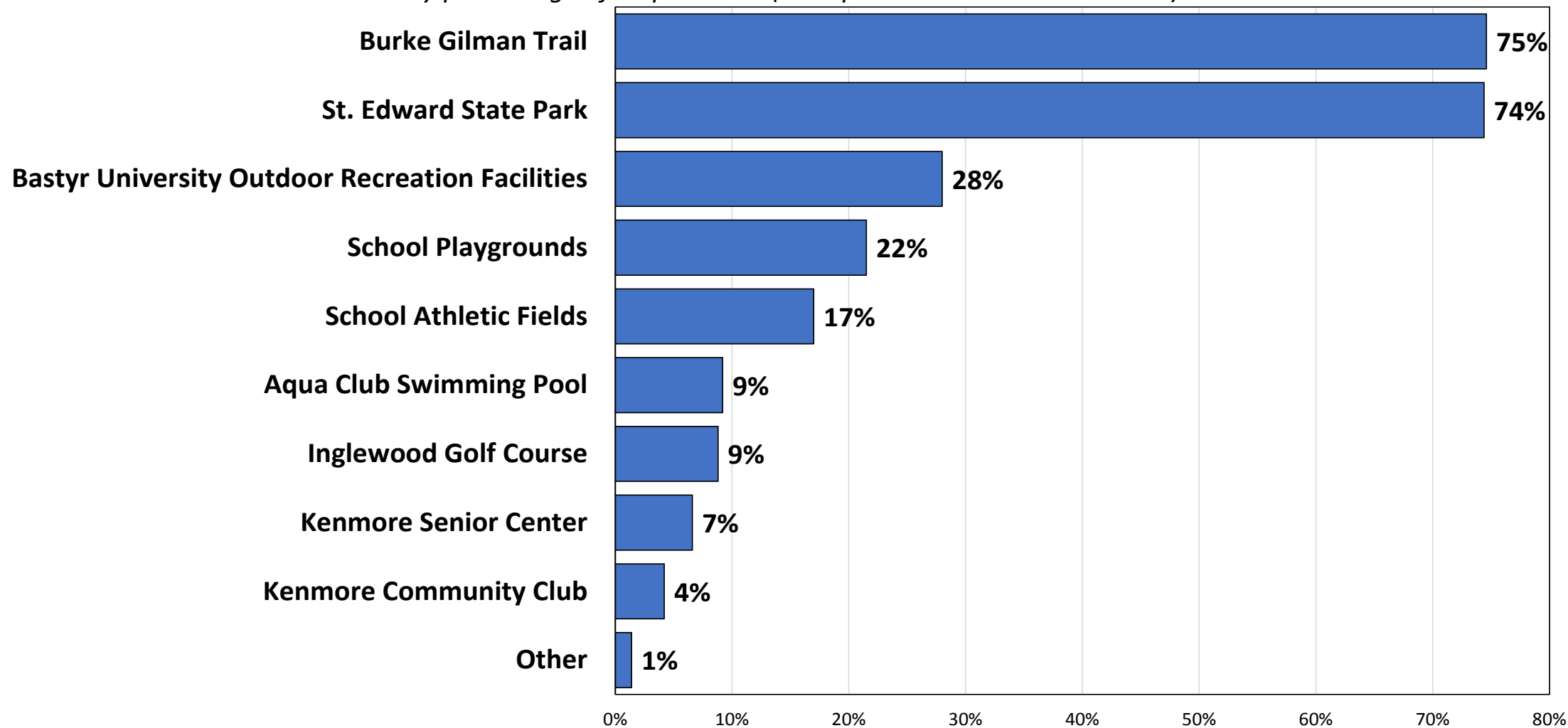
Q9. From the following list, please CHECK ALL the organizations that you and members of your household use for parks, recreation and cultural programs and facilities.

by percentage of respondents (multiple choices could be chosen)



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)

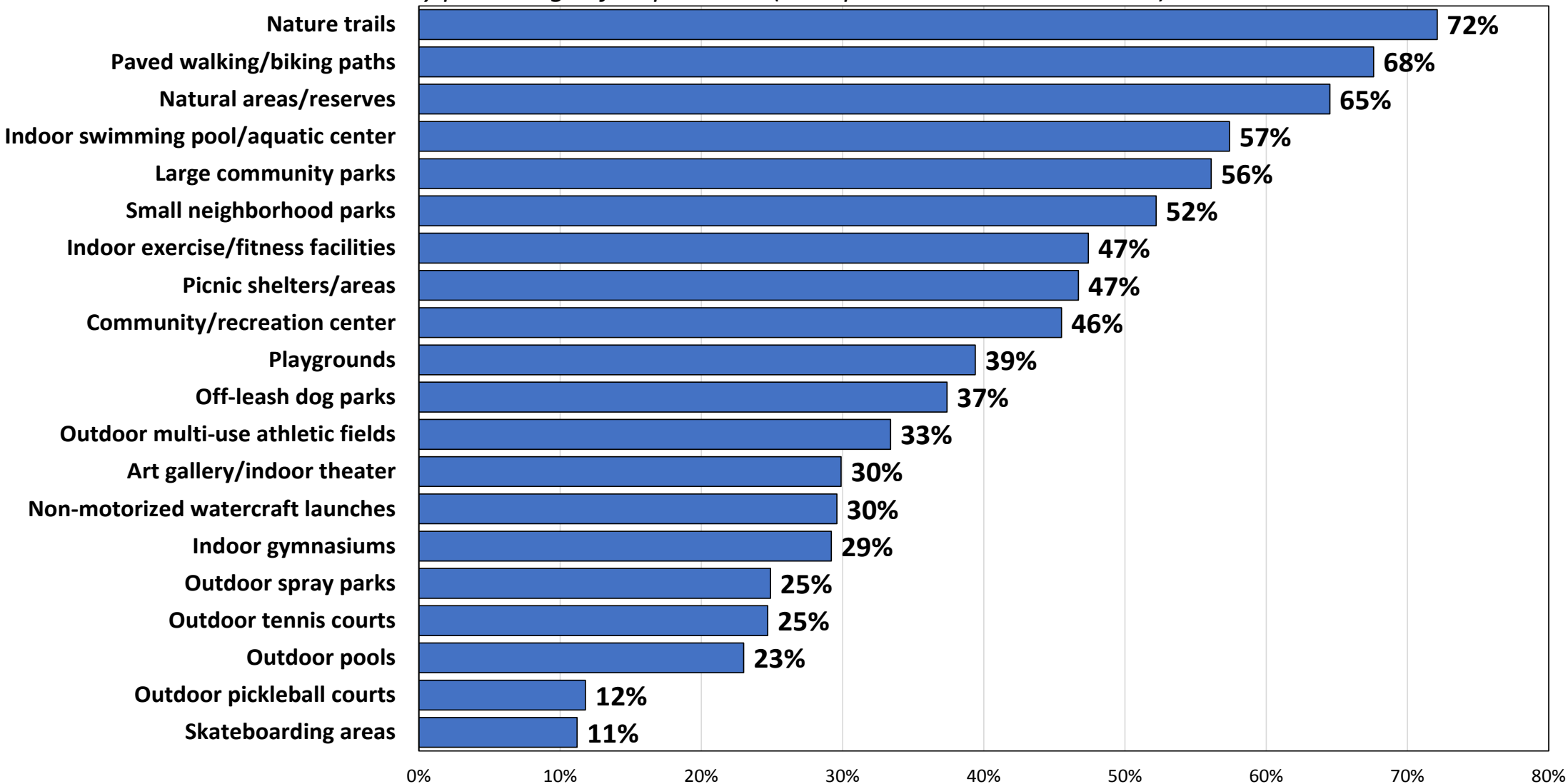


Facility Needs

Unmet Needs and Priorities for Facilities

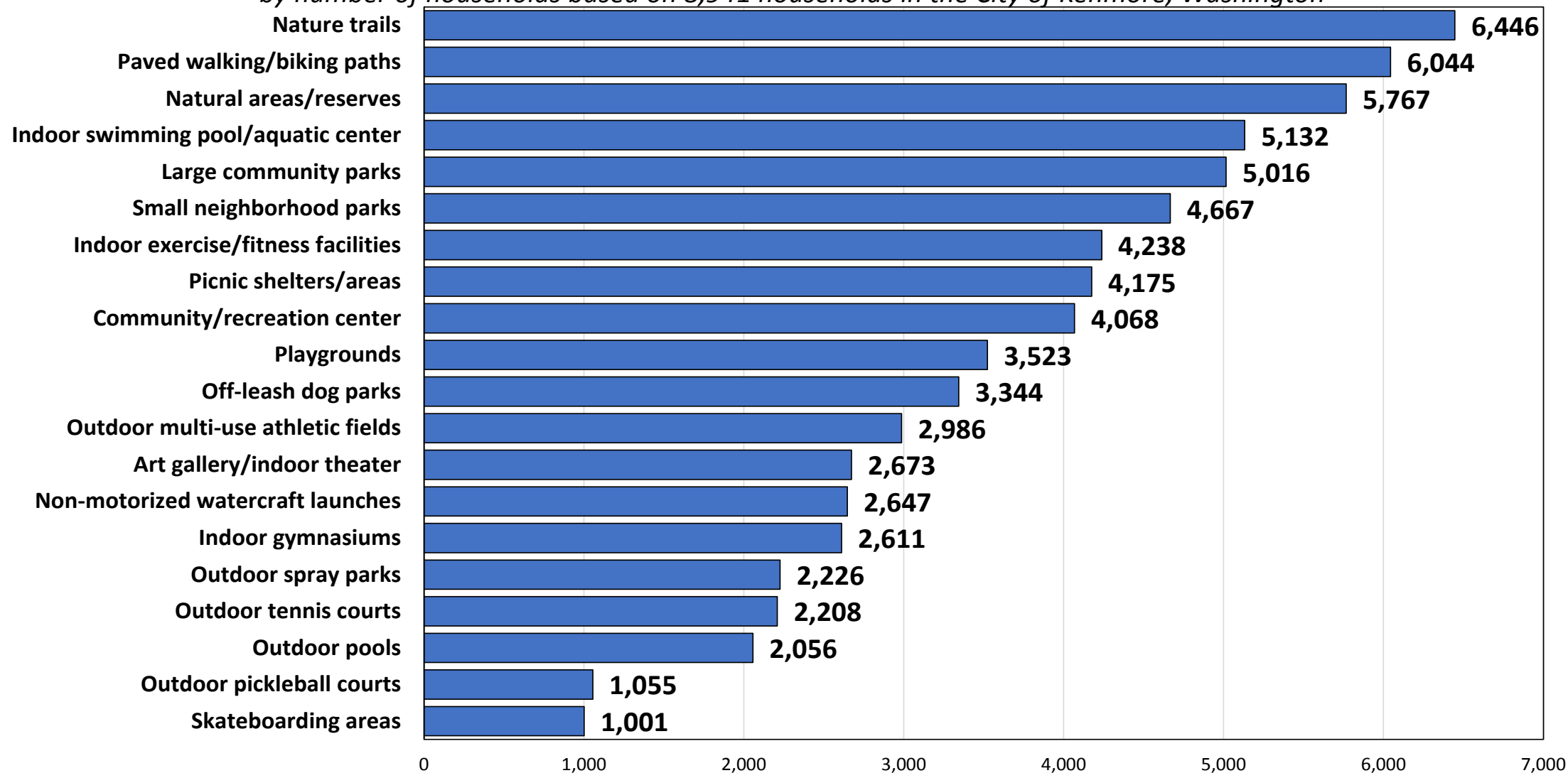
Q15. Facilities Respondent Households Have a Need For

by percentage of respondents (multiple choices could be made)



