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

City of Kenmore
City Council Regular and Special Meeting Agenda
6:15 p.m., Monday, June 17, 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. 6:15 p.m. CALL MEETING TO ORDER

II. RECESS TO EXECUTIVE SESSION

A. Discussion of Potential Litigation per RCW 42.30.110 (1) (i)

III. 7:00 p.m. RECONVENE TO REGULAR SESSION

IV. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

V. ROLL CALL

VI. FLAG SALUTE

VII. AGENDA APPROVAL

VIII. PRESENTATION

A. Introduce Stephanie Brown, Volunteer and Events Supervisor

IX. PROCLAMATION

A. Pride Month in the City of Kenmore - June, 2019
Proclamation

X. 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.

XI. CONSENT AGENDA

A. Grant NUD a Sewer Utilities Easement at Rhododendron Park and Authorize the City Manager to Sign the Easement Agreement
Agenda Item

B. Total Checks #42425 through #42497 in the amount of $365,098.73.
Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 5/24/19 in the amount of $141,607.81.
Payroll Check #10130 dated 5/24/19 in the amount of $441.47.
Checks

C. Cancel June 24, 2019 Regular Council Meeting

D. Authorize the City Manager to Execute Contract 19-C2071 with Granicus for Website Migration Project
Agenda Item

E. Receive and File the January 2019 Financial Report for the City of Kenmore
Financial Report

F. Receive and file the February 2019 Financial Report for the City of Kenmore
Financial Report

G. Authorize the City Manager to Execute a Contract with Low Bidder VSS International to Provide Slurry Sealing
Agenda Item

H. Authorize the City Manager to Execute Contract 19-C2013 with Swofford Excavating for Drainage Facility Vegetation and Noxious Weed Removal
Agenda Item

I. Authorize the City Manager to Execute Contract 17-C1657 Amendment No. 5 with Mott MacDonald for Permit Level Design and Engineering/Building Permit Assistance
Agenda Item

J. City Council Meeting Minutes of May 13, 2019 and City Council Meeting Minutes of May 20, 2019
5-13-19 Council Meeting Minutes
5-20-19 Council Meeting Minutes

K. Authorize the City Manager to Increase the Contract Authority for Contract 19-C1991 with Welwest Construction, Inc. to Complete the Construction of the NE 181st Street Sidewalk Project
Agenda Item

XII. BUSINESS AGENDA

A. Resolution 19-323 Expressing Support for King County Proposition No. 1 Parks, Recreation, Trails and Open Space Levy - Dawn Reitan, City Attorney

Additional Opportunity for Public Comment: Pursuant to RCW 42.17.A.555, members of the public and councilmembers will receive an approximately equal opportunity to express an opposing view.
Agenda Item
Presentation

B. Urban Tree Canopy Assessment Results - Elizabeth Walker, King Conservation District Project Coordinator and Samantha Loyuk, Associate Planner
Agenda Item

XIII. PUBLIC HEARING

A. 2020-2025 Six-Year Transportation Improvement Program - John Vicente - City Engineer
Agenda Item
Presentation

XIV. BUSINESS AGENDA

A. Resolution 19-322 for the 2020-2025 Six-Year Transportation Improvement Program - John Vicente, City Engineer
Agenda Item

B. *Tabled from June 10, 2019 Council Meeting* - Ordinance 19-0488 Amending Chapter 18.55, Critical Areas, of the Kenmore Municipal Code; Repealing Division II of Title 16, Flood Damage Prevention, of the Kenmore Municipal Code; Amending Chapter 18.20, Definitions, of the Kenmore Municipal Code; Amending Sections 18.30.190 and 18.40.030 of the Kenmore Municipal Code; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner
Agenda Item
Attachment 1
Attachment 2
Attachment 3
Attachment 4
Attachment 5, 6 and 7

C. *Tabled from June 10, 2019 Council Meeting* - Ordinance 19-0489 Amending the Shoreline Sub-Element of the Comprehensive Plan; Revising Figure LU-12, the Shoreline Environment Designations Map; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner
Agenda Item
Attachment 2

D. *Tabled from June 10, 2019 Council Meeting* - Ordinance 19-0490 Revising Division 1 of Title 16 of the Kenmore Municipal Code Entitled Shoreline Management; Revising the Shoreline Environment Designations Map; and Providing an Effective Date - Debbie Bent, Community Development Director

and Lauri Anderson, Principal Planner
Agenda Item
Attachment 3

E. Ordinance 19-0491 to Revise KMC Chapter 3.55 Relating to the Sale and Disposition of Surplus Personal Property - Ryan Lancaster, Graduate Intern
Agenda Item

F. Ordinance 19-0492 Approving the City of Kenmore Donation and Gift Acceptance Policy - Ryan Lancaster, Graduate Intern
Agenda Item

XV. STAFF REPORT

A. Website Migration Project Update - Becky Range, Communications Specialist
Agenda Item
Presentation

B. Short-term Rental Policy Paper - Ryan Lancaster, Graduate Intern
Memorandum

C. Initiative 976 - Rob Karlinsey, City Manager

XVI. COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES

XVII. ADJOURNMENT

Upcoming Meetings:

A. Tuesday, June 18, 2019 - 6:00 p.m. to 7:30 p.m. Post Session Event w/ 46th LD
Monday, June 24, 2019 - Plan to Cancel Meeting
Monday, July 8, 2019 - 6:00 p.m. Presentation for Senator Frockt at Rhododendron Park and 7:00 p.m. Council Meeting
Monday, July 15, 2019 - Regular Council Meeting
Monday, July 22, 2019 - Regular Council Meeting
Monday, July 29, 2019 - Special Council Meeting
August, 2019 - Recess - No Council Meetings

City of Kenmore, Washington Proclamation

WHEREAS, LGBTQ+ Americans are deserving of the same dignity, respect, justice and rights afforded to all citizens; a principle bolstered by the Washington State Law Against Discrimination as amended in 2006; the 2012 Washington ESSB 6239 legislation to legalize same sex marriage; and the landmark 2015 decision of the US Supreme Court guaranteeing marriage equality in all 50 states; and

WHEREAS, LGBTQ+ youth, families and community members continue to experience discrimination and exclusion in our schools and communities, places of work, and in acquiring housing; and

WHEREAS, LGBTQ+ youth are more likely to face homelessness, or enter the foster care system, and become at higher risk of escapism behaviors such as running away from home, an increased risk of alcohol and drug abuse, suicide and suicide ideation; and

WHEREAS, the City of Kenmore recognizes the importance of its residents', students', business owners' and employees' and city employees' diversity of ethical, cultural, racial, and sexual orientation and gender identities – all of which bring important richness to the City of Kenmore; and

WHEREAS, the fight for equality and dignity for all individuals under the law continues, and equality of opportunity and freedom from discrimination are fundamental to ensuring economic success and personal fulfillment; and

WHEREAS, the City of Kenmore passed Resolution #17-292, on March 6, 2017, Reaffirming Kenmore as a Safe, Inclusive and Welcoming City for All People; and

WHEREAS, the City's Resolution states, "*Kenmore believes in the dignity, equality and constitutional and civil rights of all people, and will not tolerate discrimination, harassment or any behavior that creates fear, isolation or intimidation;"* and

WHEREAS, on June 18, 2018 the Kenmore City Council proclaimed June 24, 2018 through June 30, 2018 "Pride Week in the City of Kenmore"; and

WHEREAS, the City of Kenmore encourages all residents to work together to fight bullying and harassment, and teach respect for everyone, regardless of age, ethnicity, faith, gender, sexual orientation, gender identity or any differences that are perceived or real; and

WHEREAS, this year marks the 50th anniversary of the June 28,1969 Stonewall Uprising in New York, which is considered the most important event leading to the modern movement for LGBTQ+ civil rights, and the event's significance is further recognized by the Stonewall Inn being listed on the National Register for Historic Places; and

WHEREAS, Pride Month is a celebration of strides made by LGBTQ+ individuals throughout the nation and a recognition that LGBTQ+ rights are human rights, and the City Council desires to express and communicate its support for this 2019 Proclamation by flying the Pride Flag at Kenmore City Hall during Pride Month.

WHEREAS, NOW, THEREFORE, I, DAVID BAKER, MAYOR OF KENMORE, WASHINGTON, ON BEHALF OF THE COUNCIL, DO HEREBY PROCLAIM THE MONTH OF JUNE 2019 AS:

PRIDE MONTH IN THE CITY OF KENMORE

IN WITNESS WHEREOF, signed this 17th day of June, 2019.

Signed: _____ *Attested:* _____

David Baker, Mayor Kelly M. Chelin, City Clerk

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: The City granting the Northshore Utility District (NUD) a permanent sewer utility easement on the Rhododendron Park Property Proposed Council Action/Motion: Motion granting NUD a sewer utilities easement at Rhododendron Park and authorizing the City Manager to sign the easement agreement	For Council Meeting Agenda of: 6/17/19 Department: Community Development Director Prepared by: Debbie Bent, Community Development Initial & Date Approved by Department Head: DB 6/5/19. Approved by City Attorney: emails 5/31/19 Approved by Finance Director: 6/5/19 Approved by City Manager: PJK Exhibits/Attachments: 1. Sewer Utilities Easement between the City and NUD

INFORMATION/BACKGROUND: Staff recommends that Council pass a motion on 6/17/19 granting NUD a sewer utilities easement (see Attachment #1) at Rhododendron Park. The location of the sewer easement is shown on Exhibit C of Attachment #1. The easement relates to sewer bypass work completed by NUD to accommodate the future West Sammamish Bridge construction project.

On 7/24/18 the City Manager signed a Right of Entry and Hold Harmless Agreement with NUD (Contract 18-C1911) allowing NUD access to Rhododendron Park for construction of a sewer bypass project. The sewer bypass project received a City engineering permit (ENG18-0576) on 9/26/18. Construction is complete, but the City is currently in the process of finalizing permit completion. Included in the NUD sewer bypass construction project, NUD graded the area (currently gravel) adjacent to the access driveway that will be the site of the future boathouse and completed the final pavement lift on the access driveway.

On 11/13/18 Council passed a motion authorizing the City Manager to sign Contract 18-C1847 with NUD authorizing the City to include their water line replacement project into the City's West Sammamish River Bridge Project. The benefits to this partnership include a costs savings to NUD and a reduction in disruption to City traffic by avoiding two construction periods. NUD contracted separately with the City's engineering design firm, Jacobs Engineering, to design the water main replacement and incorporated those plans into the project.

FISCAL CONSIDERATION: None to grant the easement.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: The sewer bypass accommodates the future West Sammamish Bridge Construction project. The sewer easement ultimately supports Council Goal #1: Focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.

ATTACHMENT
1

Return Address:
Northshore Utility District
Attn: Engineering Department
6830 NE 185th St
Kenmore, WA 98028
425.398.4401

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Sewer Easement
2. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) Exactly as name(s) appear on document

1. City of Kenmore, _____
2. _____, _____

Additional names on page _____ of document.

Grantee(s) Exactly as name(s) appear on document

1. Northshore Utility District, _____
2. _____, _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

MOORLANDS THE UNREC VAL OF UNDEEDED STS & ALLEYS INC IN LOT VAL & SH LDS ADJ LESS POR FOR RDS PER REC # 20190115000283 TRACTS 42 & 43

Additional legal is on page 4 of document.

Assessor's Property Tax Parcel/Account Number ☐ Assessor Tax # not yet assigned
563450-0980

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional $50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

_____ Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional $50 fee if the document meets margin/formatting requirements

Sewer Utilities Easement

This Sewer Utilities Easement ("Easement") is made this_____day of_____, _____by and between_____, ("Grantor") and Northshore Utility District, a Washington Municipal Corporation, ("Grantee").

1. Grantor is the owner of the real property ("Property"), legally described as follows:

SEE EXHIBIT "A"

2. Grantor, for and inconsideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys unto Grantee, its successors and assigns, a perpetual, nonexclusive easement for sewer utility lines and related appurtenances, ("Sewer Facilities"), now in place or hereafter constructed over, under, in, along, across, together with the right of ingress and egress upon the Property that is described above for access to said easement area described as follows:

SEE EXHIBITS "B" & "C"

3. Grantor also grants to Grantee and those acting under or on behalf of Grantee the use of such additional area immediately adjacent to the above Easement as shall be required for the construction or maintenance of Sewer Facilities in the Easement, such additional area to be held to the minimum necessary for that purpose.

4. In case of emergency, Grantee shall have the right, without prior notice or proceeding at law, to enter upon the Property for purpose of construction, repair and/or reconstruction of Sewer Facilities or making any connections therewith. In all other cases, Grantee shall notify Grantor of the need to enter onto the Easement prior to doing so.

5. Grantee shall, upon completion of any work within the Property, restore the surface of the Easement and any non-prohibited private improvements disturbed or destroyed during the execution of the work, as nearly as practicable, to the condition they were in before commencement of the work or entry by Grantee.

6. Grantor may continue to use and enjoy the Property, including the right to use the surface of Easement, provided that (1) such use shall not in any way interfere with construction, installation, maintenance, repair, alteration, connection to or reconstruction of Grantee's Sewer Facilities; (2) Grantor shall not construct or place any improvements upon or over the Easement area, such as rockeries, retaining walls, buildings/structures of a permanent nature, or building/structure overhangs or footings; (3) Grantor shall not allow or plant vegetation, trees or shrubs, that typically grow higher than five feet or that have deep root patterns which may cause damage to, or interfere with, the Sewer Facilities placed within the Easement by Grantee; and (4) any Sewer Facilities appurtenances constructed to be at grade (such as a manhole cover) shall be left at grade and shall not be covered by fill, landscaping or other material.

7. In any legal action between the parties hereto to enforce any of the terms of this Easement, the prevailing party shall be entitled to recover all its expenses incurred in connection therewith, including reasonable attorney's fees, including and in connection with appeals.

8. This Easement contains the entire understanding between the parties and supersedes any prior understanding and agreements between the parties respecting the Easement. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the parties hereto relating to the subject matter of this Easement which are not fully expressed herein.

9. This Easement shall be recorded with King County Recorder and shall run with the land or the Property described herein, and shall be binding upon the parties, their heirs, successors-in-interest, and assigns.

Dated at_____, Washington, this____day of_____,_____.

Grantor:

_____

Print Name: _____

Grantee:

_____

Alan G. Nelson, General Manager
Northshore Utility District

Corporation

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that_____is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged that as the_____of _____ to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated _____

_____
(Signature)

_____
(Print Name)
Notary Public in and for the State of Washington

Residing at:_____

Commission Expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

THAT PORTION OF GOVERNMENT LOT 4 IN SECTION 12, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1,350 FEET NORTH AND 30 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 12;
THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 628.12 FEET;
THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION TO THE NORTHERLY LINE OF SAID GOVERNMENT LOT;
THENCE WESTERLY ALONG SAID NORTHERLY LINE TO A POINT 30 FEET EAST OF THE WEST LINE OF SAID SECTION;
THENCE SOUTH TO THE POINT OF BEGINNING;

TOGETHER WITH SECOND CLASS SHORELANDS ADJOINING AND LYING BETWEEN THE EAST AND WEST LINE OF THE ABOVE DESCRIBED TRACT OF LAND PRODUCED NORTH.

(BEING KNOWN AS TRACTS 42 AND 43, THE MOORLANDS, ACCORDING TO THE UNRECORDED PLAT THEREOF, TOGETHER WITH SHORELANDS)

EXHIBIT "B"
CITY OF KENMORE SEWER EASEMENT
TAX PARCEL No. 5634500980

SANITARY SEWER EASEMENT

LEGAL DESCRIPTION:

THIS PERPETUAL EASEMENT CONSISTS OF A STRIP OF LAND WITHIN THE ABOVE DESCRIBED PROPERTY, WHICH IS FIFTEEN (15) FEET IN WIDTH, LYING SEVEN AND A HALF (7.5) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE MEANDER CORNER BETWEEN SAID SECTIONS 11 AND 12;
THENCE NORTH 02°32'46" EAST, A DISTANCE OF 623.55 FEET;
THENCE SOUTH 87°27'14" EAST, A DISTANCE OF 30.00 FEET TO THE EASTERLY MARGIN OF 68TH AVENUE NORTHEAST;
THENCE SOUTH 64°45'32" EAST ALONG SAID EASTERLY MARGIN, A DISTANCE OF 19.75 FEET;
THENCE SOUTH 66°21'13" EAST, A DISTANCE OF 3.45 FEET TO THE NORTHWEST CORNER OF KING COUNTY PARCEL No.5634500980;
THENCE SOUTH 02°44'14" WEST ALONG THE WEST LINE OF SAID PARCEL AND EASTERLY MARGIN OF 68TH AVENUE NORTHEAST, A DISTANCE OF 112.59 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTERLINE.

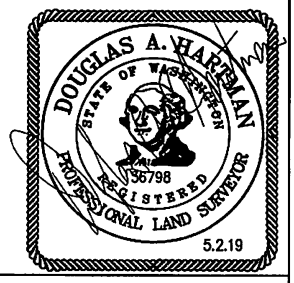
THENCE SOUTH 73°22'30" EAST, A DISTANCE OF 64.49 FEET;
THENCE NORTH 14°35'02" EAST A DISTANCE OF 35.31 FEET TO POINT "A";
THENCE NORTH 60°25'27" EAST, A DISTANCE OF 85.16 FEET TO THE TERMINUS OF SAID CENTERLINE. WHENCE NORTH 21°22'38" EAST, A DISTANCE OF 598.24 FEET FROM SAID MEANDER CORNER.

TOGETHER WITH:

A TEN (10) FEET IN WIDTH, LYING FIVE (5) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS FOLLOWS:

BEGINNING AT SAID POINT "A", THENCE SOUTH 75°33'57" EAST, A DISTANCE OF 18.16 FEET TO THE TERMINUS OF SAID CENTERLINE.

HAVING 0.069± ACRES OR 3,008.8 SQUARE FEET, MORE OR LESS



DUANE HARTMAN & ASSOCIATES, INC.
— Surveyors —
16928 WOODINVILLE-REDMOND ROAD, B-107 (425) 483-5355
WOODINVILLE, WASHINGTON 98072 FAX (425) 483-4650

DRAWING NAME: 18-2809ESMT.dwg

SEC.12, T26N, R4E

DRAWN BY: AAC	DATE: 5.2.2019
CHECKED: DAH	DATE: 5.2.2019
PROJECT NO.: 18-2809	PAGE 1 OF 2

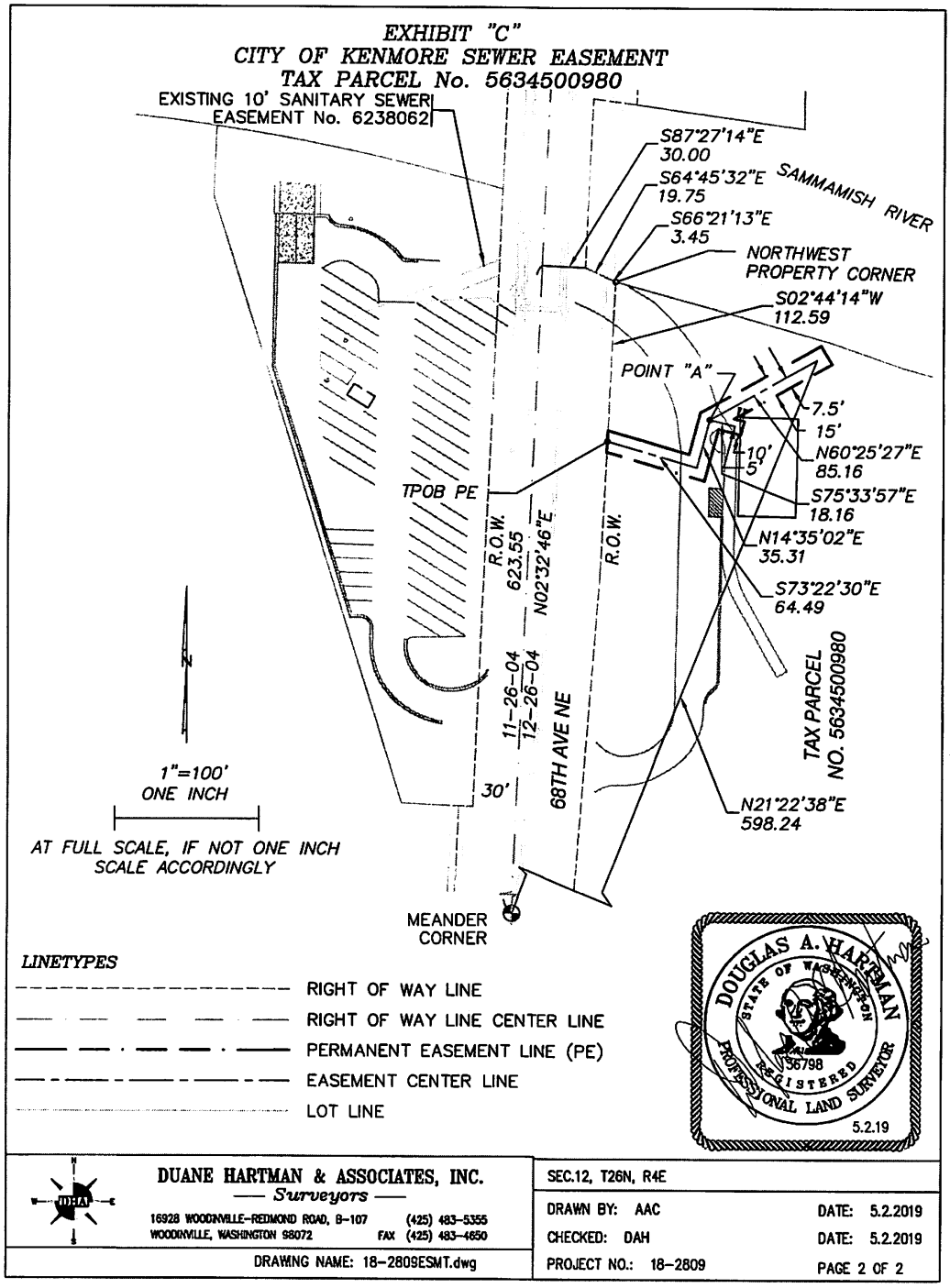


EXHIBIT "C"
CITY OF KENMORE SEWER EASEMENT
TAX PARCEL No. 5634500980
EXISTING 10' SANITARY SEWER EASEMENT No. 6238062
S87°27'14"E 30.00
S64°45'32"E 19.75
S66°21'13"E 3.45
SAMMAMISH RIVER
NORTHWEST PROPERTY CORNER
S02°44'14"W 112.59
POINT "A"
7.5'
15'
10'
5'
N60°25'27"E 85.16
S75°33'57"E 18.16
N14°35'02"E 35.31
S73°22'30"E 64.49
TPOB PE
R.O.W.
623.55
N02°32'46"E
R.O.W.
11-26-04
12-26-04
68TH AVE NE
30'
TAX PARCEL NO. 5634500980
N21°22'38"E 598.24
1"=100'
ONE INCH
AT FULL SCALE, IF NOT ONE INCH SCALE ACCORDINGLY
MEANDER CORNER
LINETYPES
RIGHT OF WAY LINE
RIGHT OF WAY LINE CENTER LINE
PERMANENT EASEMENT LINE (PE)
EASEMENT CENTER LINE
LOT LINE
DOUGLAS A. HARTMAN
STATE OF WASHINGTON
36798
REGISTERED
PROFESSIONAL LAND SURVEYOR
5.2.19
DUANE HARTMAN & ASSOCIATES, INC.
Surveyors
16928 WOODINVILLE-REDMOND ROAD, B-107
WOODINVILLE, WASHINGTON 98072
(425) 483-5355
FAX (425) 483-4650
DRAWING NAME: 18-2809ESMT.dwg
SEC.12, T26N, R4E
DRAWN BY: AAC
DATE: 5.2.2019
CHECKED: DAH
DATE: 5.2.2019
PROJECT NO.: 18-2809
PAGE 2 OF 2

Voucher Certification and Approval

City of Kenmore
DATE RANGE:
05/18/2019-05/31/2019

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 42425 through 42497: $365,098.73

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Acct. Electronic Deposits Dated: 05/24/2019: $ 141,607.81

Payroll Check #10130 Dated 5/24/2019: $ 441.47

City Manager / Date

Finance Director / Date 5/31/19

Vendor Name	Check #	Date	Description	Amount
AFLAC	42425	05/24/2019	Employee Medical/Disability Plans	327.10
AMERICAN GENERAL LIFE GPO-400S	42426	05/24/2019	Life Insurance	279.92
AWC EMPLOYEE BENEFITS	42427	05/24/2019	Employee Health Insurance	55,536.56
AWC EMPLOYEE BENEFITS	42428	05/24/2019	Void	-
AWC EMPLOYEE BENEFITS	42429	05/24/2019	Void	-
DEPARTMENT OF LABOR AND INDUSTRIES	42430	05/24/2019	City of Kenmore	4,190.65
DEPARTMENT OF LABOR AND INDUSTRIES	42431	05/24/2019	Void	-
EMPLOYMENT SECURITY DEPT	42432	05/24/2019	Paid Family & Medical Leave	700.21
ICMA RETIREMENT - ALLFIRST BANK-109964	42433	05/24/2019	City of Kenmore 401a	15,594.63
ICMA RETIREMENT TRUST 457 - 304745	42434	05/24/2019	ICMA 457 Deferred Comp	5,165.69
LINCOLN NATIONAL LIFE INSURANCE	42435	05/24/2019	Life Ins/ADD & LTD	1,206.32
NATIONAL LIFE OF VERMONT	42436	05/24/2019	Life Insurance	123.17
STATE OF FLORIDA DISBURSEMENT UNIT	42437	05/24/2019	Employee Deduction	275.00
UNITED WAY OF KING COUNTY	42438	05/24/2019	Employee Charitable Contribution	68.50
A+ CONFERENCING	42439	05/31/2019	5/13 PSE Conference Call	29.98
AUTOMATED CONTROLS	42440	05/31/2019	HVAC Preventative Maintenance 2/2-4/2/19	1,551.00
BAKER, BRIDGIT	42441	05/31/2019	Work Boot Reimbursement	265.20
BAKER, DAVID	42442	05/31/2019	Meeting Mileage Reimbursement	292.90
BANNER BANK JGORDON	42443	05/31/2019	Amazon/People's Storage/G2 Revolution	359.85
BANNER BANK JGORDON	42443	05/31/2019	Amazon/People's Storage/G2 Revolution	478.59
CANON FINANCIAL SERVICES, INC.	42444	05/31/2019	May 2nd Floor Copier Lease	265.84
CASCADE PEST CONTROL	42445	05/31/2019	May Rhododendron Park Pest Control	143.00
CITY OF BELLEVUE	42446	05/31/2019	Qtr 1 & 2 2019 ARCH Contributions	14,896.50
COMCAST BUSINESS	42447	05/31/2019	5/19-6/18 Hangar Bldg. Cable TV/Music	131.59
ETC INSTITUTE	42448	05/31/2019	18-C1956 2/4-5/13 PROS Plan Survey	5,018.10
FERGUSON ENTERPRISES INC #3011	42449	05/31/2019	Tools & Materials	258.32
FIRE PROTECTION, INC	42450	05/31/2019	Fire Alarm Service @ Hangar Bldg.	907.50
GALLATIN PUBLIC AFFAIRS	42451	05/31/2019	May Media Relations/Marketing Svcs	3,500.00
GRAINGER	42452	05/31/2019	Surface Water Tools	145.83
GRAINGER	42453	05/31/2019	Measuring Wheel for Public Works	83.84

HDR ENGINEERING, INC	42454	05/31/2019	1/1-3/31 Safe Routes to Schools Project	303.30
HDR ENGINEERING, INC	42455	05/31/2019	16-C1625 3/31-4/27 Ped/Bike Project Prof. Svcs	81,587.38
HORIZON DISTRIBUTORS INC	42456	05/31/2019	Parks & ROW Irrigation Supplies	229.55
HORIZON DISTRIBUTORS INC	42457	05/31/2019	ROW Irrigation Supplies	105.64
HORIZON DISTRIBUTORS INC	42458	05/31/2019	Rhododendron Park Irrigation Supplies	100.61
INGLEWOOD GOLF COURSE	42459	05/31/2019	Refund of Credit Card Fee Rec. #4255	5.20
KBA INC.	42460	05/31/2019	18-C1846 Apr W Samm Bridge Constructability I	1,723.23
KENMORE COMMERCIAL LLC	42461	05/31/2019	June Incubator Bldg. Lease Payment	3,367.04
KING COUNTY FINANCE	42462	05/31/2019	April Road Services/Signs/Signals/Street Maint.	4,186.82
KING COUNTY FINANCE	42463	05/31/2019	1st Qtr Mental Health Svcs/Liquor Profits/Tax	1,623.79
KING COUNTY FINANCE	42464	05/31/2019	April Road Svcs/Signs	1,197.76
KING COUNTY FINANCE	42465	05/31/2019	Adult/Juv Detention April Community Work Proj	5,320.00
KPFF CONSULTING ENGINEERS	42466	05/31/2019	15-C1484 68th Ave Ped/Bike Project	14,751.02
MEEHAN, NANCY	42467	05/31/2019	Reimbursement for City Mgr.& KBA Mtg. Expens	151.71
NATIONAL BARRICADE CO., LLC	42468	05/31/2019	No Parking Signs	1,650.12
NORTH CREEK ROOFING, INC.	42469	05/31/2019	Reimbursement for Permit Not Required	215.45
NORTHSHORE UTILITY DIST	42470	05/31/2019	3/15-5/15 Water/Sewer/Irrigation Billings	2,042.43
OFFICE DEPOT	42471	05/31/2019	Office Supplies	326.34
OFFICE DEPOT	42472	05/31/2019	Toner for Development Svcs	32.11
OFFICE DEPOT	42473	05/31/2019	Ink for Front Desk Copier	48.28
OSBORN CONSULTING INC.	42474	05/31/2019	12-C1081 Apr. Rhododendron Park Boatshed	11,899.63
OSBORN CONSULTING INC.	42475	05/31/2019	12-C1081 March Rhododendron Park Boatshed	1,839.69
PHSI PURE HEALTH SOLUTIONS INC.	42476	05/31/2019	Monthly City Hall Filtered Water Systems	101.09
PRIDE ELECTRIC INC.	42477	05/31/2019	Ballast Installation @ Public Works Office	429.00
PUGET SOUND ENERGY	42478	05/31/2019	4/12-5/14 Electricity & Gas Charges	2,490.54
QUALITY BUSINESS SYSTEMS-WELLS FARGO	42479	05/31/2019	5/5-6/4 1st Floor Copier Lease & Taxes	933.55
RED BARN ENGINEERING, INC.	42480	05/31/2019	19-C1976 5/10-5/23/19 Engineering On-Call Svcs	2,349.00
SCORE	42481	05/31/2019	April Outside Health Services	390.00
SEATTLE TIMES	42482	05/31/2019	Legal Notice Transp. Benefit Dist. Annual Repor	127.11
SEATTLE TIMES	42483	05/31/2019	Notice of Application - Craig Krueger	194.01
SEATTLE TIMES	42484	05/31/2019	SEPA Notice Juanita Dr. Ped/Bike Proj.	272.06
SIGN UP, SIGN CO, INC	42485	05/31/2019	Land Use Signs for Juanita Drive 153rd & 170th	726.00
SMS CLEANING, INC.	42486	05/31/2019	18-C1828 May City Hall & Hangar Janitorial	5,700.00
STAPLES ADVANTAGE	42487	05/31/2019	Incubator Maintenance Supplies	57.42
STAPLES ADVANTAGE	42488	05/31/2019	Cleaning Wipes	29.04
STAPLES ADVANTAGE	42489	05/31/2019	City Hall & Hangar Bldg. Maintenance Supplies	505.16
STAPLES ADVANTAGE	42490	05/31/2019	Trash Can for Public Works Office	51.84
STARDOM SERVICES, INC.	42491	05/31/2019	May Incubator Bldg. Janitorial Svcs	555.00
TOTAL LANDSCAPE CORP	42492	05/31/2019	May City Hall & Parks Landscaping	880.00
TOTAL LANDSCAPE CORP	42492	05/31/2019	May City Hall & Parks Landscaping	4,145.45
VALLEY, CHRIS & BETH	42493	05/31/2019	Refund Deposit ROW PRJ16-0048/ENG18-0078	7,500.00
WA RECREATION & PARK ASSOC.	42494	05/31/2019	Membership through 5/15/2020	85.00
WASHINGTON STATE PATROL	42495	05/31/2019	May 10th Bridge Weight Limit Enforcement	803.57
WELWEST CONSTRUCTION INC.	42496	05/31/2019	19-C1991 65th-67th/181st Sidewalk Project	85,992.20
J&K ASSOCIATES	42497	05/31/2019	De-Icing Storage Tank and Transfer Pump	6,278.80
DRS 457	DFT0000392	05/24/2019	DRS 457 Deferred Comp	867.25
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0000398	05/24/2019	Public Employees Retirement	27,212.78
NAVIA	DFT0000399	05/24/2019	Employee Flexible Spending Account	368.15
BANK OF AMERICA 941	DFT0000400	05/24/2019	Federal Taxes	16,787.10
RYAN LANCASTER	10130	05/24/2019	Payroll Check	441.47
PAYROLL		05/24/2019	Direct Deposit	96,372.53
			Total	$507,148.01

City of Kenmore

Vendor Purchasing Report

For Date Range 01/01/2019 - 05/31/2019

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	1,513.22
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	715.00
0067	CENTER FOR HUMAN SERVICES	5,250.00
0076	CITY OF BELLEVUE	55,832.00
0081	CITY OF KENMORE	600.00
0083	CITY OF LAKE FOREST PARK	120,373.83
0092	CODE PUBLISHING COMPANY	1,503.77
0099	CONSOLIDATED PRESS	4,375.74
0106	CROWN PRODUCTS LLC	985.25
0109	DAILY JOURNAL OF COMMERCE	1,883.70
0121	REPUBLIC SERVICES	6,723.93
0130	EMPLOYMENT SECURITY DEPT	3,857.97
0134	EVERGREEN PRINT SOLUTIONS	215.06
0137	FERGUSON ENTERPRISES INC #3011	2,346.98
0145	FRUHLING SAND & TOPSOIL	35.00
0151	CALPORTLAND COMPANY	2,700.77
0152	GOVERNMENT FINANCE OFFICERS ASSOC	190.00
0173	HOME DEPOT CREDIT SERVICES	6,152.41
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	70,915.13
0189	INTERNATIONAL CITY/CNTY MGMT ASSOC	1,400.00
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	1,500.00
0216	KING COUNTY REAL ESTATE SVCS	2,500.00
0218	KING COUNTY FINANCE	3,125.84
0219	KING COUNTY FINANCE	120,338.23
0224	SOUND PUBLISHING, INC.	2,125.00
0229	KING COUNTY OFFICE OF FINANCE	2,820.00
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	27,579.67
0260	MEEHAN, NANCY	525.34
0261	PENDLETON CONSULTING LLC	4,046.80
0267	MR. T'S TROPHIES	117.32
0285	NORTHSHORE FIRE DEPT	1,120.00
0286	NORTHSHORE SCHOOL DISTRICT	42,292.00
0287	NORTHSHORE SENIOR CENTER	14,150.00
0288	NORTHSHORE UTILITY DIST	101,283.09
0289	NORTHSHORE YMCA	2,875.00
0290	NORTHSHORE YOUTH & FAMILY SERVICES	8,000.00
0292	HONEY BUCKET	860.20
0299	PERSONAL BEST	118.27
0300	OFFICE DEPOT	4,585.32

Vendor Purchasing Report **For Date Range 01/01/2019 - 05/31/2019**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	5,323.70
0310	PACIFIC TOPSOILS	4,185.37
0327	PUGET SOUND CLEAN AIR AGENCY	18,505.00
0328	PUGET SOUND ENERGY	76,691.00
0329	PUGET SOUND FINANCE OFFICERS ASSOC	50.00
0345	SEATTLE TIMES	6,873.02
0350	SIGN UP, SIGN CO, INC	726.00
0355	STAPLES ADVANTAGE	6,770.11
0357	STEWART MACNICHOLS HARMELL, INC.	25,000.00
0359	SOUND CITIES ASSOC	15,017.45
0365	TOTAL LANDSCAPE CORP	37,529.75
0371	UNITED STATES POSTMASTER	1,804.50
0385	WA ASSOC OF BUILDING OFFICIALS	125.00
0387	WA CITIES INSURANCE AUTHORITY	290,060.00
0401	WA STATE DEPT OF TRANSPORTATION	4,316.19
0405	WASHINGTON STATE OFFICE CASH MGMT	1,073.50
0412	COLUMBIA RIDGE LANDFILL	7,283.75
0416	WETLANDS & WOODLANDS INC	3,747.70
0419	WONDERLAND DEVELOPMENT	750.00
0424	ICMA RETIREMENT TRUST 457 - 304745	52,824.82
0425	DRS 457	10,362.25
0426	AFLAC	1,635.50
0428	BANK OF AMERICA 941	184,147.37
0429	AWC EMPLOYEE BENEFITS	280,044.15
0431	DEPARTMENT OF RETIREMENT SYSTEMS	299,855.85
0432	DEPARTMENT OF LABOR AND INDUSTRIES	19,827.11
0434	UNITED WAY OF KING COUNTY	843.50
0436	NATIONAL LIFE OF VERMONT	615.85
0448	UPS STORE	51.71
0450	AURORA RENTS	4,041.82
0473	ARTS OF KENMORE	1,132.54
0484	CITY WIDE FENCE COMPANY, INC	28,765.00
0501	MACLEOD RECKORD	4,135.80
0510	AA ASPHALTING, INC	8,343.52
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	659.38
0685	PACE ENGINEERS, INC.	78,656.84
0689	DIGITAL REPROGRAPHICS SERVICES INC.	109.90
0690	BUILDERS EXCHANGE OF WASHINGTON INC	681.60
0692	HDR ENGINEERING, INC	257,881.76
0696	AMERICAN GENERAL LIFE GPO-400S	1,924.96
0699	BANNER BANK DB	4,697.78
0743	BANNER BANK NO	2,746.16
0764	OUSLEY, NANCY	548.12
0781	QUALITY BUSINESS SYSTEMS INC.	5,258.93
0788	CURTIS, DR. MILTON	193.68
0791	NORTHSHORE ROTARY CLUB	498.00
0800	BANNER BANK JG	8,460.40
0817	GRAINGER	6,694.94
0834	BANNER BANK KENMORE	15,739.57
0837	INGLEWOOD GOLF COURSE	5.20
0852	GREGORY, JOANNE	67.28
0858	A+ CONFERENCING	195.70

Vendor Purchasing Report **For Date Range 01/01/2019 - 05/31/2019**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0864	COLUMBIA FORD	130,979.72
0868	JAYMARC - AV	275.00
0869	BANNER BANK JGORDON	14,859.59
0892	JACOBS ENGINEERING GROUP	125,896.32
0898	ZONAR SYSTEMS	527.73
0899	SHRED-IT USA LLC	383.92
0912	ALCALDE & FAY	20,254.35
0913	KENMORE ELEMENTARY PTA	1,250.00
0937	ZUMAR	10,759.78
0964	J&K ASSOCIATES	6,278.80
0981	COMCAST BUSINESS	14,534.01
0994	GORDON THOMAS HONEYWELL	16,044.72
1003	iWORQ SYSTEMS	2,800.00
1010	TOWN CENTER HARDWARE	1,312.62
1032	SAWYER, RICHARD	217.80
1045	HORIZON DISTRIBUTORS INC	918.50
1047	SARAH ROBERTS	45,850.08
1052	FIRE PROTECTION, INC	3,896.25
1068	WA STATE DEPT OF LABOR & INDUSTRIES	147.20
1114	PHSI PURE HEALTH SOLUTIONS INC.	505.45
1116	FRONTIER	4,479.55
1123	AM TEST, INC	1,125.00
1140	PAWS	1,524.00
1148	QUALITY WATER FINANCIAL LLC	645.84
1168	SCHINDLER ELEVATOR CORPORATION	575.79
1177	WELLS FARGO FINANCIAL	1,859.19
1192	HOPKINS, CRAIG	307.98
1197	MILLER STEPHENS, MARY	5,000.00
1212	MCALLISTER, TERESA	19.62
1215	STATE OF FLORIDA DISBURSEMENT UNIT	3,025.00
1248	KENMORE AIR	3,037.40
1267	AUTOMATED CONTROLS	1,551.00
1299	VERIZON WIRELESS	1,095.09
1304	HAMPSON, BRYAN	70.18
1309	BANNER BANK BAKER	4,605.78
1311	WASHINGTON STATE PATROL	4,104.90
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	2,700.00
1331	KBA INC.	22,545.04
1333	WELWEST CONSTRUCTION INC.	137,707.96
1339	STATE OF WA DEPARTMENT OF LICENSING	30.00
1345	SHERWIN-WILLIAMS CO. #8099	112.14
1356	KARLINSEY, ROB	256.44
1357	KENMORE COMMERCIAL LLC	20,202.24
1358	ALPHAGRAPHICS	772.31
1359	EVERGREEN FIRE AND SAFETY, INC.	96.80
1363	INNOVAC	4,182.65
1372	AAA PRINTING	429.18
1385	CITYWORKS/ AZTECA SYSTEMS INC.	22,000.00
1390	UTILITIES UNDERGROUND LOCATION CTR	741.75
1402	NORTHWEST MARINE TRADE ASSOCIATION	460.00
1403	OSBORN CONSULTING INC.	26,532.08
1420	SAUVE, GAYLEN	400.00
1425	FASTSIGNS	910.80
1431	BRIEN, GAYLYNN	200.00
1437	VOLGISTICS, INC	540.00
1452	CITY OF KENT	500.00
1456	HESTON VISUAL ARTS	506.00
1457	LANGUAGE LINE SERVICES, INC.	9.85