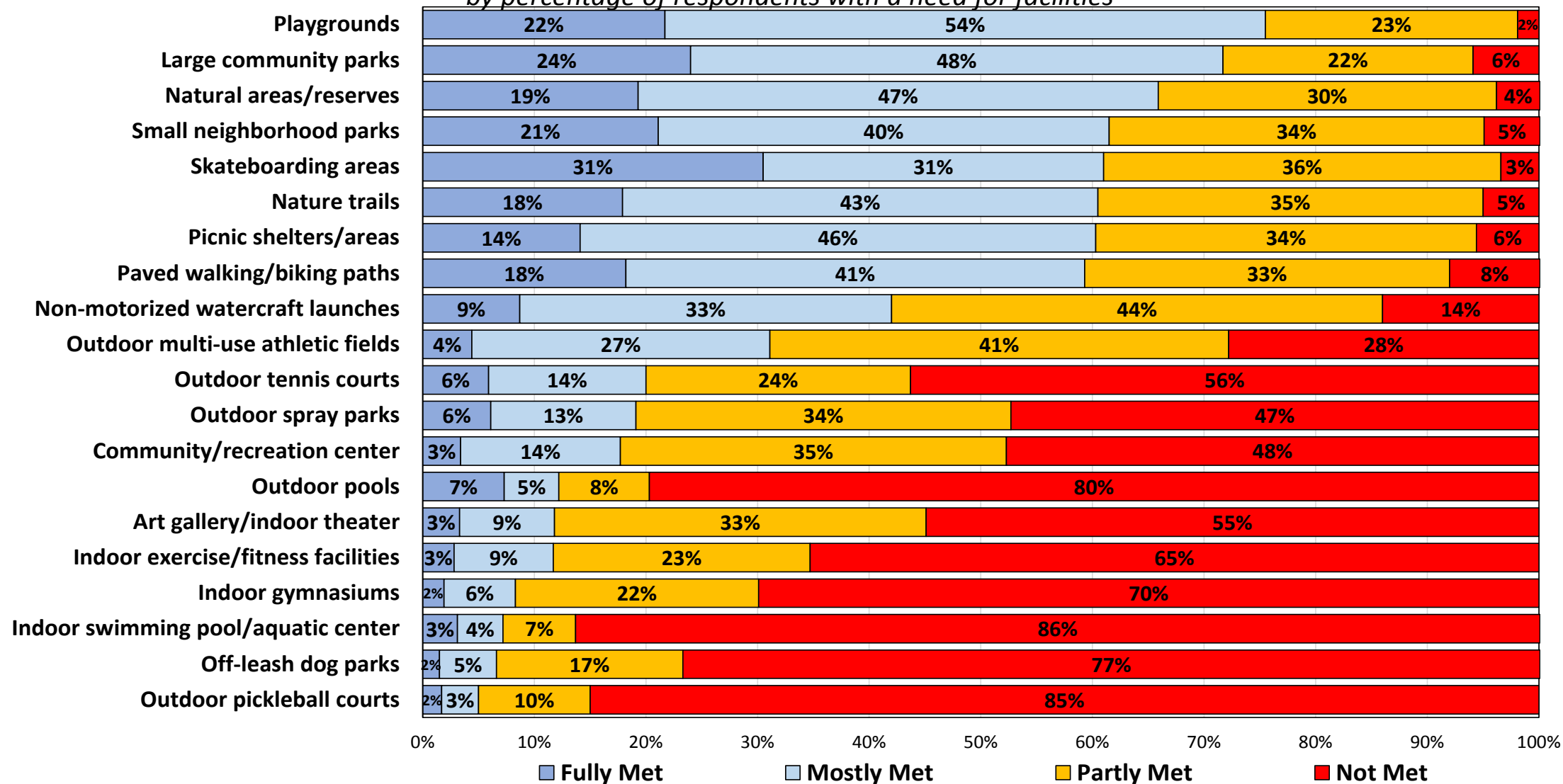
Q15. Estimated Number of Households That Have a Need for Various Facilities

by number of households based on 8,941 households in the City of Kenmore, Washington



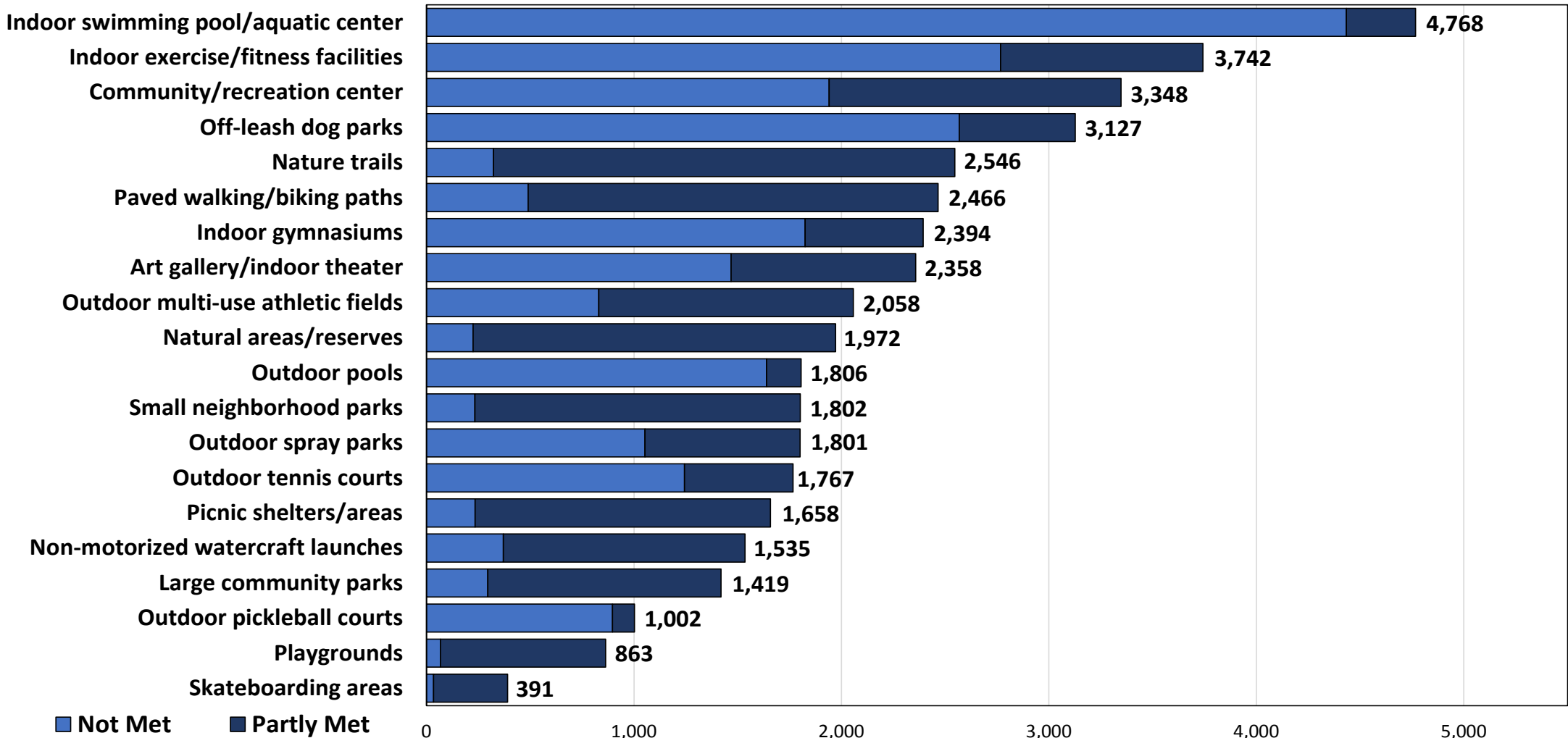
Q15. How Well Parks and Recreation Facilities Meet the Needs for Respondent Households

by percentage of respondents with a need for facilities



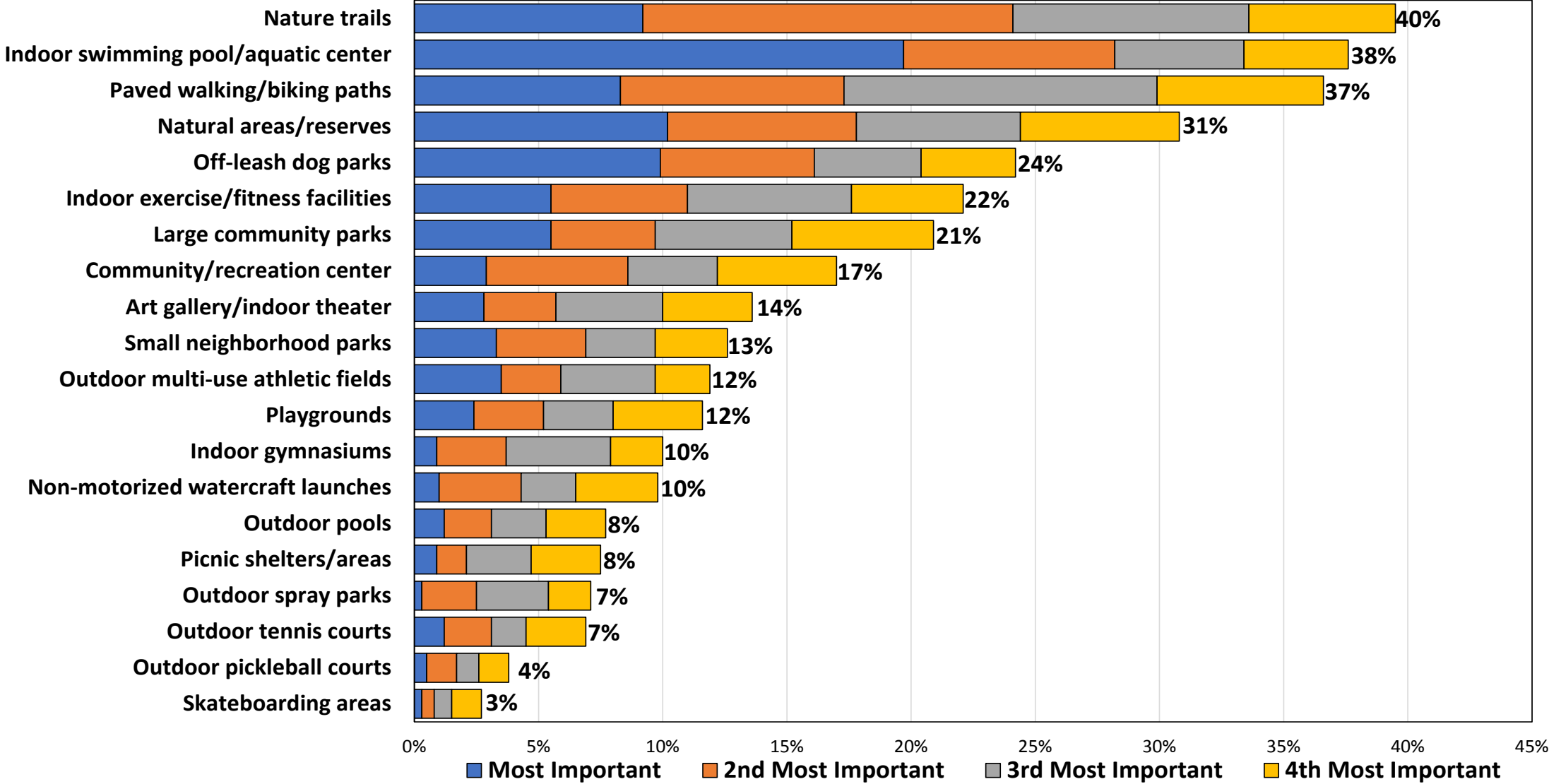
Q15. Estimated Number of Households Whose Needs for Facilities Are Being Not Met or Partly Met

by number of households based on 8,941 households in the City of Kenmore, Washington

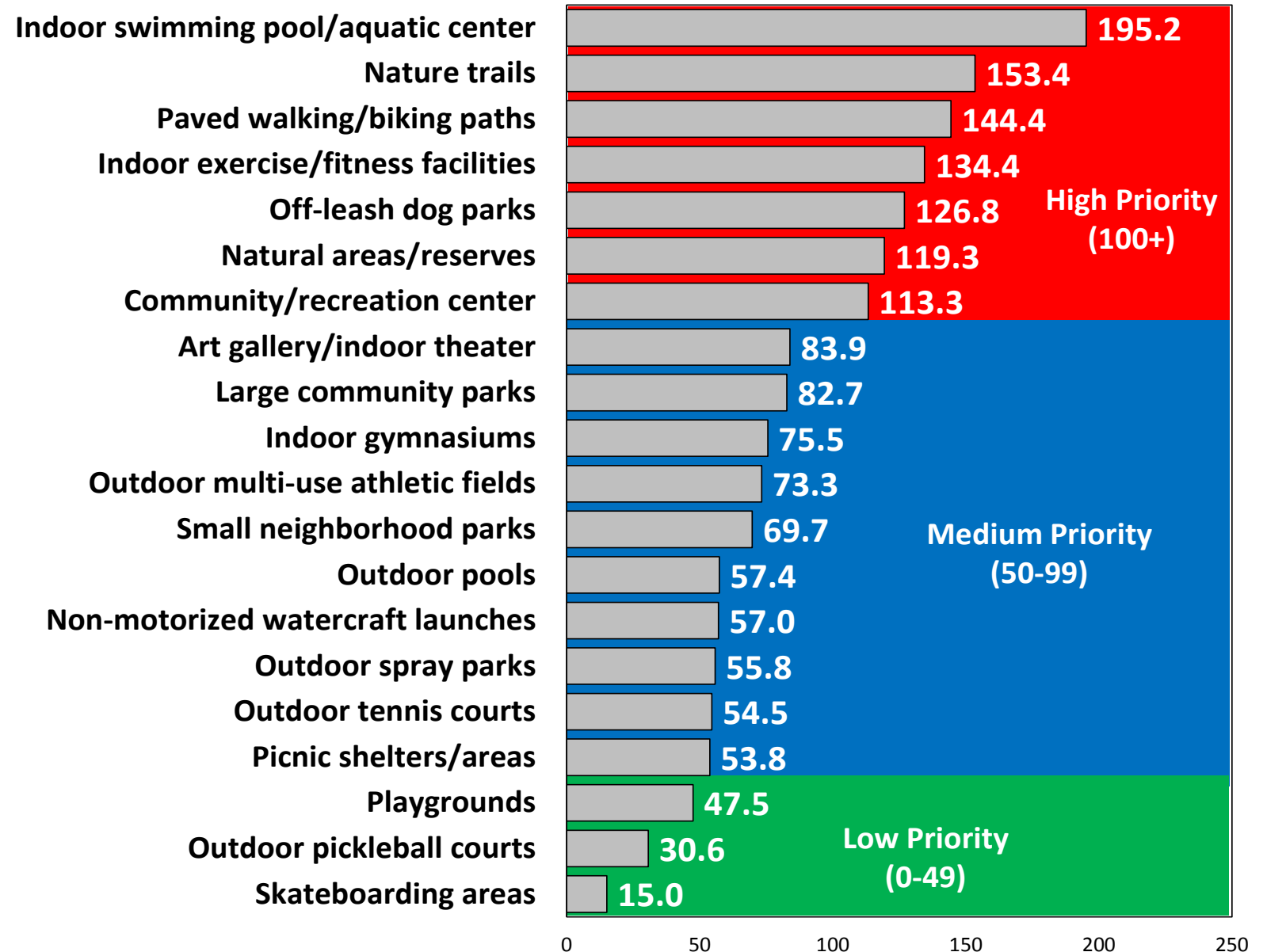


Q16. Facilities That Are Most Important to Households

by percentage of respondents who selected the items as one of their top four choices



Top Priorities for Investment for Recreation Facilities Based on the Priority Investment Rating