Vendor Purchasing Report **For Date Range 01/01/2019 - 05/31/2019**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
1459	FLEMINGS HOLIDAY LIGHTING LLC	5,739.02
1478	HERBIG, NIGEL	70.18
1485	WA ASSOC OF PUBLIC RECORDS OFFICERS	200.00
1504	SCORE	167,878.98
1544	METROPOLITAN TRANS. COMMISSION	1,500.00
1550	THE EVP GROUP	24,337.50
1555	LINCOLN NATIONAL LIFE INSURANCE	6,138.50
1577	MUMMA, RYAN	58.58
1581	STARDOM SERVICES, INC.	2,775.00
1584	STUDIO 3 SIGNS	165.15
1590	HERMANSON COMPANY, LLP	401.59
1591	ULINE	2,642.59
1596	NW ENVIRONMENTAL TRAINING CENTER	3,225.00
1605	ALL CITY FENCE CO.	14,412.20
1606	GALLATIN PUBLIC AFFAIRS	14,000.00
1647	MASTEC NETWORK SOLUTIONS	1,523.55
1661	WHITEMAN, TELA	395.67
1673	KPFF CONSULTING ENGINEERS	161,522.18
1678	VICENTE, JOHN	2,434.00
1689	MOTT MACDONALD GROUP, INC.	167,044.14
1690	SITTS & HILL ENGINEERS, INC.	5,730.00
1693	SKYWARD CONSTRUCTION	33,000.00
1698	WRIGHT, MARCI	1,000.00
1704	BANNER BANK RK	6,282.26
1711	SOFTWAREONE, INC.	10,622.57
1718	RESOURCE EXPLORATION, LLC	20,000.00
1738	MUNIMANAGE, LLC	66,990.00
1762	BAKER, BRIDGIT	452.36
1774	OWEN EQUIPMENT COMPANY	1,305.30
1782	SWANK MOTION PICTURES, INC.	2,213.20
1787	M M COMFORT SYSTEMS	36.75
1798	OLBRECHTS & ASSOCIATES, PLLC	2,255.50
1811	CAMPBELL SCIENTIFIC	624.00
1814	YSI INCORPORATED, A XYLEM BRAND	1,738.55
1816	NAVIA	9,799.65
1828	QUALITY BUSINESS SYSTEMS - WELLS FARGO	3,635.67
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
1885	NATIONAL BARRICADE CO., LLC	1,650.12
1889	WILLIAMS, KASTNER & GIBBS PLLC	23,354.54
1900	ASPECT CONSULTING LLC	1,447.42
1901	NORTH COAST ELECTRIC COMPANY	157.91
1930	T-MOBILE USA, INC.	2,967.55
1932	U.S. BANK N.A. - CUSTODY	114.00
1933	VALLEY, CHRIS & BETH	7,500.00
1944	OHNO CONSTRUCTION	5,454.03
1945	GLASS MASTERS LLC	2,045.00
1947	MCMILLAN, RANDY	500.00
1948	MULTICARE CENTERS OF OCCUPATIONAL MEDICINE	1,190.00
1960	WALTER E. NELSON CO.	1,233.87
1962	BANNER BANK SKROGH	2,198.29
1964	EARTHWORKS	23,612.75
1978	GOVDELIVERY, LLC	13,005.91
1979	MSPT XXII, LLC	10,954.00
1980	HRA VEBA TRUST	15,707.55

Vendor Purchasing Report **For Date Range 01/01/2019 - 05/31/2019**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
1985	CONTRACT LAND STAFF LLC	7,414.89
1993	HYAS GROUP, LLC	7,500.00
1994	LAKE CITY PARTNERS ENDING HOMELESSNESS	2,000.00
1995	REY TRANSLATIONS	220.00
1998	JOHNSTON GROUP, LLC	14,575.00
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50.00
2004	RED BARN ENGINEERING, INC.	29,355.00
2007	HYDROPOINT DATA SYSTEMS, INC.	470.00
2021	GEOTERRA, INC.	9,220.00
2024	DFR LAW GROUP, LLC	300.00
2028	PRIDE ELECTRIC INC.	1,287.00
2048	SMS CLEANING, INC.	28,500.00
2063	French Touchup LLC	5,929.00
2064	Bud Clary Dodge/Chevrolet	66,956.52
2078	WA RECREATION & PARK ASSOC.	85.00
2081	SHANNON & WILSON, INC.	28,033.00
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	173,563.39
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	13,106.00
2164	RANKIN, BRUCE	418.95
2166	BARKER MARTIN, P.S.	9,505.50
2167	APWA-WA CHAPTER	1,500.00
2168	FRED PRYOR SEMINARS	149.00
2169	ETC INSTITUTE	18,750.00
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	592.26
2176	CANON FINANCIAL SERVICES, INC.	1,063.36
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
2187	CORAL SALES CO.	9,553.50
2188	DIJULIO DISPLAYS, INC	5,174.98
2189	OFFICE TEAM	657.94
2190	PACIFIC INDUSTRIAL SUPPLY	984.39

Vendor Purchasing Report **For Date Range 01/01/2019 - 05/31/2019**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2192	STEWART TITLE	103,308.00
2193	FENCING COMPANY, LLC	1,265.00
2194	CONFLUENCE ENVIRONMENTAL COMPANY	10,470.00
2195	CITY SOURCED	3,600.00
2196	Engaged Public	6,500.00
2197	BEST PARKING LOT CLEANING INC.	4,528.70
2198	CITY OF BOTHELL	50,000.00
2199	HALALILO, PAULA	34.56
2200	CHASE WALKER	129.50
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
2206	CHECK RIDE	3,450.00
2207	APA Washington	100.00
2208	FLUENT LANGUAGE SOLUTIONS	395.59
2209	MORUP SIGNS, INC.	456.51
2210	PACWEST MACHINERY	300.00
2211	PRECISION FUEL SOLUTIONS	1,452.00
2212	WEDENIG, MARK	7,500.00
2213	HELEN C. FORBES FAMILY TRUST	1,623.30
2215	INTERSECTION MEDIA, LLC	1,000.00
2216	SEVERSON, ROBERT	13,732.35
2217	TOURNESOL SITEWORKS, LLC	473.02
2218	NORTH CREEK ROOFING, INC.	215.45
	Vendor Set Vendor Set 01 Total:	**5,289,576.15**

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Contract No. 19-C2071 with Granicus for Website Migration Project **Proposed Council Action/Motion:** Authorize the City Manager to execute Contract No. 19-C2071 with Granicus in an amount up to $56,550.13 for Website Migration Project	**For Council Meeting Agenda of:** 17 June 2019 **Department:** Executive **Prepared by:** Becky Range, Communications Specialist Initial & Date **Approved by Department Head:** NKO 4 June 2019 **Approved by City Attorney:** **Approved by Finance Director:** June 6-4-19 **Approved by City Manager:** RJK **Exhibits/Attachments:** Contract No. 19-C2071

INFORMATION/BACKGROUND:

Providing clear, factual and timely information to our community is a top priority for city staff and the most important tool we have is our city website. Our current website was improved in 2013 and the company that built it no longer provides web maintenance services.

Due to changing technology and a now outdated Content Management System (CMS), our site is susceptible to search engine optimization scams and spam. It is difficult for staff to update and cannot easily house all pages and tools we need, or might need in the next five years.

A web migration project was approved in the 2019-2020 budget to deliver a new website that is more user-friendly, mobile-responsive, and has a simple yet effective search tool.

Over the last few months, staff researched other city websites and studied industry trends to draft a consultant Request for Proposal. We sought a consultant who could help us meet two main project goals:

- Quickly migrate existing web content to a secure website and CMS that is easier for staff to use and provides full access to website management
- Migrate to a website that is useable, sustainable, flexible and accommodates any future platforms or services we might need, i.e. payment or reservation engines, form programs, or online community engagement tools.

We received and evaluated three strong proposals, all from established companies who have experience with city websites. Consultants were evaluated on experience and qualifications, their ability to meet our scope of service, budget, timeline and proposed schedule and responsiveness.

All consultants were also asked to provide maintenance and service cost estimates for three years after the website migration and design is completed.

Proposed schedules, ability to provide the services, and costs estimates were very similar for all three.

A committee of four evaluated the proposals and recommends Granicus perform the work. We already use and like Granicus for our email subscription platform (GovDelivery). Integrating our email service with our website will be more seamless and efficient for staff. In addition, it is easy to create and update pages in Granicus, which is important for us. Our web content managers are not IT staff, but rather administrative staff. Finally, the design templates Granicus offers are clean, trendy and often updated, which would better translate and improve our city brand.

This proposed contract has been negotiated with the vendor. In addition to minor changes, the vendor met all insurance liability requirements recommended by the Washington Cities Insurance Authority.

City staff is seeking City Council to authorize the City Manager to execute a consultant contract with Granicus for the services listed above.

FISCAL CONSIDERATION:

- The 2019-2020 budget includes $40,000 in one-time costs for the web migration project
- However, in order to plan and establish future rates, we have opted to include in this contract the maintenance rates for 2021, 2022 and 2023, knowing that maintenance, hosting and ongoing training are critical to the success of our website.
- This brings the total contract to $56,550.13

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Providing clear, factual and timely information to our community supports all City Council goals.

Additionally, it directly supports Goal 7. Implement the Economic Development Plan, with an emphasis to "Promote the Image of Kenmore".

City of Kenmore Contract No. 19-C2071

CONSULTANT CONTRACT

This Agreement is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and Granicus, ("Consultant") whose principal office is located at 408 St. Peter Street, Ste. 600, St. Paul, MN 55102.

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

1. Scope of Services to be Performed by Consultant. The Consultant shall perform the services described in Exhibit "A" of this Agreement. In performing the services, the Consultant shall comply with all federal, state and local laws and regulations applicable to the services. The Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance.

2. Compensation and Method of Payment. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "B."

The City shall pay Consultant:

[Check applicable method of payment]

✓ According to the rates set forth in Exhibit "A."

__ A sum not to exceed $_____

__ Other (describe): _____

_____

The Consultant shall complete and return to the City Exhibit "C," federal tax Form W-9, prior to or along with the first billing invoice. The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval.

3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing on May 1, 2019 and ending December 31, 2023 unless sooner terminated under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. Ownership and Use of Documents. Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant specifically and exclusively for the City in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not.

technology; (C) Loss of business; or (D) for any other matter beyond consultant's reasonable control, even if consultant has been advised of the possibility of any of the foregoing losses or damages.

In no instance shall either party's liability to the other party for direct damages under this agreement (whether in contract or tort or otherwise) exceed the fees paid by city for the consultant's products and services during the twelve (12) months immediately preceding the date the damaged party notifies the other party in writing of the claim for direct damages. Consultant shall not be responsible for any lost profits or other damages, including indirect, incidental, special, consequential or any other damages, however caused. Neither party may institute an action in any form arising out of nor in connection with this agreement more than two (2) years after the cause of action has arisen. The above limitations will not limit city's payment obligations under this agreement.

7. Insurance. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent Consultants and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance. Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit.

4. Technology Errors & Omissions (E&O) shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit.

5. Network Security (Cyber) and Privacy Insurance shall be written with limits no less than $1,000.000 per claim $1,000,000 policy aggregate for network security and privacy coverage, $100,000 per claim for regulatory action (fines and penalties), and $100,000 per claim for event management services. It shall also include, but not be limited to, coverage, including defense, for the following losses or services:

   Liability arising from theft, dissemination, and/or use of Public Entity confidential and personally identifiable information, including but not limited to, any information about an individual maintained by the Public Entity, including (i) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (ii) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information regardless of how or where the information is stored or transmitted.

   Network security liability arising from (i) the unauthorized access to, use of, or tampering with computer systems, including hacker attacks; or (ii) the inability of an authorized third party to gain access to supplier systems and/or Public Entity data, including denial of service, unless caused by a mechanical or electrical failure; (iii) introduction of any unauthorized software computer code or virus causing damage to the Public Entity or any other third party data.

   Lawfully insurable fines and penalties resulting or alleging from a data breach.

   Event management services and first-party loss expenses for a data breach response including crisis management services, credit monitoring for individuals, public relations, legal service advice, notification of affected parties, independent information security forensics firm, and costs to re-secure, re-create and restore data or systems.

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

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

E. Verification of Coverage. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

F. Notice of Cancellation. The Consultant shall provide the City with written notice of any policy cancellation, within thirty business days of their receipt of such notice.

G. Failure to Maintain Insurance. Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after

giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven (7) years after termination of this Agreement, unless permission to destroy them is granted by the Office of the Archivist in accordance with Chapter 40.14 RCW and by the City.

9. Audits and Inspections. To the extent permitted by law, the records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the City during the performance of this Agreement. All work products, data, studies, worksheets, models, reports and other materials in support of the performance of the service, work products, or outcomes fulfilling the contractual obligations, created specifically and exclusively for the City under this Agreement, are the products of the City.

10. Termination.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon ninety (90) days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant specifically and exclusively for the City pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be canceled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than ninety (90) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, presence of any sensory, mental or physical disability, or other circumstance prohibited by federal, State or local law or ordinance, except for a bona fide occupational qualification.

12. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

13. Conflict of Interest. The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

14. Confidentiality. All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination. All proprietary information pertaining to the Consultant's Products and Services shall be considered confidential. City shall treat Consultant's confidential information with the same duty of care as it would its own confidential information."

15. Non-appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. Entire Agreement. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. If there is a conflict between the terms and conditions of this Agreement and the attached exhibits, then the terms and conditions of this Agreement shall prevail over the exhibits. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. Notices. Notices to the City of Kenmore shall be sent to the following address:

City Clerk
City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028-0607

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

Granicus
408 St. Peter Street, Ste. 600
St. Paul, MN 55102
Phone No.: (800) 314-0147

18. Applicable Law; Venue; Attorneys' Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its reasonable attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee shall be included in the judgment.

19. Severability. Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CONSULTANT	CITY OF KENMORE
By: _____	By: Rob Karlinsey
Title: Vice President of Legal_____	Title: City Manager
Date: _____	Date: _____

EXHIBIT A

Scope of Services to be Provided by Consultant. The Consultant shall furnish services including, but not limited to, as outlined in Exhibit A.

Rates for Services to be Provided by Consultant. The Consultant shall furnish the services in accordance with the following rates, also outlined in Exhibit A.

GRANICUS

EXHIBIT A

Granicus Proposal for Kenmore WA

Granicus Contact

Name: John Redfern

Phone: +1 3102660243

Email: john.redfern@granicus.com

Proposal Details

Quote Number: Q-56671

Prepared On: 4/4/2019

Valid Through: 6/30/2019

Pricing

Payment Terms: Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)

Currency: USD

Period of Performance: The term of the Agreement will commence on the date this document is signed and will continue for 60 months.

One-Time Fees Year One

Solution	Billing Frequency	Quantity/Unit	One-Time Fee
govAccess – Website Design and Implementation - Trailblazer	Up Front	1 Each	$20,000.00
		SUBTOTAL:	**$20,000.00**

One-Time Fees Year Two*

Solution	Billing Frequency	Quantity/Unit	One-Time Fee
govAccess – Website Design and Implementation - Trailblazer	Up Front	1 Each	$15,000.00
		SUBTOTAL:	**$15,000.00**

Annual Fees for New Subscriptions

Solution	Billing Frequency	Quantity/Unit	Annual Fee
govAccess - Maintenance, Hosting, & Licensing Fee - Core	Annual	1 Each	$0.00 *(First year free)*
		SUBTOTAL:	**$0.00**

GRANICUS

Remaining Period(s)				
Solution(s)	**Year 2**	**Year 3**	**Year 4**	**Year 5**
govAccess - Maintenance, Hosting, & Licensing Fee - Core	$5,000.00	$5,250.00	$5,512.00	$5,788.13
SUBTOTAL:	**$5,000.00**	**$5,250.00**	**$5,512.00**	**$5,788.13**

GRANICUS

Product Descriptions	
Name	**Description**
govAccess – Website Design and Implementation - Trailblazer	Website Design and Implementation - Trailblazer provides a citizen focused website and includes: • Advanced UX Consultation, which may include one (1) or more of the following: 1. One (1) site analytics report 2. One (1) heatmap analysis 3. One (1) internal stakeholder survey 4. One (1) community stakeholder survey 5. One (1) remote user testing of top tasks • Three (3) customer journeys (top tasks or heavily visited webpages) identified fo optimization -Fully customized homepage wireframe • Fully responsive design • Custom mobile homepage or standard mobile responsive homepage • Video background or standard rotating image carousel (switchable at any time) • Three (3) specialty alternate homepages - Choose from Granicus' library including emergencies, election night, special events • Three (3) customer experience features - Choose from Granicus' library including service finder, geo finder, or data visualization bann • Programming/CMS implementation • Migrate up to 200 webpages • Ten (10) forms converted into the new CMS • Three (3) days of on-site consultation / training to be applied towards additional project management or training (two (2) of three (3) days must be consecutive)
govAccess - Maintenance, Hosting, & Licensing Fee - Core	The govAccess Maintenance, Hosting, and Licensing plan is designed to equip the client with the technology, expertise and training to keep the client's website relevant and effective ove time. Services include the following: • Ongoing software updates • Unlimited technical support (6:00 AM - 6:00 PM PT, Monday - Friday) • Access to training webinars and on-demand video library • Access to best practice webinars and resources • Annual health check with research-based recommendations for website optimization • DDoS mitigation • Disaster recovery with 90-minute failover (RTO) and 15-minute data replication (RPO)

GRANICUS

Terms and Conditions

- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Kenmore WA to provide applicable exemption certificate(s).
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.
- If submitting a Purchase Order, please include the following language: All pricing, terms and conditions of quote Q-56671 dated 4/4/2019 are incorporated into this Purchase Order by reference.

**Client agrees to pay second installment of govAccess - Website Design and Implementation - Trailblazer ($15,000) at the beginning of the second year in addition to annual subscription fee ($5,000) for a total of $20,000 as shown under the the One Time Fees Year Two table.*

EXHIBIT B

City of Kenmore
Billing Invoice

To: City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

Invoice Number: _____ Date of Invoice: _____

Consultant: _____

Mailing Address: _____

_____

Telephone: ( ) _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: $_____

Attach itemized description of services provided.

Specific Program: _____

_____
Authorized signature

For Department Use Only

BUDGET SUMMARY

Total contract amount	$_____
Previous payments	$_____
Current request	$_____
Balance remaining	$_____

Approved for Payment by: _____ Date: _____

Authorized Signature (Required)

EXHIBIT C

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:
Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate
Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▸
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
Other (see instructions) ▸

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I **Taxpayer Identification Number (TIN)**

Social security number

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: January 2019 Financial Report	For Council Meeting Agenda of: June 17, 2019 Department: Finance and Administration Prepared by: Joanne Gregory Initial & Date Approved by Department Head: JMG 5/31/19 Approved by City Attorney: Approved by Finance Director: JMG 5/31/19 Approved by City Manager:
Proposed Council Action/Motion: Receive and File January 2019 Financial Report for the City of Kenmore, Washington	Exhibits/Attachments: January 2019 Financial Report for the City of Kenmore, Washington.

INFORMATION/BACKGROUND:

The January 2019 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2019-2020 adopted biennial budget. The budget was adopted on November 19, 2018.

FISCAL CONSIDERATION:

January is the first month of the 2019-2020 biennium. As of January, expenditures exceeded revenue in the General Fund by $206,960. January expenditures typically include a number of one-time annual costs such as insurance, intergovernmental memberships and dues.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Kenmore Budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date. Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.
Priority Based Budgeting Result: Governance: Supports decision-making with timely and accurate short-term and long-range analysis that enhances vision and planning.

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18120 68TH AVE. NE
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Joanne Gregory, Finance Director
DATE: May 23, 2019
RE: January 2019 Financial Reports for the City of Kenmore, Washington

January 2019 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- Street Fund Summary
- Cash and Investment Report
- Investment Schedule
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Report for Transportation Benefit District

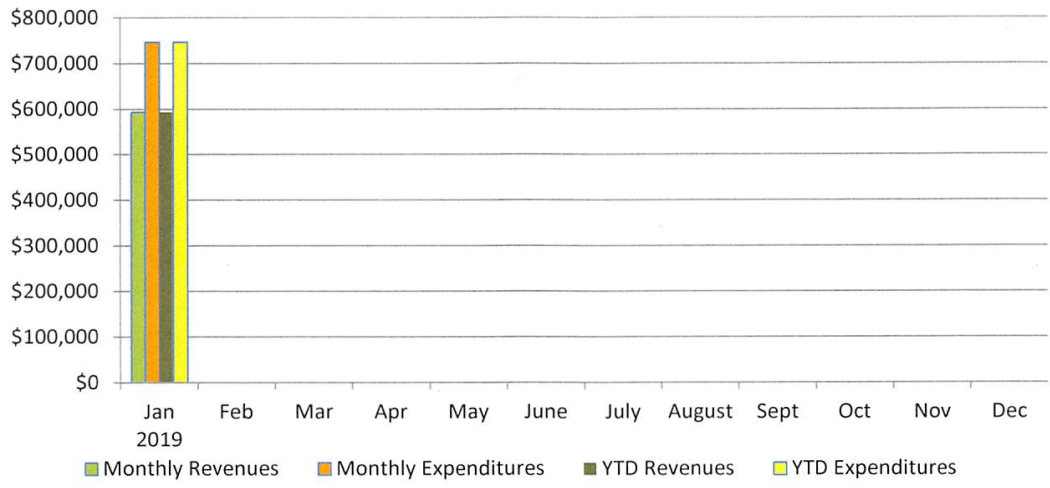
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, January is the first month (4%) of the 2019-2020 biennial budget period. For the month of January, expenditures exceeded revenues in the General Fund by $206,960.

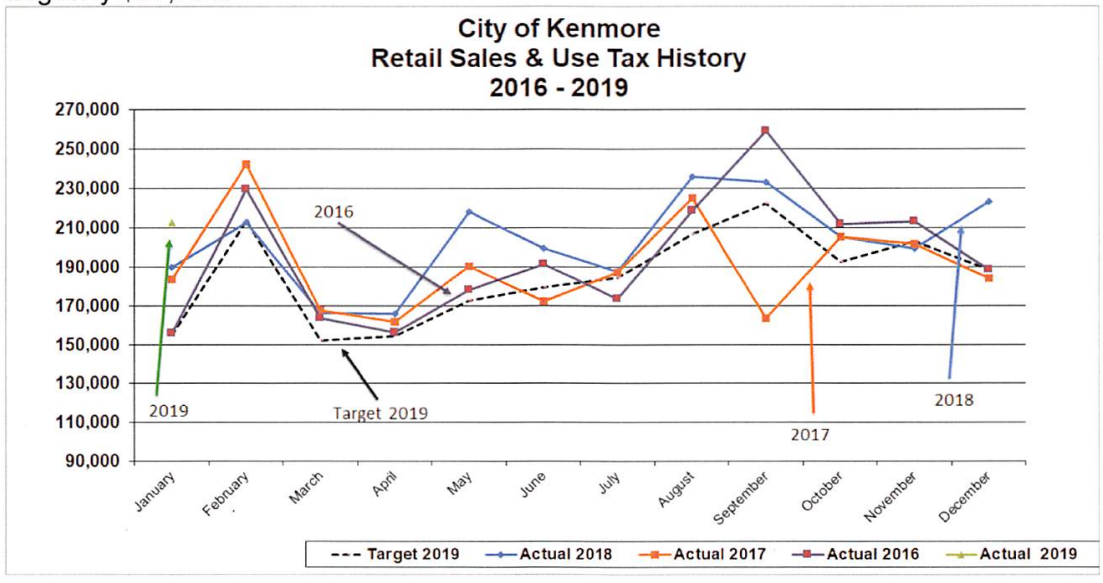
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through January 2019.

City of Kenmore, Washington
Monthly Financial Report
January 2019



Total **revenues** for the month were **$539,680.** Biennium to date revenues are $539,680, which is 2% of the budgeted revenues of $25,927,872. Primary sources of revenue for the month included property taxes in the amount of $15,956, development fees & permits in the amount of $66,225, retail sales and use taxes in the amount of $212,512, and utility taxes in the amount of $116,230.

A summary of sales tax revenues received in January is attached. These receipts are based on November sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2019 line is a monthly average of actual receipts during 2016, 2017, and 2018. The green line represents 2019 actual receipts, which are $22,798 above 2018 and ahead of the 2019 target by $57,808.



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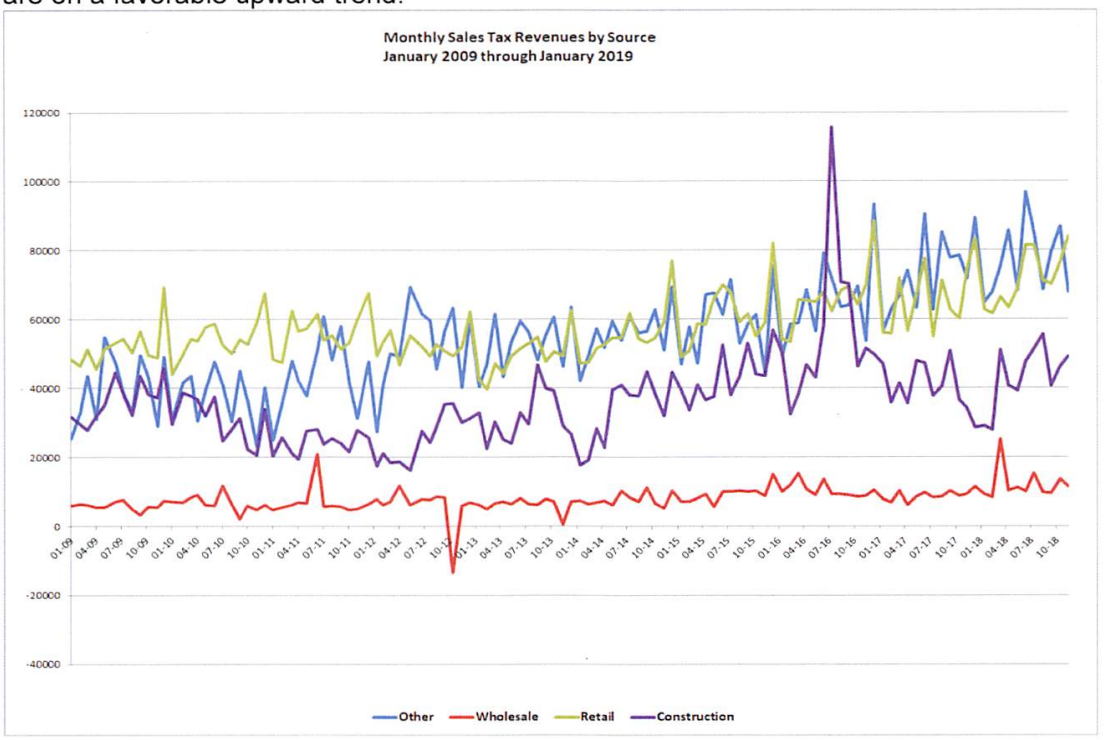
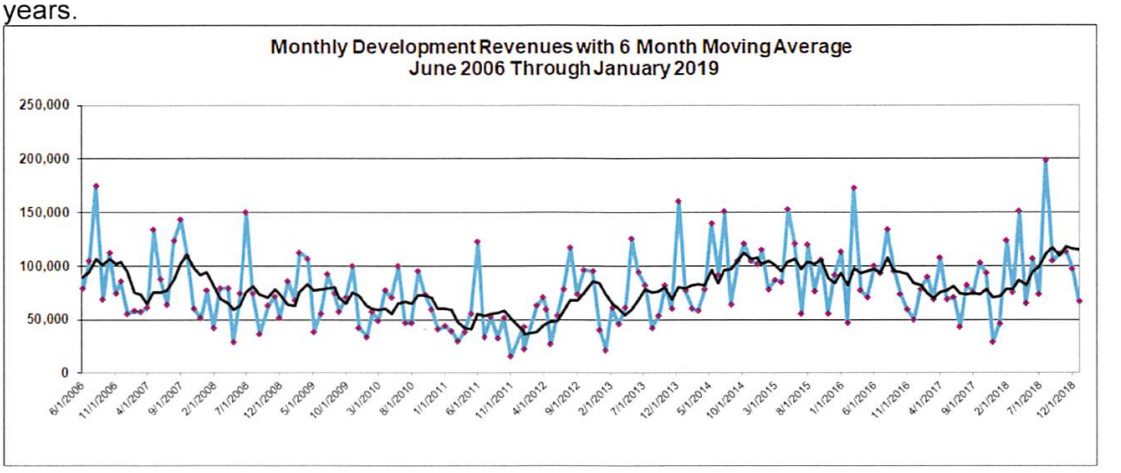
City of Kenmore, Washington
Monthly Financial Report
January 2019

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2009 through January 2019. Retail and Other are on a favorable upward trend.



The following chart illustrates the development revenue activity over the last twelve years.



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January 2019 expenditures were **$746,640.** Biennium to date expenditures are $746,640, which is 3% of the amended biennial budget expenditures of $25,927,872.

Total City cash ($17,014,799) and long-term investments ($9,986,112), at the end of January, totaled $27,000,911. Proposition 1 levy funds of $8M are included in this cash balance. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2019-2020 biennial budget.

Total non-General Fund revenues were $321,603 and total non-General Fund expenditures were $286,482.

In the **Street Fund** revenue from gas tax distributions was $35,635. $53,439 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund,** there were expenditures in the amount of $5,406 on overlay & pedestrian safety projects.

The **Park Impact Fee** fund received $13,416 in revenues during the month.

There was $43,698 in revenues for the **Transportation Impact Fee** fund during the month.

The **Real Estate Excise Tax** Fund received $67,141 of real estate excise taxes (REET) in January from sales activity that occurred in December. 23 transactions were reported during the month. The 2019 year to date revenue is lower than the 2018 revenue by $32,064, and the 2019 target by $65,753.

The **Park Capital** fund had expenditures in the amount of $56,429 on park improvement projects.

The **Walkways & Waterways Debt Service** Fund collected $3,594 in property taxes related to the Prop 1 Bond for a biennium to date total revenue of $3,594.

The **Transportation Benefit District** Fund received $27,661 in vehicle license fees during the month.

SUMMARY

This concludes the financial report for the City of Kenmore as of **January 31, 2019.** I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
January 31, 2019

	CURRENT PERIOD 2019-2020				PREVIOUS PERIOD 2017-2018			
	MONTH January 2019	BIENNIUM TO DATE 2019-2020	% of BUDGET	BIENNIUM BUDGET 2019-2020	MONTH January 2017	BIENNIUM TO DATE 2017-2018	% of BUDGET	BIENNIUM BUDGET 2017-2018
REVENUES								
Beginning Fund Balance		4,934,368		4,934,368		3,138,914		3,131,687
Property Taxes	15,956	15,956	0.2%	10,224,205	7,159	9,479,714	99.9%	9,491,704
Sales and Use Taxes	269,980	269,980	4.8%	5,662,000	230,735	6,020,092	101.9%	5,906,291
Utility Taxes	116,230	116,230	4.7%	2,466,355	135,701	2,375,561	87.4%	2,717,485
Other Taxes	12,299	12,299	6.8%	181,868	905	181,601	83.3%	218,113
Development Fees & Permits	66,225	66,225	3.6%	1,854,042	78,185	2,172,030	105.9%	2,050,518
Franchise Fees	0	0	0.0%	1,831,835	232,484	1,731,286	99.3%	1,743,476
Intergovernmental and Grants	47,201	47,201	4.5%	1,057,677	44,456	982,674	116.8%	841,615
Investment Interest	3,243	3,243	3.4%	95,300	-183	125,116	240.6%	52,000
Fines and Forfeitures	0	0	n/a	0	-295	16,791	0.0%	0
Transfers and Other Revenues	8,546	8,546	0.3%	2,554,590	572	2,107,146	131.6%	1,600,972
Total Revenues	539,680	539,680	2.1%	25,927,872	729,719	25,192,011	102.3%	24,622,174
Total Revenues & Beginning Fund Balance		5,474,049		30,862,240		28,330,925		27,753,861

	CURRENT PERIOD 2019-2020				PREVIOUS PERIOD 2017-2018			
	MONTH January 2019	BIENNIUM TO DATE 2019-2020	% of BUDGET	BIENNIUM BUDGET 2019-2020	MONTH January 2017	BIENNIUM TO DATE 2017-2018	% of BUDGET	BIENNIUM BUDGET 2017-2018
EXPENDITURES								
Cost Center								
City Council	22,063	22,063	5.5%	400,337	46,414	346,852	105.3%	329,426
City Manager	104,052	104,052	3.1%	3,331,467	90,835	3,316,565	99.6%	3,328,297
City Clerk	11,621	11,621	1.4%	856,966	24,157	474,950	111.7%	425,368
Finance	257,979	257,979	13.9%	1,851,887	247,649	1,757,967	105.1%	1,672,775
Legal	0	0	0.0%	530,000	0	525,190	105.0%	500,000
Interfund Transfers	0	0	0.0%	1,602,484	0	1,198,406	85.4%	1,403,228
Public Safety	4,167	4,167	0.0%	9,133,991	14,595	8,340,562	94.7%	8,806,304
Engineering & Environmental Services	46,711	46,711	2.8%	1,658,620	63,600	1,416,078	100.1%	1,415,011
Community Development	55,205	55,205	3.2%	1,698,893	38,519	1,445,670	84.3%	1,715,510
Developmental Services	118,215	118,215	4.9%	2,436,502	117,098	2,371,159	111.3%	2,131,288
Parks & Facility Maintenance	126,627	126,627	5.2%	2,426,725	21,351	2,203,157	77.2%	2,854,489
Total Expenditures	746,640	746,640	2.9%	25,927,872	664,218	23,396,557	95.2%	24,581,696
Ending Fund Balance	**-206,960**	**4,727,409**	**0**	**4,934,368**		**4,934,368**		**3,172,165**
Total Expenditures and Ending Fund Balance		5,474,049		30,862,240		28,330,925		27,753,861

*Non-Departmental expenditures have been moved to other General Fund Cost Centers

I:\Admin & Finance\Monthly Reports\2019\January 2019\General Fund

City of Kenmore, Washington
Street Fund Summary Report
January 31, 2019

	MONTH January 2019	BIENNIUM TO DATE 2019-2020	% of BUDGET	BUDGET 2019-2020
REVENUES				
Beginning Fund Balance		**926,962**		**926,962**
Fuel Tax	35,635	35,635	3.5%	1,006,385
Investment Interest	507	507	10.1%	5,000
Miscellaneous	5,964	5,964	298.2%	2,000
ROW Permit Fees/Inspections	314	314	0.1%	240,000
Multimodal Transportation	0	0	0.0%	62,910
Transfer from General Fund	0	0	0.0%	1,602,484
Transfer from TBD	0	0	0.0%	716,000
Total Revenues	42,419	42,419	1.2%	3,634,779
Total Revenues & Beginning Fund Balance		969,381		4,561,741

		BIENNIUM TO DATE 2019-2020	% of BUDGET	BUDGET 2019-2020
EXPENDITURES				
Salary and Benefits	50,417	50,417	3.8%	1,320,880
Maintenance & Operations	53,439	53,439	2.5%	2,163,899
Capital	1,348	1,348	0.9%	150,000
Total Expenditures	105,203	105,203	2.9%	3,634,779
Ending Fund Balance		**864,178**		**926,962**
Total Expenditures and Ending Fund Balance		969,381		4,561,741

I:\Admin & Finance\Monthly Reports\2019\January 2019Street Fund

City of Kenmore, Washington
Cash and Investment Report
January 31, 2019

Fund	Beg. Cash & Inv. from Prev. Mo.	Monthly Revenues	Monthly Expenditures	End. Cash & Inv. Current Month
General	$4,934,368	$539,680	$746,640	4,727,408
Street	926,961	42,419	105,203	864,178
Transportation Capital	1,307,870	0	5,406	1,302,464
Public Art	69,515	54	0	69,569
Park Impact Fee	590,511	13,951	0	604,462
Transportation Impact Fee	2,711,962	45,894	0	2,757,857
Swamp Creek Basin	1,455,279	1,133	0	1,456,413
Transportation Benefit District	114,360	27,793	0	142,153
Sammamish Bridge Replacement	1,422,970	7,133	453	1,429,650
Walkways & Waterways Debt Service	189,963	3,594	0	193,556
Real Estate Excise Tax	771,265	70,148	0	841,414
Kenmore Village	3	0	0	3
Park Capital	130,204	0	56,429	73,775
Walkways & Waterways Bond	6,793,791	17,110	0	6,810,901
Surface Water Management	929,538	15,456	88,968	856,026
Surface Water Capital	0	0	1,302	(1,302)
Public Works Shop Fund	0	0	0	0
Strategic Reserve	1,309,777	1,020	0	1,310,797
Strategic Opportunities	2,169,361	1,714	0	2,171,075
Equipment Replacement	518,651	396	10,623	508,424
Trust & Agency	826,166	73,788	18,098	881,855
Totals	$27,172,516	$861,284	$1,033,122	$27,000,678

Fund	Cash, Savings, Local Govt Investment Pool	(> One Year) Fixed Investments	Total
General	-$123,402	$4,851,113	4,727,711
Street	14,178	850,000	864,178
Transportation Capital	1,302,464	0	1,302,464
Public Art	54,568	15,000	69,568
Park Impact Fee	-325,536	930,000	604,464
Transportation Impact Fee	2,727,860	30,000	2,757,860
Swamp Creek Basin	56,413	1,400,000	1,456,413
Transportation Benefit District	142,153	0	142,153
Sammamish Bridge Replacement	1,429,650	0	1,429,650
Walkways & Waterways Debt Service	193,556	0	193,556
Real Estate Excise Tax	841,412	0	841,412
Kenmore Village	0	0	0
Park Capital	73,775	0	73,775
Walkways & Waterways Bond	6,810,901	0	6,810,901
Surface Water Management	346,027	510,000	856,027
Surface Water Capital	-1,302	0	(1,302)
Public Works Shop Fund	0	0	0
Strategic Reserve	460,798	850,000	1,310,798
Strategic Opportunities	2,171,076	0	2,171,076
Equipment Replacement	58,424	450,000	508,424
Trust & Agency	781,851	100,000	881,851
Totals	$17,014,865	$9,986,113	$27,000,978

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City of Kenmore, Washington
Investment Schedule
January 31, 2019

Report by Security	Investment #	Type	Maturity Date	Purchase Date	Rate	Yield	Principal or Balance	Yield Equivalents
		Average Yield to Maturity-Securities					Overall Average Yield	2.13%
Morgan Stanley								
	3134G9GR2	FHLMC	8/18/2020	8/7/2017	1.60%	1.62%	999,500.00	16,191.90
	3130ACTL8	FHLB	11/25/2020	12/22/2017	1.95%	1.95%	997,650.00	19,454.18
	3134GSEU5	FHLB	2/24/2021	5/23/2018	2.62%	2.62%	996,714.35	26,153.78
	3133EHXL2	FHLB	3/5/2020	9/19/2017	1.54%	1.54%	999,000.00	15,384.60
	3130AB3N4	FHLB	10/29/2019	4/28/2017	1.55%	1.55%	1,000,750.00	15,511.63
Total Morgan Stanley Purchases							4,993,614.35	92,696.08
Time Value Investments								
	3130A7RL1	FHLB	4/19/2021	1/26/2017	1.80%	1.80%	992,893.00	17,872.07
	3133EJSU4	FFCB	12/26/2019	7/11/2018	2.53%	2.53%	1,001,561.00	25,339.49
	76116FAG2	RFCSP	1/15/2021	5/31/2018	2.50%	2.50%	999,718.18	24,992.95
	3135G0G23	FNMA	4/29/2019	11/24/2015	1.35%	1.35%	998,326.00	13,477.40
Total TVI Purchases							**3,992,498.18**	**81,681.92**
Sound Community Bank CD's								
Total Sound Community Bank CD's							**0.00**	**0.00**
Opus Bank CD's								
	11495975	CD	8/10/2019	8/10/2018	2.37%	2.40%	1,000,000.00	24,000.00
Total Cascade Bank CD's							**1,000,000.00**	**24,000.00**
TOTAL ALL SECURITIES							**$ 9,986,112.53**	**$ 198,378.01**
			Banner Checking and Savings			**0.07% Banner**	**2,026,742.39**	1,418.72
			Opus Savings			**2.55% Opus**	**3,065,152.05**	78,161.38
			LGIP - Primary Account			**2.49% LGIP**	**3,821,695.70**	95,160.22
			LGIP - Bond Proceeds Account			**2.49% LGIP**	**8,101,208.56**	201,720.09
				Total Accounts			**$ 27,000,911.23**	**574,838.42**

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City of Kenmore, Washington

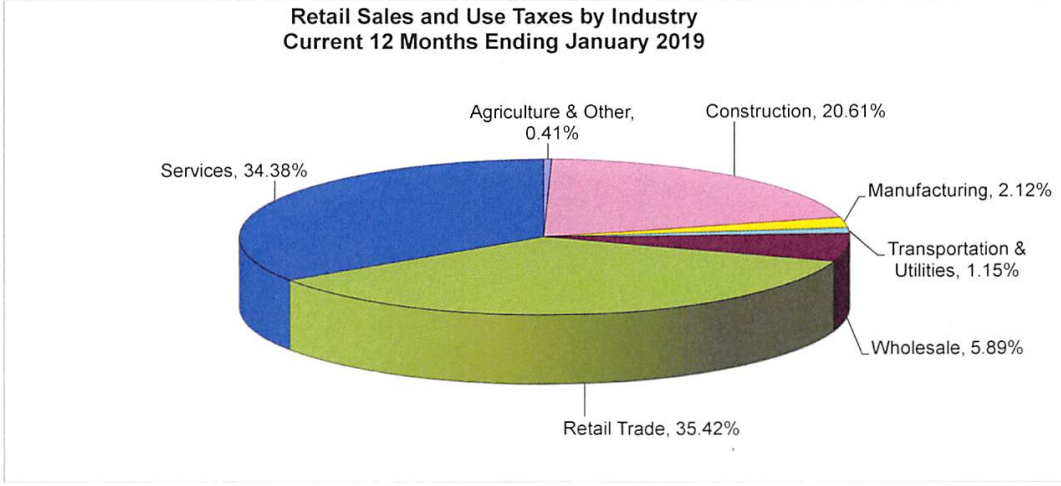
SALES TAX RECEIPTS BY BUSINESS TYPE

January 2019

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	22.78	0.00	22.78	0.0%
CONSTRUCTION	47,754.34	1,442.70	49,197.04	23.2%
MANUFACTURING	3,184.18	0.16	3,184.34	1.5%
TRANSPORTATION & UTILITIES	609.99	523.14	1,133.13	0.5%
WHOLESALE	11,291.78	62.18	11,353.96	5.3%
RETAIL TRADE	83,874.40	202.55	84,076.95	39.6%
SERVICES	50,261.03	486.55	50,747.58	23.9%
INFORMATION	8,769.78	17.50	8,787.28	4.1%
PUBLIC SERVICES	6.05	4,003.14	4,009.18	1.9%
	205,774.33	6,737.92	212,512.25	100.0%

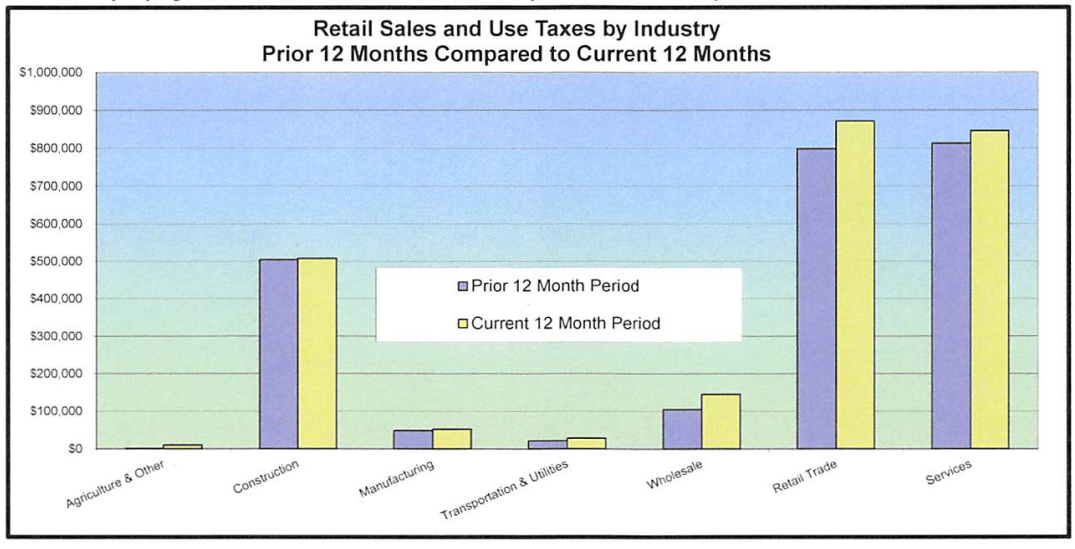
City of Kenmore, Washington
Retail Sales and Use Tax Distribution
January 31, 2019

Industry	Prior 12 Months ending January 2018	Current 12 Months ending January 2019	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	$1,440	$10,127	603.20%	0.41%
Construction	503,592	507,007 *	0.68%	20.61%
Manufacturing (Printing, Publishing, Other Manuf.)	48,582	52,266	7.58%	2.12%
Transp/Comm/Utilities (Telecomm., Air Transport.)	21,393	28,368	32.60%	1.15%
Wholesale (Lumber, Other Wholesale)	105,118	144,973	37.92%	5.89%
Retail Trade (Eating, Merchandise, Food Stores)	797,796	871,380	9.22%	35.42%
Services (Auction, Recreation, Auto Repair, Financial)	812,619	845,846	4.09%	34.38%
Totals	$2,290,539	$2,459,966	7.40%	100%
Increase/(Decrease)		$169,427	7.40%	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



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City of Kenmore, Washington
Real Estate Excise Tax Report
January 31, 2019

Real Estate Excise Taxes (REET)
2016 - 2019 Monthly Receipts

	Actual 2016	Actual 2017	Actual 2018	Actual 2019	Target 2019
January	122,819	176,657	99,205	67,141	132,894
February	70,146	94,134	82,263		82,181
March	110,066	170,086	89,698		123,284
April	133,161	126,245	148,514		135,973
May	129,599	139,422	144,906		137,976
June	167,575	211,430	181,182		186,729
July	177,426	163,138	181,974		174,179
August	165,397	114,754	115,421		131,857
September	136,176	221,719	128,704		162,200
October	150,786	186,805	97,998		145,196
November	124,437	150,187	102,373		125,666
December	131,651	146,159	112,490		130,100
	$1,619,239	$1,900,736	$1,484,728	$67,141	$1,668,234

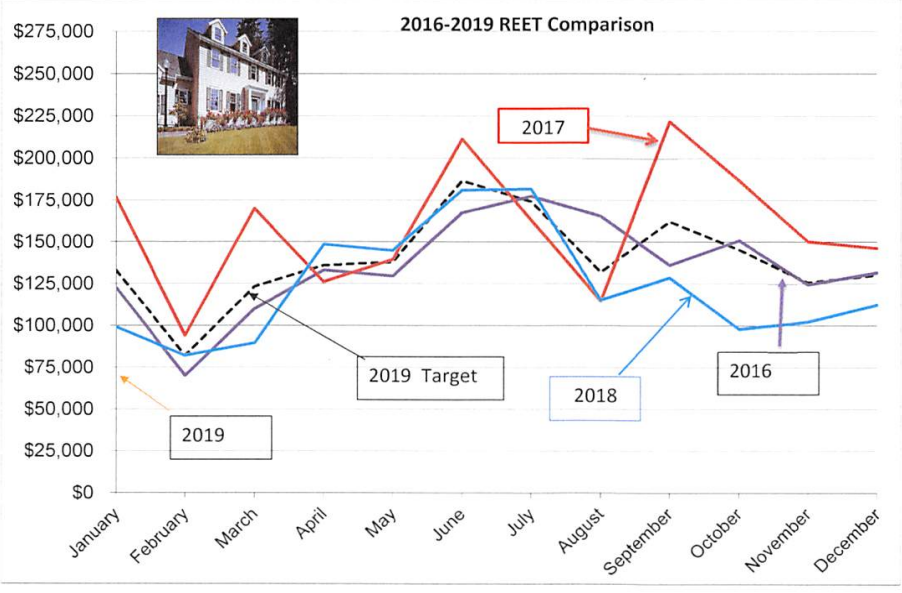
For 2019, REET is $32,064 less than the same period last year and less than the 2019 target by $65,753

* NOTE THE 2019 target is computed on a 3 year average (2016-2018) of actual receipts

Real Estate Excise Taxes (REET)
2016 - 2019 Property Sales > $500,000

sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the rev

	2016	2017	2018	2019	2016	2017	2018	2019
January	18,590,517	27,548,430	17,379,581	12,424,500	92,023	136,365	86,029	61,501
February	9,701,034	19,017,050	15,277,640		48,020	94,134	75,624	0
March	15,147,174	29,692,641	13,818,387		74,979	146,979	68,401	0
April	21,160,913	19,953,544	23,896,450		104,747	98,770	118,287	0
May	19,813,122	24,277,456	25,710,632		98,075	120,173	127,268	0
June	26,065,161	36,414,050	31,816,871		129,023	180,250	157,494	0
July	24,020,546	28,779,145	32,800,185		118,902	142,457	162,361	0
August	21,648,781	18,859,991	19,693,600		107,161	93,357	97,483	0
September	16,950,242	38,431,272	22,172,221		83,904	190,235	109,752	0
October	21,157,409	31,278,148	14,697,849		104,729	154,827	72,754	0
November	16,916,011		16,347,581		83,734	0	80,921	0
December	20,607,695	25,603,889	19,908,284		102,008	126,739	98,546	0
	$231,778,605	$299,855,616	$253,519,281	$12,424,500	1,147,305	$1,484,286	$1,254,920	$61,501



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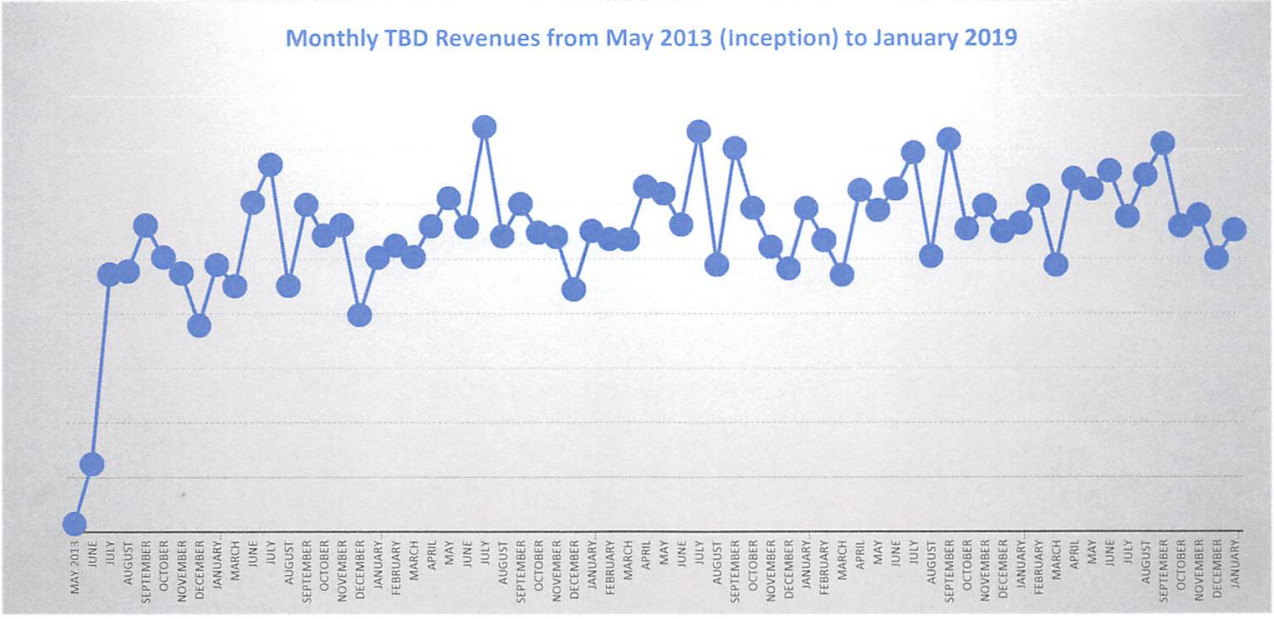
Kenmore Transportation Benefit District
Monthly Report
January 31, 2019

Revenues	January 2019	Biennium-to-Date	Percent of Budget	Biennium Budget
Vehicle Fees	27,661	27,661	3.90%	710,000
Investment Interest	132	132	1.65%	8,000
Total Revenues	$27,793	$27,793	3.87%	$718,000
Expenditures				
Reimbursement to Street Fund	0	0	0.00%	716,000
Total Expenditures	0	0	0.00%	716,000
Net Income (Loss)	$27,793	$27,793		$2,000



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City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: February 2019 Financial Report	For Council Meeting Agenda of: June 17, 2019 Department: Finance and Administration Prepared by: Joanne Gregory Initial & Date Approved by Department Head: 5/31/19 Approved by City Attorney: Approved by Finance Director: 5/31/19 Approved by City Manager:
Proposed Council Action/Motion: Receive and File February 2019 Financial Report for the City of Kenmore, Washington	Exhibits/Attachments: February 2019 Financial Report for the City of Kenmore, Washington.

INFORMATION/BACKGROUND:

The February 2019 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2019-2020 adopted biennial budget. The budget was adopted on November 19, 2018.

FISCAL CONSIDERATION:

February is the second month of the 2019-2020, 24 month biennium. As of February, revenues exceeded expenditures in the General Fund by $174,140.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Kenmore Budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date. Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.

Priority Based Budgeting Result: Governance: Supports decision-making with timely and accurate short-term and long-range analysis that enhances vision and planning.

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18120 68TH AVE. NE
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Joanne Gregory, Finance Director
DATE: May 30, 2019
RE: February 2019 Financial Reports for the City of Kenmore, Washington

February 2019 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- Street Fund Summary
- Cash and Investment Report
- Investment Schedule
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Report for Transportation Benefit District

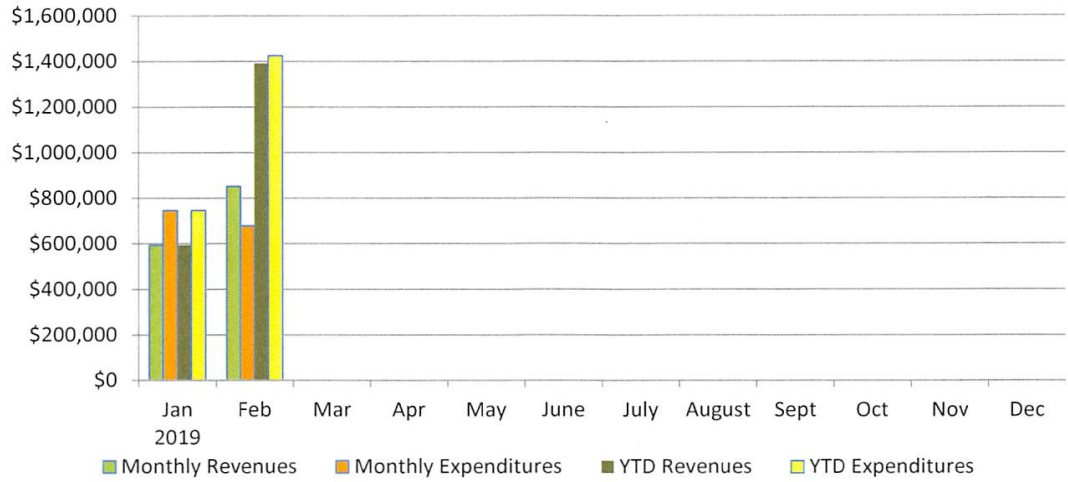
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, February is the second month (8%) of the 2019-2020 biennial budget period. For the month of February, revenues exceeded expenditures in the General Fund by $174,140.

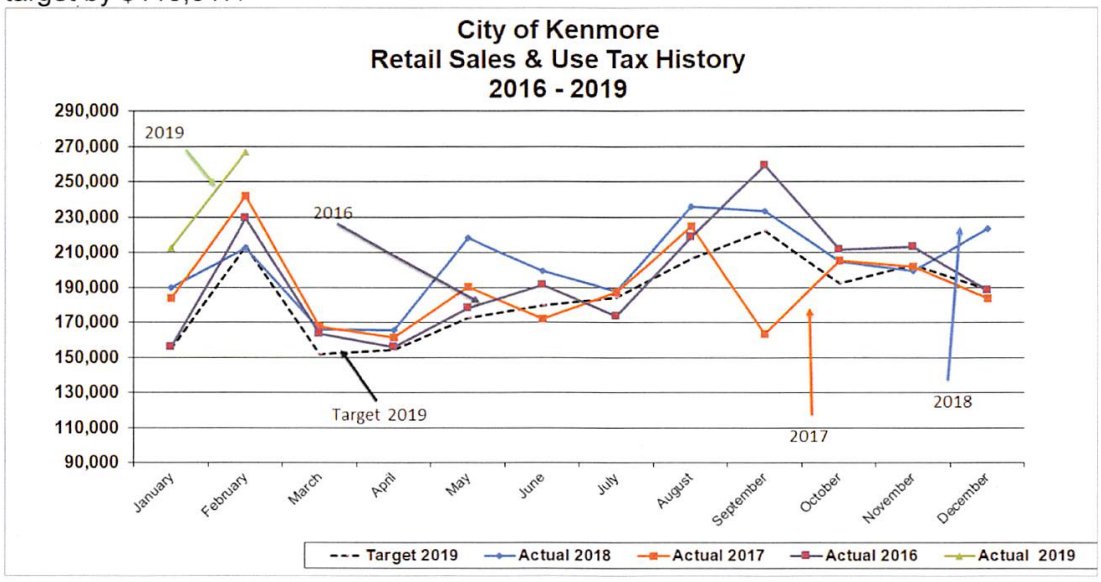
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through February 2019.

City of Kenmore, Washington
Monthly Financial Report
February 2019



Total **revenues** for the month were **$851,846.** Biennium to date revenues are $1,391,527, which is 5.5% of the budgeted revenues of $25,927,872. Primary sources of revenue for the month included property taxes in the amount of $56,313, development fees & permits in the amount of $62,188, retail sales and use taxes in the amount of $266,881, franchise fees in the amount of $252,172 and utility taxes in the amount of $106,059.

A summary of sales tax revenues received in February is attached. These receipts are based on December sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2019 line is a monthly average of actual receipts during 2016, 2017, and 2018. The green line represents 2019 actual receipts, which are $76,846 above 2018 and ahead of the 2019 target by $110,917.



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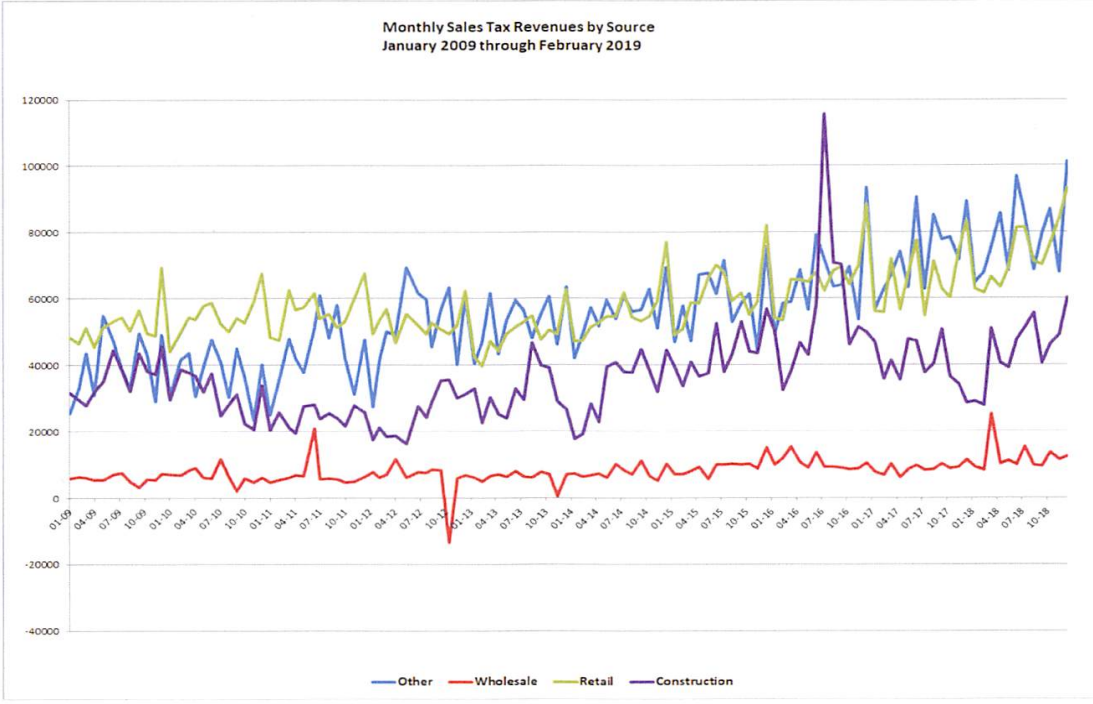
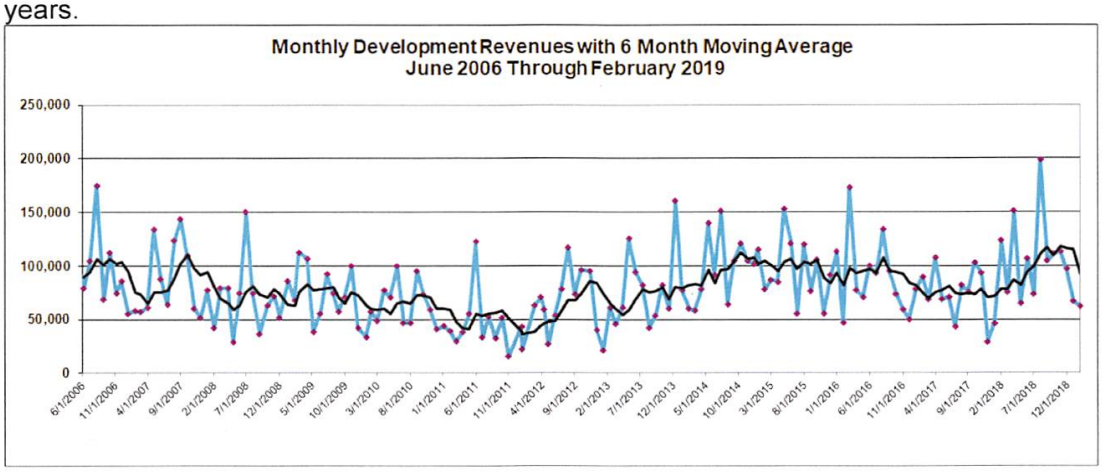
City of Kenmore, Washington
Monthly Financial Report
February 2019

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2009 through February 2019. Retail and Other are on a favorable upward trend.



The following chart illustrates the development revenue activity over the last twelve years.



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City of Kenmore, Washington
Monthly Financial Report
February 2019

February 2019 expenditures were **$677,706.** Biennium to date expenditures are $1,424,346, which is 5.5% of the biennial budget expenditures of $25,927,872.

Total City cash ($17,966,370) and long-term investments ($9,986,113), at the end of February, totaled $27,952,483. Proposition 1 levy funds of $8M are included in this cash balance. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2019-2020 biennial budget.

Total non-General Fund revenues were $1,093,698 and total non-General Fund expenditures were $316,412.

In the **Street Fund** revenue from gas tax distributions were $35,532. $56,145 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund,** there were no expenditures this month.

The **Park Impact Fee** fund received $10,362 in revenues during the month.

There was $94,778 in revenues for the **Transportation Impact Fee** fund during the month.

The **Real Estate Excise Tax** Fund received $84,215 of real estate excise taxes (REET) in February from sales activity that occurred in January. 27 transactions were reported during the month. The 2019 year to date revenue is lower than the 2018 revenue by $30,111, and the 2019 target by $63,718.

The **Park Capital** fund had expenditures in the amount of $11,536 on park improvement projects.

The **Walkways & Waterways Debt Service** Fund collected $13,581 in property taxes related to the Prop 1 Bond for a biennium to date total revenue of $17,174.

The **Transportation Benefit District** Fund received $30,947 in vehicle license fees during the month.

SUMMARY

This concludes the financial report for the City of Kenmore as of **February 28, 2019.** I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

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City of Kenmore, Washington
General Fund Summary Report
February 28, 2019

	CURRENT PERIOD 2019-2020				PREVIOUS PERIOD 2017-2018			
	MONTH February 2019	BIENNIUM TO DATE 2019-2020	% of BUDGET	BIENNIUM BUDGET 2019-2020	MONTH February 2017	BIENNIUM TO DATE 2017-2018	% of BUDGET	BIENNIUM BUDGET 2017-2018
REVENUES								
Beginning Fund Balance		4,934,368		4,934,368		3,138,914		3,131,687
Property Taxes	56,313	72,268	0.7%	10,224,205	45,839	9,479,714	99.9%	9,491,704
Sales and Use Taxes	334,159	604,138	10.7%	5,662,000	301,838	6,020,092	101.9%	5,906,291
Utility Taxes	106,059	222,289	9.0%	2,466,355	140,950	2,375,561	87.4%	2,717,485
Other Taxes	22,324	34,623	19.0%	181,868	19,954	181,601	83.3%	218,113
Development Fees & Permits	62,188	128,413	6.9%	1,854,042	89,647	2,172,030	105.9%	2,050,518
Franchise Fees	252,172	252,172	13.8%	1,831,835	6,678	1,731,286	99.3%	1,743,476
Intergovernmental and Grants	6,888	54,089	5.1%	1,057,677	733	982,674	116.8%	841,615
Investment Interest	7,152	10,395	10.9%	95,300	3,700	125,116	240.6%	52,000
Fines and Forfeitures	0	0	n/a	0	0	16,791	0.0%	0
Transfers and Other Revenues	4,593	13,139	0.5%	2,554,590	33,607	2,107,146	131.6%	1,600,972
Total Revenues	851,846	1,391,527	5.4%	25,927,872	642,946	25,192,011	102.3%	24,622,174
Total Revenues & Beginning Fund Balance		6,325,895		30,862,240		28,330,925		27,753,861

	CURRENT PERIOD 2019-2020				PREVIOUS PERIOD 2017-2018			
	MONTH February 2019	BIENNIUM TO DATE 2019-2020	% of BUDGET	BIENNIUM BUDGET 2019-2020	MONTH February	BIENNIUM TO DATE 2017-2018	% of BUDGET	BIENNIUM BUDGET 2017-2018
EXPENDITURES								
Cost Center								
City Council	27,158	49,221	12.3%	400,337	11,342	346,852	105.3%	329,426
City Manager	101,642	205,694	6.2%	3,331,467	104,093	3,316,565	99.6%	3,328,297
City Clerk	75,033	86,655	10.1%	856,966	65,407	474,950	111.7%	425,368
Finance	86,642	344,621	18.6%	1,851,887	47,752	1,757,967	105.1%	1,672,775
Legal	22,119	22,119	4.2%	530,000	27,989	525,190	105.0%	500,000
Interfund Transfers	0	0	0.0%	1,602,484	0	1,198,406	85.4%	1,403,228
Public Safety	79,160	83,327	0.9%	9,133,991	40,800	8,340,562	94.7%	8,806,304
Engineering & Environmental Services	52,904	99,615	6.0%	1,658,620	47,364	1,416,078	100.1%	1,415,011
Community Development	72,920	128,125	7.5%	1,698,893	39,866	1,445,670	84.3%	1,715,510
Developmental Services	60,935	179,150	7.4%	2,436,502	89,401	2,371,159	111.3%	2,131,288
Parks & Facility Maintenance	99,193	225,820	9.3%	2,426,725	85,501	2,203,157	77.2%	2,854,489
Total Expenditures	677,706	1,424,346	5.5%	25,927,872	559,513	23,396,557	95.2%	24,581,696
Ending Fund Balance	**174,140**	**4,901,548**	**0**	**4,934,368**		**4,934,368**		**3,172,165**
Total Expenditures and Ending Fund Balance		6,325,895		30,862,240		28,330,925		27,753,861

*Non-Departmental expenditures have been moved to other General Fund Cost Centers

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City of Kenmore, Washington
Street Fund Summary Report
February 28, 2019

	MONTH February 2019	BIENNIUM TO DATE 2019-2020	% of BUDGET	BUDGET 2019-2020
REVENUES				
Beginning Fund Balance		**926,962**		**926,962**
Fuel Tax	35,532	71,167	7.1%	1,006,385
Investment Interest	864	1,371	27.4%	5,000
Miscellaneous	0	5,964	298.2%	2,000
ROW Permit Fees/Inspections	8,344	8,658	3.6%	240,000
Multimodal Transportation	0	0	0.0%	62,910
Transfer from General Fund	0	0	0.0%	1,602,484
Transfer from TBD	0	0	0.0%	716,000
Total Revenues	44,740	87,160	2.4%	3,634,779
Total Revenues & Beginning Fund Balance		1,014,122		4,561,741

		BIENNIUM TO DATE 2019-2020	% of BUDGET	BUDGET 2019-2020
EXPENDITURES				
Salary and Benefits	48,477	98,894	7.5%	1,320,880
Maintenance & Operations	56,145	109,584	5.1%	2,163,899
Capital	130,980	132,327	88.2%	150,000
Total Expenditures	235,603	340,806	9.4%	3,634,779
Ending Fund Balance		**673,316**		**926,962**
Total Expenditures and Ending Fund Balance		1,014,122		4,561,741

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City of Kenmore, Washington
Cash and Investment Report
February 28, 2019

Fund	Beg. Cash & Inv. from Prev. Mo.	Monthly Revenues	Monthly Expenditures	End. Cash & Inv. Current Month
General	$4,727,408	$851,846	$677,706	4,901,548
Street	864,178	44,740	235,603	673,315
Transportation Capital	1,302,464	24,595	0	1,327,058
Public Art	69,569	122	0	69,690
Park Impact Fee	604,462	11,581	0	616,043
Transportation Impact Fee	2,757,857	99,873	0	2,857,730
Swamp Creek Basin	1,456,413	2,544	0	1,458,957
Transportation Benefit District	142,153	31,346	0	173,499
Sammamish Bridge Replacement	1,429,650	649,088	7,518	2,071,221
Walkways & Waterways Debt Service	193,556	13,581	0	207,137
Real Estate Excise Tax	841,414	91,230	0	932,644
Kenmore Village	3	0	0	3
Park Capital	73,775	0	11,536	62,240
Walkways & Waterways Bond	6,810,901	15,618	0	6,826,519
Surface Water Management	856,026	23,564	55,067	824,524
Surface Water Capital	-1,302	0	5,229	(6,531)
Public Works Shop Fund	0	0	0	0
Strategic Reserve	1,310,797	2,290	0	1,313,087
Strategic Opportunities	2,171,075	3,847	0	2,174,922
Equipment Replacement	508,424	888	165	509,147
Trust & Agency	881,855	78,791	1,295	959,351
Totals	$27,000,678	$1,945,544	$994,118	$27,952,104

Fund	Cash, Savings, Local Govt Investment Pool	(> One Year) Fixed Investments	Total
General	$50,818	$4,851,113	4,901,931
Street	-176,685	850,000	673,315
Transportation Capital	1,327,059	0	1,327,059
Public Art	54,690	15,000	69,690
Park Impact Fee	-313,955	930,000	616,045
Transportation Impact Fee	2,827,733	30,000	2,857,733
Swamp Creek Basin	58,958	1,400,000	1,458,958
Transportation Benefit District	173,499	0	173,499
Sammamish Bridge Replacement	2,071,221	0	2,071,221
Walkways & Waterways Debt Service	207,137	0	207,137
Real Estate Excise Tax	932,642	0	932,642
Kenmore Village	0	0	0
Park Capital	62,239	0	62,239
Walkways & Waterways Bond	6,826,519	0	6,826,519
Surface Water Management	314,524	510,000	824,524
Surface Water Capital	-6,531	0	(6,531)
Public Works Shop Fund	0	0	0
Strategic Reserve	463,088	850,000	1,313,088
Strategic Opportunities	2,174,923	0	2,174,923
Equipment Replacement	59,147	450,000	509,147
Trust & Agency	859,346	100,000	959,346
Totals	$17,966,371	$9,986,113	$27,952,483

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City of Kenmore, Washington
Investment Schedule
February 28, 2019

Report by Security	Investment #	Type	Maturity Date	Purchase Date	Rate	Yield	Principal or Balance	Yield Equivalents
		Average Yield to Maturity-Securities					Overall Average Yield	2.06%
Morgan Stanley								
	3134G9GR2	FHLMC	8/18/2020	8/7/2017	1.60%	1.62%	999,500.00	16,191.90
	3130ACTL8	FHLB	11/25/2020	12/22/2017	1.95%	1.95%	997,650.00	19,454.18
	3134GSEU5	FHLB	2/24/2021	5/23/2018	2.62%	2.62%	996,714.35	26,153.78
	3133EHXL2	FHLB	3/5/2020	9/19/2017	1.54%	1.54%	999,000.00	15,384.60
	3130AB3N4	FHLB	10/29/2019	4/28/2017	1.55%	1.55%	1,000,750.00	15,511.63
Total Morgan Stanley Purchases							4,993,614.35	92,696.08
Time Value Investments								
	3130A7RL1	FHLB	4/19/2021	1/26/2017	1.80%	1.80%	992,893.00	17,872.07
	3133EJSU4	FFCB	12/26/2019	7/11/2018	2.53%	2.53%	1,001,561.00	25,339.49
	76116FAG2	RFCSP	1/15/2021	5/31/2018	2.50%	2.50%	999,718.18	24,992.95
	3135G0G23	FNMA	4/29/2019	11/24/2015	1.35%	1.35%	998,326.00	13,477.40
Total TVI Purchases							**3,992,498.18**	**81,681.92**
Sound Community Bank CD's								
Total Sound Community Bank CD's							**0.00**	**0.00**
Opus Bank CD's								
	11495975	CD	8/10/2019	8/10/2018	2.37%	2.40%	1,000,000.00	24,000.00
Total Cascade Bank CD's							**1,000,000.00**	**24,000.00**
TOTAL ALL SECURITIES							**$ 9,986,112.53**	**$ 198,378.01**
		Banner Checking and Savings				**0.07% Banner**	**2,949,374.61**	2,064.56
		Opus Savings				**2.55% Opus**	**3,071,106.30**	78,313.21
		LGIP - Primary Account				**2.49% LGIP**	**3,829,063.26**	95,343.68
		LGIP - Bond Proceeds Account				**2.49% LGIP**	**8,116,826.28**	202,108.97
				Total Accounts			**$ 27,952,482.98**	**576,208.43**

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City of Kenmore, Washington

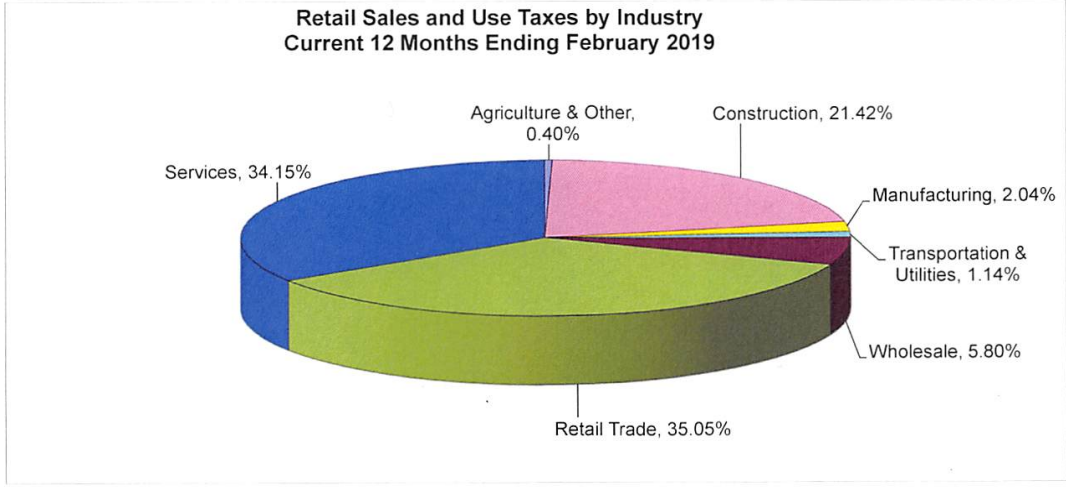
SALES TAX RECEIPTS BY BUSINESS TYPE

February 2019

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	194.91	0.00	194.91	0.1%
CONSTRUCTION	59,976.22	89.25	60,065.47	22.5%
MANUFACTURING	3,337.91	50.41	3,388.31	1.3%
TRANSPORTATION & UTILITIES	1,981.90	430.04	2,411.94	0.9%
WHOLESALE	12,158.91	230.05	12,388.96	4.6%
RETAIL TRADE	92,828.63	422.99	93,251.62	34.9%
SERVICES	79,726.31	2,785.19	82,511.50	30.9%
INFORMATION	9,130.56	86.35	9,216.91	3.5%
PUBLIC SERVICES	8.74	3,442.62	3,451.36	1.3%
	259,344.09	7,536.90	266,880.99	100.0%

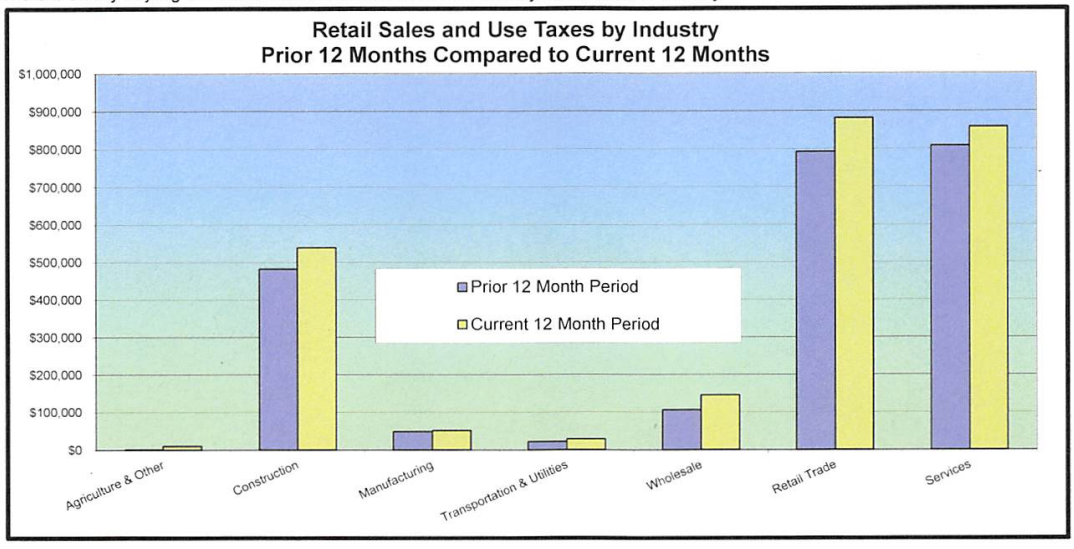
City of Kenmore, Washington
Retail Sales and Use Tax Distribution
February 28, 2019

Industry	Prior 12 Months ending February 2018	Current 12 Months ending February 2019		% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	$1,532	$10,074		557.63%	0.40%
Construction	482,341	538,482	*	11.64%	21.42%
Manufacturing (Printing, Publishing, Other Manuf.)	48,210	51,171		6.14%	2.04%
Transp/Comm/Utilities (Telecomm., Air Transport.)	21,821	28,762		31.81%	1.14%
Wholesale (Lumber, Other Wholesale)	106,241	145,809		37.24%	5.80%
Retail Trade (Eating, Merchandise, Food Stores)	792,671	881,246		11.17%	35.05%
Services (Auction, Recreation, Auto Repair, Financial)	808,263	858,471		6.21%	34.15%
Totals	$2,261,079	$2,514,014		11.19%	100%
Increase/(Decrease)		$252,935		11.19%	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



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City of Kenmore, Washington
Real Estate Excise Tax Report
February 28, 2019

Real Estate Excise Taxes (REET)
2016 - 2019 Monthly Receipts

	Actual 2016	Actual 2017	Actual 2018	Actual 2019	Target 2019
January	122,819	176,657	99,205	67,141	132,894
February	70,146	94,134	82,263	84,215	82,181
March	110,066	170,086	89,698		123,284
April	133,161	126,245	148,514		135,973
May	129,599	139,422	144,906		137,976
June	167,575	211,430	181,182		186,729
July	177,426	163,138	181,974		174,179
August	165,397	114,754	115,421		131,857
September	136,176	221,719	128,704		162,200
October	150,786	186,805	97,998		145,196
November	124,437	150,187	102,373		125,666
December	131,651	146,159	112,490		130,100
	$1,619,239	$1,900,736	$1,484,728	$151,357	$1,668,234