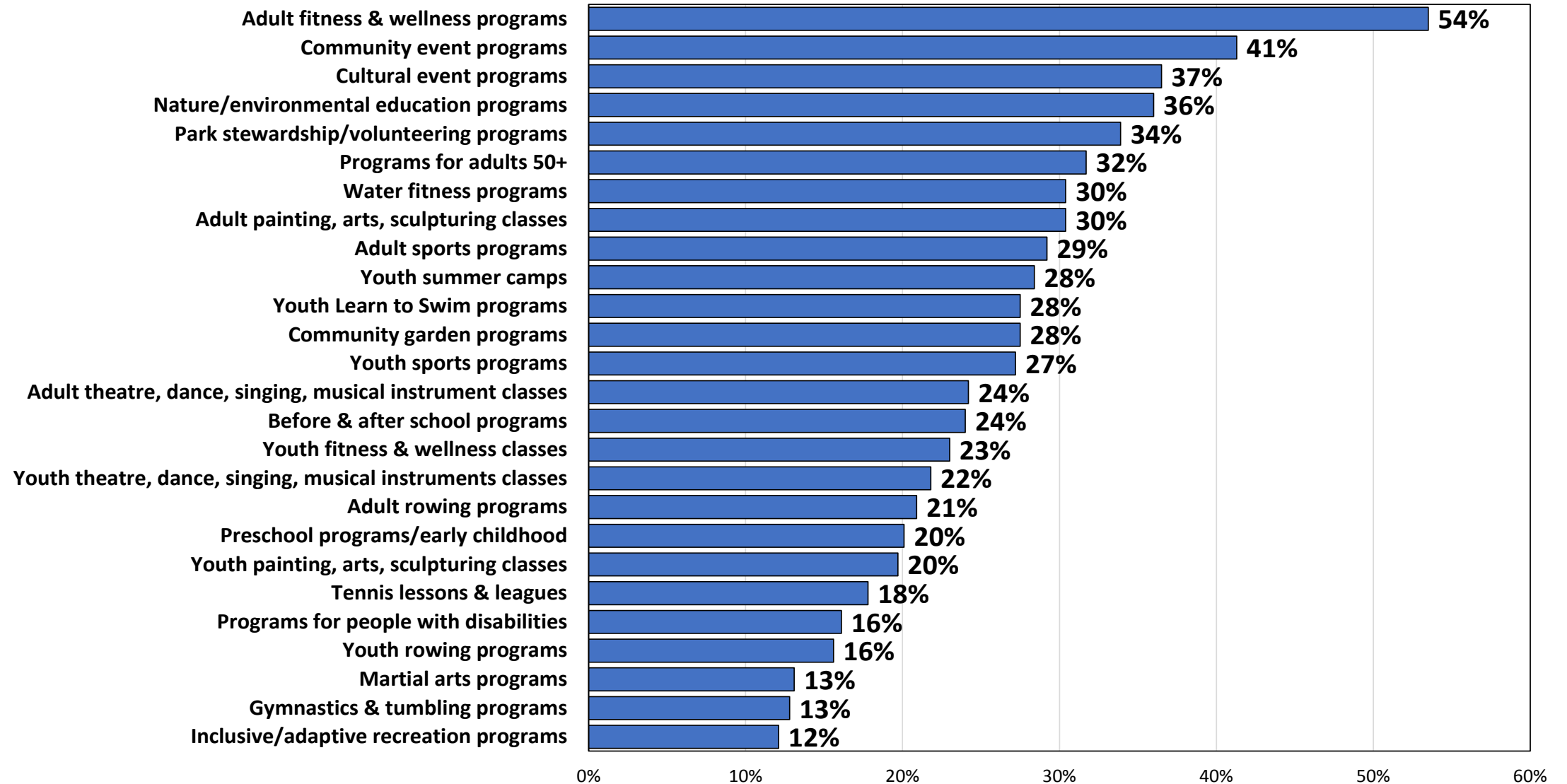


Program/Activity Needs

Unmet Needs and Priorities for Programs/Activities

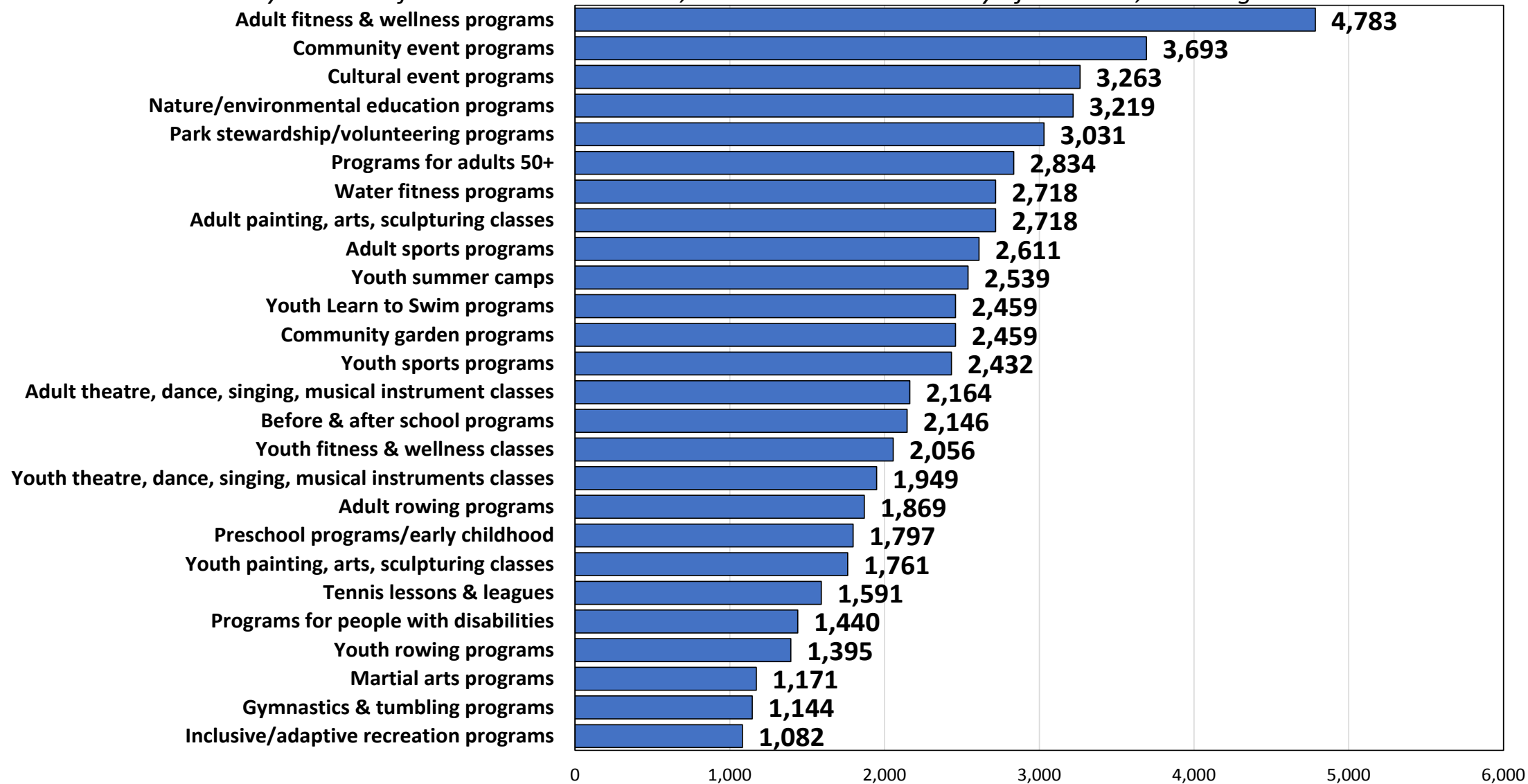
Q19. Programs/Activities Respondent Households Have a Need For

by percentage of respondents (multiple choices could be chosen)



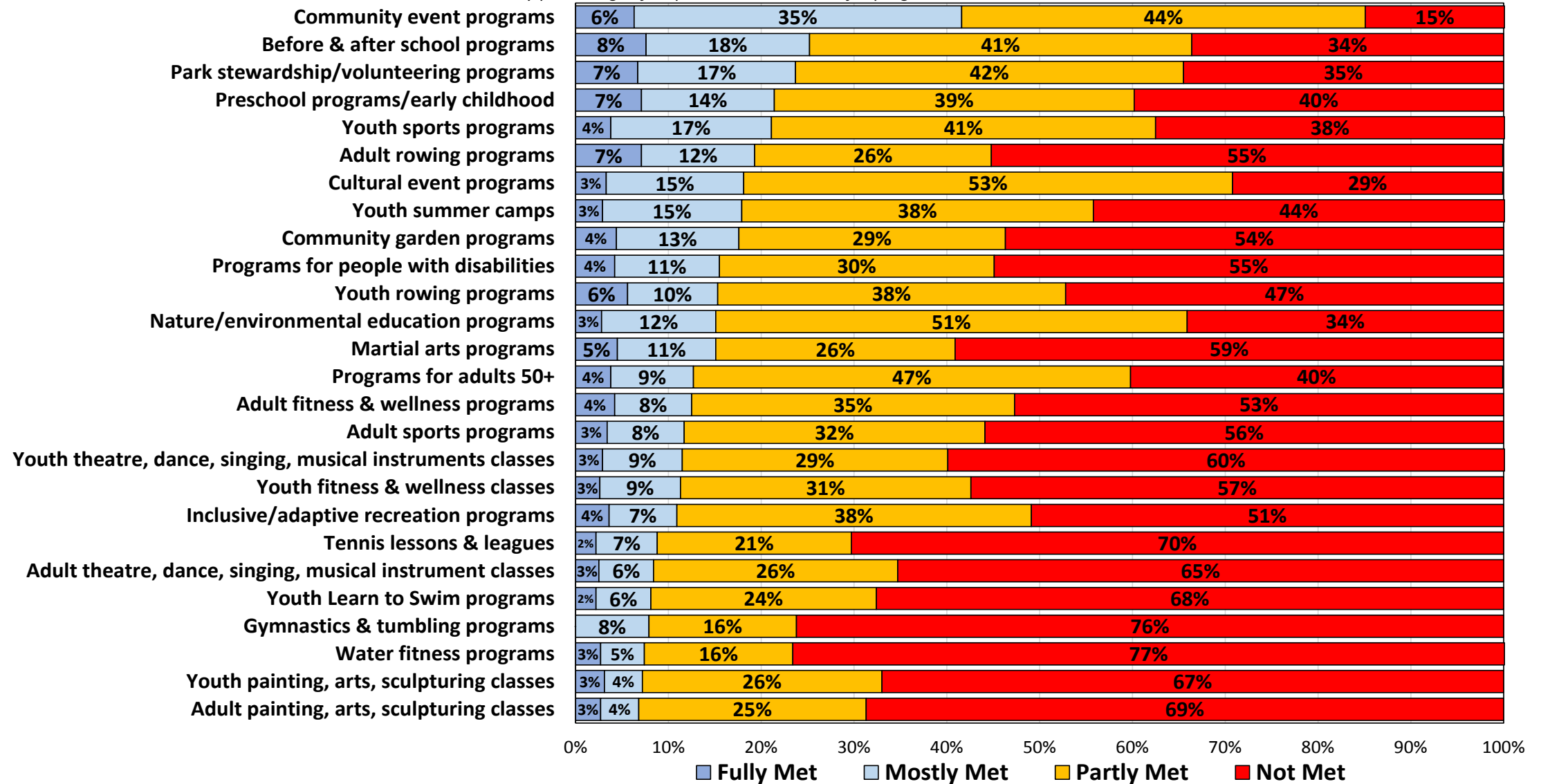
Q19. Estimated Number of Households That Have a Need for Various Programs/Activities

by number of households based on 8,941 households in the City of Kenmore, Washington



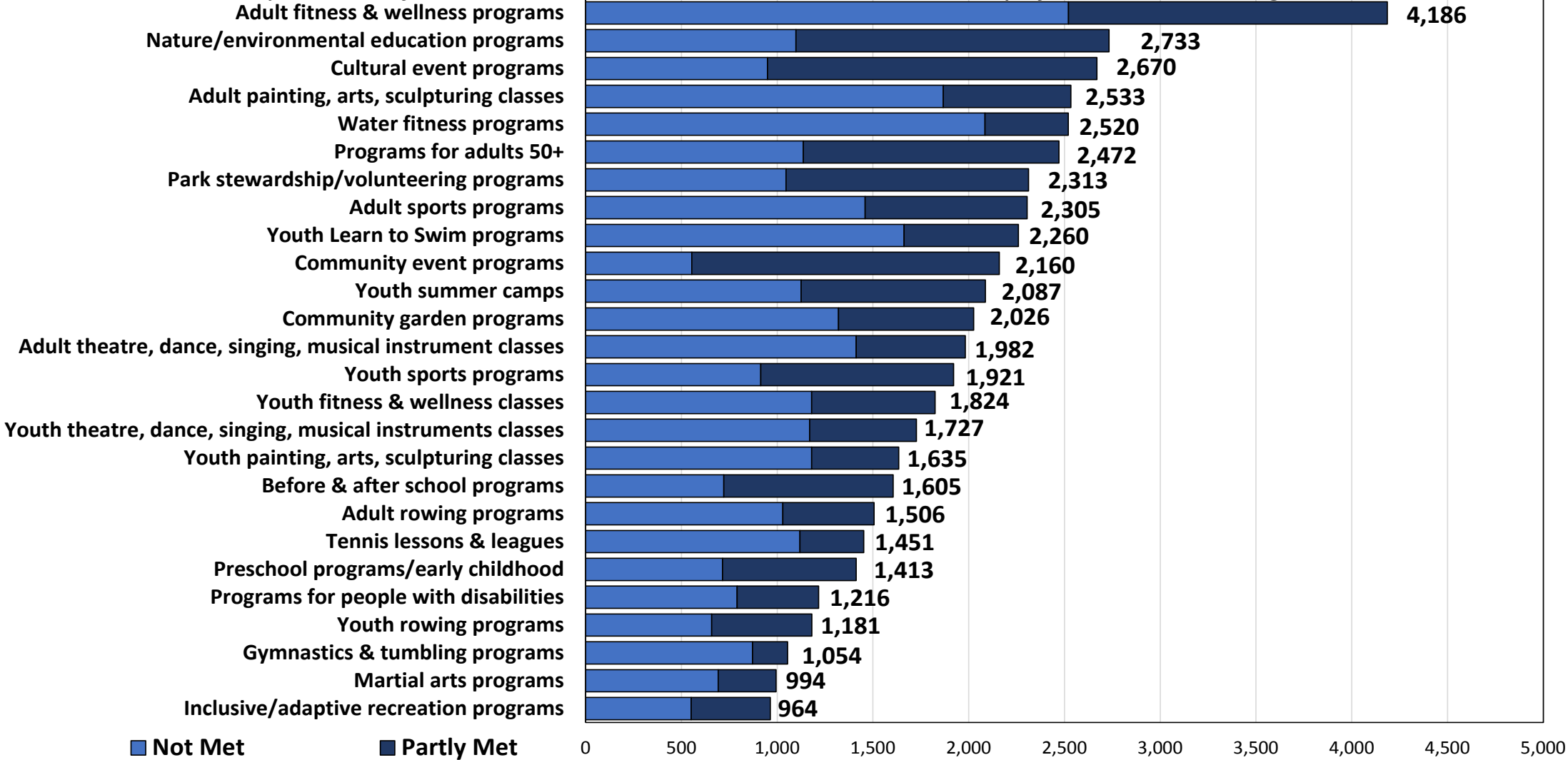
Q19. How Well Parks and Recreation Programs/Activities Meet the Needs of Respondent Households