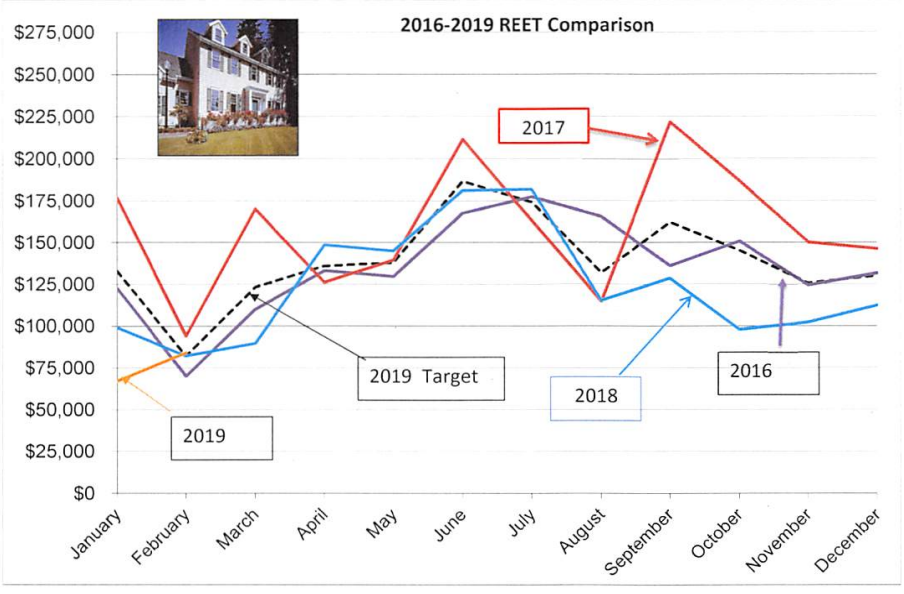
For 2019, REET is $30,111 less than the same period last year and less than the 2019 target by $63,718

* NOTE THE 2019 target is computed on a 3 year average (2016-2018) of actual receipts

Real Estate Excise Taxes (REET)
2016 - 2019 Property Sales > $500,000

sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the rev

	2016	2017	2018	2019	2016	2017	2018	2019
January	18,590,517	27,548,430	17,379,581	12,424,500	92,023	136,365	86,029	61,501
February	9,701,034	19,017,050	15,277,640	14,286,900	48,020	94,134	75,624	70,720
March	15,147,174	29,692,641	13,818,387		74,979	146,979	68,401	0
April	21,160,913	19,953,544	23,896,450		104,747	98,770	118,287	0
May	19,813,122	24,277,456	25,710,632		98,075	120,173	127,268	0
June	26,065,161	36,414,050	31,816,871		129,023	180,250	157,494	0
July	24,020,546	28,779,145	32,800,185		118,902	142,457	162,361	0
August	21,648,781	18,859,991	19,693,600		107,161	93,357	97,483	0
September	16,950,242	38,431,272	22,172,221		83,904	190,235	109,752	0
October	21,157,409	31,278,148	14,697,849		104,729	154,827	72,754	0
November	16,916,011		16,347,581		83,734	0	80,921	0
December	20,607,695	25,603,889	19,908,284		102,008	126,739	98,546	0
	$231,778,605	$299,855,616	$253,519,281	$26,711,400	1,147,305	$1,484,286	$1,254,920	$132,221



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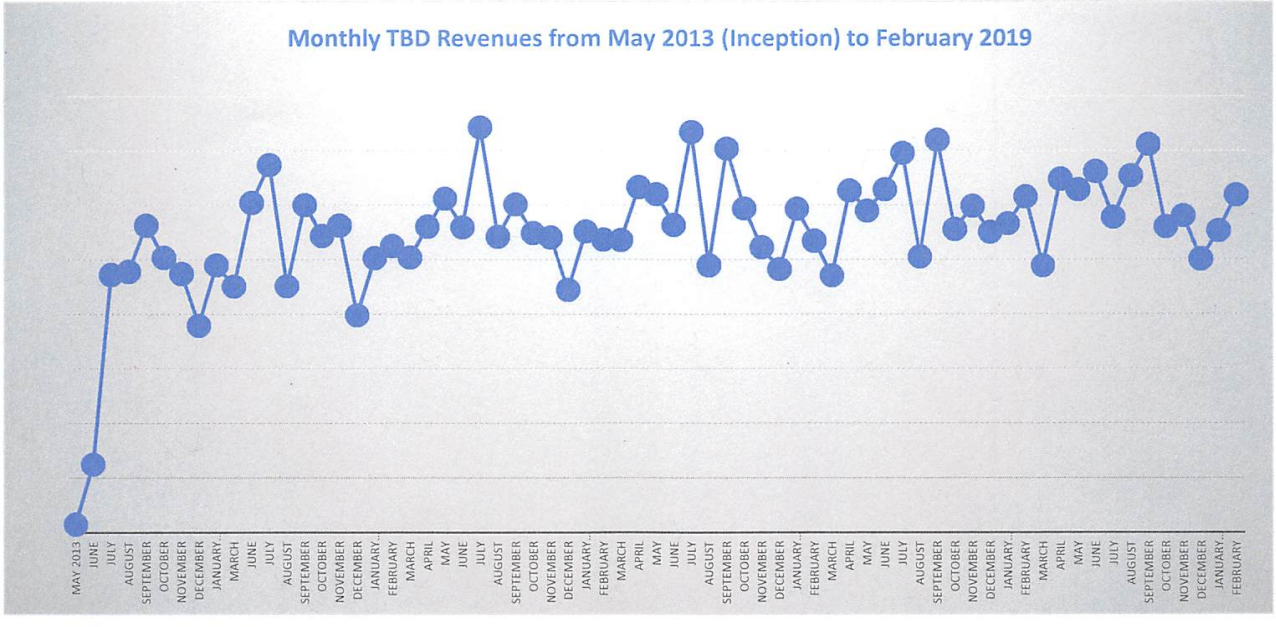
Kenmore Transportation Benefit District
Monthly Report
February 28, 2019

Revenues	February 2019	Biennium-to-Date	Percent of Budget	Biennium Budget
Vehicle Fees	30,947	58,608	8.25%	710,000
Investment Interest	399	531	6.63%	8,000
Total Revenues	$31,346	$59,139	8.24%	$718,000
Expenditures				
Reimbursement to Street Fund	0	0	0.00%	716,000
Total Expenditures	0	0	0.00%	716,000
Net Income (Loss)	$31,346	$59,139		$2,000



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City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: 2019 Slurry Seal Project	**For Council Meeting Agenda of:** June 17, 2019 **Department:** Public Works **Prepared by:** Tobin Bennett-Gold
Proposed Council Action/Motion: Authorize the City Manager to execute a contract with low bidder VSS International for an amount up to $562,255 to provide slurry sealing on 7 miles of City roads.	**To Be Presented By:** N/A **Initial & Date** **Approved by Department Head:** 5/29/19 **Approved by City Attorney:** N/A **Approved by Finance Director:** 6/3/19 **Approved by City Manager:**

INFORMATION/BACKGROUND:

The 2019 Slurry Seal project includes slurry seal on over 110,000 square yards of pavement on City roads (approximately 7.4 miles altogether). The pavement sections prioritized for treatment are in good condition, and slurry seal will delay them from degrading to a state which would require costly repair or reconstruction. The sections of road included in this project are located in northern Kenmore, with more locations in northern and southern Kenmore planned for next year as part of our Pavement Preservation Plan for the biennium.

The estimated construction cost was $542,001. The City received 3 bids on May 17th, 2019, summarized below.

Contractor	Bid Amount	Bid Rank
VSS International	$562,255	1
Blackline, Inc.	$564,606	2
Intermountain Slurry Seal	$580,000	3

The estimated contract duration is 20 working days (approximately 1 month) to be completed in August, 2019. Street sweeping will occur at 1 week, 3 weeks, and 3 months after completion of the slurry seal.

Traffic Control Plan: Roads will be closed to travel from 7am until 5pm on days when slurry seal work is ongoing. Effected residents will be notified several weeks in advance of road closures. NO PARKING signs will be set up two days in advance of work, and cars remaining on the road when work starts will be towed. Residents will be advised to either park outside of the work area, or not plan to drive on the road for the period of the closure. No transit routes will be affected, and work will be scheduled to avoid conflict with waste collection.

Public Outreach: Extensive public outreach including city website updates, e-releases, citywide newsletter, and mailed notifications to residents on affected streets, project signs, social media outreach.

Outreach will focus on three goals: educate the residents about the benefits of slurry seal, educate the residents on how streets were selected, and inform affected residents of construction impacts and what steps they need to take to prepare for construction days.
FISCAL CONSIDERATION: Funds for this project have been budgeted in the Street Fund. **RECOMMENDATION:** Staff recommends that the City Council authorize the City Manager to execute a contract with low bidder VSS International for an amount up to $562,255 to provide slurry sealing on City roads.
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: City Council Goal #1: Focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.

City Council Consent Agenda Item
City of Kenmore, WA

Subject/Topic: Agreement 19-C2013 providing drainage facility vegetation maintenance and noxious weed removal.	**For Council Meeting Agenda of:** June 17, 2019 **Department:** Public Works **Prepared by:** Richard Sawyer, Environmental Services Manager Initial & Date Approved by Department Head: B Approved by City Attorney: NA Approved by Finance Director: 6/3/19 Approved by City Manager: RAK
Proposed Council Action/Motion: Authorize the City Manager to execute Agreement 19-C2013 with Swofford Excavating in an amount not to exceed $240,000 for drainage facility vegetation maintenance and noxious weed removal.	**Exhibits/Attachments:** NA

INFORMATION/BACKGROUND:

The City is responsible for inspection and maintenance of approximately 364,500 square feet of vegetated area spread over 56 drainage facilities. In order to maintain compliance with City maintenance standards and permit requirements; prevent flooding; protect water quality; and meet the aesthetic level of service expected by the community, the City must maintain the vegetation at its drainage facilities. Maintenance includes, but is not limited to, mowing, removing tree saplings, removing nuisance vegetation and removing classified noxious weeds.

The City recently contracted with Total Landscaping (2015-2018) and King County before that. The current contract award will be for 2019 and 2020 with the option to extend to 2021. The City advertises for an agreement every two to three years in order to provide competitive and fair opportunities to all contractors. The most recent Invitation to Bid for the new contract was won by Swofford Excavating.

FISCAL CONSIDERATION:

The City's approved 2019-2020 biennium budget has $616,000 allocated for stormwater facility maintenance, of which this agreement for an amount not to exceed $240,000 is a component of.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #10 – Protect and enhance the climate, water, air and forest environment.

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Squire's Landing Waterfront Access Project - Amendment No. 5 to Mott MacDonald Professional Services Contract 17-C1657 for Permit Level Design and Engineering/Building Permit Assistance. **Proposed Council Action/Motion:** Motion to authorize the City Manager to execute Amendment No. 5 of Contract 17-C1657 with Mott MacDonald in an amount up to $460,000.	**For Council Meeting Agenda of: June 17, 2019** **Department: Community Development** **Prepared by: Maureen Colaizzi** **Initial & Date** **Approved by Department Head:** DS 6/6/19 **Approved by City Attorney:** **Approved by Finance Director:** Jmg 6/6/19 **Approved by City Manager:** PDK **Exhibits/Attachments:** Attachment A: Phase Two Scope of Work and Fee Estimate

INFORMATION/BACKGROUND:

Staff recommends that Council approve a motion authorizing the City Manager to execute Amendment No. 5 of Contract 17-C1657 with Mott MacDonald up to an amount of $460,000 to begin Phase Two, the engineering and building permit level design phase, for the Squire's Landing Park Waterfront and Natural Area Access Project. Attachment A includes the scope of work and fee estimate for Amendment No. 5 in an amount of $439,935. With approval of Amendment No. 5, the total contract amount will be $1,051,549.40. Council authorization of Amendment No. 5 would allow the City Manager to approve an additional amendment of $20,065 to the full amount of $460,000 if required. Also, it is estimated that approximately $200,000 will be needed in a future amendment to complete Phase Three, construction documents for bidding and support services during construction.

Contract 17-C1657: Mott MacDonald was selected through RFQ 15-C1375 for Waterfront Access Improvements for Squire's Landing Park to provide for consulting services from concept plan through engineering support services during construction. On February 27, 2017, City Council passed a motion giving the authority to the City Manager to execute Contract 17-C1657 for an amount up to $455,215 to advance the Squire's Landing Park project from conceptual design through preliminary design and environmental permitting. Contract 17-C1657 was executed by the City Manager on March 15, 2017. There is approximately $25,000 remaining in Phase One of Contract 17-C1657 to assist staff with regulatory agency coordination questions related to receipt of environmental permits.

Contract 17-C1657 has been amended four times since execution. Amendment No. 4 executed on October 16, 2018, increased the contract amount by $108,751.62 to $611,614.47 to conduct additional data collection and design work to support a shoreline permit and SEPA permit application package. Amendment No. 3 executed on October 5, 2018 increased the contract amount by $47,648 to $502,863 and included design changes to address site constraints; assistance with RCO applications; addressing regulatory agency questions; addressing and coordinating with the adopt-a-stream RCO funded restoration project and rate increase to 2018 rates. Amendment No. 2 extended the contract agreement until October 31, 2018. Amendment No. 1 executed

September 27, 2017 extended the contract duration to March 31, 2018 and amended task but not the contract amount.

FISCAL CONSIDERATION:

The total project budget (2013-2024) in the Park Capital Improvement Program is $5,750,000 including prior year expenditures of $538,287. The 2019-2024 Park Capital Improvement Program adopted September 17, 2018 (Ordinance 18-0469) allocates $720,000 in the next biennium. No additional funding in the 2019-2020 budget is needed at this time for contract Amendment No. 5.

Staff will be scheduling discussion of the Park Capital Improvement Program at a future Council meeting including bringing forward proposed amendments. This discussion will also include updated information on the Squires Landing Project Budget (revenues and expenditures).

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

2. Implement the Walkways and Waterways Projects.

Attachment A: Scope of Work and Fee Schedule

MOTT MACDONALD

City of Kenmore Park Improvement Project
Squires Landing Park - Permit Level Design Phase
Scope of Work & Fee Estimate

CONTRACT NO. 17-C1657
ADDENDUM NO. 5, EXHIBIT A

INTRODUCTION

Development of the Squires Landing Waterfront Park is planned to be conducted as part of the Walkways and Waterways Proposition 1. Mott MacDonald was selected under RFQ 15-C1375 to provide planning and design services for waterfront park development projects. Prior work (Phase 1 under Contract #C1657) was conducted to assist the City of Kenmore (the City) with planning, preliminary 30% design and regulatory permit application development (land use and environmental) for the planned improvements.

Phase 2 and Phase 3 of design is all work needed to advance the design concepts developed and described in the regulatory permit application documents (dated Feb 2019) from a 30% design level (prior phase 1) to a bid ready set of Plans, Specifications and Estimates (PS&E). The work conducted in this scope will be Phase 2 and includes advancing the design from a 30% preliminary design to a permit level design for building and grading permit application submission. A future phase 3 would include development of PS&E and engineering support during construction. The following outlines those phases of work from preliminary through final design and bid ready set of PS&E:

- Phase 1 (prior phase work) – Preliminary Engineering (30%) & Regulatory Permitting. This phase is completed under contract #17-C1656.
- Phase 2 (This scope of work) –Permit Level Design (60% Progress and 90% for Building/Grading permits). Focus on this phase of developing a refined, permit ready engineering design from the 30% design concepts developed for environmental and land use regulatory process to greater level of detail prior to development of PS&E. The focus of the work is on assisting with the final selection of materials, structure types, geometries and other operational and maintenance related decisions. Completion of work during this phase will be plans for submission to the City for engineering and building permit applications. 60% design work will address the constructability review.
- Phase 3 (Future phase of work) – Final 100% Engineering Design and engineering support during construction. Focus is finalizing phase 2 permit level design into a final bid ready set of PS&E.

CONSULTANT TEAM ROLES & RESPONSIBILITIES

- Project Manager & Consultant Team (CT) Lead – Mott MacDonald.
- Waterfront Engineering (Boardwalk, bridges, gangway, recreational floats, hand carry boat access, swamp creek mitigation, bank stabilization, gangway connection to plaza, dredging) – Mott MacDonald.
- Landscape Architecture (trails, pathways, restroom building, picnic shelter, plaza, boat storage, planting plans, landscaping, maintenance plan lead, onsite wetland creation, support with parking lot grading design) – Limited coordination with artist. J.A. Brennan.

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Task 2 – Permit Level Design (60% - 90% building permit ready)

- Task 2.1 – Permit Level Design Development

  Scope:

  - Site Assessment. Team to visit the site with City (including maintenance and operations staff) to walk through preliminary plans and discuss details of proposed features relative to current conditions at the start of the work; in the field kickoff meeting. Flag project features in advance of the meeting to aid in visualization of the proposed project for discussion of onsite work approach and any required design refinements. Visit two other City park project sites to review finishes and details that will pertain to the Squires Landing final design work.
  - Materials Selection. Finalize selection of materials and geometries for all project components. Conduct meeting with City to gather input prior to advancing the design effort.
  - Basis of Design. Update from prior phase for permit design and incorporate decisions from materials selection and operations meeting results.
  - Constructability Review. Conduct outreach to contractors to gain input for consideration in the development of the permit design plans, site use and materials selection and aid in the development of gaining interest from the Contracting community to bid the project.
  - Value Engineering. Conduct value engineering assessment utilizing a cost estimator to review the consultant team cost estimate and selection of materials and incorporate into the phase 2 design work.
  - Phase 3 Final Design & Bid Package Development Strategy.
    - Conduct strategy meeting to discuss approach for bidding and contracting including the following:
      - Assessment of swamp creek mitigation construction work timing relative to permit requirements (determination of whether to include entirely in the Squires Landing project or separate out Squires Landing park project for each parks respective mitigation requirements to be included in the Squires Landing in separate bid packages.
      - The swamp creek habitat benches work area will be developed as a standalone unit bid item in the CD package so that it may be easily pulled out as separate bid package.
      - Discuss specification format requirements and approach for development of specifications for parks project utilizing WSDOT/City standard documents.
  - City Permitting Coordination Meeting. Conduct building permit pre-application meeting or consultation with Development Services to acquire information needed for conducting the phase 2 work with respect to permit plans, calculation packages and other required supporting documentation.
  - Plans. Develop design plans in full size City format required for Permit Submission such as the following:

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- Task 2.2 – Meetings.
  - *Scope.*
    - City Design Meetings.
      - Materials Selection & Future Use/Operations Meeting – (2) in person attended by MM, JAB, DCG, Con.
      - Design progress meeting – (3) via skype and (2) in person.
    - City Review Meetings.
      - Design Review meetings in person at City Hall – (2) in person
    - City Council Meetings.
      - Attend and provide assistance at 1 city council meeting. (2) personnel from MM Team.
      - Development of graphics to support presentation to council.
    - Agency Meeting.
      - Comment response meeting – (4) via skype/conference call (Corps, WDFW, Ecology, and City).
    - Public Meeting.
      - Assist with preparation and attendance at (1) public open house. (1) person from each key team member (MM, JAB, DCG, Con).
      - Provide development of graphics to support public open house; boards and materials samples.
  - *Deliverables.*
    - Graphics support for public and council meetings in jpg, pdf or MS ppt format.
    - Meeting minutes and notes in MS Word format.
  - *Assumptions.*
    - Stakeholder Coordination. Coordination with effected stakeholders (RCO- 14-1333, King County, Boater User Groups, etc.) will be led by the City. No meetings will be provided for stakeholder coordination. Assistance with development of graphics and supplemental materials assumed to be up to 4 hours of support.
    - Public Meeting. Conducted near the end of Phase 2.

- Task 2.3 – Regulatory Permitting Support
  - *Scope.*
    - Engineering & Building Permit Application Submission Assistance. Develop permit application documentation, attend 1 meeting with City staff, assist with packaging up documents for City project manager to submit to City for permit review.
    - Habitat Conservation and Stewardship Plan Outline Development. Develop an outline and understanding of habitat conservation/stewardship plan requirements and content to better refine the requirements for the next phase 3 document preparation. The plan outline will focus on the project improvement and mitigation areas at Squires Landing Park, RCO 14-1333 project area and RCO replacement property in the upper Swamp Creek corridor that includes maintenance/operations and mitigation monitoring requirements. Develop updated graphics regarding

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3 work. Permit application documents and supporting documentation required for submission is based on our understanding the City requirements as outlined in the pre-consultation letter dated August 28, 2018 and a review of the online City requirements. An amendment could be needed if additional requirements are discovered during consultation with the City building department prior to submission.

- Task 2.4 –Project Management
  - Provide ongoing coordination with the City and management of the project tasks for the consultant team in order to provide and effective and efficient distribution of project information to ensure the project remains on schedule. Provide monthly reporting, periodic updating of project schedules, subcontracting, review and coordinate subconsultant work and invoices, and coordinate invoicing and changes in scope with subconsultants.
  - Art Coordination Assistance. Provide assistance to City PM regarding coordination of art elements into the permit level design plan. It is assumed that the artist will provide most of the installation details and that modest technical support will be provided. A fully collaborative art process is not anticipated.
  - *Deliverables.*
    - Weekly updates (email and teleconference) to City staff.
    - Monthly Progress Reports.
    - Periodic Schedule Updating.
    - Meeting Minutes.
  - *Assumptions.*
    - City provided Public Art. Consultant team to provide coordination with City selected public artist consultant for permit level design phase. Assumed that 1 additional meeting is required and coordination time up to 12 hours. An amendment may need to occur if additional coordination time or time to integrate public art into the design is needed. Phase 3 will develop construction documents that will require additional coordination with public artist.

SCHEDULE

The following is the anticipated schedule for the work which the scope of services is based upon.

- Task 2.1 – Total duration estimated to be 9 months from NTP.
- Task 2.2 – Concurrent with task 2.1.
- Task 2.3 – Concurrent with task 2.1.
- Task 2.4 – Concurrent with task 2.1.

COSTS

The work will be conducted on a time and material basis with not to exceed amount of $439,935. The total contract amount will increase from $611,614.47 (at amendment #4) to a new contract amount of $1,051,549.40. See attached fee estimate.

Mott MacDonald
Client: City of Kenmore
Project Name: City of Kenmore Park Improvement Project
Project Location: Squire's Landing Park
MM Project No. 353381

CONTRACT NO. 17-C1657 - AMENDMENT # 5

EXHIBIT B - BUDGET SUMMARY

	Contracted		Amendment #1		Amendment #3		Amendment #4		Amendment #5		New Contracted Amount	
Squire's Landing Park	**Task #**	**Budget**	**Task #**	**Rev Budget**	**Task #**	**Rev Budget**	**Task #**	**Rev Budget**	**Task #**	**Rev Budget**	**Task #**	**New Budget**
Kickoff Meeting	1.1	$ 3,434.00	1.1	$ -	1.1	$ 700.00	1.1	$ -	1.1		1.1	$ 3,434.00
Data Collection	1.2	$ 106,266.00	1.2	$ -	1.2	$ -	1.2	$ 51,393.80	1.2		1.2	$ 157,659.80
Mitigation Strategy-Planning	1.3	$ 28,488.88	1.3	$ -	1.3	$ 3,084.88	1.3	$ 2,438.34	1.3		1.3	$ 30,927.22
Conceptual Design Updates	1.4	$ 31,660.27	1.4	$ -	1.4	$ 9,175.27	1.4	$ -	1.4		1.4	$ 31,660.27
Regulatory Pre-Application	1.5	$ 24,581.76	1.5	$ -	1.5	$ 7,012.76	1.5	$ 7,377.74	1.5		1.5	$ 31,959.50
Public Outreach	1.6	$ 4,925.00	1.6	$ -	1.6	$ -	1.6	$ -	1.6		1.6	$ 4,925.00
Preliminary Design	1.7	$ 181,757.15	1.7	$ -	1.7	$ 20,848.15	1.7	$ 16,560.07	1.7		1.7	$ 198,317.22
Permitting	1.8	$ 74,100.00	1.8	$ -	1.8	$ 1,800.00	1.8	$ 5,242.85	1.8		1.8	$ 79,342.85
Regulatory Assistance - Post Submission	1.9	$ 4,025.00	1.9	$ (15,221.00)	1.9	$ 150.00	1.9	$ 21,545.38	1.9		1.9	$ 25,570.38
Project Management	1.10	$ 25,994.70	1.10	$ -	1.10	$ 2,467.70	1.10	$ 4,193.44	1.10		1.10	$ 30,188.14
Water Temperature Monitoring (New)	1.11	$ 17,630.09	1.11	$ 15,221.00	1.11	$ 2,409.09	1.11	$ -	1.11		1.11	$ 17,630.09
Permit Level Design (90%)	2.1	$ -	2.1	$ -	2.1	$ -	2.1	$ -	2.1	$ 305,316.82	2.1	$ 305,316.82
Meetings	2.2	$ -	2.2	$ -	2.2	$ -	2.2	$ -	2.2	$ 41,007.46	2.2	$ 41,007.46
Regulatory Permitting Support	2.3	$ -	2.3	$ -	2.3	$ -	2.3	$ -	2.3	$ 60,789.20	2.3	$ 60,789.20
Project Management	2.4	$ -	2.4	$ -	2.4	$ -	2.4	$ -	2.4	$ 32,821.73	2.4	$ 32,821.73
MM Totals		**$ 502,862.85**		**$ -**		**$ 47,647.85**		**$ 108,751.62**		**$ 439,935.20**		**$ 1,051,549.67**

Mott MacDonald
Project: City of Kenmore Squire's Landing Park
Fee Estimation Matrix
Prepared By: SP

6/5/2019

Tasks & Subtasks	Principal Engineer II $210.0	Engineer VII $186.2	Engineer IV $145.0	Engineer III $136.8	Engineer II $118.0	CAD Designer $122.7	CAD Tech II $102.1	Admin $99.8	Total Hours	MM Subtotal	Direct Costs	MM Total	JAB	CEC	DCG	Pressler	Landau	1 Alliance	Tree Solutions	Subs (2.5%)	Total
2.1 - Permit Level Design (90%)												$121,638	$67,816	$513	$29,845	$16,503	$62,628	$6,376	–	$183,679	$305,317
Site Assessment & Site Visit - Prototype Park	8				8	2			18	$2,869	$50	$2,919									
Materials Selection	4		4		10				18	$2,600	$50	$2,650									
Materials Selection Memo	2	1			8	1		2	14	$1,871		$1,871									
Basis of Design Memo	2				8			1	11	$1,464		$1,464									
Constructability Review/Assessment	4	8	2		16	1			31	$4,622		$4,622									
Constructability Memorandum	3			1	8	4		2	18	$2,401		$2,401									
Specification Outline	2		1		6				9	$1,273		$1,273									
QA/QC	4	12				4			20	$3,553		$3,553									
Shoreline Stabilization Analysis & Design	2		8		24	4			38	$4,903		$4,903									
Dredging Analysis & Design	2		8		24	4			38	$4,903		$4,903									
Bridge Engineeering Analysis & Design	4	4	24		90	8			130	$16,662		$16,662									
Boardwalk Engineering Analysis & Design	4	4	24		85	8			125	$16,072		$16,072									
Float/Gangway Engineering Analysis & Design	4	4	12		32	4			56	$7,588		$7,588									
Phase 3 Strategy Memorandum	4				4			2	10	$1,512		$1,512									
Value Engineering	4	20	2		8				34	$5,778		$5,778									
Cost Estimate Update - assume Swamp Creek is separate	4				12	8			24	$3,237		$3,237									
Permit Level Plans Development	24		16	16	80	120			256	$33,709		$33,709									
Permit Level Plans Submittal	4			2	24	16	6		52	$6,521		$6,521									
2.2 - Meetings												$14,190	$12,109	$5,146	$5,975	$2,563	$1,025	–	–	$26,817	$41,007
City Design Meeting - Material Selection (1 In Person)	4				4				8	$1,312	$50	$1,362									
City Design Meeting - Progress (3 Skype Meetings)	4				4				8	$1,312		$1,312									
City Design Meeting - Progress (2 In Person)	5				4				9	$1,522	$50	$1,572									
City Review Meeting - (2 In person) - 60% & 90%	6				6				12	$1,968	$50	$2,018									
City Phase 3 Strategy Meeting - (1 In Person)	3				3				6	$984	$50	$1,034									
Stakeholder Meeting (1)					6				6	$708	$50	$758									
City Council Meeting - (1 In Person)	3								3	$630	$50	$680									
Public Meeting - (1 In-person)	3								3	$630	$50	$680									
Graphics Support for Meetings (including 1 stakeholder meeting)					10	6	6		22	$2,528	$200	$2,728									
Meeting Minutes Development & Circulation	1				8				9	$1,154		$1,154									
Building Permit Application Meeting	2				4				6	$892		$892									
2.3 - Regulatory Permitting Support												$10,640	$6,344	$37,828	$2,903	–	–	–	$3,075	$50,149	$60,789
Habitat Conservation & Stewardship Plan (Confluence Lead)	1				2	2			5	$691		$691									
Regulatory Agency Coordination & Communication	4				2				6	$1,076		$1,076									
Misc. Response Development (assumed 8 hours)	3				5				8	$1,220		$1,220									
Permit Application Document Revisions	4				6	6			16	$2,284		$2,284									
In Person Regulatory Meeting (1) 2-hr duration each.	3				1				4	$748	$50	$798									
Skype Regulatory Meetings (3) 1-hr duration each.	3				3				6	$984		$984									
Easement graphic support					2	3			5	$604		$604									
Preparation of Building Permits for submission	4				14	4			22	$2,983		$2,983									
2.4 - Project Management												$18,608	$5,159	$3,844	$4,186	$1,025		–	–	$14,214	$32,822
Subconsultant Coordination	12				32	8			52	$7,277		$7,277									
Client Progress Meetings	10				14				24	$3,752	$100	$3,852									
Monthly Progress Reports & Budget Reviews	4				12				16	$2,256		$2,256									
Schedule Updating	3				8			5	16	$2,073		$2,073									
QA/QC	4	6			6	4			20	$3,150		$3,150									
Total Hours:	171	59	101	19	603	217	12	12	1,194	$164,276	$800	$165,076	$91,428	$47,329	$42,909	$20,090	$63,653	$6,376	$3,075	$274,859	$439,935
Labor Cost:	$35,910	$10,927	$14,645	$2,599	$71,154	$26,619	$1,225	$1,197													
(Note: Labor rates include overhead + profit)																					
Subconsultants (+2.5%) and Direct Costs																					
Subtotal Costs	**$35,910**	**$10,927**	**$14,645**	**$2,599**	**$71,154**	**$26,619**	**$1,225**	**$1,197**			**$800**	**$165,076**	**$91,428**	**$47,329**	**$42,909**	**$20,090**	**$63,653**	**$6,376**	**$3,075**		**$439,935**
TOTAL PROJECT COST																					

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City of Kenmore
City Council Regular Meeting
Minutes
May 13, 2019

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

ROLL CALL
Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Stacey Denuski
Councilmember Brent Smith

FLAG SALUTE

AGENDA APPROVAL
The agenda was approved as submitted.

PROCLAMATION
Affordable Housing Week - May 13-17, 2019
Kids to Parks Day - May 18, 2019
Safe Boating Week - May 18-24, 2019

CITIZEN COMMENTS
Aditi Jain
4126 222nd Place SE
Bothell, Washington 98011

Ms. Jain spoke about an upcoming sustainability summit on June 12. She invited Council and anyone who would like to attend.

Lori Jenson
7301 NE 175th Street, #140
Kenmore, Washington 98028

Ms. Jenson thanked the Council for their work with the mobile home parks. She asked the Council for continued help with rent increases.

Corina Pfeil
Address on file

Ms. Pfeil spoke about multi-generational families in the community. Some families are faced with work demands and need for childcare.

PRESENTATION
Retirement Presentation to Rod Kaseguma, City Attorney

7:35 p.m. The Council took a 15-minute break for refreshments.

CONSENT AGENDA

MOTION: Councilmember Denuski made a motion to approve the consent agenda, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

The consent agenda included the following:

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.

Authorize the City Manager to Dedicate an Easement for Existing Utility Poles Located Along the North Boundary of Wallace Swamp Creek Park

BUSINESS AGENDA
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

Director Bent and Principal Planner Anderson explained that the Planning Commission has been reviewing CAR and SMP amendments since June 2018.

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.

In the Council packet, 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.

The City Council, Planning Commission and staff engaged in a discussion. The State requires an update to these regulations by June 30, 2019. This discussion will come back to the Council for further review.

Community Survey Results for the Park Recreation and Open Space (PROS) Plan Update - Debbie Bent, Community Development Director and Maureen Colaizzi, Parks Project Manager

Director Bent, Parks Project Manager Colaizzi and Ryan Murray with ETC Institute (City Consultant) presented 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.

Survey Administration
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 +/-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.

Staff and Council reviewed the survey results.

ADJOURNMENT
The meeting adjourned at 9:39 p.m.

_____
David Baker, Mayor

ATTEST:

_____
Kelly M. Chelin, City Clerk

City of Kenmore
City Council Regular Meeting
Minutes
May 20, 2019

CALL TO ORDER - Mayor David Baker called the meeting to order at 6:15 p.m.

EXECUTIVE SESSION
The meeting was recessed to executive session at 6:15 p.m. for 45 minutes to discuss Property Acquisition, pursuant to RCW 42.30.110(1)(b).

MOTION: At 7:00 p.m., Councilmember Curtis made a motion to modify to agenda to extend the executive session for 20 minutes until 7:20 p.m., Councilmember Denuski seconded the motion. The motion was passed unanimously.

The meeting reconvened to regular session at 7:20 p.m.

ROLL CALL

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Stacey Denuski
Councilmember Brent Smith

FLAG SALUTE

AGENDA APPROVAL
The agenda was approved as submitted.

PROCLAMATION

National Gun Violence Awareness Day - June 7, 2019

CITIZEN COMMENTS
Corina Pfeil
Address on file

Ms. Pfeil asked the Council to consider another Pride Proclamation. She thanked the Council for considering the 90-day notice for rent increases over 10%.

Russ Johnson
Mr. Johnson stated that he was a resident of Kenmore for 41 years. He thanked the Council and the staff for their work with PSE. He spoke to the franchise agreement and asked questions.

CONSENT AGENDA

Councilmember Smith asked to pull item: *Ordinance 19-0484 Codifying a Longer Notice of Rent Increase; Adding a New Chapter 8.55 to the Kenmore Municipal Code* from the consent agenda.

MOTION: Councilmember Denuski made a motion to approve the consent agenda (except for Ordinance 19-0484 that was pulled), Councilmember Smith seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Total Checks #42224 through #42327 in the Amount of $395,731.16.
Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 4/26/19 in the Amount of $151,470.89.
Payroll Checks #10127 & #10128 Totaling $443.64.

Total Checks #42328 through #42424 in the Amount of $349,844.83.
Total Payroll/Taxes/Flexible Spending/Retirement and Health Savings Account Electronic Deposits Dated: 5/10/19 in the Amount of $140,903.95.
Electronic Funds Transfer dated 5/14/19 in the Amount of $750.00.

Cancel Tuesday, May 28, 2019 Council Meeting

City Council Meeting Minutes of April 15, 2019, April 22, 2019 and April 23, 2019

Authorize the City Manager to Sign a Purchase and Sale Agreement, Contract 19-C2034, for a portion (6,350SF) of the vacant King County Parcel No. 0114100757 located adjacent to 18717 80th Avenue NE

Resolution 19-321 Approving the Master Lighting Services Agreement for Street Lighting Services

Authorize the City Manager to Execute Amendment No. 4 of Contract 17-C1656 with Mott MacDonald

Authorize the City Manager to Sign the Interagency Agreement for the North Sound RADAR Navigator Program

Authorize the City Manager to Execute Agreement 19-C2015 with Grade, Inc. for Construct Stormwater Conveyance Improvements

BUSINESS AGENDA
(Item pulled from the consent agenda)
Ordinance 19-0484 Codifying a Longer Notice of Rent Increase; Adding a New Chapter 8.55 to the Kenmore Municipal Code

Councilmember Smith stated that he would like to stick to state law (60 days notice) so he will be voting against the Ordinance.

MOTION: **Councilmember Smith made a motion to not approve the Ordinance and stay with the state law (60 days notice), Mayor Baker seconded the motion. The motion failed 2-5-0 with Councilmember Curtis and Councilmember Smith voting yes.**

MOTION: **Deputy Mayor Herbig made a motion to approve Ordinance 19-0484 Codifying a Longer Notice of Rent Increase; Adding a New Chapter 8.55 to the Kenmore Municipal Code as written, Councilmember Denuski seconded the motion. The motion passed 6-1-0 with Councilmember Smith opposed.**

PUBLIC HEARING
Resolution 19-320, Approving an Open Space Classification for the Minard Property, King County Tax Parcel No. 1426049013

Director Hampson explained that King County's Department of Natural Resources and Parks, Water and Land Resources Division (DNR&P) received an application from Michael, Frank and Sara Minard (Applicants) to enroll their property in King County's Public Benefit Rating System (PBRS) Current Use Taxation Program as authorized under RCW Chapter 84.34 and KCC 20.36.

The Applicants own an undeveloped parcel, 6.46 acres in size, directly north of the Saint Edward State Park. The property is identified as King County Assessor Parcel No. 1426049013.

The application has been processed by the DNR&P and must be approved by both the King County Council's Mobility and Environment Committee and the Kenmore City Council.

The Applicants are seeking this parcel be classified as open space. If the application is approved, the property will receive a classification that will result in lower real property taxes, as explained below. The application was received by the City on February 21, 2019 from the County. In accordance with RCW 84.34.041(2), both the King County Council Committee and the City Council must act on and approve the application before July 1, 2019 in order for the tax reduction to take effect for the 2020 fiscal year. If approved by both, the Applicants will need to enter into an Open Space Taxation Agreement with King County and the City.

The State RCW 84.34, provides for assessment practices to reflect current use of property, rather than "highest and best use", as an incentive to property owners to conserve and preserve natural resources on private property. The Open Space Taxation Act provides for three current use classifications: open space land, farm and agricultural land, and timber land. This open space current use taxation program is implemented in King County through the PBRS program, which provides a point system to rate properties.

A property must contain one or more open space resources (as defined by PBRS) and have at least 5 points to be eligible to participate in PBRS. Once enrolled in PBRS, then the King County Assessor will assess the portion of the property participating in PBRS at "current use" value instead of at its highest and best use. The annual tax reduction ranges from 50 percent to 90 percent for the property enrolled. The PBRS lists 19 categories of open space resources that a property owner can seek to protect (e.g. agricultural land, surface water quality buffer, forest stewardship, public access). Each open space resource is assigned a point value where the more points the property earns the more property tax reduction may be awarded.

The DNR&P analyzed the application for an open space or current use assessment and recommended the property be enrolled in the PBRS Current Use Taxation Program. As such, the DNR&P recommends that the application be granted due to the character of the property as open space. The DNR&P report concludes that the Applicants property is entitled to a public benefit rating of 41 points under the PBRS. One valuation level of the PBRS, 35-52 points, allows a current use value of 10% of market value. A public benefit rating of 41 points, therefore, allow the Minard property to have a current use value of 10% of market value, a reduction of 90% in market value of the property. The appraised value of the Minard property and property taxes collected for 2019, based on the King County Department of Assessments information, is as follows:

Assessor's Parcel No.	Land Value	Improvement Value	Total Assessed Value	Tax Applied
1426049013	$4,604,000	$0	$4,604,000	$49,618.14

City staff agrees with the County's recommendation to grant the application, which will allow the property to be classified as open space. Maintaining and preserving the open space and public recreational area on this property will be a benefit to the public. In 2018, Daniels Real Estate purchased the undeveloped parcel (9.77 acres in size) to the south of this parcel and deeded it to the State, to offset any loss to the public for the use of the Seminary building. Now the Minard's property is contiguous to Saint Edward State Park and has trails linking the Parks trails to 59th PL NE.

The total tax on the full market value of $4,604.000 is $49,618.14. The City of Kenmore's regular rate is 1.04164 plus G.O. Bond of .25312 for a total rate of 1.29476 for 2019. Which would result in $5,961 taxes to the City of Kenmore from the Minard property at the full market value. 10% of market value is $460,400, the City of Kenmore's portion of taxes would be $596.11. That is a difference of $5,364.97 for the 2019 taxes from the Minard property owner. It should be noted that once the property tax reduction is awarded there is a tax shift whereby all other property tax payers in the district share in making up the lost revenue.

Mayor Baker opened the public hearing at 7:53 p.m.

Rick Shea
14925 59th Place NE
Kenmore, Washington 98028
Mr. Shea explained that he owns two properties next to the Minard property. He is concerned about pedestrian access on to the property. He stated that parking will be an issue. This classification could be bringing 50 to 100 people a day.

Rick Anthony
Mr. Anthony stated that he has lived in Kenmore for 50 years. He has always appreciated the Minards taking care of the property. He is also concerned about parking spaces.

Mr. Michael Minard
Mr. Minard explained that his dad bought the property and they cannot afford the taxes on the property. He stated that he understands the issues and concerns with parking but doesn't believe it will be an issue.

Karen Shea
Ms. Shea asked a few clarification questions about the property taxes.

Mayor Baker closed the public hearing at 8:09 p.m.

Council and staff engaged in a discussion.

BUSINESS AGENDA

Resolution 19-320, Approving an Open Space Classification for the Minard Property, King County Tax Parcel No. 1426049013

MOTION: Councilmember Marshall made a motion to approve Resolution 19-320, Approving an Open Space Classification for the Minard Property, King County Tax Parcel No. 1426049013, Councilmember Smith seconded the motion. The motion passed unanimously.

Park Impact Fee Rate Study - Debbie Bent, Community Development Director, Maureen Colaizzi, Parks Project Manager and Ben Yazici, Muni Manage, LLC.

Director Bent, Project Manager Colaizzi and Ben Yazici, with MuniManage LLC (City consultant) presented a PowerPoint presentation explaining the methodology and the results of the 2019 Park Impact Fee Rate Study. Park impact fees are charges paid by new residential development to reimburse the city for the costs of new public park facilities and improvements that will reasonably benefit the occupants of the new development.

Staff will be asking for Council direction on park impact fee rates for new single-family and multi-family development and timing for when new rates would go into effect. Based on Council direction, staff will prepare an Ordinance for Council consideration including adoption of the Park Impact Fee Rate Study along with any required amendments to development regulations (e.g. changing the Parks Study definition to reference the 2019 park impact fee rate study rather than the 2001 study). Impact Fee Regulations are within the Kenmore Municipal, Chapter 20.47. A Public Hearing is required prior to ordinance adoption. Staff recommends that the City Council adopt new Park Impact Fee (PIF) rates as set forth in Table 1 below beginning January 2, 2020:

Table 1: Recommended Park Impact Fees for Residential Development

Residential Development Type	Recommended Fee	Conditions Fee Applies per Dwelling Unit Type
Single-Family	$3,885	On a Lot: • Single Detached (KMC 18.20.840) • Designated Manufactured Home (KMC 18.20.695)
Multi-Family	$2,980	Attached: Multi-Family (KMC 18.20.835) *
Mobile Home	$1,942	Detached in a Mobile Home Park (KMC 18.20.1750): • Mobile Home (KMC 18.20.1750) • Manufactured Home (KMC 18.20.1675) • Designated Manufactured Home (KMC 18.20.695)

*includes owned or leased apartments and townhomes

Kenmore adopted Park Impact Fee rates in 2001 through a rate study. The City has annually considered adjustment of fees based on October to October CPI-W for Seattle without a study to review of the rate methodology. This year, staff worked with Ben Yazici of MuniManage LLC. to develop a new Park Impact Fee Rate Study (Attachment A). The study provides analysis of state statutes and updates the methodology used to calculate the PIF rates. The study determined the maximum rates that would be allowed by state law. The Rate Study resulted in maximum rates substantially higher than rates found in nearby cities. All six nearby municipalities have updated their PIF rate methodology and increased their rates within the last five years. Most have chosen to adopt lower rates than the maximum allowed by law established by their updated rate studies (Table 2).

Staff Recommended rates (Table 1) are proposed at the average of fees collected by surrounding cities as shown in Table 2.

Table 2: Park Impact Fee Comparison by City

Yr. Study Updated	City	2019 Fee Single-Family	2019 Fee Multi-Family
2017	Redmond	$4,585	$3,183
2017	Bothell	$4,165	$3,412
2015	Kirkland	$4,168	$3,168
2017	Shoreline	$4,090	$2,683
2015	Woodinville	$3,175	$3,175
2017	Mount Lake Terrace	$3,126	$2,260

Table 3 compares the staff recommended park impact fee rates with the maximum rates set by the 2019 rate study, the current 2019 rates set in the adopted fee schedule and the rates set by the 2001 rate study.

Table 3: Kenmore Park Impact Fee Rate Comparison

Rate Category	Rate Study Maximum	2020 Staff Recommendation***	Current 2019	2001
Single-Family	$6,663	$3,885	$2,737.11	$1086.80
Multi-Family	$5,591*	$2,980	$1,789.17	$710.60
Mobile Home	$6,663**	$1,942	$ 850.56	$627.00

* Includes owned or leased apartments and townhomes
** Included as a Single-Family category in the 2019 rate study
*** Staff's recommended rates (Table 1) are set at the average of fees collected by surrounding cities (Table 2)

Staff Recommendation Background:
Kenmore adopted Park Impact Fee rates in 2001 through a rate study. The City has annually considered adjustment of fees based on October to October CPI-W for Seattle without a study to review of the rate methodology. This year, staff worked with Ben Yazici of MuniManage LLC. to develop a new Park Impact Fee Rate Study (Attachment A). The study provides analysis of state statutes and updates the methodology used to calculate the PIF rates. The study determined the maximum rates that would be allowed by state law. The Rate Study resulted in maximum rates substantially higher than rates found in nearby cities. All six nearby municipalities have updated their PIF rate methodology and increased their rates within the last five years. Most have chosen to adopt lower rates than the maximum allowed by law established by their updated rate studies (Table 2).

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* Includes owned or leased apartments and townhomes
** Included as a Single-Family category in the 2019 rate study
*** Staff's recommended rates (Table 1) are set at the average of fees collected by surrounding cities (Table 2)

Single-Family Rate Comparison: The maximum rate in the Study for the Single-Family category is $6,663. The staff recommended rate is $3,885, which is a 44% reduction from $6,663.

Multi-Family Rate Comparison: The Study's maximum rate for Multi-Family is $5,591. Staff's recommended rate is $3,885, which is also a 44% reduction from $5,591.

Mobile Home Rate Comparison: Manufactured homes are included in the Single-Family category in the Study. Staff is recommending a rate for the Mobile Home category of $1,942, which is a 71% reduction from $6,663. This reduction would keep the rate more consistent with the current ($850.56) and historic rate of ($627.00).

Council and staff engaged in a discussion. The Council agreed with the staff recommendations. This agenda item will come back for further review and a public hearing will be scheduled.

Ordinance 19-0486 Puget Sound Energy, Inc. Franchise Agreement and Contract 19-C2043 Memorandum of Understanding: Performance and Reliability Reporting

Assistant City Manager Ousley explained that proposed agreements work in concert to: 1) permit and set the conditions for Puget Sound Energy (PSE) to locate its electrical and natural gas facilities int the public right of way and 2) require actions to report on and identify ways to improve electrical service reliability in Kenmore. The current Franchise Agreement between the City of Kenmore and Puget Sound Energy was approved in 2005. The proposed agreement is for a five-year term, with the ability to extend an additional five years by mutual agreement. As a privately-owned utility, PSE is regulated by the Washington Utilities and Transportation Commission.

The City Council discussed a proposed PSE Franchise and Memorandum of Understanding in January, 2018 and recommend additional attention to service reliability measures. The current proposal contains language updated since 2018 on: specific performance goals for Kenmore circuits performing in the lowest quartile of the PSE system (MOU Section 6); third parties that have facilities attached to PSE poles (Franchise Agreement Section 10 and Section 17); minor revisions to Vegetation Management (Franchise Agreement Section 18); and Electric Vehicle Charging Station partnership (MOU Section 10).

Right of Way provisions in the Franchise Agreement that have been updated and strengthened compared to the 2005 Agreement include: improved mapping of PSE facility locations; reporting on known third party users of PSE facilities; detailed procedures for relocating facilities that interfere with City public works projects; and accelerated vegetation patrols and trimming to reduce contact with electrical wires. Provisions for non--interference of facilities to safe passage of pedestrians and vehicles have been updated to include bicycles, and compliance with the Americans with Disabilities Act is now

specifically mentioned. Procedures requiring disabling decommissioned natural gas facilities have also been added.

Declining electrical reliability and increasing incidences of outages caused widespread inconvenience, loss of business productivity and health concerns for Kenmore residents and businesses in recent years. The Administration and Council called for a turnaround in electrical service reliability, and PSE has made investments in 2016-2018 to improve electrical service in certain areas of the city. Kenmore residents and businesses have recently noted service improvements.

The proposed Memorandum of Understanding (MOU), which must be approved in order for the Franchise Agreement to take effect, requires annual detailed reports to the City Council and community on the frequency and duration of outages and how those metrics compare to the PSE system as a whole as well as neighboring jurisdictions served by other utilities. The MOU also covers identifying investments to improve reliability, improved ways of communicating with property owners who have utility easements that PSE needs to access for maintenance and repairs, and detailed procedures for emergency services and City long range planning cooperation.

The City commissioned an Electrical System Reliability Assessment in 2016 from Exponent Failure Analysis Associates, Inc., which confirmed the crisis in reliability in Kenmore in comparison to the overall PSE system and recommended actions that could improve power reliability in Kenmore. The report notes that seven of the ten electrical circuits in Kenmore performed in the lowest quartile of the entire PSE system. Exponent prepared a report on reliability goals in 2018 and concluded that given the reliability projects planned in 2016--2018, six of the circuits in the lowest quartile should see reliability improve. The City has retained Exponent to analyze future reliability metrics as outlined in the proposed MOU.

The WUTC approved a PSE proposal in December 2018 to initiate a pilot program relating to Electric Vehicle (EV) charging stations. The MOU language in Section 10 has been updated and states that Kenmore will be evaluated according the terms of the tariff along with other cities for installation of charging facilities.

Council, staff and PSE representatives discussed the agreement. This item will come back for further discussion on June 10, 2019.

Critical Area Regulations and Shoreline Master Program Amendments - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

Director Bent and Principal Planner Anderson explained that at the last meeting, on May 13, the Planning Commission presented their recommendations on the CAR and SMP amendments included in your May 13 packer. The State requires an update to these regulations by June 30, 2019.

On May 20, staff will respond to questions (ideally provided in advance of the meeting) and receive direction from the City Council on any changes to the Planning Commission recommendations.

On May 20, staff also will present an additional wetland buffer amendment, considered and recommended by the Planning Commission on May 7. This recommendation was prompted by wetland huller width reductions proposed by the Department of Ecology on April 16 and adopted by the Planning Commission that
evening. Further reading of Ecology's most recent best available science guidance indicates that these reduced buffers assume a well-vegetated natural buffer-not a degraded buffer - and require that the buffer be either restored or widened if degraded. Considering how and whether to implement this expectation (not explicitly called out by Ecology), staff reviewed regulations in surrounding communities. Staff found that other cities include a requirement for degraded buffer enhancement. Ecology reviewed the Planning Commission 's recommended approach prior to the Commission's consideration.

Attachments 2 and 3 illustrate the buffer enhancement approach. If more than 500 sq. Ft. of new impervious surface is proposed on a site with a degraded wetland buffer, a proportional amount of enhancement to the degraded buffer or degraded wetland would be required. Legal nonconformances in the buffer would not be affected except by the applicant's choice.

As the new buffer enhancement amendments were not considered during the Planning Commission's public hearing (held on March 26), the City Council will need to hold a public hearing before adoption of the amendment package if the buffer enhancement amendments are included. This could also provide an opportunity to consider any changes requested by Council but outside of the topics covered in the Planning Commission public hearing. The public hearing and ordinance adoption tentatively are scheduled for June 10, 2019.

A very minor shoreline buffer change for Swamp Creek is included in Attachment 4. This is an error in the regulations that staff discovered when preparing the SEPA review for the project. The buffer table should include buffer numbers before the clarifying footnote (footnote 3), and, in one case, the footnote should be added. These buffers match those for the Sammamish River. The changes are shown in gray highlighting.

Council and staff engaged in a discussion. Council agreed with the recommendations. This item will come back on June 10, 2019.

ADJOURNMENT
The meeting adjourned at 10:11 p.m.

_____
David Baker, Mayor

ATTEST:

_____
Kelly M. Chelin, City Clerk

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: NE 181st Street Sidewalk Project (65th – 67th Avenues NE)	**For Council Meeting Agenda of:** June 17, 2019 **Department:** Public Works **Prepared by:** Kent Vaughan **To Be Presented By:** N/A
Proposed Council Action/Motion: Authorize the City Manager to increase the contract authority for Contract 19-C1991 with Welwest Construction, Inc. up to $600,000 to complete the construction of the NE 181st Street Sidewalk Project.	**Initial & Date** **Approved by Department Head:** 6/14/19 **Approved by City Attorney:** N/A **Approved by Finance Director:** 6/14/19 **Approved by City Manager:** **Exhibits/Attachments:** None

INFORMATION/BACKGROUND: The NE 181st Street Sidewalk Project includes the construction of approximately 500 feet of sidewalk on the north side of NE 181st Street between 65th Avenue NE and 67th Avenue NE. Project components include curb and gutter, ADA ramps, sidewalk, storm drainage, cast-in-place retaining wall, pedestrian and street lighting, landscaping, irrigation, channelization striping, traffic control and paving.

On March 5, 2019, the City received seven (7) bids. The low bid was submitted by Welwest Construction in the amount of $498,480 ($26,520 under the engineer's estimate). On March 25, 2019, Council authorized the contract authority up to $548,450 (low bid amount + 10% contingency). Construction is currently 50% complete. Construction changes to date are summarized below:

Change Order	Description	Estimated Amount	Agency Responsibility		
			City (47%)	TIB (53%)	NUD
1 (executed)	Drainage revisions due to communications / gas utility conflicts	$14,784	$6,949	$7,835	N/A
2 (pending)	Add illumination cabinet / conduit	$34,171	$16,060	$18,111	
3 (pending)	Revise street light foundation due to water main conflict	$2,400	N/A	N/A	$2,400
4 (pending)	Add 1' high curb behind sidewalk to better match existing grades	$5,700	$2,679	$3,021	
5 (pending)	Add sidewalk scoring pattern	$1,600	$752	$848	
6 (pending)	Additional paving at 65th Ave NE to better match curb & gutter	$10,000	$4,700	$5,300	
	TOTAL	**$68,655**	$31,140	$35,115	$2,400

Staff have contacted our funding partner, Washington State Transportation Improvement Board (TIB), who have agreed to participate in the increased cost. Northshore Utility District will also reimburse the City for costs associated with working around their existing water main.

FISCAL CONSIDERATION:

The NE 181st Street project budget with estimated expenditures and revenues are outlined below:

Estimated Expenditures	
Design	$ 130,800
Right-of-Way	$0
Construction	$ 498,480
Construction Management Services	$ 68,321
Staff / Expenses	$17,540
Estimated Construction Change Orders	$68,655
ESTIMATED COST	**$783,796**
Estimated Revenues	
Transportation Improvement Board (TIB)	$ 402,562
Estimated Increase in Eligible TIB Participation	$35,115
Northshore Utility District	$2,400
City Traffic Impact Fees (no change)	$270,073
City Surface Water Funds (no change)	$111,700
ESTIMATED REVENUE	**$821,850**

To implement the changes, the current contract authority must be increased. Staff is requesting an additional $51,550 in contract authority ($600,000 - $548,450) to cover the pending change orders and any additional change orders that may occur before construction is completed. Staff does not foresee any additional changes to the approved project budget and does not anticipate that additional city funds beyond what is currently programmed in the budget will be required to complete the project.

RECOMMENDATION: Staff recommends that the City Council authorize the City Manager to increase the contract authority for Contract 19-C1991 with Welwest Construction Inc. up to $600,000 to complete the construction of the NE 181st Street Sidewalk Project.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

City Council Goal #1: Focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.

- Implement the Sidewalk Plan

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: King County Proposition No. 1 Parks, Recreation, Trails, and Open Space Levy	For Council Meeting Agenda of: June 17, 2019 Department: City Manager's Office Prepared by: Dawn Reitan, City Attorney Initial & Date Approved by Department Head: _____ Approved by City Attorney: Via email 6/5/19 Approved by Finance Director: _____ Approved by City Manager: RDK
Proposed Council Action/Motion: If so desired, adopt Resolution #19-323 to support the proposed King County Proposition No. 1 Parks, Recreation, Trails and Open Space Levy Councilmembers and members of the public will be afforded an approximately equal opportunity for the expression of an opposing view.	Exhibits/Attachments: 1. King County Ordinance 18890 2. King County's Voter Ballot Measure Fact Sheet 3. Resolution #19-323

INFORMATION/BACKGROUND:

The King County Council adopted Ordinance 18890 (Exhibit 1), which called for a special election to be held in conjunction with the primary election on August 6, 2019, to consider a proposition authorizing a regular property tax levy identified as Proposition No. 1 Parks, Recreation, Trails and Open Space Levy.

King County's Voter Ballot Measure Fact Sheet (Exhibit 2) identifies that Proposition No. 1 would:

- Replace the current park levy expiring at the end of 2019;
- Fund operations and maintenance of King County's parks and trails, and support the growth and connection of regional trails;
- Establish grant programs to expand access to recreation and protect open space for King County residents; and
- Support parks in King County cities, as well as the Woodland Park Zoo and Seattle Aquarium.

In a press release, the King County Executive identified that King County Parks would use proceeds from the levy to:

- Build and design regional trails, including missing links and crossings over rivers and highways;
- Acquire more open space lands that provide recreation opportunities for people and protect forestland lands, water quality and habitat for fish and wildlife;

- Improve trailheads by adding parking and signage;
- Repair hiking, mountain biking and horseback riding trails;
- Replace turf on 11 ballfields;
- Rehabilitate play area equipment in six parks; and
- Maintain park infrastructure, such as pathways, roofs, fencing, and electrical systems.

The text of the ballot measure reads as follows:

King County Proposition No 1. Parks, Recreation, Trails and Open Space Levy ballot title:

The King County council passed Ordinance 18890 concerning replacement of an expiring parks levy. If approved, this proposition would provide funding for county, town, city and park district parks, and for open space, trails, recreation, public pools, zoo operations and an aquarium capital project. It would authorize an additional six-year property tax beginning in 2020 at $0.1832 for $1,000 of assessed valuation with the 2020 levy amount being the base for calculating annual increases in 2021-2025 by the King County inflation plus population index or the 84.55 RCW limitation, whichever is greater. Should this proposition be:

- o Approved
- o Rejected

RCW 42.17A.555 states that a legislative body can take action to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the council or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

The Kenmore City Council desires to adopt Resolution 19-323 (Exhibit 3), and express its support for King County Proposition No. 1 Parks, Recreation, Trails and Open Space Levy. Consistent with state law, councilmembers and the public will be afforded an approximately equal opportunity to express an opposing view at the June 17th Regular City Council Meeting.

FISCAL CONSIDERATION:
None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:
Council Goal #8: Continue to implement a parks improvement plan.

King County

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance 18890

Proposed No. 2019-0084.2

Sponsors Balducci, von Reichbauer, Kohl-Welles, McDermott and Dembowski

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on August 6, 2019, of a proposition authorizing a property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for a period of six consecutive years, at a total rate of not more than $0.1832 per one thousand dollars of assessed valuation in the first year and limiting annual levy increases by the King County inflation plus population index published by the King County office of economic and financial analysis, or the chapter 84.55 RCW limitation, whichever is greater in years two through six for the purpose of maintaining and operating King County's open space system; improving parks, recreation, access and mobility in the King County open space system by acquiring lands and continuing to develop regional trails; improving parks and trails in and acquiring lands by metropolitan parks districts, towns and cities in King County; funding environmental education, maintenance and conservation programs at the Woodland

Park Zoo; funding capital construction at the Seattle Aquarium; and funding for capital improvements at publicly owned pools, for all King County residents.

STATEMENT OF FACTS:

1. King County owns and operates a system of regional and local parks and trails that consists of twenty-eight thousand acres of parklands and more than one hundred seventy-five miles of regional trails. The county provides regional trails, regional recreational facilities, regional natural areas, regional parks and local parks in unincorporated areas. Examples of regional county parks and trails include Marymoor park, Cougar Mountain Regional Wildland park, the Weyerhaeuser King County Aquatic Center and the Sammamish River trail.

2. Parks, natural areas and trails contribute to a high quality of life. A robust system of parks and trails provides physical, social and mental health benefits to individuals; economic opportunity through recreation and tourism; economic growth for private businesses that must attract and retain skilled workers; and environmental benefits and cultural resource protection through open space conservation. King County's open space system provides all these benefits to King County residents and businesses.

3. The 2002 Parks Business Transition Plan, adopted by the King County council and enacted by Ordinance 14509, became the blueprint for establishing the regional open space system we have today. Building on

that blueprint, the county has adopted open space plans, which have provided the framework guiding King County in the acquisition, planning, development, stewardship, maintenance and management of its complex system of parks, regional trails and acres of open space. The latest open space plan was updated in 2016 and adopted by Ordinance 18309.

4. In implementing the open space plan, the parks and recreation division of the department of natural resources and parks has successfully focused its lines of business on regional parks and trails, backcountry trails, natural lands and local parks in unincorporated King County and has implemented business practices that generate revenue from park system assets by implementing or increasing user fees and establishing corporate and community partnerships that enhance park amenities and leverage public and private dollars to improve parks and increase access to parks.

5. Consistent with the recommendations of past parks-related task forces, the county has sought voter-approved levies on three prior occasions: in 2003, enacted by Ordinance 14586, to provide maintenance and operating funding for the parks and recreation division for 2004 through 2007; in 2007, enacted by Ordinance 15759, to provide funding for maintenance and operations as well as funding for open space acquisition, regional trail development, the Woodland Park Zoo and for King County towns and cities for use in their open space acquisition and trail projects for 2008 through 2013; and in 2013, enacted by Ordinance 17568, to provide funding for maintenance and operations as well as for open space

acquisition, asset maintenance and improvement, parks and trails projects, the Woodland Park Zoo and for King County towns and cities to use for their parks and recreation for 2014 through 2019. Voters approved the funding measures on all three occasions that they were on the ballot. The voter-approved levies have helped keep the open space system clean, safe and open.

6. The 2014 through 2019 voter-approved parks, trails and open space replacement levy provides approximately eighty percent of the operating budget of the parks and recreation division, with approximately thirteen percent generated through business activities and entrepreneurial efforts. King County general fund support to the parks and recreation division was eliminated as of 2011.

7. The community partnerships and grants program enacted by Ordinance 14509 enhances parks amenities by partnering with parks and recreation organizations. Since the inception of the community partnership and grant program in 2003, more than sixty projects representing more than sixty million dollars' worth of new, enhanced, or preserved public recreation facilities have been completed, with only eighteen million dollars of King County capital investment.

8. The Woodland Park Zoo received distributions from the past two voter-approved levies to supplement zoo operating revenue for education and conservation programs, horticulture and maintenance and capital improvements. Levy proceeds distributed to the zoo provided

environmental education, programming and transportation focusing on accessibility for underserved areas, supported thousands of students annually and benefitted residents throughout King County. Levy proceeds also provided conservation and animal care for threatened Pacific Northwest species.

9. King County towns and cities received funding from the past two voter-approved levies. In 2008 through 2013, towns and cities could use levy proceeds for open space and natural lands acquisition and development of town or city trail projects that supported connections to the regional trail system with distributions being contingent upon an equal or greater contribution of matching moneys from the recipient town or city for the same project. In the 2014 through 2019 levy, types of uses for the distribution to King County towns and cities were broadened to provide flexibility and better meet the parks and recreation needs of cities.

10. Parks levy oversight committees were established to monitor the expenditures of the proceeds from the 2004 through 2007, 2008 through 2013 and 2014 through 2019 levies. Annual committee review has concluded that the county has complied with all levy requirements.

11. King County is growing rapidly as a region. In 2017, King County's population increased by close to fifty thousand people; and over the next ten years, the region is expected to grow by another one hundred eighty thousand people. Recent surveys have indicated that since 2008, the number of people who hike in natural area parks has doubled. More and

more people are using the King County parks and trails, which puts greater pressure on an aging system. As development increases to accommodate population growth, the risk of losing natural lands and green spaces throughout the county grows. Those valuable lands contribute to King County residents' high quality of life. The cost of land to accommodate this growth and preserve open spaces is also increasing. Today is the opportune time to address future needs of residents by investing in our parks and trails and accelerating conservation of open space.

12. In King County, many communities have experienced a history of inequitable and limited regional investments in parks, recreation and open space, limiting the ability of residents to lead healthy lives. Five hundred thousand King County residents live without ready access to, parks, recreation and open spaces. There is a need to address disparities in access to parks, recreation and open space for underserved areas and communities, including people with disabilities. This proposal provides an opportunity to address parks and recreation needs of these underserved areas and communities.

13. Recognizing growth in population, increased use of parks and trails and the need to address disparities in preparation for the 2020 through 2025 levy, the parks and recreation division conducted outreach to obtain feedback on the current park system and future parks and recreation needs for all King County residents. From August through November 2018,

parks and recreation division staff conducted fifty-four in-person engagement meetings with groups representing all geographic areas of the county including towns and cities, business, recreation, community and environmental interests. An online survey was also conducted from November to December 2018, and received one thousand nine hundred thirty-four responses from the public, representing all geographic areas of the county.

14. The feedback from the engagement meetings and online survey showed support for the King County open space system. Engagement findings showed support for maintenance and operations of the open space system, as well as critical infrastructure repair and replacement, and the acquisition, conservation and stewardship of open space, as such lands can provide for passive or active recreation opportunities and protection of habitat and water quality, and the development of and improvements on regional trail corridors. Feedback supported funding for King County towns' and cities' parks and recreation programs; the Woodland Park Zoological Society education and conservation programs and horticulture, maintenance and capital improvements; and recognized the Seattle Aquarium as a regional asset.

15. The King County executive took into consideration information obtained from this outreach, the region's growing population, increased use of parks and trails across King County, and the lack of parks, recreation and open space in some communities, and has put forth this

proposal which acknowledges the changing landscape and the need to grow the open space system to keep up with demand from the region. This proposal is also consistent with the goals and priorities of past levy task forces.

16. This proposal would exempt low-income senior citizens, disabled veterans and other people with disabilities from the regular property tax increase on their residences resulting from a levy authorized by this ordinance, if they have been approved for an exemption under RCW 84.36.381.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Definitions.** The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

A. "Community partnerships and grants program" means the program through which King County provides moneys to recreation-oriented groups, sports associations and community-based organizations to undertake any combination of developing, operating or maintaining a recreation facility or public park in unincorporated King County and King County towns and cities for public benefit.

B. "Integrated floodplain management" means habitat restoration, open space acquisition or recreational opportunities that are integrated with preventive and corrective measures to reduce the risk of flooding.

C. "Levy" means the levy of regular property taxes, for the specific purposes and term provided in this ordinance and authorized by the electorate in accordance with state law.

D. "Levy proceeds" means the principal amount of moneys raised by the levy, any interest earnings on the moneys and the proceeds of any interim financing following authorization of the levy.

E. "Limit factor" means the most recent published King County office of economic and financial analysis King County inflation plus population index, or the limitation contained in chapter 84.55 RCW, whichever is greater.

F. "Open space system" means the system that includes parks, trails, natural areas, resource lands and structures or buildings owned or otherwise under the jurisdiction of the parks and recreation division of the department of natural resources and parks. For the purposes of this ordinance, with reference to King County, the term "open space lands" shall collectively refer to natural areas and resource lands.

G. "Targeted equity grant program" means the program through which King County provides moneys in order to achieve equitable opportunities and access to parks and recreation for underserved areas and communities, including people with disabilities, located in unincorporated King County and King County towns and cities.

H. "Town or city parks system" means any building or other structure related to parks or recreation, parks, trails, open space such as natural areas and resource or ecological lands and other parks or recreation property owned or otherwise under the jurisdiction of a town or city within King County.

SECTION 2. **Levy submittal to voters.** To provide necessary moneys for the purposes identified in section 4 of this ordinance, the King County council shall submit to the qualified electors of the county a proposition authorizing a regular property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for six consecutive

years, with collection commencing in 2020, at a rate not to exceed $0.1832 per one thousand dollars of assessed value in the first year of the levy period. The dollar amount of the levy in the first year shall be the base upon which the levy amounts in year two through six shall be calculated. In accordance with RCW 84.55.050, this levy shall be a regular property tax levy subject to the limit factor.

SECTION 3. **Deposit of levy proceeds.** The levy proceeds shall be deposited into a dedicated subfund of the parks and recreation fund, or its successor.

SECTION 4. **Eligible expenditures.** If approved by the qualified electors of the county, levy proceeds shall be used for the following purposes:

A. Costs incurred by the county that are attributable to the special election called for in section 5 of this ordinance.

B. Up to eight million dollars to the Seattle Aquarium from the first four years of the levy. Levy proceeds for the Seattle Aquarium shall solely be for capital costs for the Ocean Pavilion project, except as provided in subsection E.5. of this section.

C. Up to forty-four million dollars to publicly owned pools for: capital improvement projects, including planning, feasibility studies, preconstruction and design, construction; and major maintenance repair or replacement projects.

D. Up to twenty-two million dollars to habitat restoration, open space acquisition or recreational opportunities, or any combination thereof, associated with integrated floodplain management capital improvement projects and to outreach and education related to the benefits of integrated floodplain management projects.

E. The remainder of levy proceeds shall be used for the following purposes:

1. Forty percent of levy proceeds for maintenance and operations of King

County's open space system and the targeted equity grant program, but no more than ten million dollars may be used for the targeted equity grant program;

2. Forty-seven percent of levy proceeds for:

a. acquisition, conservation and stewardship of additional open space lands, natural areas, resource or ecological lands, rights of way for regional trails and urban green spaces;

b. acquisition of rights of way for and development of regional and other public trails;

c. capital improvement projects and major maintenance repair or replacement of open space system infrastructure;

d. community partnerships and grants program; and

e. capital improvement projects and major maintenance repair or replacement of parks or recreation infrastructure in metropolitan park districts, towns or cities;

3. Eight percent of levy proceeds for distribution to towns and cities in King County for their town or city parks system operations and capital improvement projects, of which amount:

a. twenty-five thousand dollars shall be distributed annually to each town and city;

b. an additional seventy-five thousand dollars shall be distributed annually to cities with a population greater than four thousand;

c. of the remainder, fifty percent shall be distributed in proportion to each town or city's population and fifty percent shall be distributed in proportion to the assessed value of parcels within each town or city;

4. Five percent of levy proceeds for distribution to the Woodland Park Zoological Society shall be used solely for: environmental education with an emphasis on accessibility to traditionally underserved populations throughout the county; horticulture and maintenance of buildings and grounds; conservation of threatened species; and development of conservation and education strategies to mitigate impacts to animals and habitats from climate change; and

5. Of the levy proceeds in subsections B., C., D., E.2.e., E.3. and E.4. of this section, a portion shall be retained by the county to be used for expenditures related to administration of the distribution of levy proceeds. Eligible administrative expenditures shall include all costs and charges to the parks and recreation division or the county associated with or attributable to the purposes listed in subsections B., C., D., E.2.e., E.3. and E.4. of this section as well as sections 6 and 7 of this ordinance. Consistent with RCW 84.55.050, as it may be amended, levy proceeds may not supplant existing funding.

SECTION 5. **Call for special election.** In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held in conjunction with the primary election on August 6, 2019, to consider a proposition authorizing a regular property tax levy for the purposes described in this ordinance. The King County director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the King County director of elections in substantially the following form, with such additions, deletions or modifications as may be required for the proposition listed below by the prosecuting attorney:

The King County council passed Ordinance ____ concerning replacement of an expiring parks levy. If approved, this proposition would provide funding for county, town, city and park district parks, and for open space, trails, recreation, public pools, zoo operations and an aquarium capital project. It would authorize an additional six-year property tax beginning in 2020 at $0.1832 per $1,000 of assessed valuation with the 2020 levy amount being the base for calculating annual increases in 2021 - 2025 by the King County inflation plus population index or the 84.55 RCW limitation, whichever is greater. Should this proposition be:

Approved? __

Rejected? __

SECTION 6. **Distributions.** Each distribution of levy proceeds to a King County town or city, the Woodland Park Zoological Society or its successor, or the Seattle Aquarium or its successor, for the eligible purposes identified in section 4 of this ordinance shall be subject to the execution of a contract between the county and each entity for the same purposes. Distribution of levy proceeds shall be subject to the execution of a contract for: the targeted equity grant program; publicly owned pool capital improvement projects and major maintenance repair or replacement projects; integrated floodplain management capital improvement projects and outreach and education; capital improvement projects and major maintenance repair or replacement projects to parks or recreation infrastructure in metropolitan park districts, towns or cities; and acquisition, conservation and stewardship of additional natural areas, resource or ecological lands, rights of way for regional trails and urban green spaces.

SECTION 7. **Parks levy oversight board established.**

A. If the proposition in section 5 of this ordinance is approved by the qualified electors of King County, a parks levy oversight board shall be appointed by the executive. The board shall consist of nine members. Each councilmember shall nominate a candidate for the board who resides in the councilmember's district no later than March 31, 2020. If the executive does not appoint by May 31, 2020, the person nominated by a councilmember, the executive must request that the councilmember should by June 30, 2020, nominate another candidate for appointment. Members shall be confirmed by the council. Members may not be elected or appointed officials of any unit of government, except that individuals serving in a civic capacity on a local board or commission would be eligible to serve on the parks levy oversight board.

B. The board shall review the allocation of levy proceeds and progress on achieving the purposes of this proposition. On or before December 31, 2021, the board shall review and report to the King County executive, the King County council and the regional policy committee on the expenditure of levy proceeds for 2020. Thereafter, the board shall review and report to the King County executive, the King County council and the regional policy committee annually. Any report to the King County council under this section shall be made in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers. The board expires December 31, 2026.

SECTION 8. **Exemption.** The additional regular property taxes authorized by this ordinance shall be included in any real property tax exemption authorized by RCW 84.36.381.

SECTION 9. **Ratification.** Certification of the proposition by the clerk of the King County council to the director of elections in accordance with law before the election on August 6, 2019, and any other acts consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

SECTION 10. **Severability**. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Ordinance 18890 was introduced on and hearing held/closed and passed by the Metropolitan King County Council on 4/17/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 2 day of MAY, 2019.

Dow Constantine, County Executive

RECEIVED
2019 MAY -3 AM 9:09
CLERK
KING COUNTY COUNCIL

Attachments: None

King County Parks, Recreation, Trails, and Open Space Levy

Voter Ballot Measure Fact Sheet

August 6, 2019 Primary Election

The 2020-2025 King County Parks, Trails, and Open Space Replacement levy ballot measure is a property tax levy lid lift that would replace the current park levy expiring at the end of 2019. It would fund operations and maintenance of King County's parks and trails, support the growth and connection of regional trails, and establish grant programs to expand access to recreation and protect open space for King County residents. Proceeds from the levy would also directly support parks in King County's cities, as well as the Woodland Park Zoo and the Seattle Aquarium.

King County Proposition No. 1
Parks, Recreation, Trails and Open Space Levy

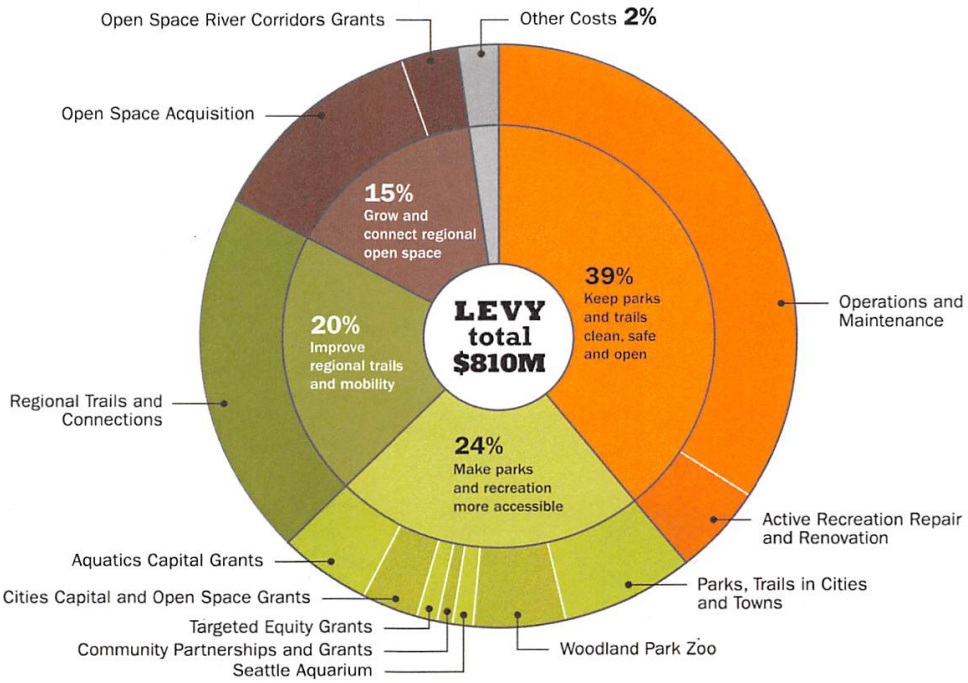
The King County council passed Ordinance 18890 concerning replacement of an expiring parks levy. If approved, this proposition would provide funding for county, town, city and park district parks, and for open space, trails, recreation, public pools, zoo operations and an aquarium capital project. It would authorize an additional six-year property tax beginning in 2020 at $0.1832 per $1,000 of assessed valuation with the 2020 levy amount being the base for calculating annual increases in 2021 - 2025 by the King County inflation plus population index or the 84.55 RCW limitation, whichever is greater. Should this proposition be:

- ◯ Approved?
- ◯ Rejected?

18.32¢
per $1,000 assessed value

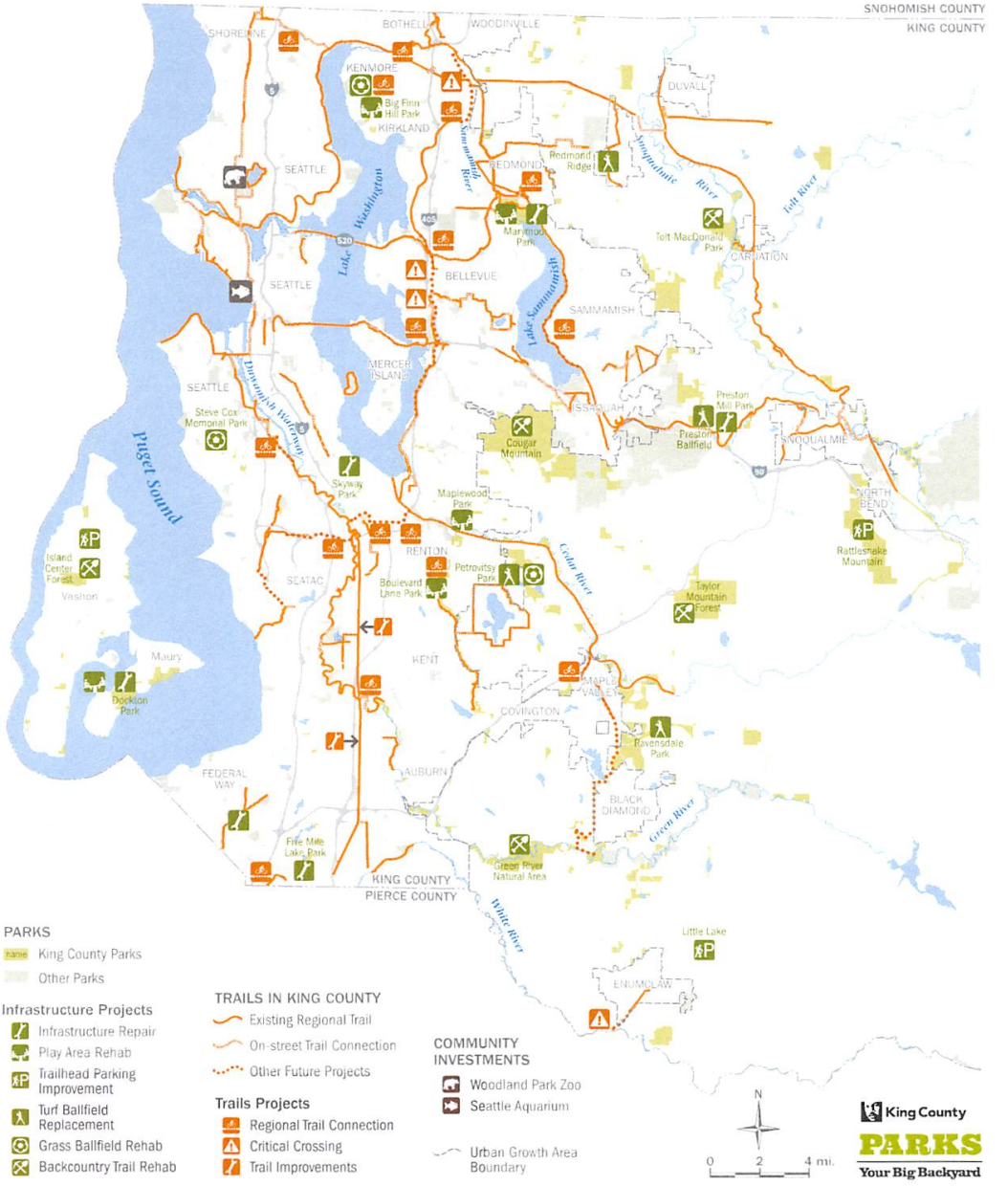
$7.60 per month
for owner of home valued at $500,000

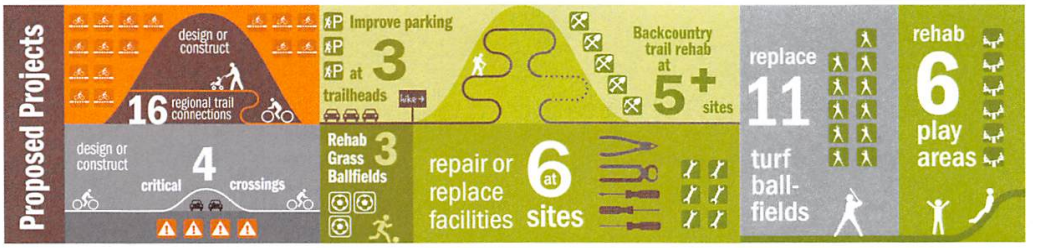
$810 million
over six years (2020-2025)



Proposed 2020-2025 King County Parks Levy

PARKS & TRAILS PROJECTS





The use of the information in this map is subject to the terms and conditions found at: www.kingcounty.gov/services/gis/Maps/terms-of-use.aspx. Your access and use is conditioned on your acceptance of these terms and conditions.