by percentage of respondents with a need for programs/activities



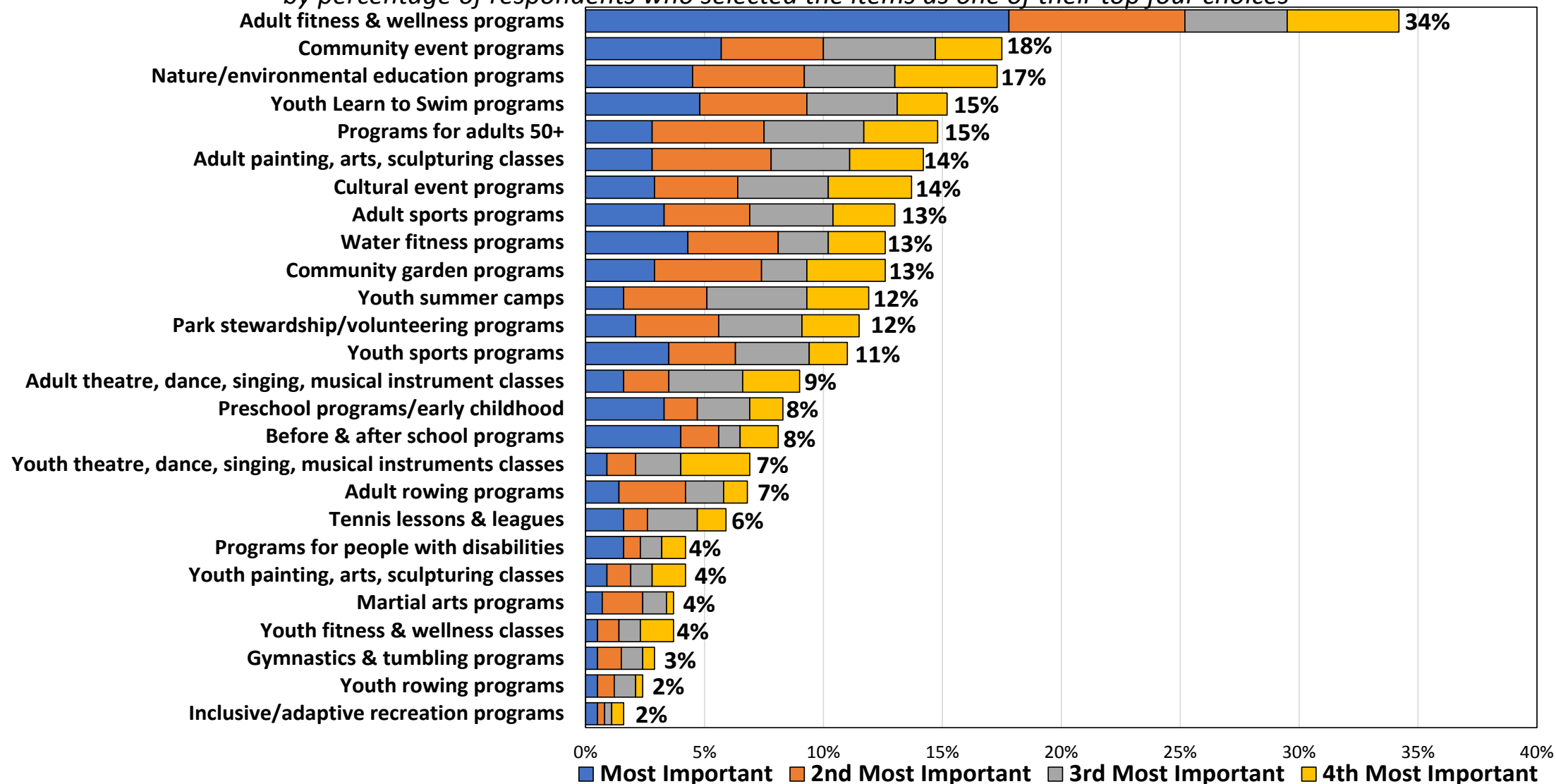
Q19. Estimated Number of Households Whose Needs for Programs/Activities Are Being Not Met or Partly Met

by number of households based on 8,941 households in the City of Kenmore, Washington

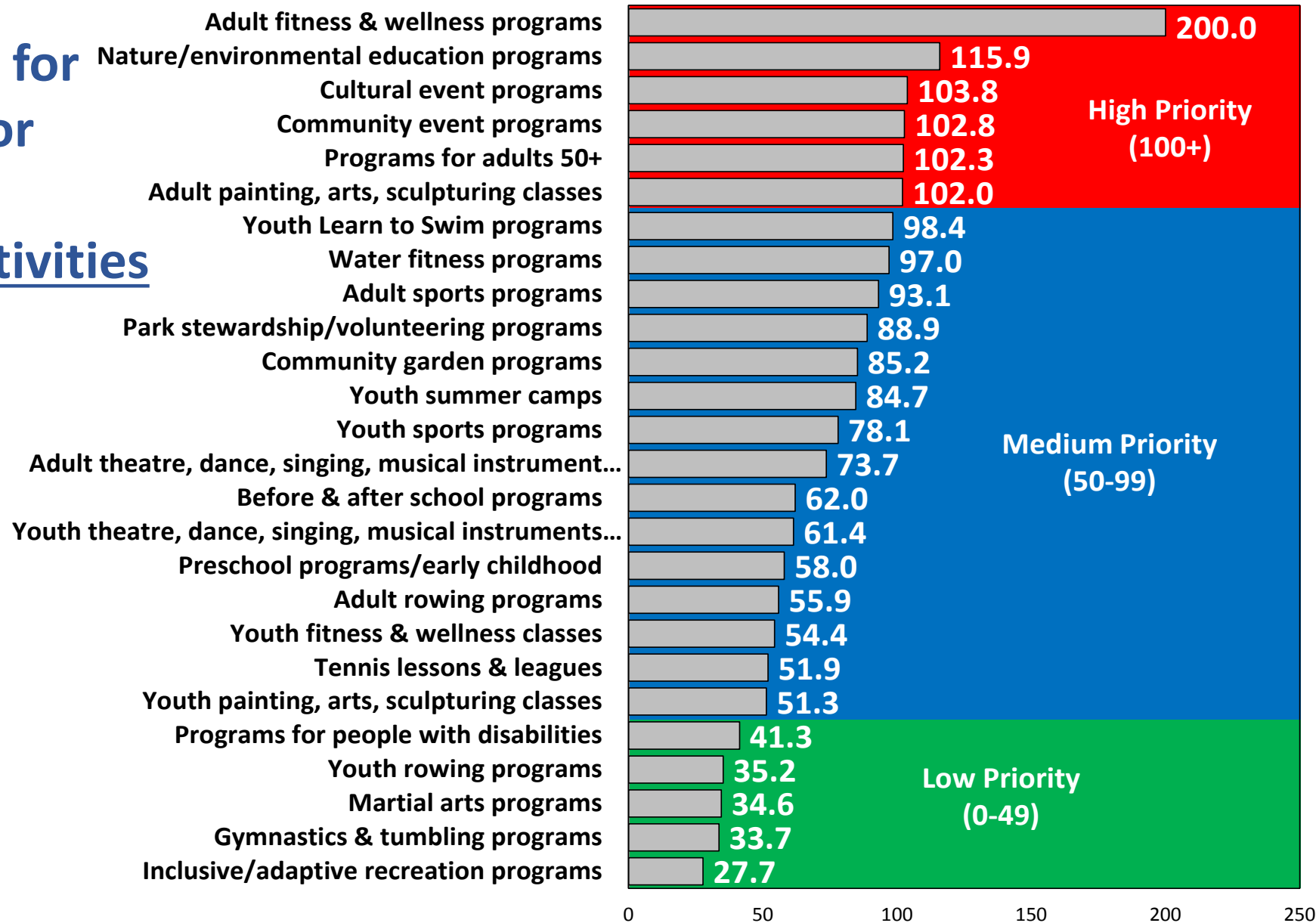


Q20. Programs/Activities That Are Most Important to Respondent Households

by percentage of respondents who selected the items as one of their top four choices



Top Priorities for Investment for Recreation Programs/Activities Based on the Priority Investment Rating

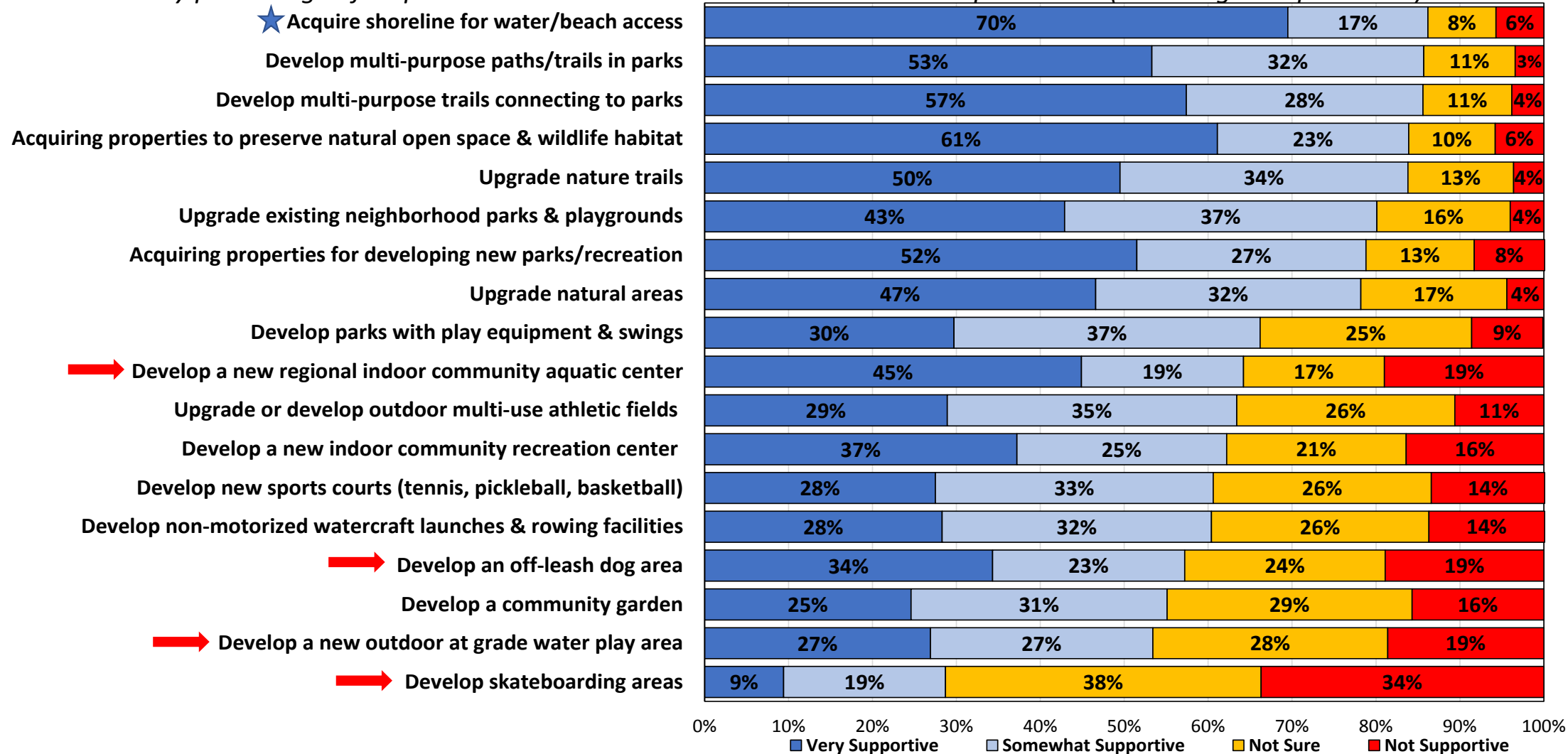


Improving and Expanding Parks and Recreation Facilities

Support for Potential Actions

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?

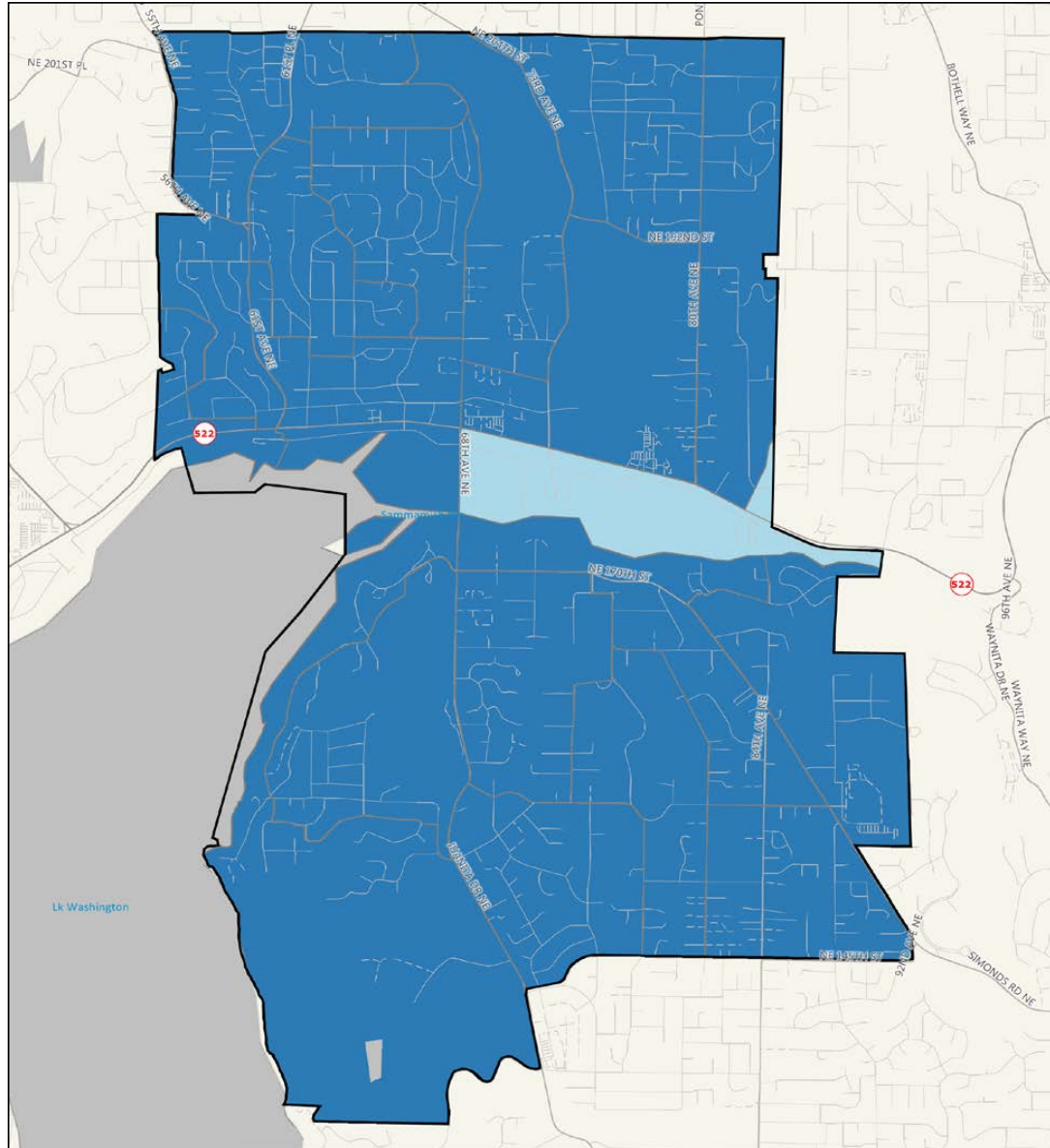
by percentage of respondents who rated the item as a 1 to 4 on a 4-point scale (excluding "not provided")



Level of Support for Acquiring Shoreline for Water/Beach Access

Most areas are in dark blue, most respondents indicated they are “very supportive” of the action

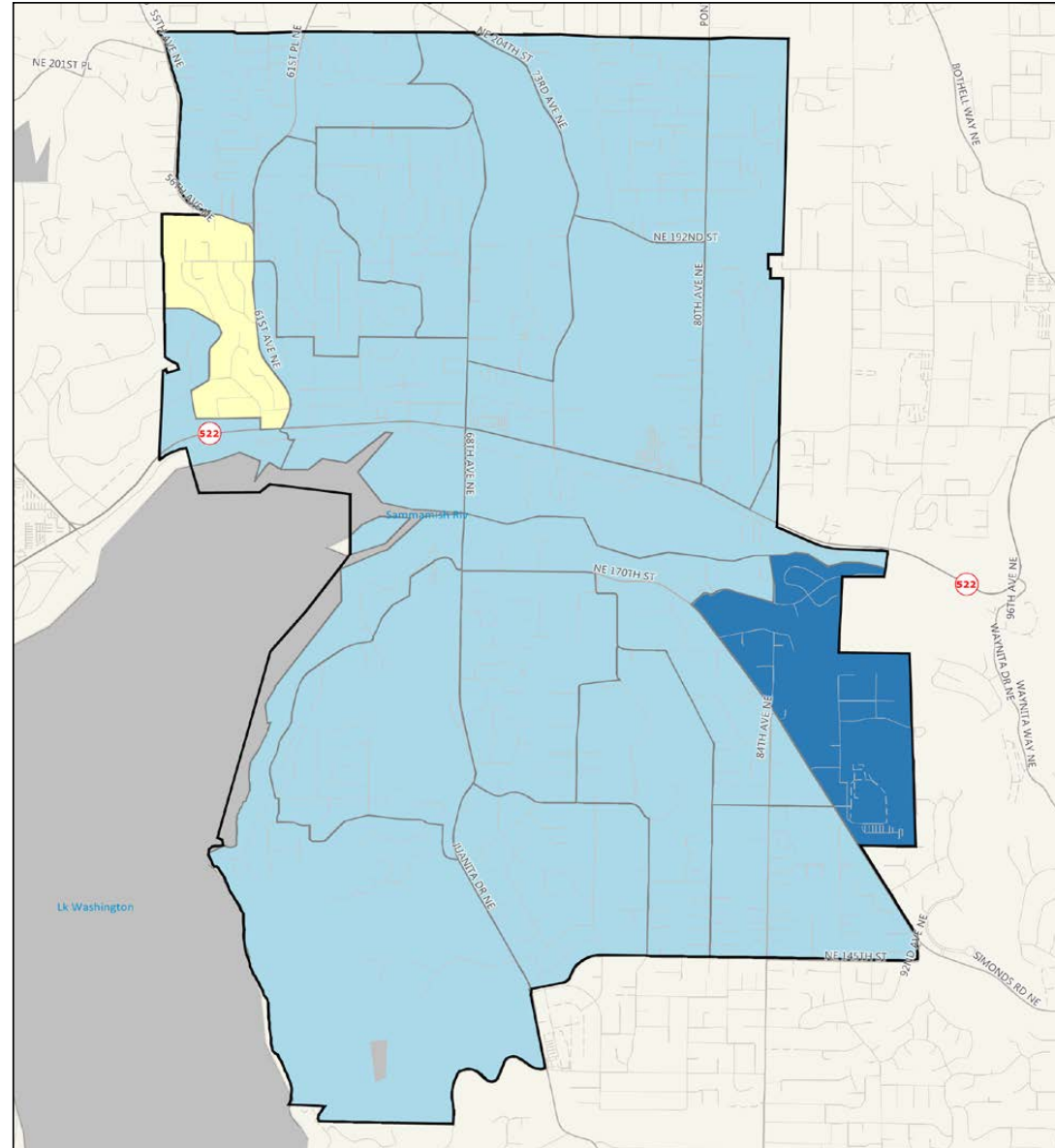
87% of respondents indicated they were either “very supportive” or “somewhat supportive” of the action



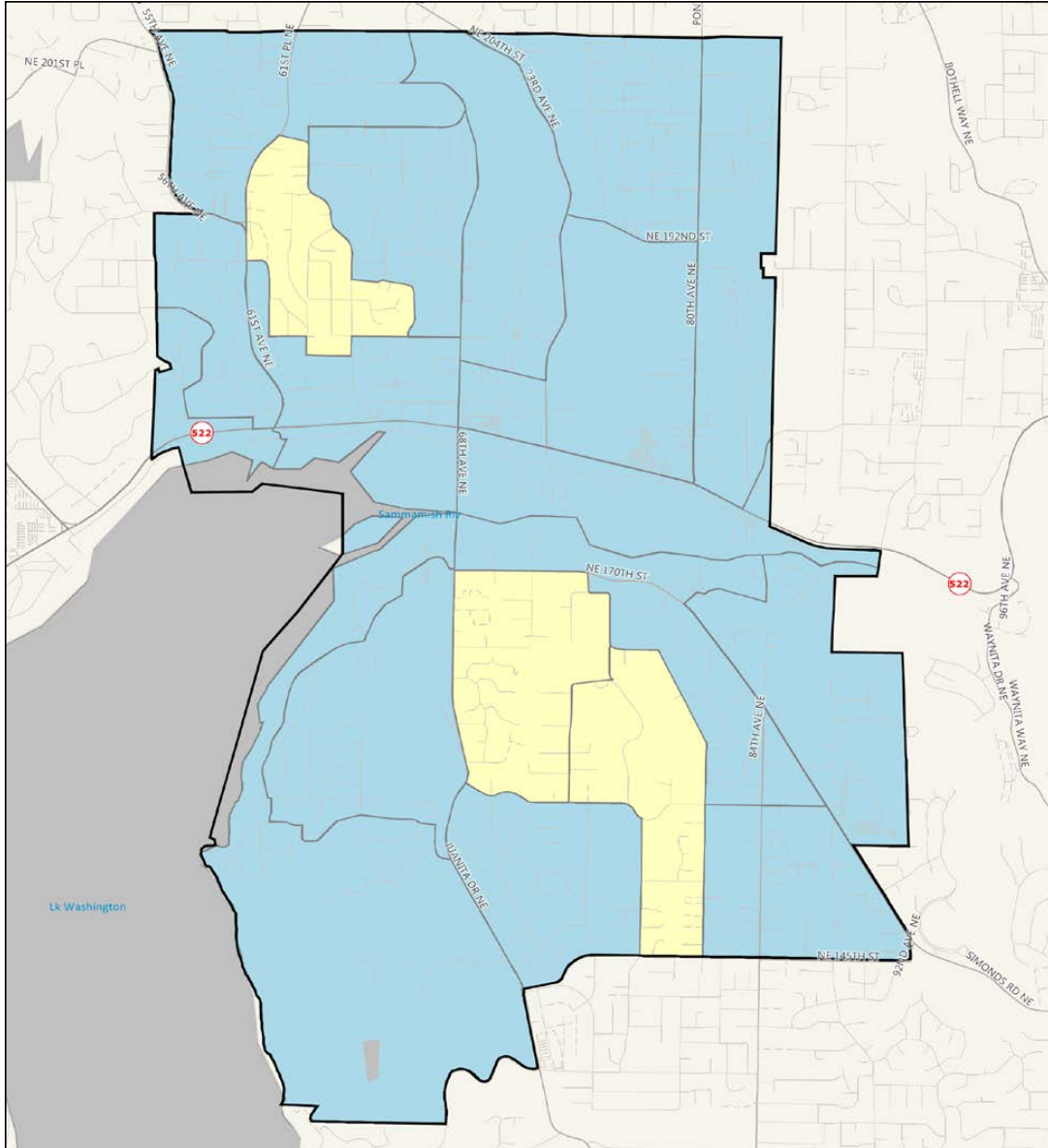
Level of Support for Developing a New Regional Indoor Community Aquatic Center