King County Parks Levy Oversight Board

As was done in the past, the levy ordinance establishes a nine-member Levy Oversight Board, nominated by King County Council and confirmed by the King County Executive. The board will meet annually to review levy expenditures and report on progress in the implementation of the levy.

About King County Parks

King County Parks offers 200 parks and 28,000 acres of open space, including Marymoor Park and Cougar Mountain Regional Wildland Park, 175 miles of regional trails, 215 miles of backcountry trails, and facilities like the Weyerhaeuser King County Aquatic Center. King County Parks maintains relationships with non-profit, corporate and community partners to enhance recreation for King County residents.

Election Day is August 6, 2019

For more information, visit kingcounty.gov/parks/levy.

King County

PARKS

Your Big Backyard

King County Parks and Recreation Division
Department of Natural Resources and Parks

201 S Jackson St, Ste 700
Seattle, WA 98104
206-477-4527

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 19-323

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, EXPRESSING SUPPORT FOR KING COUNTY PROPOSITION NO. 1 PARKS, RECREATION, TRAILS AND OPEN SPACE LEVY.

WHEREAS, King County Parks offers 200 parks and 28,000 acres of open space, including Marymoor Park and Cougar Mountain Regional Wildland Park, 175 miles of regional trails, 215 miles of backcountry trails, and facilities like the Weyerhauser King County Aquatic Center; and

WHEREAS, the King County Council adopted Ordinance 18890, which calls for a special election to be held in conjunction with the primary election on August 6, 2019, to consider a proposition authorizing a regular property tax levy identified as Proposition No. 1 Parks, Recreation, Trails and Open Space Levy; and

WHEREAS, King County's Voter Ballot Measure Fact Sheet identifies that the ballot measure would, among other things: 1) replace the current park levy expiring at the end of 2019; 2) fund operations and maintenance of King County's parks and trails, and support the growth and connection of regional trails; 3) establish grant programs to expand access to recreation and protect open space for King County residents; and 4) support parks in King County cities, as well as the Woodland Park Zoo and Seattle Aquarium; and

WHEREAS, the King County Executive has identified that King County Parks would use proceeds from the levy to: 1) build and design regional trails, including missing links and crossings over rivers and highways; 2) acquire more open space lands that provide recreation opportunities for people and protect forestland lands, water quality and habitat for fish and wildlife; 3) improve trailheads by adding parking and signage; 4) repair hiking, mountain biking and horseback riding trails; 5) replace turf on 11 ballfields; 6) rehabilitate play area equipment in six parks; and 7) maintain park infrastructure, such as pathways, roofs, fencing, and electrical systems; and

WHEREAS, RCW 42.17A.555 states that a legislative body can take action to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the council or members of the public are afforded an approximately equal opportunity for the expression of an opposing view; and

WHEREAS, the City Council desires to adopt this resolution and express support for King County Proposition No. 1 Park, Recreation, Trails and Open Space Levy; and

WHEREAS, consistent with RCW 42.17A.555, councilmembers and the public received an approximately equal opportunity to express an opposing view at the June 17, 2019, Regular Meeting,

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

Section 1. The Kenmore City Council adopts this resolution to express support for King County Proposition No. 1 Park, Recreation, Trails and Open Space Levy.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE 2019.

CITY OF KENMORE

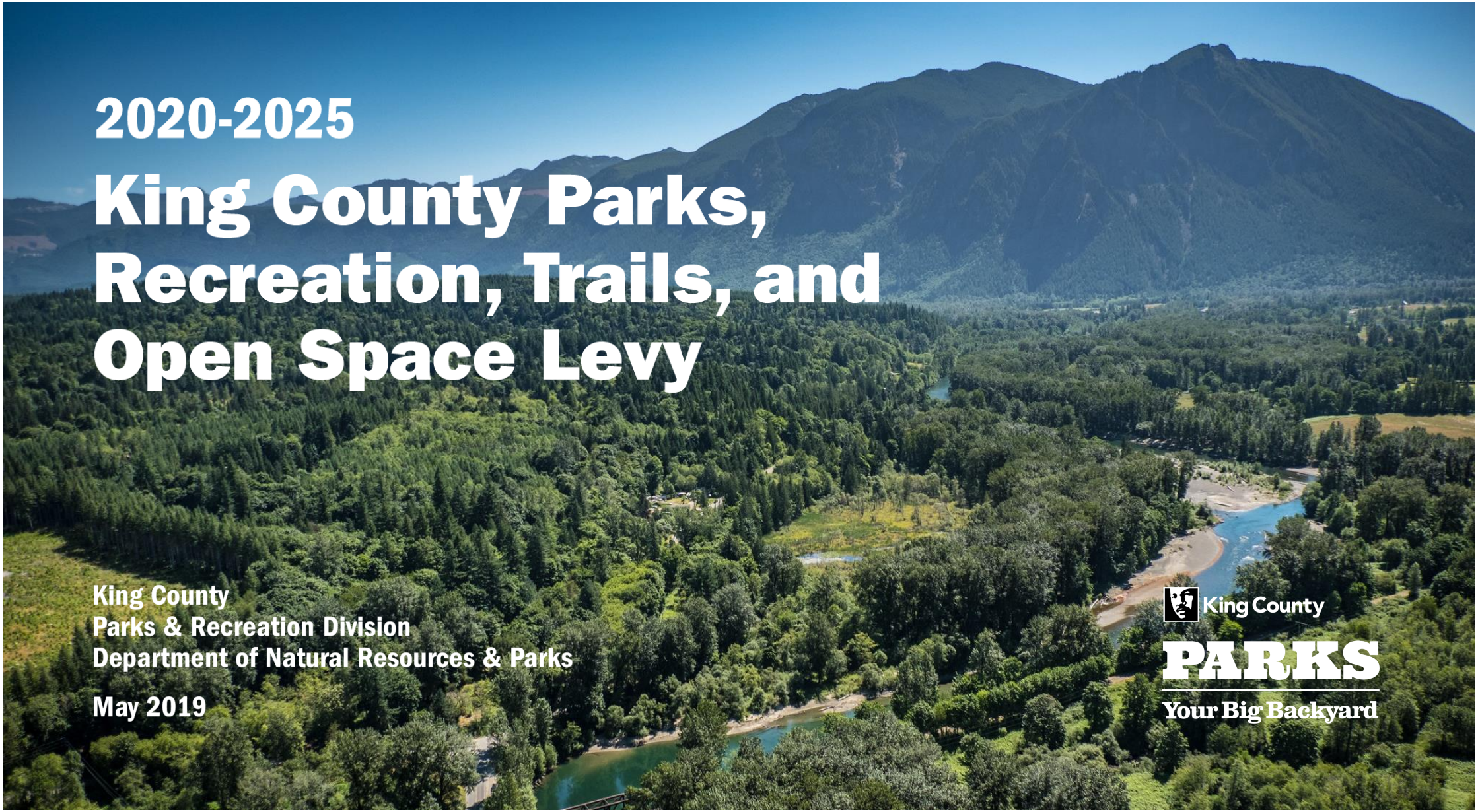
_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly M. Chelin, City Clerk

APPROVED AS TO FORM:

_____
Dawn Reitan, City Attorney



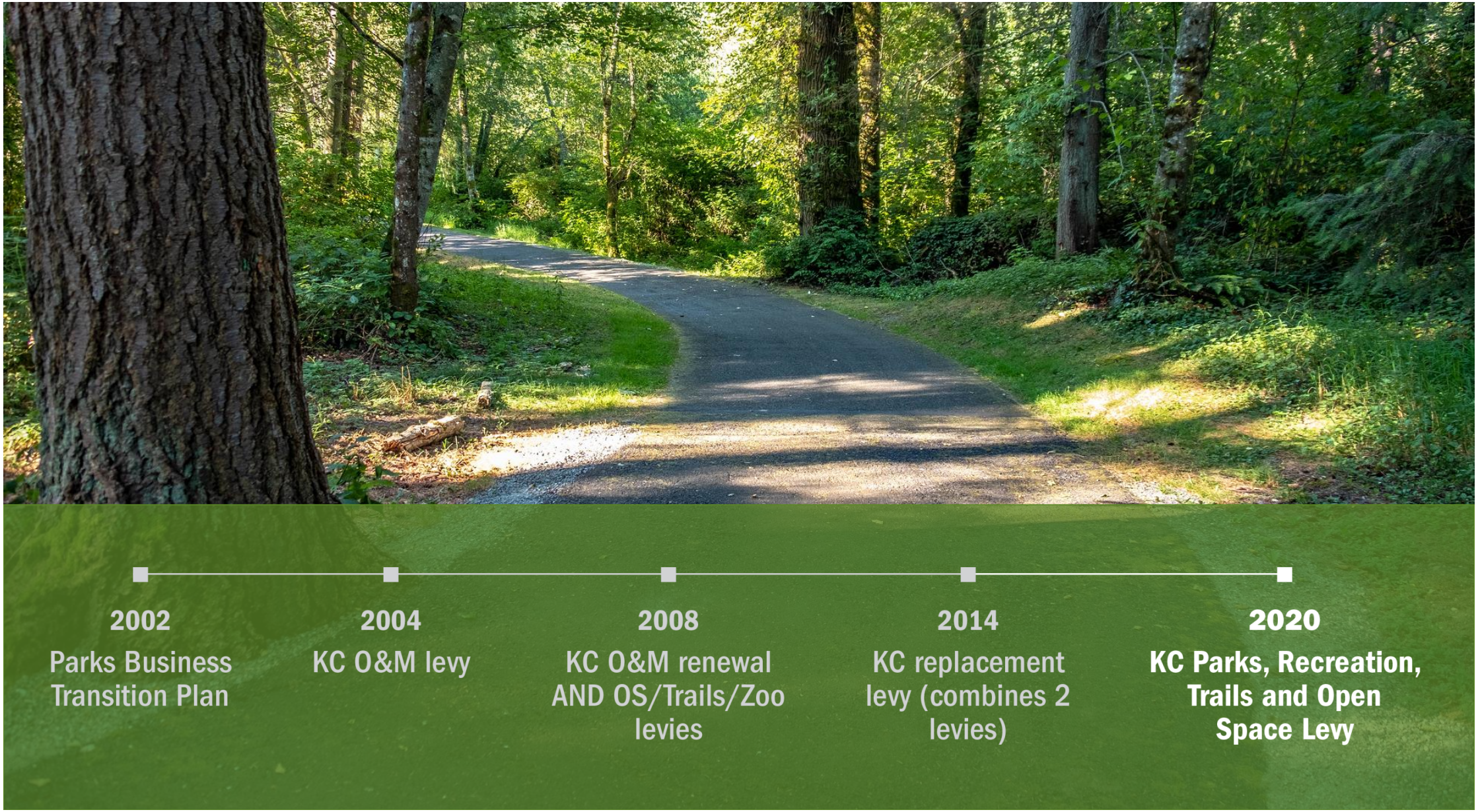
2020-2025

King County Parks, Recreation, Trails, and Open Space Levy

King County
Parks & Recreation Division
Department of Natural Resources & Parks

May 2019

King County
PARKS
Your Big Backyard


2002
Parks Business Transition Plan
2004
KC O&M levy
2008
KC O&M renewal AND OS/Trails/Zoo levies
2014
KC replacement levy (combines 2 levies)
2020
KC Parks, Recreation, Trails and Open Space Levy

Parks Levy Goals

EXISTING PARKS & TRAILS

Take care of King County's existing system of parks and trails, ensuring the system remains clean, safe and open.

INCREASE ACCESS

Make parks and recreation opportunities more accessible for all King County residents to enjoy.

REGIONAL TRAILS

Improve regional trails and mobility, ensuring that essential connections are completed and existing trails are maintained.

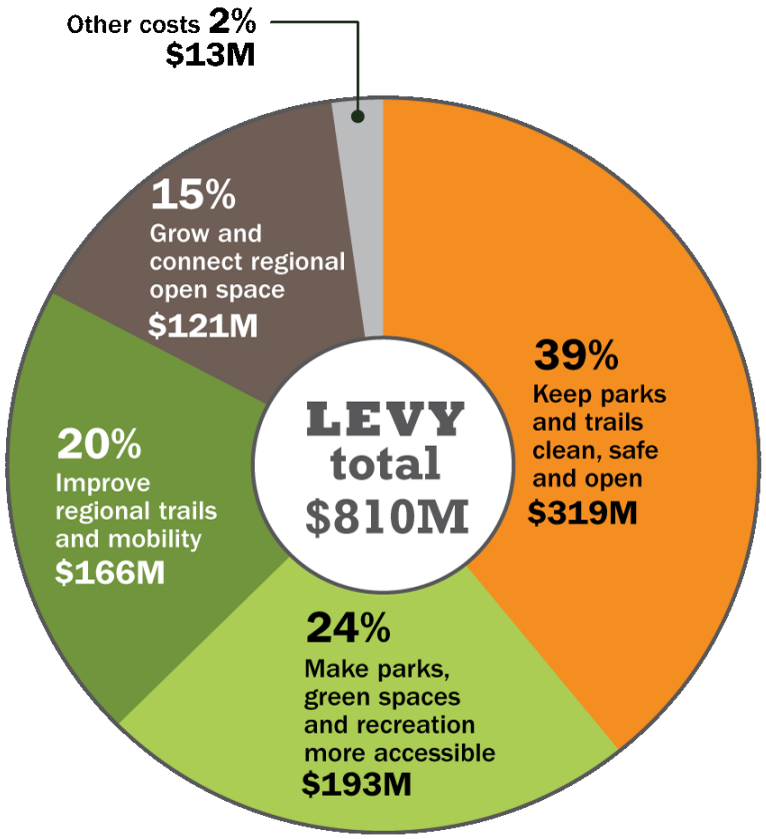
OPEN SPACE

Grow and connect regional open space and natural lands, protecting habitat important for fish and wildlife and providing recreation opportunities.

This levy is developed to:

- Keep King County's 200 parks, 175 miles of regional trails & 28,000 acres of open space and trails clean, safe and open.
- Keep pace with our growing region by expanding and improving access to parks and recreation for all King County residents.

2020-2025 Parks, Recreation, Trails, and Open Space LEVY Measure



note: the sum of sections is greater than levy total due to rounding

Generates an estimated $810 million over the next six years to:

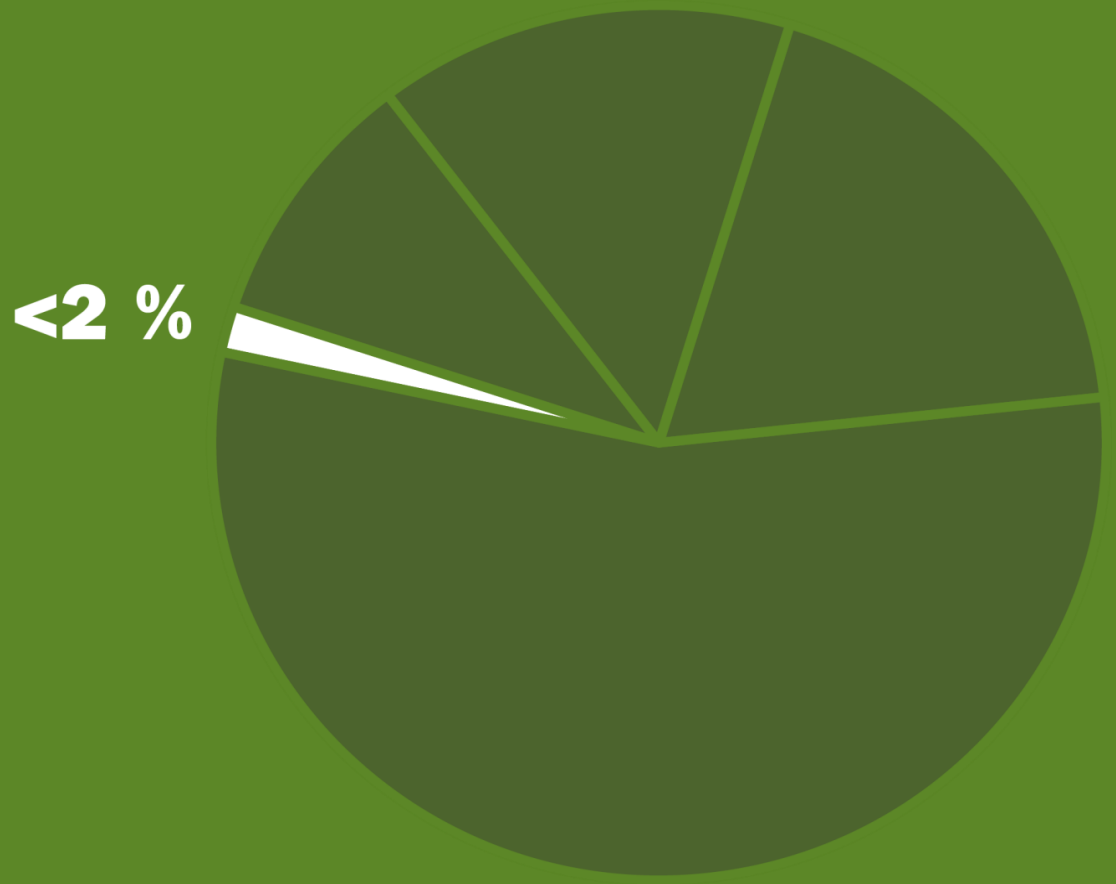
- Expand and connect regional trails and open space
- Improve access to green space and recreation
- Keep the county's parks and trails clean, safe and open

Costs 18.32 cents per $1,000 of assessed property value

OR

This is $7.60 per month – which is $2.25 more than what residents currently pay for a home valued at $500,000.

What does this mean for a homeowner?



Average Property Taxes for Households across King County (city dependent)

Keep our parks and trails clean safe and open

$318.5 Million | 39%

Operations and Maintenance: $277M

- 200 Parks
- 175 Miles of regional trails
- 28,000 Acres and growing of open space
- 215 Miles of backcountry trails
- 155,000 Acres of conservation easements

Active Recreation Repair & Renovation: $41.5M

- 5 Facilities/sites
- 11 Synthetic turf ballfield replacements
- 6 Play area rehabilitations
- 5+ Backcountry trail rehabilitations
- 3 Trailhead access improvements
- 3 Sport court and grass ballfield replacements

Make parks, green spaces and recreation more accessible $192.6 Million | 24%

New & Expanded Grant Programs

Community Partnerships & Grants: $9M

For partners to design, build or program new and enhanced public recreation facilities on County or city-owned lands

Targeted Equity Grants: $10M

To increase access to and use of recreation facilities in communities that are currently underserved or for people with disabilities

City Capital and Open Space Acquisition Grants: $25M

For parks capital improvements and land acquisition

Public Pools Grants: $44M

For capital needs at new or existing aquatic facilities

Make parks, green spaces and recreation more accessible cont.

$192.6 Million | 24%

Pass Through Funding

KC Cities and Towns : $60M

- For any local parks and recreation purpose
- Listened to our cities and increased funding by ~70%

Woodland Park Zoo: $36M

Continue environmental education and conservation programs

Seattle Aquarium: $8M

Towards capital construction of the Ocean Pavilion

Photo Credit: Woodland Park Zoo

Photo Credit: Seattle Aquarium

Improve regional trails & mobility

$165.6 Million | 20%

Expanding & Connecting Regional Trails

- East Lake Sammamish Trail
- East Lake Sammamish Trail - Redmond Light Rail Extension
- Eastside Rail Corridor
- Foothills Trail
- Green to Cedar Trail
- Green River Trail Extension-North
- Green River Trail in Kent
- Interurban to Burke-Gilman Trail Connection
- Interurban South – major maintenance investments
- Interurban South connection in Milton
- Kirkland Green Loop Trail
- Lake to Sound Trail
- Soos Creek Trail
- Wayne Connector to the Burke-Gilman Trail

Grow and connect regional open space

$120.5 Million | 15%

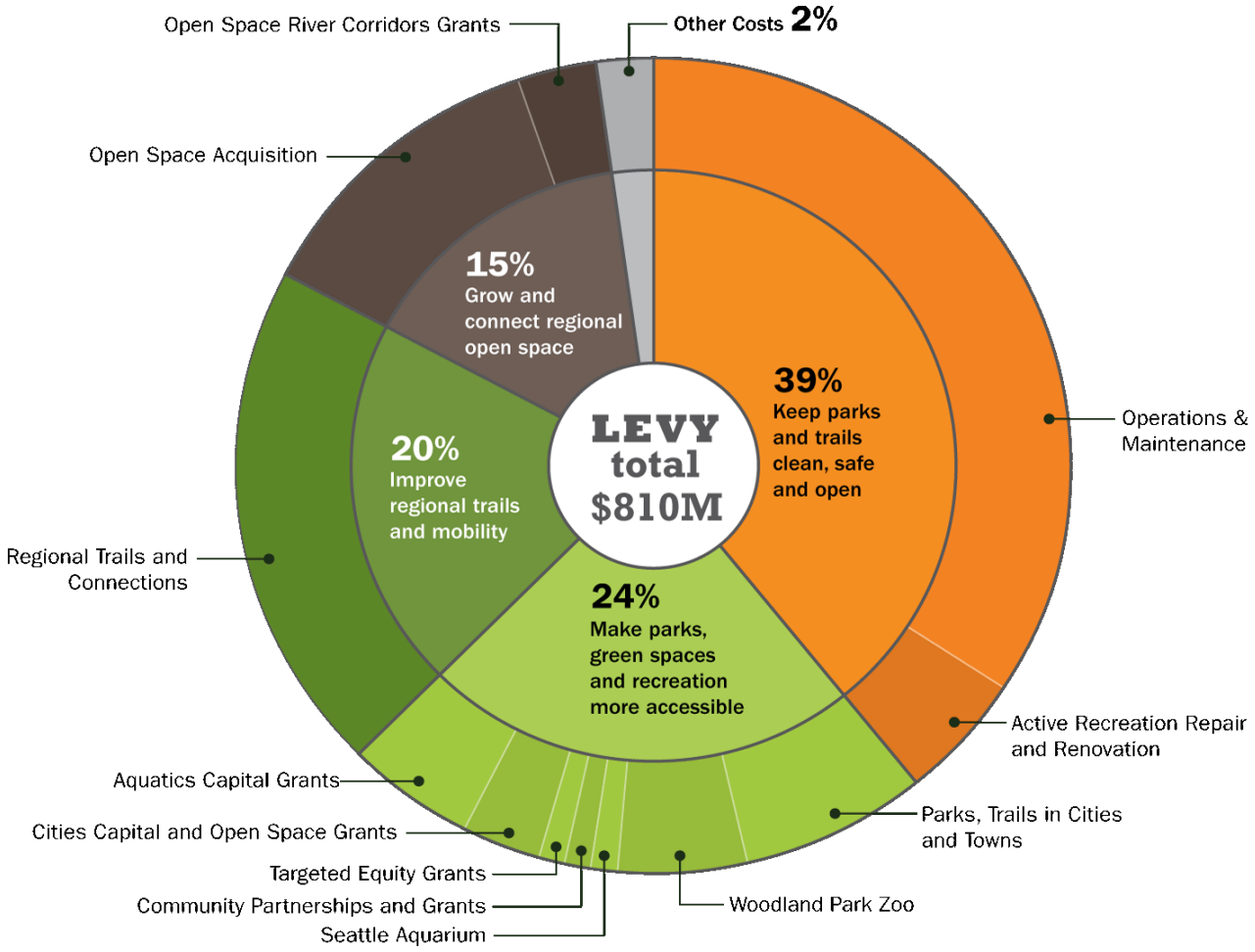
King County Open Space Acquisition/ Land Conservation: $98.5M

- Supports passive recreational uses, regional trails and open space lands
- Water access acquisition along Burke-Gilman trail

Open Space River Corridors Grants: $22M

To protect, restore, and provide recreation opportunities in river corridors and green spaces

2020-2025 Parks, Recreation, Trails, and Open Space LEVY Measure



Investments Summary

Keep parks and trails clean, safe and open	**$318.5 M**
Operations & Maintenance	$277 M
Active Recreation Repair	$41.5 M
Make parks, green spaces & recreation more accessible	**$192.6 M**
Aquatics Capital	$44 M
Cities Capital and Acquisition	$25 M
Targeted Equity	$10 M
Community Partnerships	$9.6 M
Parks in Cities/Towns (pass thru)	$60 M
Woodland Park Zoo	$36 M
Seattle Aquarium	$8 M
Improve regional trails & mobility	**$165.6 M**
Grow and connect regional open space	**$120.5 M**
Open Space Acquisition	$98.5 M
Open Space River Corridors	$22 M
Other costs	**$13 M**
TOTAL	**$810.2 M**

Timeline

Completed

February 2019

Executive proposal transmitted to King County Council

April 17, 2019

King County Council adopted legislation to put Parks Levy on ballot

Upcoming

August 6, 2019

Election

King County
PARKS
Your Big Backyard

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Urban Tree Canopy ("UTC") Assessment Results	**For Council Meeting Agenda of:** June 17, 2019 **Department:** Development Services **Prepared by:** Elizabeth Walker, King Conservation District Project Coordinator, & Samantha Loyuk, City of Kenmore Associate Planner SL **Initial & Date** **Approved by Department Head:** BA 6/5/19 **Approved by City Attorney:** N.A. **Approved by Finance Director:** 6/5/19 **Approved by City Manager:** DK **Exhibits/Attachments:** Exhibit A: UTC Assessment Fact Sheet; and Exhibit B: UTC Assessment Report.
Proposed Council Action/Motion: No action; informational only	

INFORMATION/BACKGROUND:

In 2018, at the direction of City Council, Development Services Department prepared an information presentation on Kenmore Municipal Code (KMC) 18.57 ("tree regulations"). The intent of the presentation was to provide an overview of how KMC 18.57 is implemented, specifically as it relates to trees and new development. Following the presentation, City Council directed staff to pursue a City-wide tree canopy assessment with King Conservation District (KCD).

Samantha Loyuk, Development Services planner and arborist acted as the project lead for the City. The assessment was conducted by Elizabeth Walker, KCD Project Coordinator and Jeremy Cantor, Plan-It Geo Director of Geospatial Services. The primary goal of the assessment was to: 1) Provide a baseline and benchmark of the City's tree canopy; 2) interpret the results across a range of geographic boundaries; and 3) evaluate how the City's canopy has changed since 2009. Similar studies have been completed by KCD for other jurisdictions throughout King County; the report includes a comparison of Kenmore's urban forest and other nearby cities.

A nation-wide analysis conducted by the U.S. Forest Service, stated that under ideal conditions, forested states such as Washington, could achieve a canopy cover of 40-60%. With it's current canopy cover of 41%, Kenmore is within that range. (UTC Assessment, 2019). The study finds a two-percent (2%) reduction in urban tree canopy from 2009 to 2017[1]. Canopy reductions are consistent with increased single-family residential development in the R-4 and R-6 zones.

Results will be presented by Elizabeth Walker. No action is requested by City Council. Development Services staff will be available to answer questions related to the existing tree code (KMC 18.57).

[1] The study included a 4.2% margin of error for the 2017 data; accuracy was not calculated for the 2009 tree canopy data.

FISCAL CONSIDERATION: None. The assessment was conducted without the use of City funds (staff time excluded).
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: The UTC assessment supports City Council Goal #10: Project and enhance the climate, water, air and forest environment.

KENMORE, WA

TREE CANOPY ASSESSMENT

EXHIBIT A

TOTAL STUDY AREA

4,017 ACRES

TREE CANOPY

2017: 1,587 ACRES, 41%*
2009: 1,656 ACRES, 43%*

PLANTABLE SPACE

1,173 ACRES, 30%

*Urban tree canopy and possible planting area percentages are based on land area only.

The urban forest in Kenmore is a valuable asset that provides residents and visitors with many ecological, environmental, and community benefits. This assessment analyzed the City's urban tree canopy (UTC), possible planting area (PPA), and change in UTC over an 8-year period (arerial Imagery 2009-2017). The results provide an updated baseline to develop strategies to protect and expand Kenmore's trees and natural areas during planning and development. The maps and project report help to concentrate efforts in areas where needs are greatest, tree planting space is available, and benefits can be realized.

LAND COVER

40% TREE CANOPY*

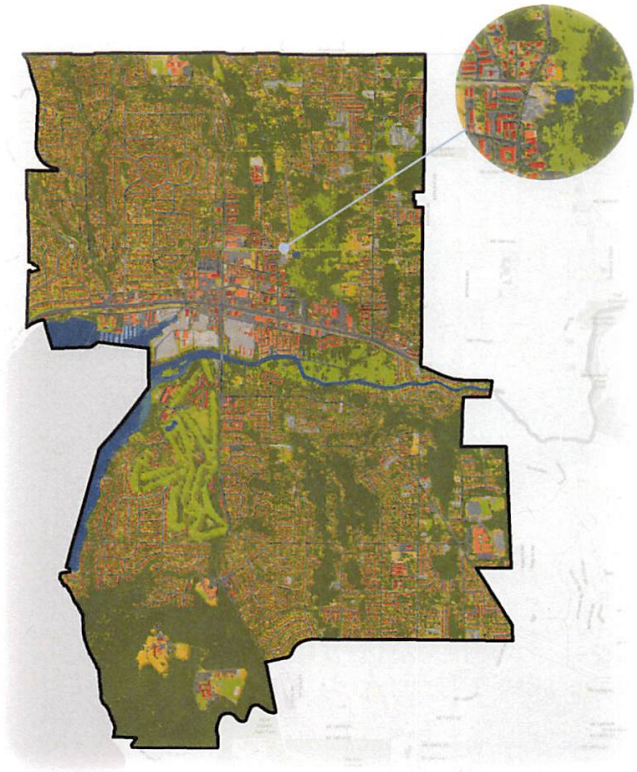
24% NON-CANOPY VEGETATION

32% IMPERVIOUS

2% SOIL & DRY VEGETATION

3% WATER

- TREE CANOPY
- OTHER VEGETATION
- BUILDINGS
- ROADS
- PARKING LOTS
- SIDEWALKS
- DRIVEWAYS
- OTHER IMPERVIOUS
- SOIL & DRY VEGETATION
- WATER



*Note: Land cover percentages are based on total area.

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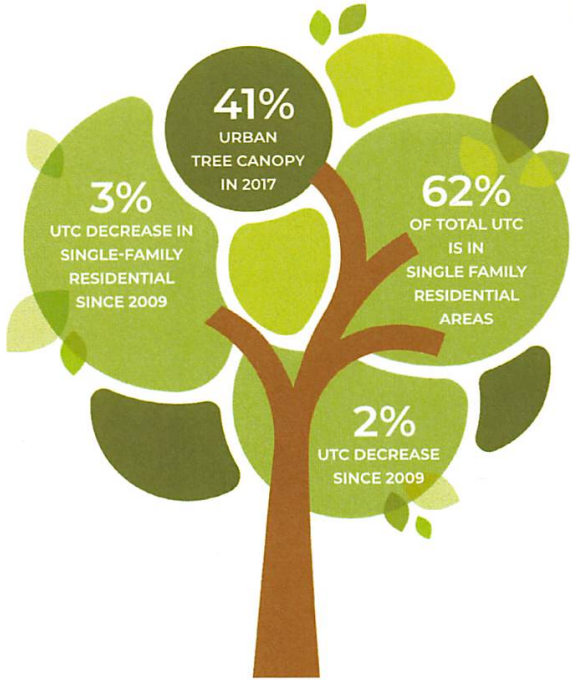
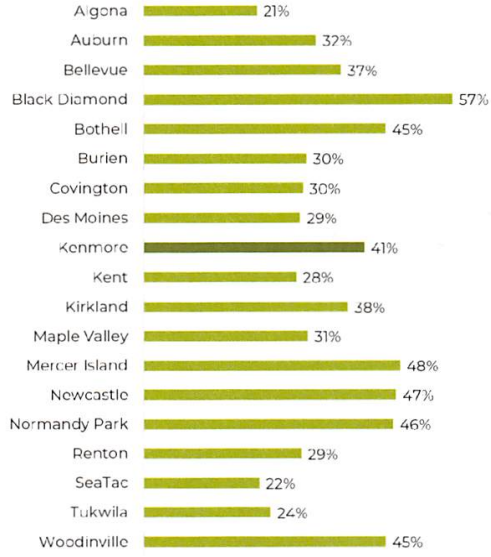
Tree canopy data were analyzed for Kenmore's land use categories to determine the distribution of existing and potential urban tree canopy throughout the city. Single-family residential and public use/institutional areas had the highest canopy coverage at 42% and 58%, respectively, and contained more than 90% of the City's total canopy. Single-family residential areas had a 3% loss of canopy cover but contained 64% of the City's total plantable space.

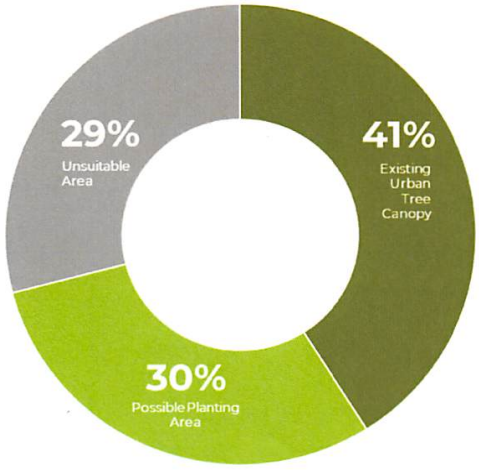
Land Use	Urban Tree Canopy		
	Acres	*%*	*Dist.*
Central Business District	3	7%	0%
General Commercial	10	9%	1%
General Mixed Use	3	11%	0%
Single-Family Residential	977	42%	62%
Multi-Family Residential	47	28%	3%
Public Use/Institutional	452	58%	29%
Undesignated	93	20%	6%
Totals	**1,586**	**41%**	**100%**



COMPARING URBAN TREE CANOPY IN KING COUNTY COMMUNITIES



URBAN TREE CANOPY POTENTIAL



**Possible Planting Areas (PPA) were defined as vegetated areas without tree canopy and impervious surfaces such as parking lots and sidewalks. These areas may not be suitable for planting to increase canopy due to slope, views, soils, or other limitations. Field surveys to identify suitable planting areas are advised.*

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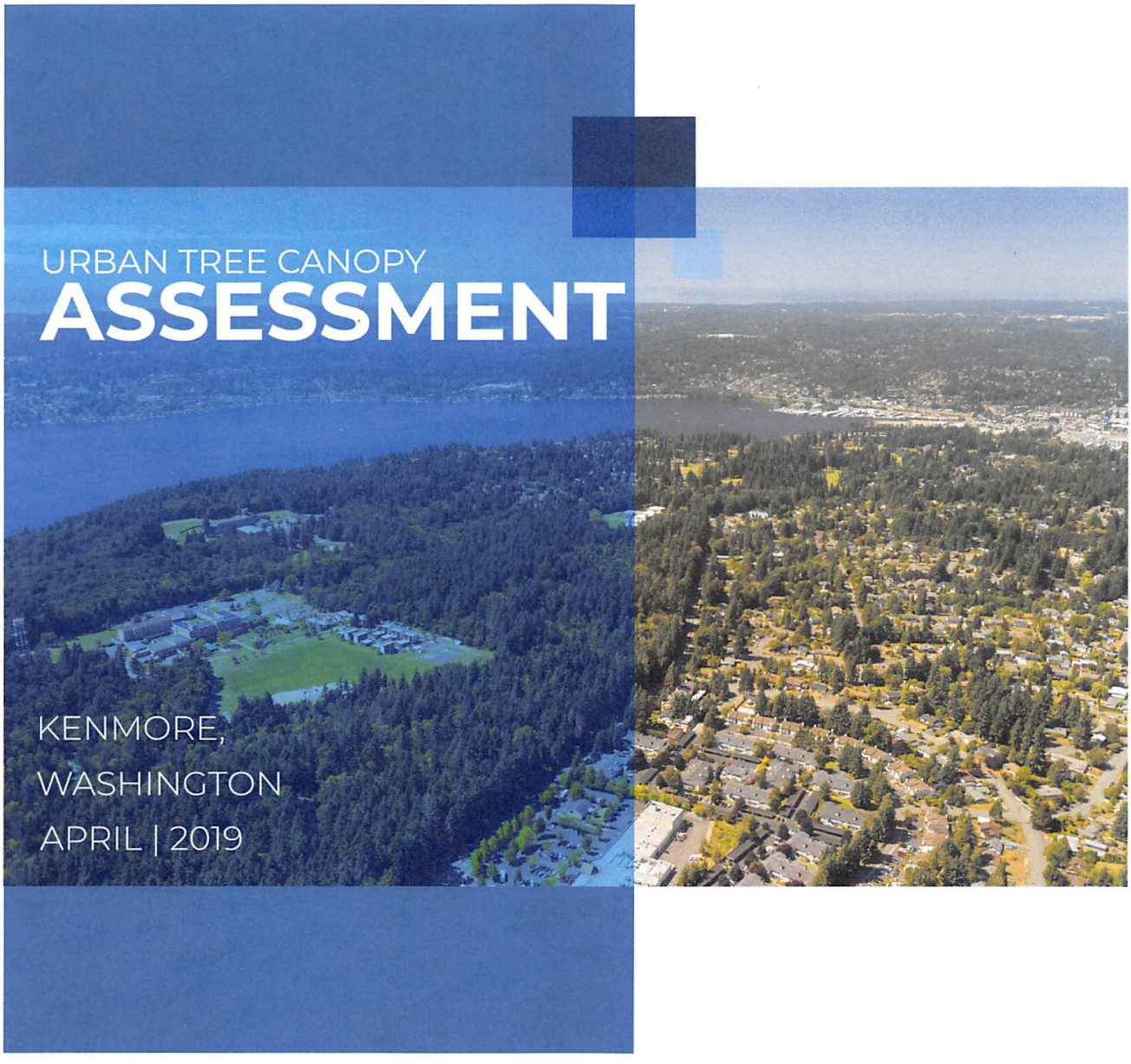
EXHIBIT B



URBAN TREE CANOPY ASSESSMENT

KENMORE,
WASHINGTON
APRIL | 2019

King Conservation District

KENMORE BY THE LAKE

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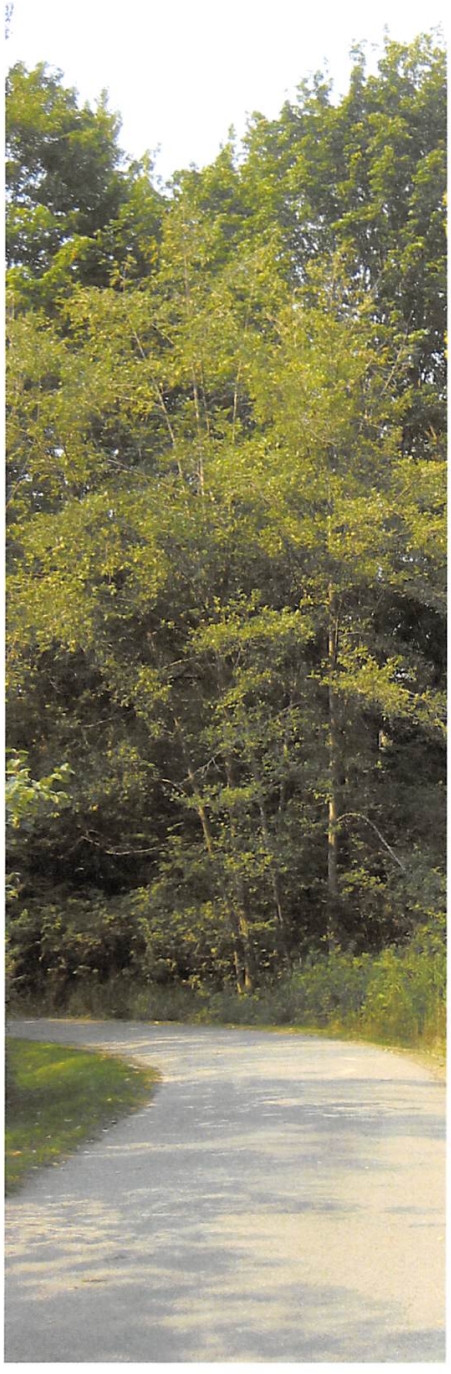

AN ASSESSMENT OF
URBAN TREE CANOPY

KENMORE, WASHINGTON

"Someone is sitting in the shade today because someone planted a tree a long time ago. -Warren Buffet"

PREPARED BY
Plan-It Geo, LLC, Arvada, Colorado

PREPARED FOR
City of Kenmore, Washington

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1,587
ACRES OF TREE CANOPY

EXECUTIVE SUMMARY

PURPOSE OF THIS ANALYSIS

The City of Kenmore is located within King County, Washington (Figure 1). It is approximately 6 square miles or 4,017 acres of which 3,894 are land acres. Across the city, trees along streets, in parks, yards, and natural areas constitute a valuable urban and community forest. This resource is a critical element of the region's green infrastructure, contributing to environmental quality, public health, water supply, local economies and aesthetics. The primary goal of this assessment was to provide a baseline and benchmark of the City's tree canopy, interpret the results across a range of geographic boundaries, and evaluate how the City's canopy has changed since 2009.