Most areas showed they were “somewhat supportive” of the action

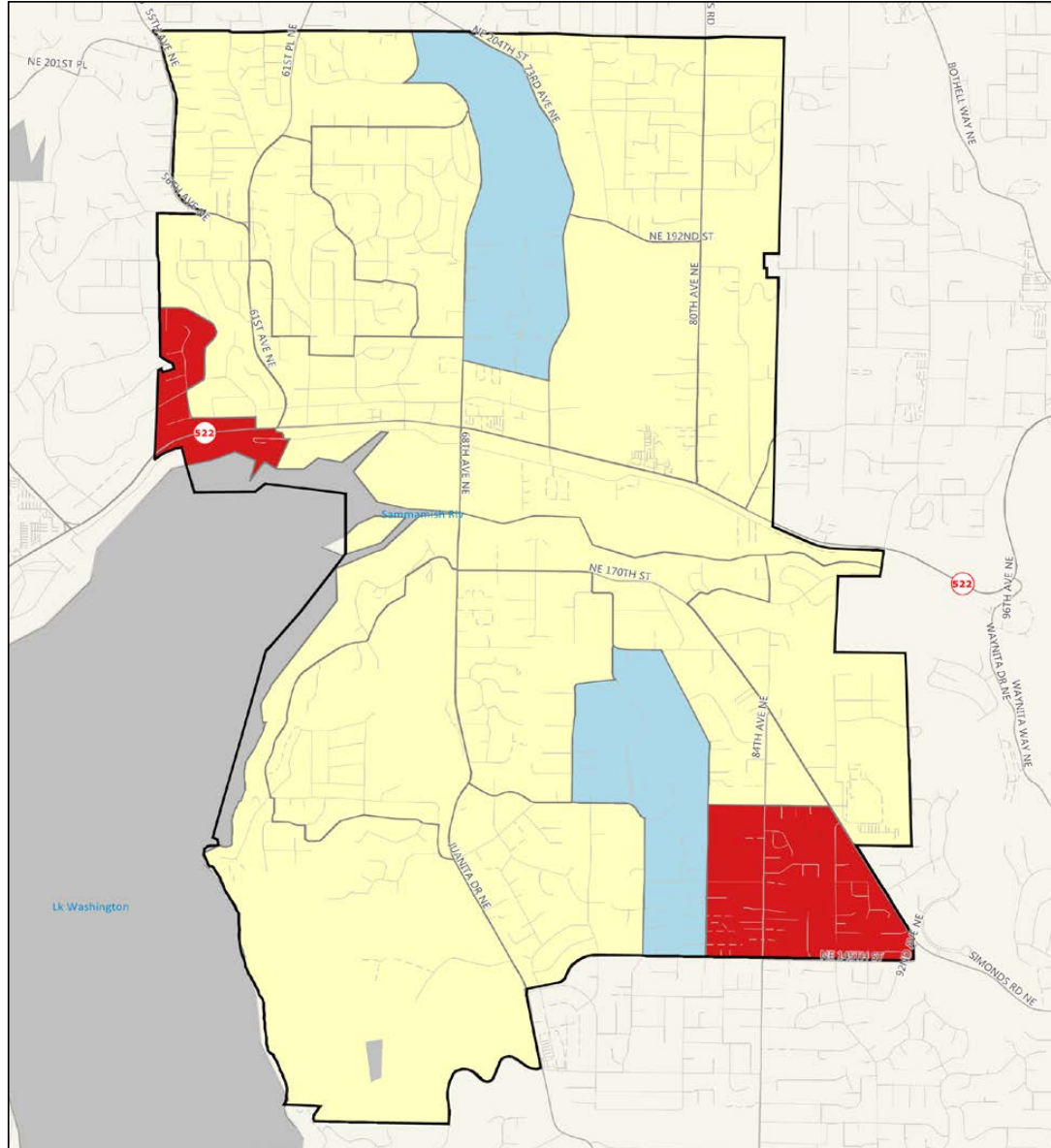
19% of respondents indicated they were “not supportive” of the action



19% of respondents indicated they were “not supportive” of the action

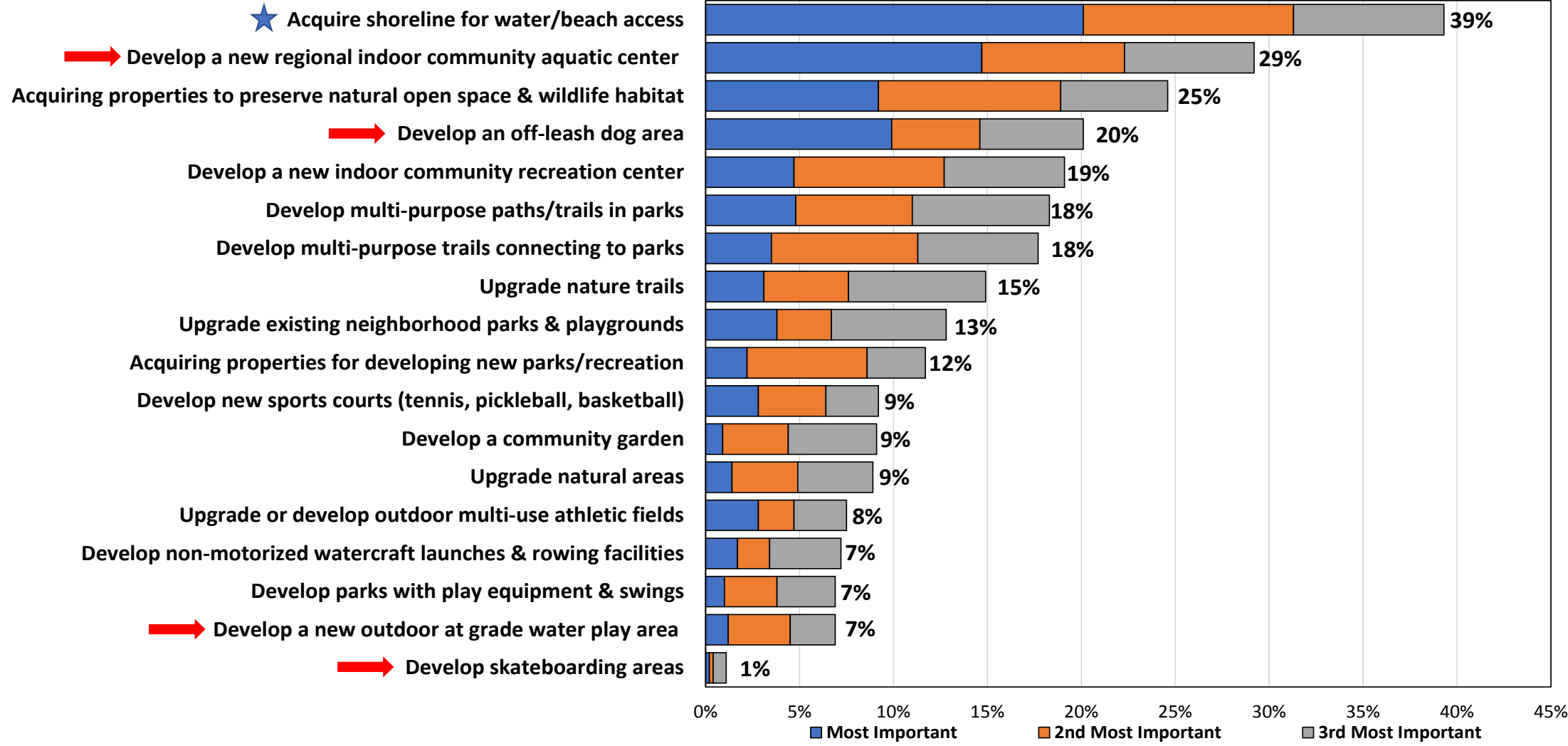


34% of respondents indicated they were “not supportive” of the action



Q14. Which THREE of the actions from the list in Question 13 are MOST IMPORTANT to you and members of your household?