URBAN TREE CANOPY IN KENMORE

Results of this study indicated that in 2017, the City of Kenmore contained 40% urban tree canopy (or 1,587 of the City's 4,017 total acres); 24% non-canopy vegetation (953 acres); 2% soil/dry vegetation (79 acres); 32% impervious (1,274 acres); and 3% water (123 acres). Whereas land cover results are a percentage of the study area's total acres, urban tree canopy (UTC) and possible planting area (PPA) results are based on land area only, equal to the total area minus water. In terms of land area, 41% (1,587 acres) was tree canopy, 30% (1,173 acres) was suitable for future tree plantings, and 29% (1,134 acres) was unsuitable for tree plantings due to its current land use or other restraint. In further dividing the City's urban tree canopy, 88% was overhanging pervious surfaces and 12% of all canopy was overhanging impervious surfaces. Kenmore's urban tree canopy has declined by 2% since 2009.

ASSESSMENT BOUNDARIES

This study assessed urban tree canopy (UTC), possible planting areas (PPA), and canopy change at multiple geographic scales in order to provide actionable information to a diverse range of audiences. By identifying what resources and opportunities exist at these scales, the City can be more proactive in their approach to protect and expand their urban tree canopy. Metrics were generated at the following geographies: the citywide boundary (1); watersheds (3); county land use classes (7); census block groups (20); zoning types (16); and parcels (7,571). Additionally, the City's urban tree canopy was delineated as having an impervious or pervious understory.

RECOMMENDATIONS

The results of this analysis can be used to develop a continuing strategy to protect and expand Kenmore's urban forest. The UTC, PPA, and change metrics should be used as a guide to determine where the city has been successful in protecting and expanding its urban forest resource, while also targeting areas to concentrate future efforts based on needs, benefits, and available planting space. Kenmore should use these results to ensure that their urban forest policies and management practices continue to prioritize its maintenance, health, and growth.

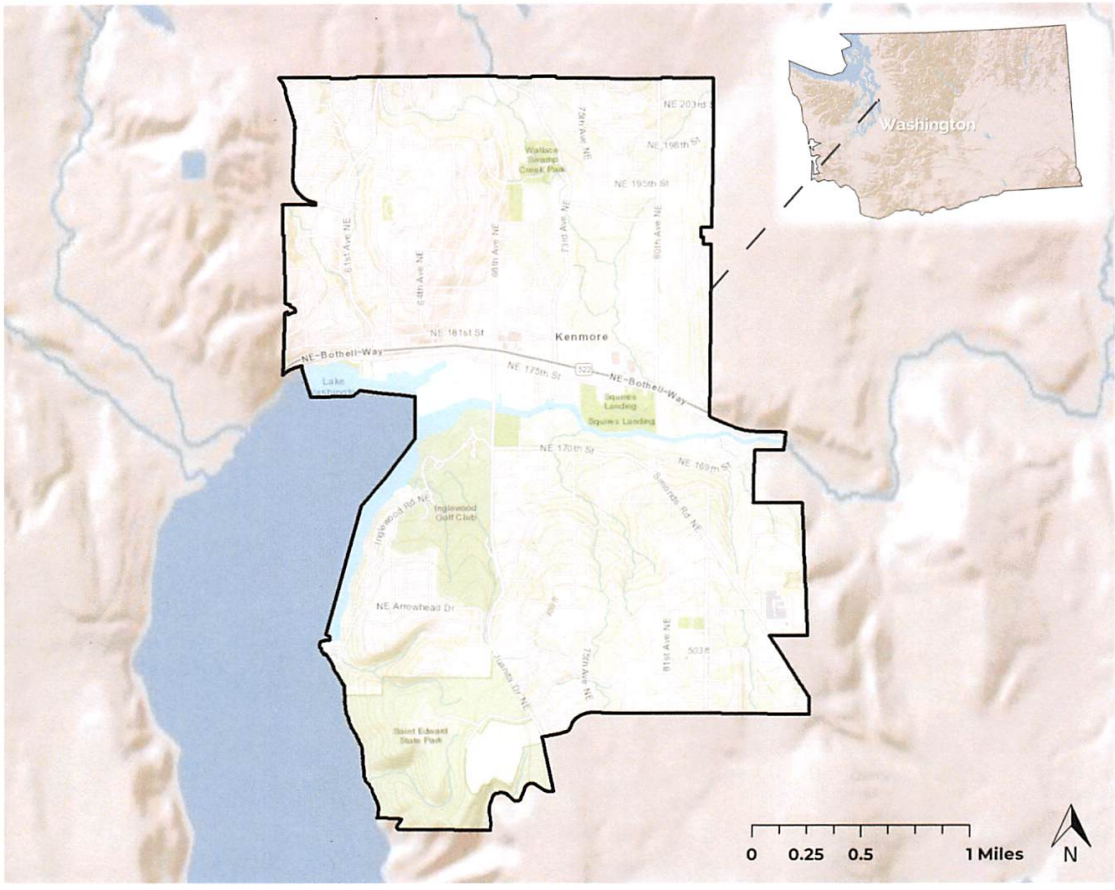


Figure 1. | Kenmore occupies approximately 6 square miles in King County, Washington

41% URBAN TREE CANOPY

30% POSSIBLE PLANTING AREA

32% IMPERVIOUS SURFACE

Figure 2. | Based on an analysis of 2017 high-resolution imagery, Kenmore contains 41% tree canopy, 30% areas that could support canopy in the future, and 32% total impervious areas.

PROJECT METHODOLOGY

Land cover, urban tree canopy, and possible planting areas were mapped using the sources and methods described below. These datasets provide the foundation for the metrics reported at the selected geographic assessment scales as well as the change in canopy over time.

DATA SOURCES

This assessment utilized high-resolution (1-meter) multispectral imagery from the U.S. Department of Agriculture's National Agriculture Imagery Program (NAIP) Collected in July 2017 and August 2009 and 2016 LiDAR data (8 points/m^2 density) from King County, Washington to derive the land cover data set. The NAIP imagery was used to classify all types of land cover whereas the LiDAR is most useful for distinguishing tree canopy from other types of vegetation. Additional GIS layers provided by the City of Kenmore were also incorporated into the analysis.

MAPPING LAND COVER

An initial land cover dataset was to be created prior to mapping tree canopy. The land cover data set is the most fundamental component of an urban tree canopy assessment. An object-based image analysis (OBIA) software program called Feature Analyst was used to classify features through an iterative approach. In this process, objects' spectral signatures across four bands (blue, green, red, and near-infrared), textures, pattern relationships, and object heights were considered. This remote sensing process used the NAIP imagery and LiDAR to derive five initial land cover classes. These classes are shown in Figure 3 and described in the Glossary on page 29.

After manual classification improvement and quality control were performed on the remote sensing products, additional data layers from the city (such as buildings, roads, and other impervious surfaces) were utilized to capture finer feature detail and further categorize the land cover dataset.

Figure 3. | Five (5) distinct land cover classes were identified in the 2017 tree canopy assessment: urban tree canopy, other non-canopy vegetation, bare soil and dry vegetation, impervious (paved) surfaces, and water.

IDENTIFYING POSSIBLE PLANTING AREAS AND UNSUITABLE AREAS FOR PLANTING

In addition to quantifying Kenmore's existing tree canopy cover, another metric of interest in this assessment was the area where tree canopy could be expanded. To assess this, all land area in Kenmore that was not existing tree canopy coverage was classified as either possible planting area (PPA) or unsuitable for planting. Possible planting areas were derived from the Non-Canopy Vegetation and Impervious classes. Unsuitable areas, or areas where it was not feasible to plant trees due to biophysical or land use restraints (e.g. airport runways, golf course playing areas, recreation fields, etc.), were manually delineated and overlaid with the existing land cover data set (Figure 4). The final results were reported as PPA Vegetation, PPA Impervious, Total PPA , Unsuitable Vegetation, Unsuitable Impervious, Unsuitable Soil, and Total Unsuitable.

Figure 4. | Vegetated areas where it would be biophysically feasible for tree plantings but undesirable based on their current usage (left) were delineated in the data as "Unsuitable" (right). These areas included recreational sports fields, golf courses, and other open space.

DEFINING ASSESSMENT LEVELS

In order to best inform the City Council and all of Kenmore's various stakeholders, urban tree canopy and other associated metrics were tabulated across a variety of geographic boundaries (Figure 5). These boundaries include the city boundary, watersheds, land use, zoning types, census block groups, city, and parcels.

- The City of Kenmore's citywide boundary is the one (1) main area of interest over which all metrics are summarized.
- Three (3) HUC-12 watersheds intersect the City of Kenmore. Delineated by the U.S. Geological Survey, each unique 12-digit identification code represents a different subwatershed. These were analyzed to explore differences in tree canopy across a naturally-occurring geographic boundary.
- Seven (7) King County land use classes were analyzed to assess differences in tree canopy across different human uses of land.
- Sixteen (16) unique zoning categories were assessed to provide detail on tree canopy within the current human uses of land across the city.
- Twenty (20) census block groups were assessed to provide information at a small geographic scale. Census block groups (CBGs) are used by the U.S. Census Bureau to assure statistical consistency when tracking populations across the United States and can be valuable indicators of environmental justice as they are directly linked with demographic and socioeconomic data.
- The smallest unit of analysis was parcels, of which there were over seven thousand (7,571) in total. This unit is helpful for assessing the canopy on an individual piece of property.

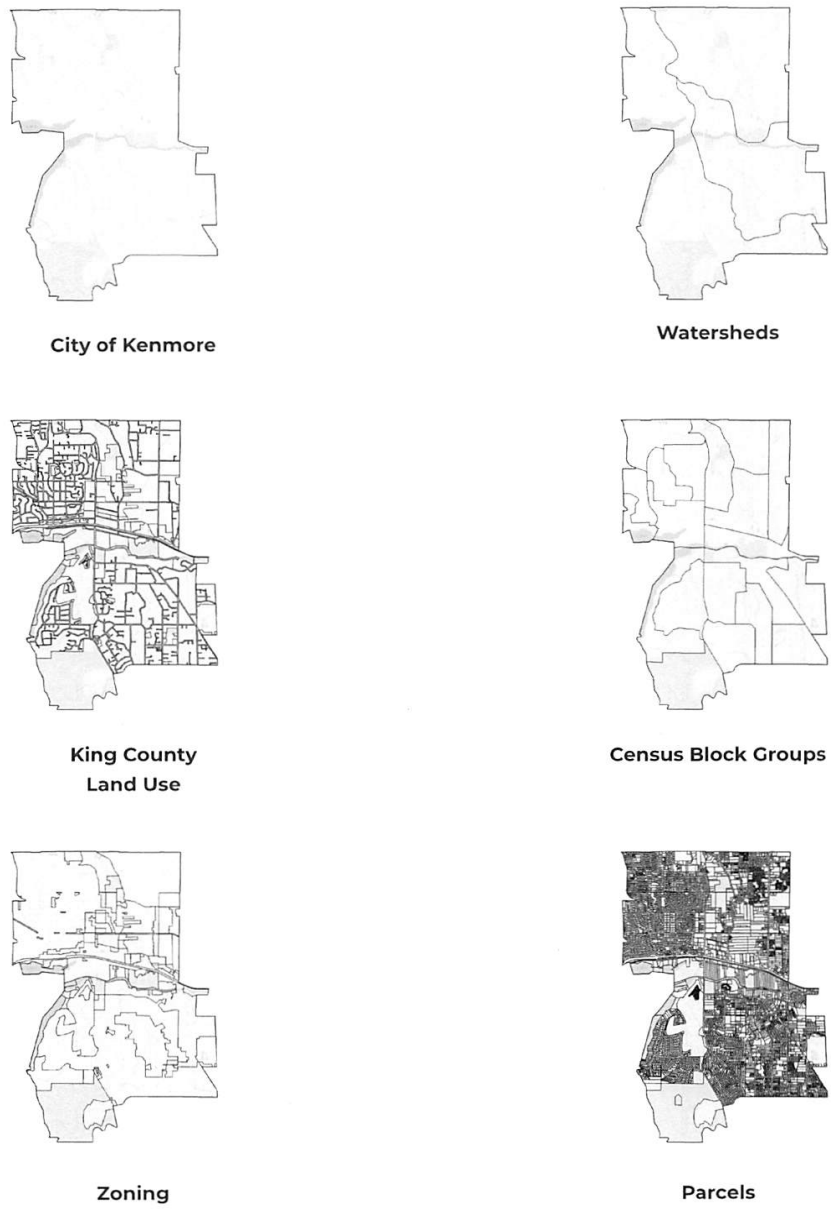


Figure 5. | Six (6) distinct geographic boundaries were explored in this analysis: the full city boundary, watersheds, U.S. Census block groups, King County land use, zoning type, and parcels.

STATE OF THE CANOPY AND KEY FINDINGS

The results and key findings of this study, including the land cover map and canopy analysis results, are presented below. These results, or metrics, help inform a strategic approach to identifying existing canopy and future planting areas. Land cover percentages are based on the total area of interest while urban tree canopy, possible planting area, and unsuitable percentages are based on land area. Water bodies are excluded from land area because they are typically unsuitable for planting new trees without significant modification.

CITYWIDE LAND COVER

In 2017, tree canopy constituted 40% of Kenmore's total land cover; non-canopy vegetation was 24%; soil/dry vegetation was 2%; impervious was 32%; and water was 3%. These generalized land cover results are presented below in Table 1.

The impervious land cover class was then subdivided into more specific classifications. Approximately 9% of Kenmore was buildings, 6% was roads, 3% was parking lots, 1% was sidewalks, 3% was driveways, and 9% was "other impervious". The detailed land cover results, including impervious classifications, are presented in Figure 6.

Table 1. | Generalized land cover classification results.

City Boundary	City Boundary	Tree Canopy	Impervious Surfaces	Non-Canopy Vegetation	Soil & Dry Vegetation	Water
Acres	4,017	1,587	1,274	953	79	123
% of Total	100%	40%	32%	24%	2%	3%

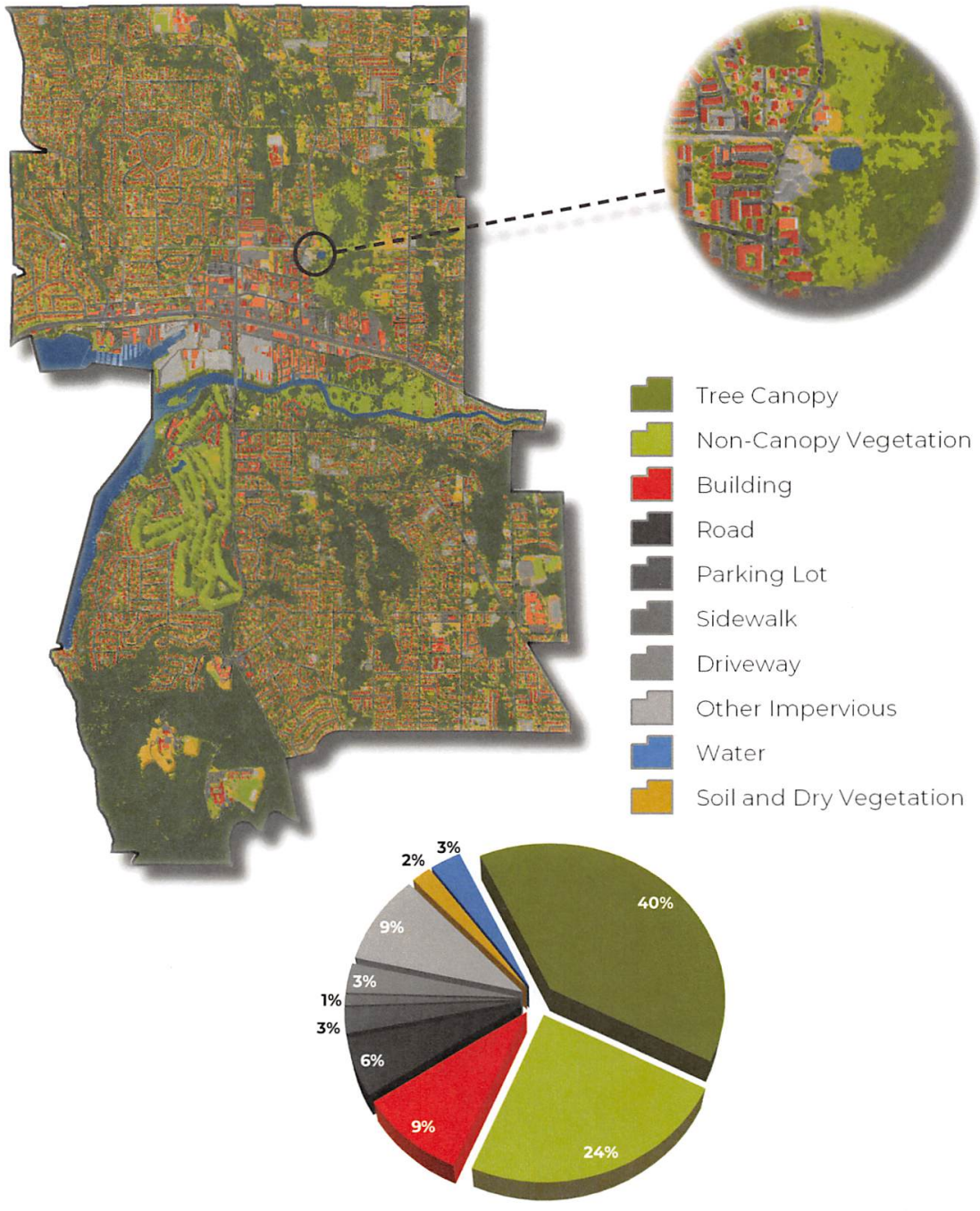


Figure 6. | Land cover classes for Kenmore, Washington based on 2017 NAIP imagery. (Percentages based on total acres.)

CITYWIDE URBAN TREE CANOPY

This urban tree canopy assessment utilized the land cover map as a foundation to determine Possible Planting Areas throughout the City. Additional layers and information regarding land considered unsuitable for planting were also incorporated into the analysis. Note that the results of this study are based on land area as opposed to total area (note the difference between Total Acres and Land Acres in Table 2).

Results of this study indicate that within the City of Kenmore, 1,587 acres are covered with urban tree canopy, making up 41% of the City's 3,894 land acres; 1,173 acres are covered with other vegetation or impervious surfaces such as parking lots where it would be possible to plant trees (PPA), making up 30% of the City; and the other 1,133 acres were considered unsuitable for tree planting, making up 39% of the City. The unsuitable areas include recreational sports fields, golf course playing areas, buildings, roads, and areas of bare soil and dry vegetation.

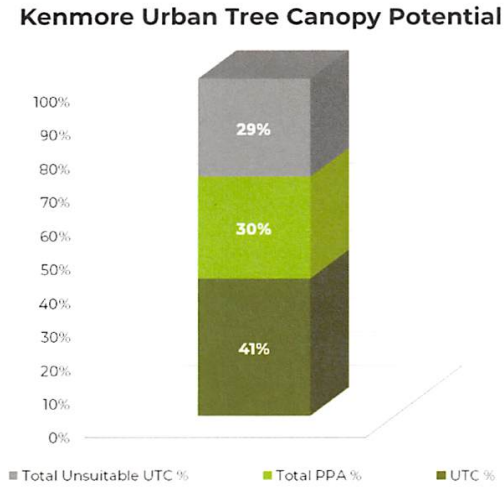


Figure 7. | Urban tree canopy, possible planting area, and area unsuitable for UTC in the City of Kenmore

Table 2. | Urban tree canopy assessment results by acres and percent. (Percentages based on land acres.)

City of Kenmore	Acres	%
Total Area	4,017	100%
Land Area	3,894	97%
Urban Tree Canopy	1,587	41%
Possible Planting Area - Vegetation	897	23%
Possible Planting Area - Impervious	276	7%
Total Possible Planting Area	1,173	30%
Unsuitable Vegetation	56	1%
Unsuitable Impervious	998	25%
Unsuitable Soil	79	2%
Total Unsuitable Areas	1,134	29%

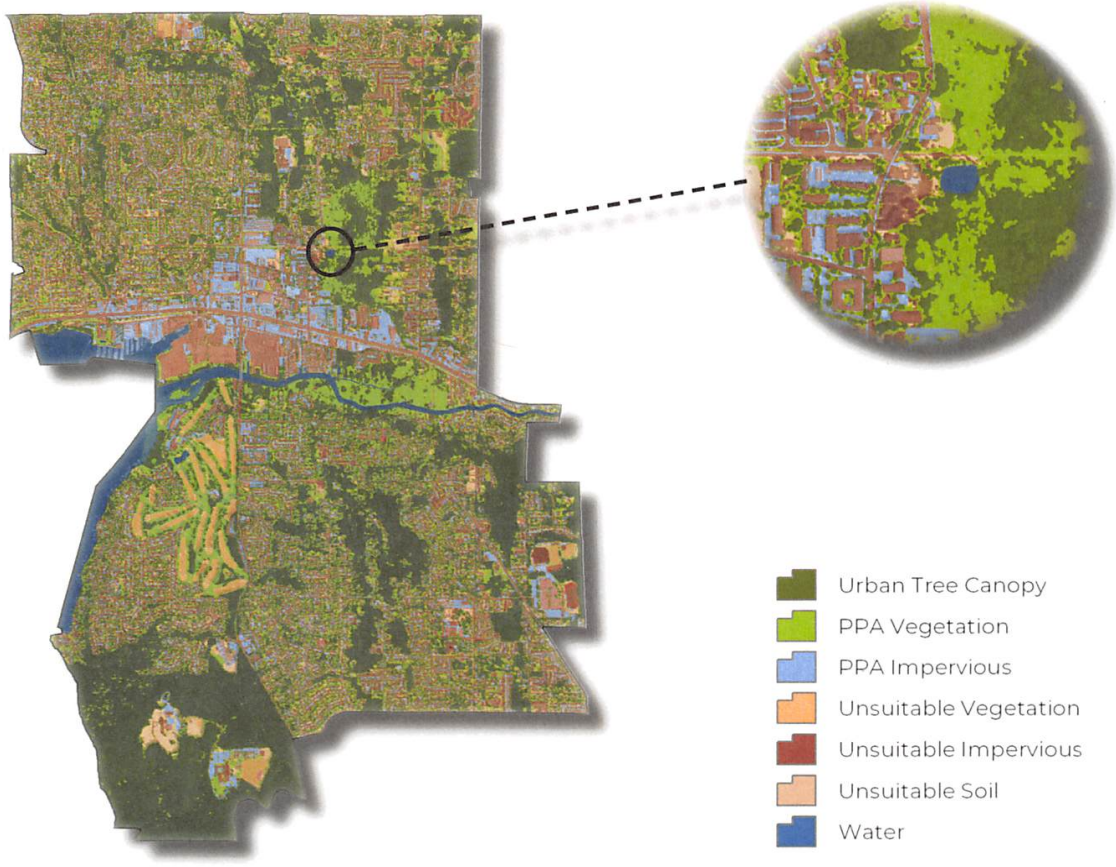


Figure 8. | Urban tree canopy, possible planting area, and unsuitable areas for UTC in the city of Kenmore.

The city's 1,587 acres of urban tree canopy were further divided into two subcategories based on whether their canopy had an impervious or pervious understory. Tree canopy overhanging an impervious surface can provide many benefits through ecosystem services such as localized cooling provided by shading of impervious surfaces and increased stormwater absorption. Results indicated that a majority of Kenmore's UTC was overhanging pervious surfaces. 93% of all tree canopy had a pervious understory.

Table 3. | Detailed urban tree canopy classifications.

City of Kenmore	Acres	%
UTC with Impervious Understory	106	7%
UTC with Pervious Understory	1,482	93%

URBAN TREE CANOPY BY WATERSHEDS

UTC and PPA were assessed for the three watersheds found within Kenmore. UTC was relatively uniform across watershed boundaries with the lowest having 39% UTC (Bear Creek-Sammamish River) and the highest having 41% (Lake Washington-Sammamish River). PPA ranged from 28% in the Lake Washington-Sammamish River watershed to 32% in the Bear Creek-Sammamish River watershed. The largest watershed, Lake Washington-Sammamish River, contained the greatest proportion of the city's overall UTC (45%) and PPA (42%).

Table 4. | Urban Tree Canopy assessment results by watersheds. UTC and PPA results include acres, percent of area covered by UTC or PPA (%), and distribution of the City's total UTC or PPA within each watershed.

Watersheds	Land Area		Urban Tree Canopy			Possible Planting Area		
	Acres	*Dist.*	*Acres*	*%*	*Dist.*	*Acres*	*%*	*Dist.*
Bear Creek-Sammamish River	1,012	26%	397	39%	25%	320	32%	27%
Lake Washington-Sammamish River	1,728	44%	717	41%	45%	490	28%	42%
Swamp Creek	1,153	30%	473	41%	30%	363	31%	31%
Totals	**3,894**	**100%**	**1,587**	**41%**	**100%**	**1,173**	**30%**	**100%**

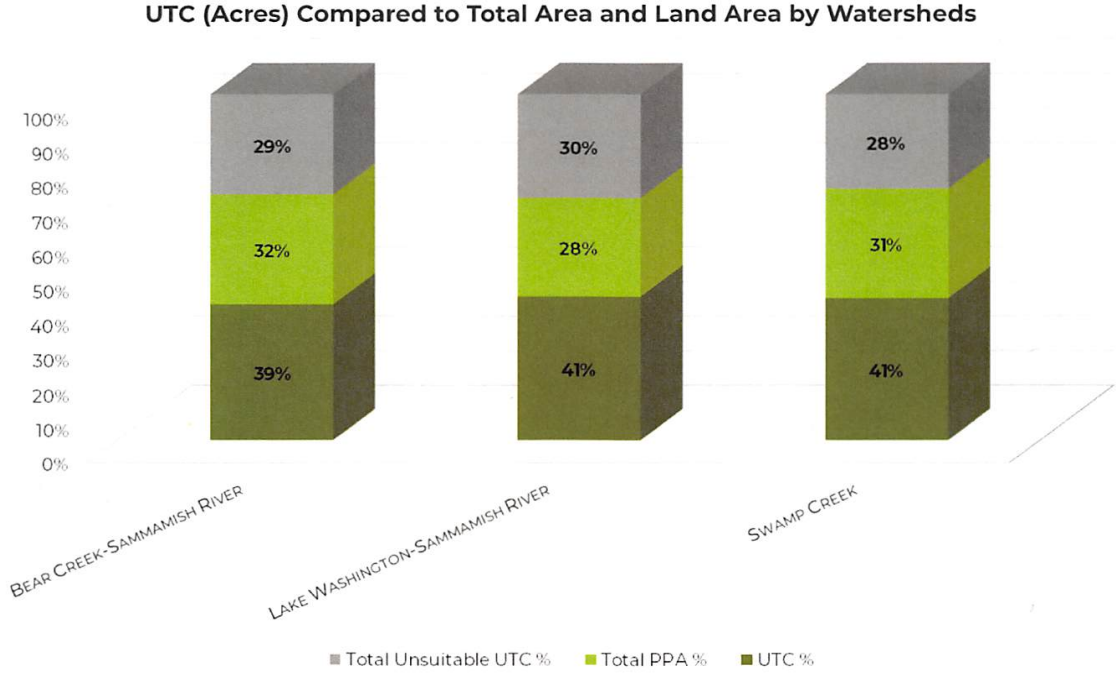


Figure 9. | Urban tree canopy in Kenmore by watersheds.

URBAN TREE CANOPY BY LAND USES

Urban tree canopy was also assessed for Kenmore's seven different land use categories (Table 5) found within the King County Comprehensive Plan land use data layer. Public Use/Institutional had the highest canopy cover, with 58% UTC, whereas the Central Business District had the lowest at 7%. In terms of possible planting areas, the General Mixed-Use class had the greatest proportion, with 56% PPA. However, Single-Family Residential contributed the greatest amounts of both UTC and PPA towards the citywide totals, making up 62% of all UTC and 64% of all PPA in Kenmore.

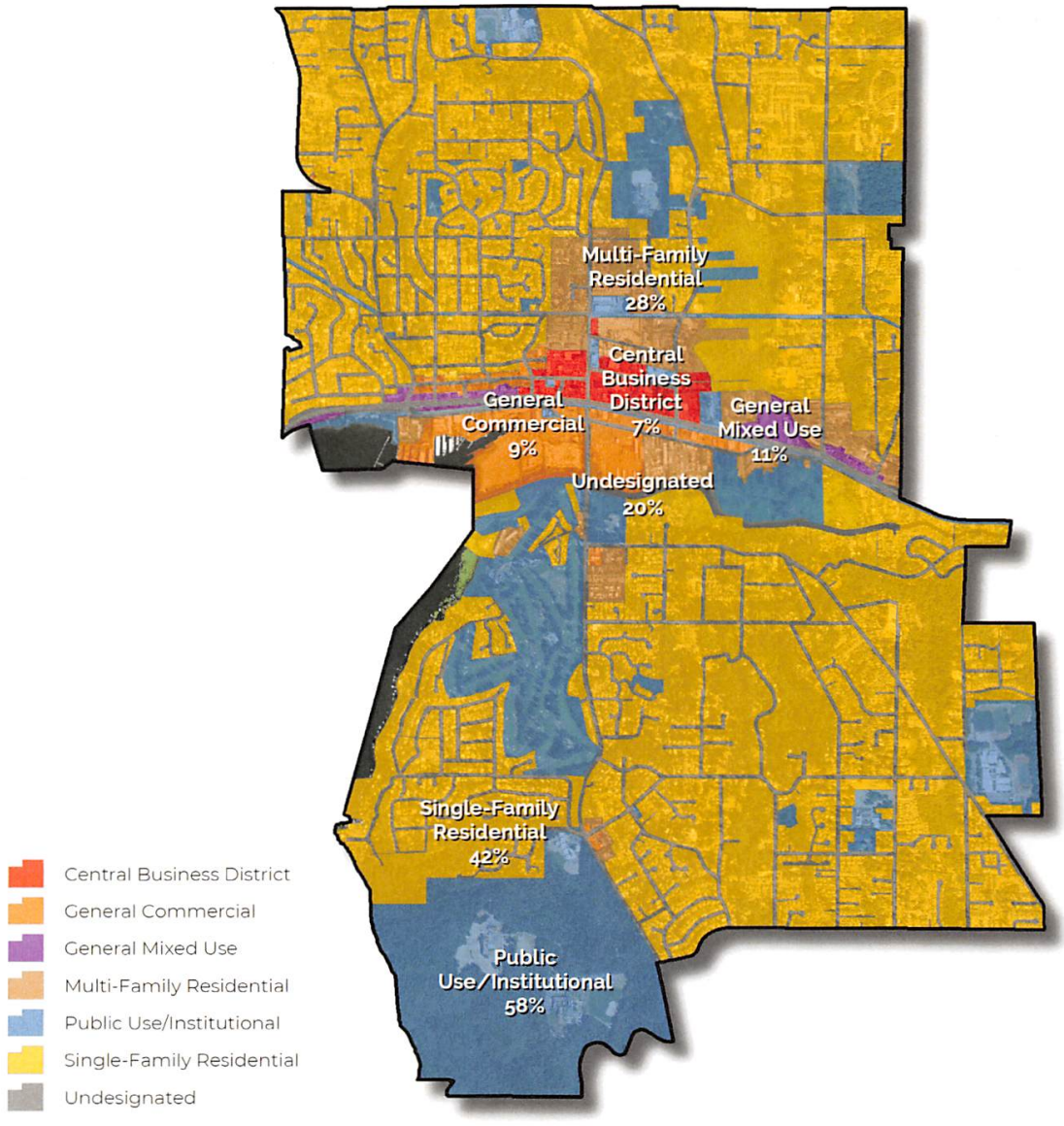


Figure 10. | Urban tree canopy in Kenmore by county land use.

Table 5. | Urban tree canopy assessment results by watershed. UTC and PPA results include acres, percent of area covered by UTC or PPA (%), and distribution of the city's total UTC or PPA within each land use (dist.).

Land Use	Land Area		Urban Tree Canopy			Possible Planting Area		
	Acres	*Dist.*	*Acres*	*%*	*Dist.*	*Acres*	*%*	*Dist.*
Central Business District	44	1%	3	7%	0%	25	55%	2%
General Commercial	104	3%	10	9%	1%	31	30%	3%
General Mixed Use	27	1%	3	11%	0%	15	56%	1%
Single-Family Residential	2,313	59%	977	42%	62%	746	32%	64%
Multi-Family Residential	168	4%	47	28%	3%	58	34%	5%
Public Use/Institutional	778	20%	452	58%	29%	176	23%	15%
Undesignated	456	12%	93	20%	6%	121	26%	10%
Totals	**3,891**	**100%**	**1,586**	**41%**	**100%**	**1,172**	**30%**	**100%**

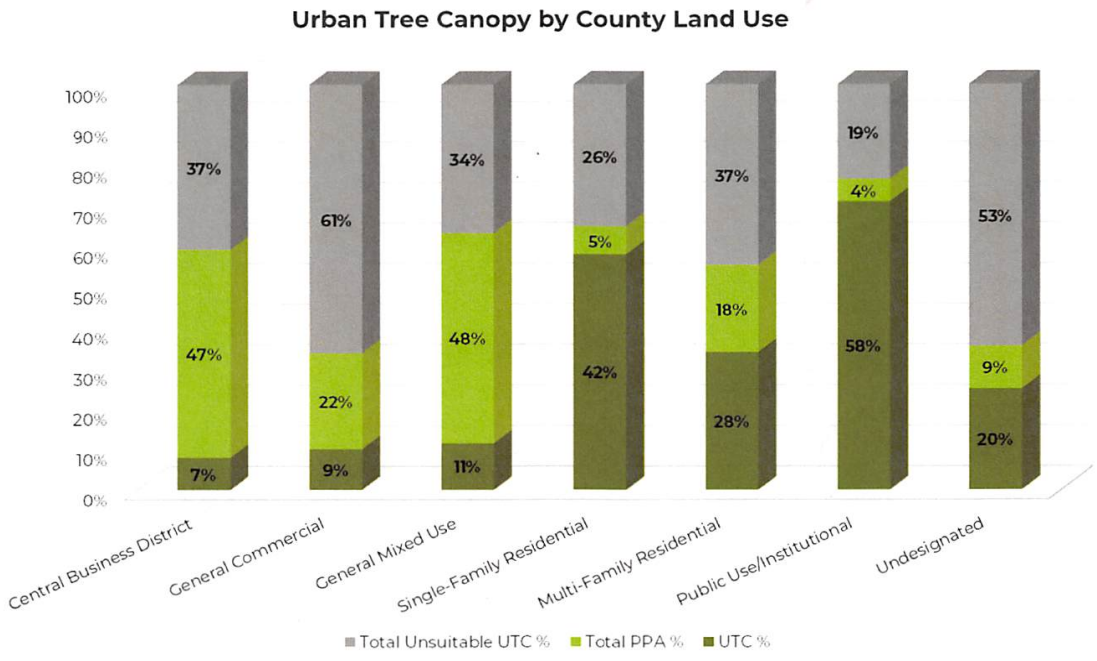


Figure 11. | Urban tree canopy, potential planting area, and area unsuitable for UTC by county land use.

URBAN TREE CANOPY BY ZONING

In addition to the county land use classes described above, UTC and PPA were assessed by local zoning codes to provide greater detail about how Kenmore's tree canopy is distributed amongst different functions of land. This zoning classification subdivided the residential classes from single- or multi-family into 6 different high-to-low density categories among other additions to the county classes. The zoning types with the lowest UTC included Neighborhood Business (5%), Waterfront Commercial (6%), and Downtown Commercial (7%), while the highest were Parks (74%), Residential 4 Dwellings Per Acre (54%), and Residential 1 Dwelling Per Acre (49%). Residential 6 Dwellings Per Acre offered the greatest opportunities for future canopy expansion with 32% PPA contributing 52% of the city's total PPA. The zoning type with the lowest PPA was Parks with 15%.

Urban Tree Canopy by Zoning Type

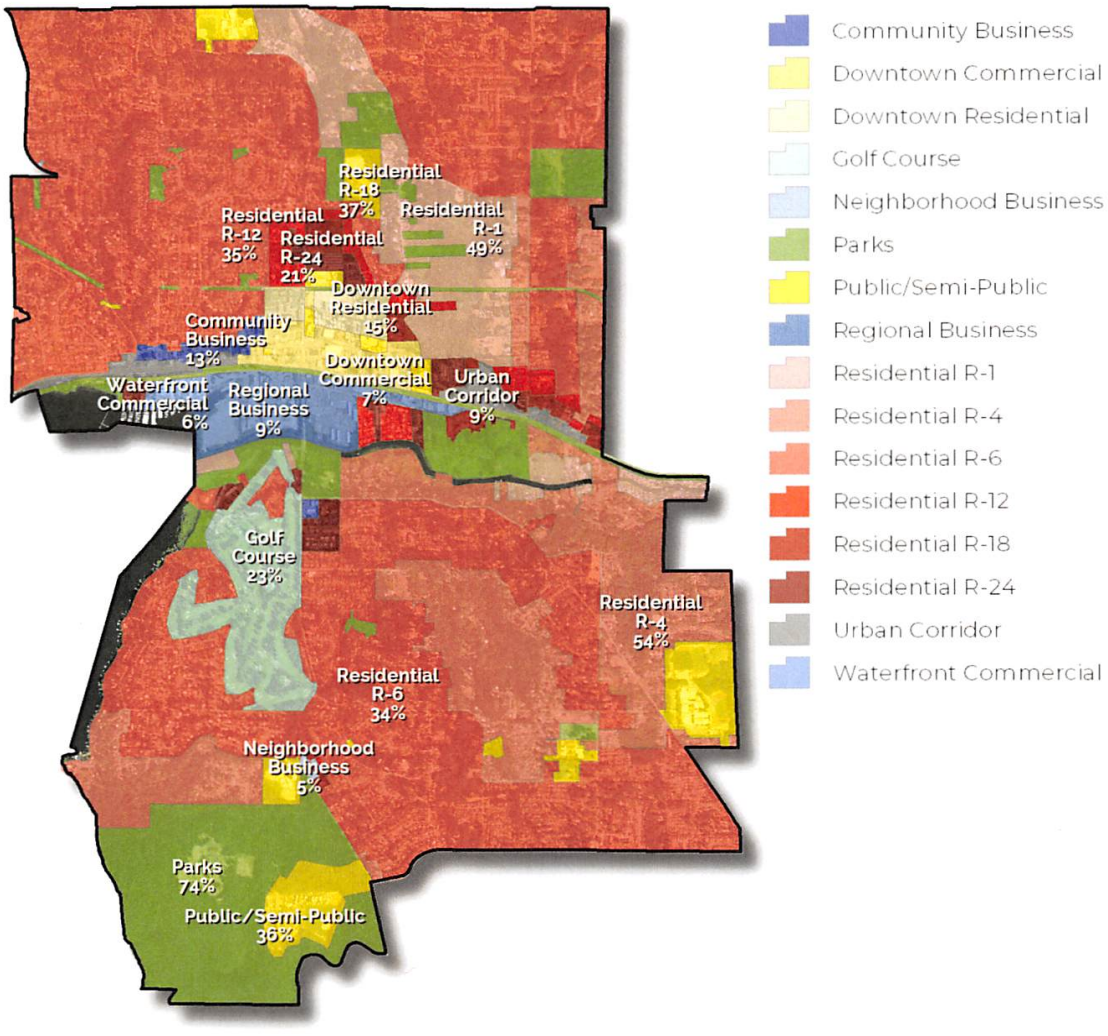


Figure 12. | Urban Tree Canopy in Kenmore by zoning type.

Table 6. | Urban tree canopy assessment results by zoning type. UTC and PPA results include acres, percent of area covered by UTC or PPA (%), and distribution of the city's total UTC or PPA within each zoning type (dist.).