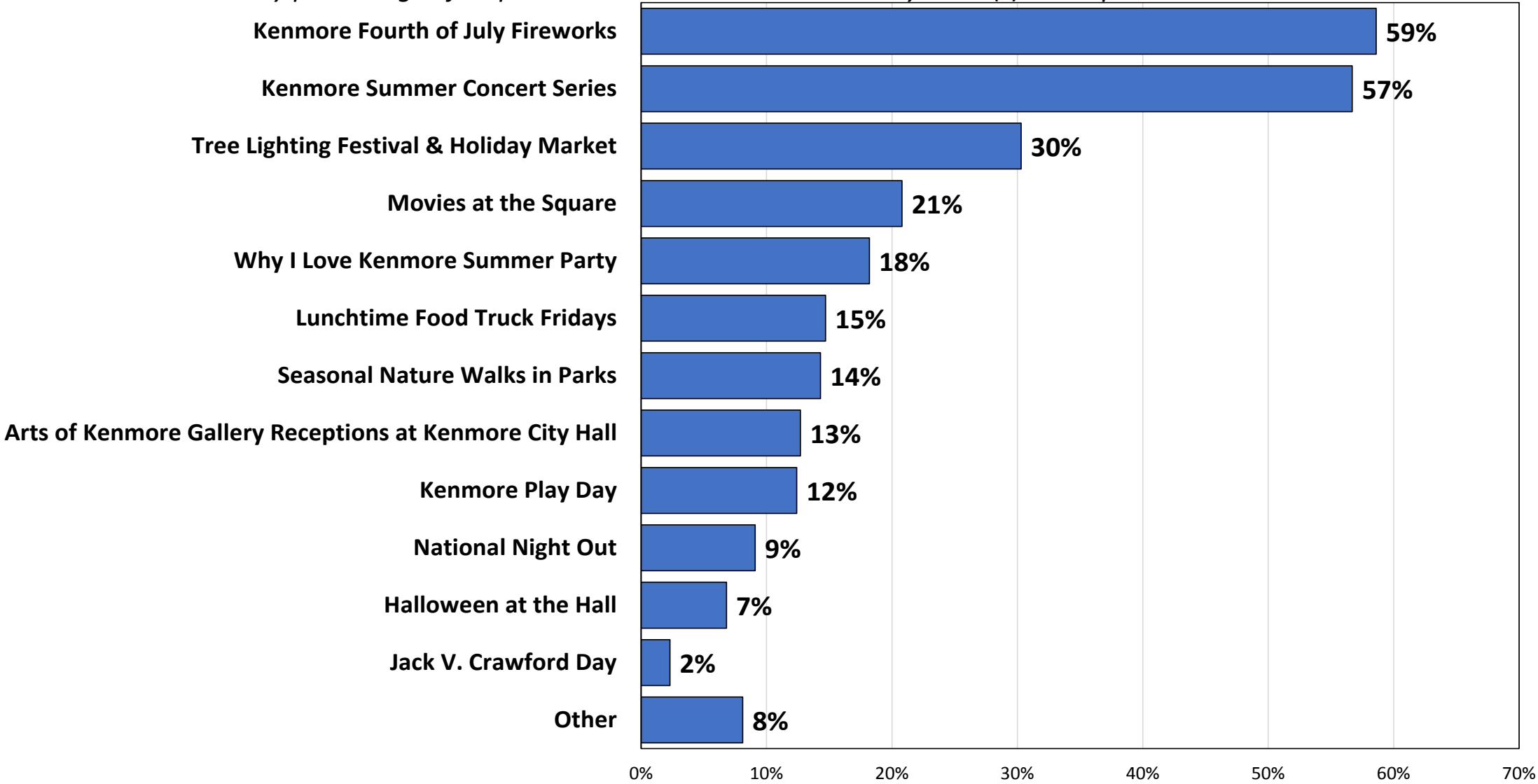
by percentage of respondents who selected the items as one of their top three choices



Additional Findings

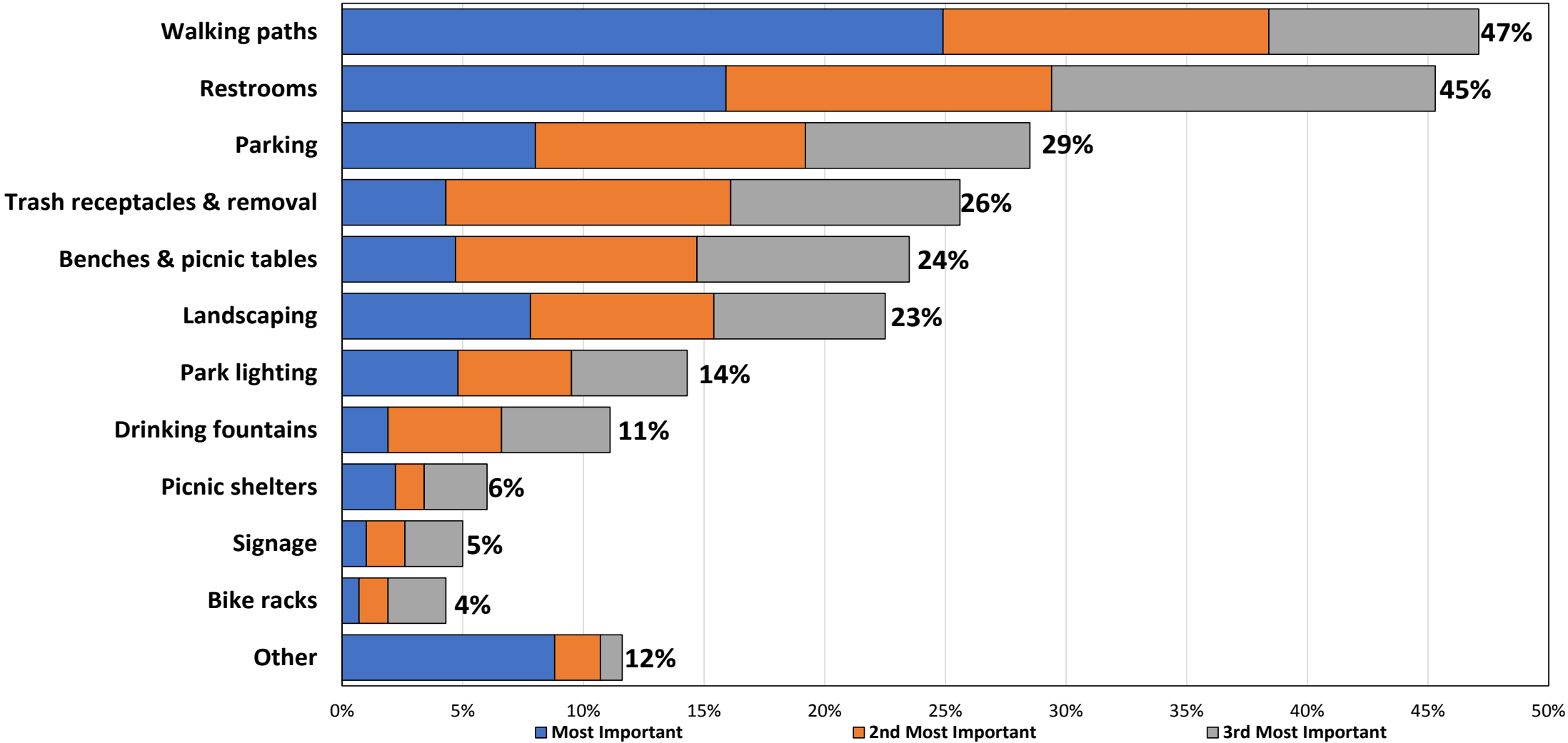
Q18a. Which of the following community event(s) did you attend?

by percentage of respondents who attended community event(s) in the past 12-months



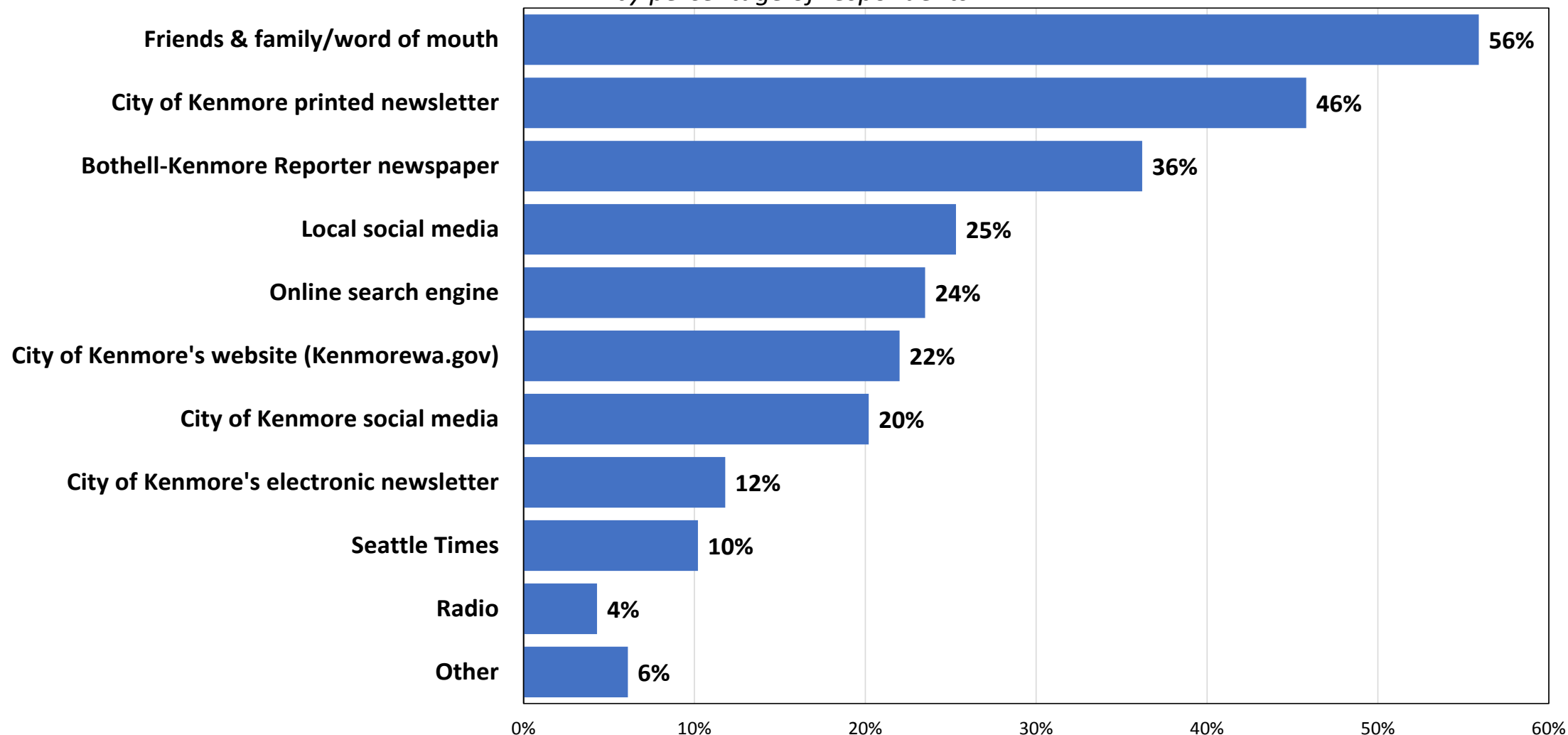
Q8. Of the park features listed in Question 7, please choose the THREE park features you feel are MOST IMPORTANT to be added or improved in Kenmore?

by percentage of respondents who selected the items as one of their top three choices



Q12. How do you currently get information about recreational, cultural, and community event programs in the City of Kenmore?

by percentage of respondents



Summary

- Most respondents (59%) are satisfied with the overall value their household receives from the City of Kenmore parks, recreation, and community events
- 58% of respondents are satisfied with the number of recreation opportunities in the city
- 49% of respondents gave positive ratings when asked to rate the quality of recreation programs or classes offered in the city
- 79% of respondents are satisfied with the number of city-owned parks and recreation facilities
- 72% of respondents are satisfied with the progress the city is making in improving and investing in parks and recreation facilities
- 91% of those rated the physical condition of the park or facility as either “excellent” or “good”

Questions?

Thank You