Zoning	Land Area		Urban Tree Canopy			Possible Planting Area		
	Acres	*Dist.*	*Acres*	*%*	*Dist.*	*Acres*	*%*	*Dist.*
Community Business	19	0%	3	13%	0%	7	39%	1%
Downtown Commercial	53	1%	4	7%	0%	26	49%	2%
Downtown Residential	34	1%	5	15%	0%	14	43%	1%
Golf Course	145	4%	33	23%	2%	60	41%	5%
Neighborhood Business	2	0%	0	5%	0%	1	52%	0%
Parks	487	12%	361	74%	23%	75	15%	6%
Public/Semi-Public	177	5%	65	36%	4%	47	26%	4%
Regional Business	87	2%	8	9%	0%	20	23%	2%
Residential 1 Dwelling Per Acre	242	6%	118	49%	7%	88	36%	7%
Residential 4 Dwellings Per Acre	578	15%	312	54%	20%	154	27%	13%
Residential 6 Dwellings Per Acre	1,882	48%	632	34%	40%	611	32%	52%
Residential 12 Dwellings Per Acre	62	2%	21	35%	1%	17	27%	1%
Residential 18 Dwellings Per Acre	35	1%	13	37%	1%	11	32%	1%
Residential 24 Dwellings Per Acre	51	1%	11	21%	1%	19	37%	2%
Urban Corridor	39	1%	3	9%	0%	18	46%	2%
Waterfront Commercial	11	0%	1	6%	0%	7	65%	1%
Totals	**3,905**	**100%**	**1,590**	**41%**	**100%**	**1,175**	**30%**	**100%**

URBAN TREE CANOPY BY CENSUS BLOCK GROUPS

UTC and PPA were assessed at the census block group level. This geographic unit of measure is linked to all demographic and socioeconomic U.S. census data which makes it useful for assessing the equitable distribution of tree canopy within a city. Results indicated that Kenmore's UTC is not uniformly distributed throughout the City. The census block group with the lowest UTC percent had 17% while the highest contained 83% UTC. The average canopy cover for a census block group in Kenmore was 38%. PPA showed less variance and ranged from 8% to 39%. For the complete results by census block group, refer to the UTC Results spreadsheet.

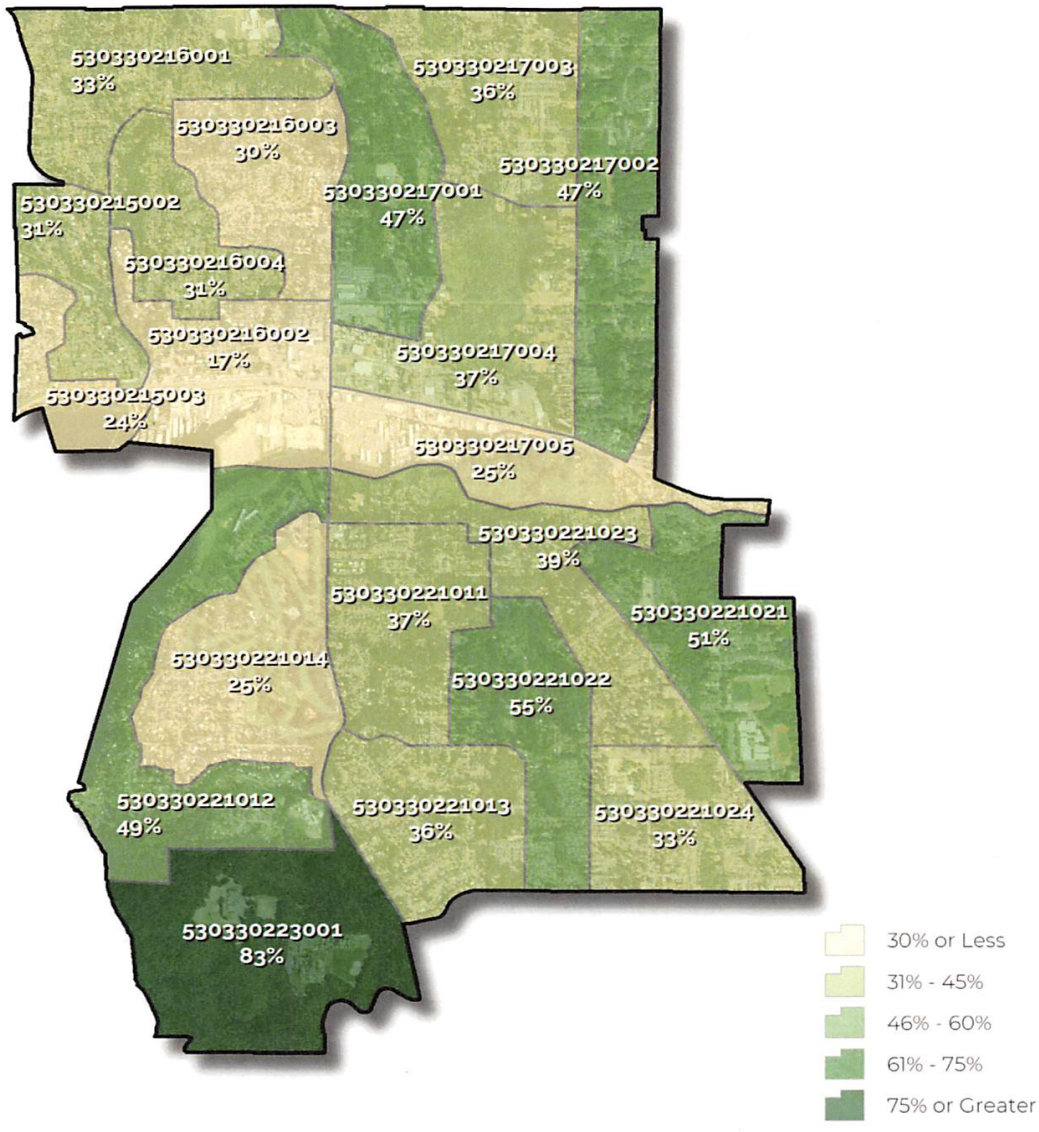


Figure 13. | Urban tree canopy in Kenmore by U.S. Census block groups.

URBAN TREE CANOPY BY PARCELS

UTC and PPA were assessed within the City's 7,571 parcels. This unit of measure provides the finest possible scale at which to assess canopy, short of quantifying every individual tree, defining UTC and PPA metrics for every piece of public or privately-owned property within the City. Canopy cover is representative of land areas only. Water bodies were removed from canopy cover calculations. Results showed that 34 of Kenmore's parcels were completely covered in canopy, and 340 had no canopy at all. The average UTC of all parcels was 28% compared to the citywide average of 41% indicating that the majority of parcels have a lower UTC and the city's average value is strongly influenced by a few heavily forested parcels. In fact, 24% of parcels had a UTC above 41%, 75% fell below the citywide average, and 22% fell below 10% UTC. 16% of parcels had a UTC of 50% or greater.

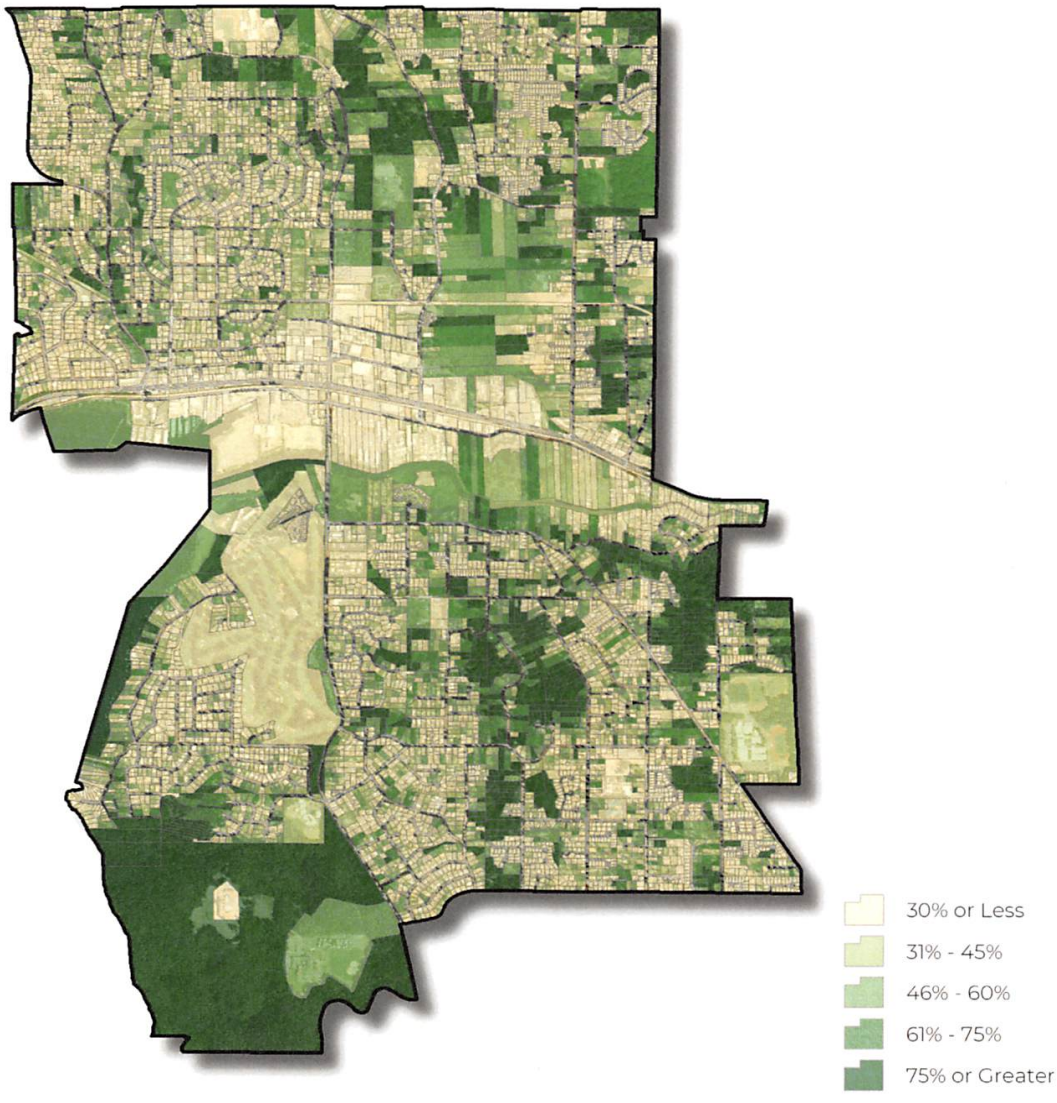


Figure 14. | Urban tree canopy in Kenmore by parcels.

URBAN TREE CANOPY CHANGE ANALYSIS

In addition to assessing Kenmore's urban tree canopy using current 2017 imagery, this study also quantified changes in urban tree canopy using 2009 imagery. This analysis mapped tree canopy in 2009 using identical methods to those used for the 2017 data. 1-meter high resolution NAIP aerial imagery was used for both time periods as the primary data source. However, LiDAR data were not available when mapping 2009 canopy coverage.

To ensure an even comparison, both the 2009 and 2017 land cover data were analyzed using the most current assessment boundaries despite the fact that the configuration of these boundaries may have changed in that time frame. Changes between 2009 and 2017 were assessed at all scales. With the region continuing to experience population increases and associated development, it is increasingly important to measure the extent of canopy and monitor changes that occur.

CITYWIDE URBAN TREE CANOPY CHANGE

Kenmore's current urban tree canopy coverage throughout the city is 41% with 1,587 acres. In 2009, canopy coverage was 43% with 1,656 acres. A total of 69 acres of canopy were lost in that timespan or a change of -2% citywide. Increased efforts should be made to preserve the city's existing urban forest through revised management actions.

This study achieved 95% overall accuracy (see Appendix). With a 95% confidence interval, there was a 4.2% margin of error equating to 40.7% canopy cover +/- 4.2%. This means that canopy cover could have been between 36.5% to 44.9%. Therefore, compared to 2009 coverage (42.5%), there could have been a change ranging from -6% to 2.4% taking into account the 2017 margin of error. Accuracy was not calculated for the 2009 tree canopy data.

Table 7. | Urban tree canopy change for the City of Kenmore.

City of Kenmore	Total Area	UTC 2009		UTC 2017		UTC Change	
	Acres	Acres	%	Acres	%	Acres	%
Urban Tree Canopy	4,017	1,656	43%	1,587	41%	-69	-2%

URBAN TREE CANOPY CHANGE BY WATERSHEDS

When the change analysis results were subdivided by HUC-12 watershed, the losses were mostly uniform. The largest watershed, Lake Washington-Sammamish River, experienced a 2.4% loss in canopy, whereas the Swamp Creek watershed lost 1.8%. The Bear Creek-Sammamish River watershed, which had the lowest UTC in 2009 at 40%, experienced a 0.7% loss over the eight-year period, which equated to a 7 acre loss.

Table 8. | Urban tree canopy change by watersheds.

Watershed	Land Area		UTC 2009		UTC 2017		UTC Change	
	Acres	Dist.	Acres	%	Acres	%	Acres	%
Bear Creek-Sammamish River	1,012	26%	404	40%	397	39%	-7	-1%
Lake Washington-Sammamish River	1,728	44%	759	44%	717	41%	-42	-2%
Swamp Creek	1,153	30%	493	43%	473	41%	-21	-2%
Totals	**3,894**	**100%**	**1,656**	**43%**	**1,587**	**41%**	**-69**	**-2%**

URBAN TREE CANOPY CHANGE BY COUNTY LAND USES

UTC change over the eight-year period was assessed by King County Comprehensive Plan land use classes. There were slight changes in each land use class with mainly decreases in canopy coverage. The largest losses were found in Single-Family Residential areas where there was a loss of 3%. Over half of all canopy in Kenmore is found within this class, but there was a loss of 59 acres between 2009 and 2017. The Undesignated, Central Business District, and Multi-Family Residential classes all had relatively low UTC in 2009 (ranging from 7%-28%), but the canopy in each increased by nearly .5% to 1% for a combined total of seven additional acres.

Table 9. | Urban tree canopy change by City of Kenmore land uses.

Land Use	Land Area		UTC 2009		UTC 2017		UTC Change	
	Acres	*Dist.*	*Acres*	*%*	*Acres*	*%*	*Acres*	*%*
Central Business District	44	1%	3	7%	3	7%	0	1%
General Commercial	104	3%	10	10%	10	9%	-1	-1%
General Mixed Use	27	1%	3	11%	3	11%	-0	-1%
Single-Family Residential	2,313	59%	1,037	45%	977	42%	-59	-3%
Multi-Family Residential	168	4%	47	28%	47	28%	1	0%
Public Use/Institutional	778	20%	467	60%	452	58%	-15	-2%
Undesignated	456	12%	88	19%	93	20%	5	1%
Totals	**3,891**	**100%**	**1,654**	**43%**	**1,586**	**41%**	**-69**	**-2%**

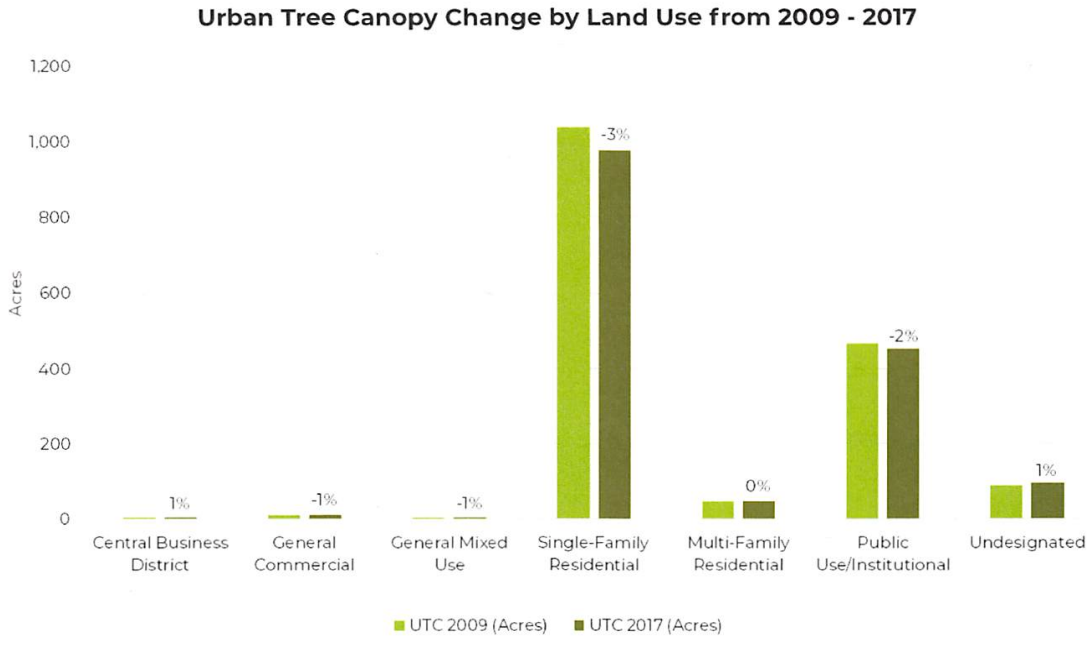


Figure 15. | Urban tree canopy change by county land uses in Kenmore from 2009-2017.

URBAN TREE CANOPY CHANGE BY CHANGE BY ZONING

Change in canopy coverage was also assessed by zoning. Half of the 16 zoning classes experienced a decrease in canopy, and they were generally the classes that had high UTC during both assessment years. Similar to land use, residential areas experienced some of the greatest losses of canopy. Residential-1 lost nine acres or 4%, while Residential-6 lost 47 acres or 3%. Significant losses were also found in the Golf Course zone, specifically at Inglewood Golf Club. In contrast to these losses, Public/Semi-Public and the highest-density residential areas (R-24) both had increases of over an acre.

Table 10. | Urban tree canopy change by City of Kenmore zoning.

Zoning	Land Area		UTC 2009		UTC 2017		UTC Change	
	Acres	*Dist.*	*Acres*	*%*	*Acres*	*%*	*Acres*	*%*
Community Business	19	0%	3	18%	3	13%	-1	-5%
Downtown Commercial	53	1%	3	6%	4	7%	0	1%
Downtown Residential	34	1%	5	16%	5	15%	-0	-0%
Golf Course	145	4%	44	30%	33	23%	-10	-7%
Neighborhood Business	2	0%	0	3%	0	5%	0	2%
Parks	487	12%	366	75%	361	74%	-5	-1%
Public/Semi-Public	177	5%	62	35%	65	36%	2	1%
Regional Business	87	2%	7	8%	8	9%	0	0%
Residential 1 Dwelling Per Acre	242	6%	127	53%	118	49%	-9	-4%
Residential 12 Dwellings Per Acre	62	2%	21	34%	21	35%	0	0%
Residential 18 Dwellings Per Acre	35	1%	13	36%	13	37%	0	1%
Residential 24 Dwellings Per Acre	51	1%	10	20%	11	21%	1	1%
Residential 4 Dwellings Per Acre	578	15%	313	54%	312	54%	-1	-0%
Residential 6 Dwellings Per Acre	1,882	48%	680	36%	632	34%	-47	-3%
Urban Corridor	39	1%	4	9%	3	9%	-0	-1%
Waterfront Commercial	11	0%	0	4%	1	6%	0	2%
Totals	**3,905**	**100%**	**1,659**	**42%**	**1,590**	**41%**	**-69**	**-2%**

URBAN TREE CANOPY CHANGE BY CENSUS BLOCK GROUPS

As one of the smallest geographic units census block groups provide an additional measure for understanding canopy change in Kenmore. Some block groups lost as much as 5% of their canopy while others gained just over one percent. The greatest losses in canopy tended to be concentrated near the west-central and northern parts of the city, while the southern and eastern parts experienced smaller decreases or more increases. Refer to the UTC Results spreadsheet for the full change assessment results by census block groups.

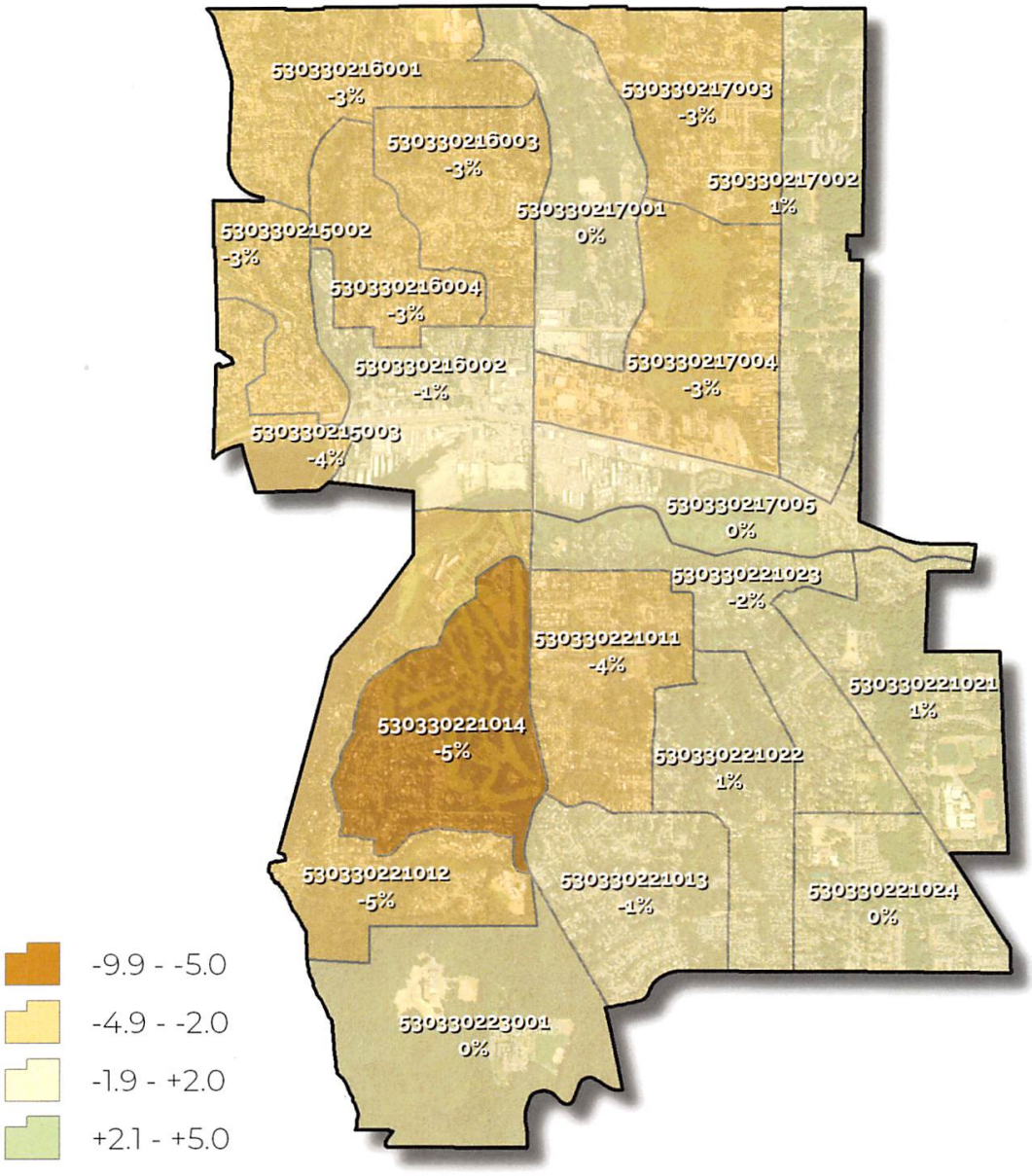


Figure 16. | Urban tree canopy change in Kenmore by U.S. Census block groups.

URBAN TREE CANOPY CHANGE BY PARCELS

Canopy cover change was assessed within Kenmore's 7,571 parcels. 48% of all parcels (3,661) had an increase in canopy, 49% (3,762) had a decrease, and 3% (148) had no change. 27% lost all of their canopy while 20 doubled their canopy or more. The average change amongst all parcels was a decrease of approximately 3%, which is slightly more than the citywide average. The median change, however, was a value of 0 indicating that the majority of parcels had a greater loss than the citywide average of -2%.

Urban Tree Canopy Change by Parcels from 2009 - 2017

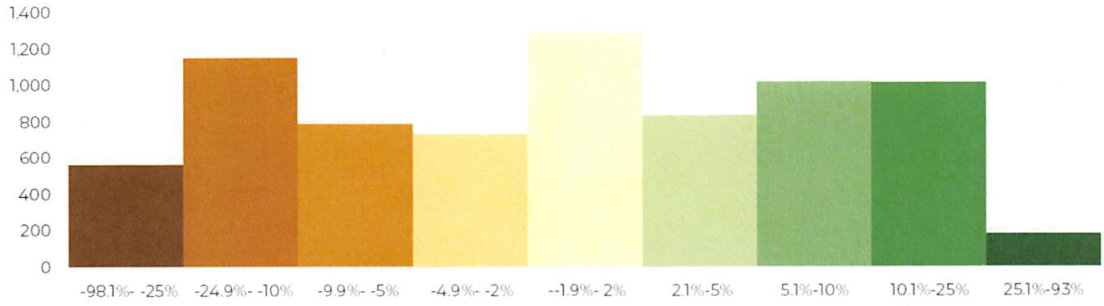


Figure 17. | Number of parcels within UTC change ranges.

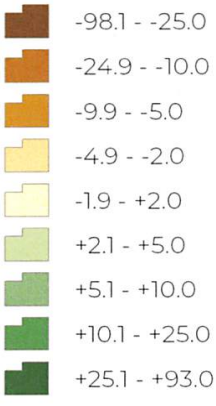


Figure 18. | Urban tree canopy change in Kenmore by parcels.

RECOMMENDATIONS

To preserve, protect, and maintain Kenmore's tree canopy, the City should continue to have a tree canopy assessment performed at regular intervals. As the City changes, they will be able to use these recommendations to ensure that their urban forest policies and management practices prioritize its maintenance, health, and growth. This study assessed tree canopy in two time periods, 2009 and 2017, providing the City with valuable information. Kenmore's urban forest provides the City with a wealth of environmental, social, and even economic benefits which relate back to greater community interest in citywide initiatives and priorities. These updated results can be used to interpret where these gains have been felt most significantly and where there is still work to be done in accordance with the City's broader goals and vision for its future.

Target PPA on city-owned properties within Parks and Public/Semi-Public areas

A nation-wide analysis conducted by USFS researchers stated that under ideal conditions, forested states such as Washington could achieve a canopy cover of 40-60%. With its current canopy cover of 41%, Kenmore is within that range. The assessment did show a decrease in tree canopy. For that reason, the City needs to be strategic in making use of the 30% PPA to accommodate for losses and maintain its current tree canopy coverage. Therefore, the City should put these UTC, PPA, and change results to work to preserve and promote tree its canopy in working towards that goal.

The results of this assessment can and should be used to encourage investment in forest monitoring, maintenance, and management; to prepare supportive information for local budget requests/ grant applications; and to develop targeted presentations for city leaders, planners, engineers, resource managers, and the public on the functional benefits of trees in addressing environmental issues. The results by geographic area (such as census block group) may be particularly helpful for soliciting grant funding since they demonstrate which areas have the greatest need. The land cover data should be disseminated to diverse partners for urban forestry and other applications while the data is current and most useful for decision-making and implementation planning. The information from this study can help establish canopy cover goals for the short- and long-term. The City should inform, train, and discuss the UTC data with other departments such as IT, GIS, Public Works, etc. to identify opportunities to use the data for a collaborative approach to tree canopy preservation and enhancement. Kenmore can also update its website to include information about the UTC results for the general public.

Additionally, the City and its various stakeholders can utilize the results of the UTC, PPA, and change analyses to identify the best locations to focus future tree planting and canopy expansion efforts. While the City has canopy coverage spread throughout its entire area, breaking up the results by several different geographic boundaries demonstrated that this canopy is not evenly distributed. These results can be used as a guide to determine which areas would receive the greatest benefits from the investment of valuable time and resources into Kenmore's urban forest.

This study provides the City of Kenmore with information on many ways to protect its urban forest. By assessing its UTC using a wide variety of geographic boundaries, the City can take many different paths to expand and preserve its canopy depending on the City's priorities. For example, the results by census block group can be overlaid with the

62% OF THE CITY'S TREE CANOPY AND 64% OF PPA ARE IN SINGLE-FAMILY RESIDENTIAL LAND USE AREAS

county land use, or zoning scales to identify highly impervious areas where residents and visitors would benefit the most from new tree plantings in medians and parking lots.

Single-Family Residential areas experienced some of the largest losses in canopy coverage. The city should focus on community outreach and education programs to better inform citizens and private land holders of the environmental, social, and financial benefits that trees provide and consider other strategies to help preserve and grow the tree canopy. Tree giveaways and tree planting programs can be developed to further promote new tree plantings. Since a majority of Kenmore is within this land use type, these areas provide the greatest opportunity to increase tree canopy cover throughout the city. There is ample room for growth, with 32% of these areas being considered possible planting areas.

Parks and public/semi-public areas both had relatively high levels of plantable space. These may be city-owned properties meaning they are easier targets for expanding tree canopy. Conversely, the Inglewood Golf Course is a privately-owned property. This area saw the largest canopy losses, losing 10 acres of canopy between 2009 and 2017. The City could work with the golf course by providing incentives and strategically planting new trees so as not to affect the current course rating.

In addition to the examples above, the City can also use the provided Canopy Planner tool to explore a wide range of targeted, in-depth planting scenarios based on several prioritization criteria such as current tree canopy, possible planting area, stormwater runoff prevention, water quality, wildlife habitat connectivity, and several socio-demographic factors. Canopy Planner allows stakeholders to visualize existing land cover, create custom weighted priority planting maps, and quantify impacts that canopy growth or loss has on air quality and carbon sequestration in the City.

Finally, Kenmore can integrate these data into its larger citywide planning efforts. Although this assessment is an excellent step, it is only one step in protecting, preserving, and expanding the City's valuable urban forest resource. The City should establish or refine any set policies and guidelines for the preservation of tree canopy amidst future development and planning, utilize the UTC data in implementation of the City's 2015 Comprehensive Plan, and consider developing an Urban Forest Management Plan.

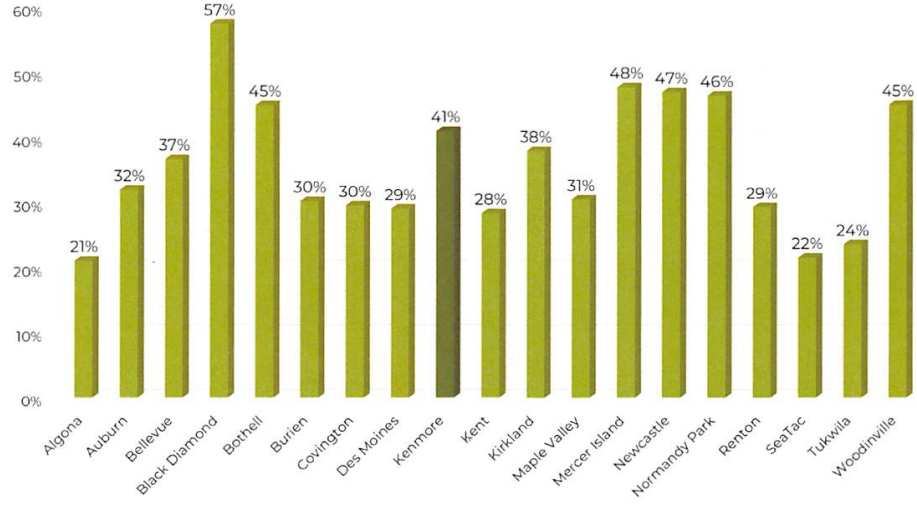


Figure 19. | A comparison of tree canopy in nearby cities in King County, WA.

APPENDIX

ACCURACY ASSESSMENT

Classification accuracy serves two main purposes. Firstly, accuracy assessments provide information to technicians producing the classification about where processes need to be improved and where they are effective. Secondly, measures of accuracy provide information about how to use the classification and how well land cover classes are expected to estimate actual land cover on the ground. Even with high resolution imagery, very small differences in classification methodology and image quality can have a large impact on overall map area estimations.

The classification accuracy error matrix illustrated in Table A1 contain confidence intervals that report the high and low values that could be expected for any comparison between the classification data and what actual, on the ground land cover was in 2017. This accuracy assessment was completed using high resolution aerial imagery, with computer and manual verification. No field verification was completed.

THE INTERNAL ACCURACY ASSESSMENT WAS COMPLETED IN THESE STEPS

1. One hundred (100) sample points, or approximately 15 points per square mile area in Kenmore (6 sq. miles), were randomly distributed across the study area and assigned a random numeric value.
2. Each sample point was then referenced using the NAIP aerial photo and assigned one of five generalized land cover classes ("Ref_ID") mentioned above by a technician.
3. In the event that the reference value could not be discerned from the imagery, the point was dropped from the accuracy analysis. In this case, no points were dropped.
4. An automated script was then used to assign values from the classification raster to each point ("Eval_ID"). The classification supervisor provides unbiased feedback to quality control technicians regarding the types of corrections required. Misclassified points (where reference ID does not equal evaluation ID) and corresponding land cover are inspected for necessary corrections to the land cover.[1]

Accuracy is re-evaluated (repeat steps 3 & 4) until an acceptable classification accuracy is achieved.

SAMPLE ERROR MATRIX INTERPRETATION

Statistical relationships between the reference pixels (representing the true conditions on the ground) and the intersecting classified pixels are used to understand how closely the entire classified map represents Kenmore's landscape. The error matrix shown in Table A1 represent the intersection of reference pixels manually identified by a human observer (columns) and classification category of pixels in the classified image (rows). The blue boxes along the diagonal of the matrix represent agreement between the two-pixel maps. Off-diagonal values represent the number of pixels manually referenced to the column class that were classified as another category in the

1 Note that by correcting locations associated with accuracy points, bias is introduced to the error matrix results. This means that matrix results based on a new set of randomly collected accuracy points may result in significantly different accuracy values.

classification image. Overall accuracy is computed by dividing the total number of correct pixels by the total number of pixels reported in the matrix (47 + 17 + 21 + 3 + 7 = 95 / 100 = 95%), and the matrix can be used to calculate per class accuracy percentage's. For example, 47 points were manually identified in the reference map as Tree Canopy, and 47 of those pixels were classified as Tree Canopy in the classification map. This relationship is called the "Producer's Accuracy" and is calculated by dividing the agreement pixel total (diagonal) by the reference pixel total (column total). Therefore, the Producer's Accuracy for Tree Canopy is calculated as: (47/47 = 1.0), meaning that we can expect that ~100% of all 2017 tree canopy in the Kenmore, WA study area was classified as Tree Canopy in the 2017 classification map.

Conversely, the "User's Accuracy" is calculated by dividing the total number of agreement pixels by the total number of classified pixels in the row category. For example, 47 classification pixels intersecting reference pixels were classified as Tree Canopy, but 1 pixel was identified as Impervious in the reference map. Therefore, the User's Accuracy for Tree Canopy is calculated as: (47/48 = 0.979), meaning that ~98% of the pixels classified as Tree Canopy in the classification were actual tree canopy. It is important to recognize the Producer's and User's accuracy percent values are based on a sample of the true ground cover, represented by the reference pixels at each sample point. Interpretation of the sample error matrix results indicates this land cover, and more importantly, tree canopy, were accurately mapped in Kenmore in 2017.

Table A1. | Error matrix for land cover classifications in Kenmore, WA (2017).

Classification Data	Reference Data: Tree Canopy	Vegetation	Impervious	Soil / Dry Veg.	Water	Total Reference Pixels
Tree Canopy	47	0	1	0	0	48
Vegetation	0	17	2	0	0	19
Impervious	0	1	21	0	0	22
Soil / Dry Veg.	0	0	1	3	0	4
Water	0	0	0	0	7	7
Total	47	18	25	3	7	100

Overall Accuracy = 95%

Producer's Accuracy	
Tree Canopy	100%
Veg. / Open Space	94%
Impervious	84%
Bare Ground / Soil	100%
Water	100%

User's Accuracy	
Tree Canopy	98%
Veg. / Open Space	89%
Impervious	95%
Bare Ground / Soil	75%
Water	100%

ACCURACY ASSESSMENT RESULTS

Interpretation of the sample error matrix offers some important insights when evaluating Kenmore's urban tree canopy coverage and how land cover reported by the derived rasters and the human eye. The high accuracy of the 2017 data indicates that regardless of how and when it was achieved, Kenmore's current tree canopy can be safely assumed to match the figures stated in this report (approximately 41%).

GLOSSARY/KEY TERMS

Land Acres: Total land area, in acres, of the assessment boundary (excludes water).

Non-Canopy Vegetation: Areas of grass and open space where tree canopy does not exist.

Possible Planting Area - Vegetation: Areas of grass and open space where tree canopy does not exist, and it is biophysically possible to plant trees.

Possible Planting Area - Impervious: Paved areas void of tree canopy, excluding buildings and roads, where it is biophysically possible to establish tree canopy. Examples include parking lots and sidewalks.

Possible Planting Area - Total: The combination of PPA Vegetation area and PPA Impervious area.

Soil/Dry Vegetation: Areas of bare soil and/or dried, dead vegetation.

Total Acres: Total area, in acres, of the assessment boundary.

Unsuitable Impervious: Areas of impervious surfaces that are not suitable for tree planting. These include buildings and roads.

Unsuitable Planting Area: Areas where it is not feasible to plant trees. Airports, ball fields, golf courses, etc. were manually defined as unsuitable planting areas.

Unsuitable Soil: Areas of soil/dry vegetation considered unsuitable for tree planting. Irrigation and other modifiers may be required to keep a tree alive in these areas.

Unsuitable Vegetation: Areas of non-canopy vegetation that are not suitable for tree planting due to their land use.

Urban Tree Canopy (UTC): The "layer of leaves, branches and stems that cover the ground" (Raciti et al., 2006) when viewed from above; the metric used to quantify the extent, function, and value of Kenmore's urban forest. Tree canopy was generally taller than 10 feet, but a combination of height and contextual clues are used to classify trees versus other vegetation.

Water: Areas of open, surface water not including swimming pools.

APRIL| 2019

URBAN TREE CANOPY

ASSESSMENT

KENMORE, WASHINGTON

King Conservation District

plan-it GEO

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing and Resolution Adopting the 2020-2025 Six-Year Transportation Improvement Program	For Council Meeting Agenda of: June 17, 2019 Department: Public Works/Engineering Prepared by: John Vicente, PE Initial & Date Approved by Department Head: 6/3/19 Approved by City Attorney: VIA Email Approved by Finance Director: 6/3/19 Approved by City Manager:
Proposed Council Action/Motion: Public Hearing and Adoption of Resolution No. 19-322 for the 2020-2025 Six-Year Transportation Improvement Program	Exhibits/Attachments: A: Resolution No. 19-322

INFORMATION/BACKGROUND:

In accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city "perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program." The 6-year TIP has been prepared and is attached to Resolution No 19-322 (Exhibit A).

A public hearing has been scheduled for June 17, 2019 to receive public comment and to consider adoption of the TIP.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City's adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be "in hand" to include a project in the TIP.

The recommended TIP continues the City's emphasis on multimodal transportation safety including improvements to SR 522, Juanita Drive and 68th Ave NE sidewalks and bike lanes, sidewalk projects located near Arrowhead elementary and Downtown, and the West Sammamish River Bridge replacement. The Lower Swamp Creek Bridge Replacement project has been added to this year's TIP update. The bridge study/alternative analysis performed in 2015 recommended that the bridge be replaced in 10 years. This TIP reflects that recommendation and identifies a funding need for design in 2023 and 2024. Construction would be estimated in 2025 or 2026. The alternative analysis (retrofit, realign for one-way use only, replace) will be reviewed during the preliminary design phase to confirm what option will be proposed for the bridge.

FISCAL CONSIDERATION: Funding secured for projects are noted on the attached TIP. For projects with unsecured funding, additional local funds will be needed and/or Federal or State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding, they will be pushed out subsequent years with each TIP amendment.
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Goal #1: To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel (Implement the Sidewalk Plan).

EXHIBIT A

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 19-322

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, ADOPTING THE 2020-2025 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM.

WHEREAS, RCW 35.77.010 requires the City to review and adopt annually a revised and extended six-year comprehensive transportation program; and

WHEREAS, on June 17, 2019, the City Council held a public hearing and took public comment on the proposed 2020-2025 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2020-2025 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

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

Section 1. Program Adopted. The 2020-2025 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

Section 2. Filing of Program. As required by RCW 35.77.010, the City Manager or designee is authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the Secretary of the Washington Department of Transportation within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE 2019

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

_____
Dawn Reitan, City Attorney

CITY OF KENMORE

6-Year TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

2020-2025

June 17, 2019

CITY OF KENMORE

2020-2025 Transportation Improvement Program

Project name	Funding	Year: Prior Years	2020	2021	2022	2023	2024	2025	2020-2025 Totals	Project Totals
SR 522 West B (57th to 61st)	Local	$ -							$ -	$ -
	Federal/State	$ -			$ 600,000	$ 600,000	$ 6,800,000		$ 8,000,000	$ 8,000,000
	Unsecured	$ -							$ -	$ -
	Subtotal	$ -	$ -	$ -	$ 600,000	$ 600,000	$ 6,800,000	$ -	$ 8,000,000	$ 8,000,000
West Sammamish River Bridge Replacement	Local	$ 179,129	$ 603,375	$ 691,760	$ 162,094	$ 232,924	$ 24,567	$ 23,521	$ 1,738,241	$ 1,917,370
	Federal/State	$ 4,172,301	$ 9,056,232	$ 10,497,028	$ 8,238,433				$ 27,791,693	$ 31,963,994
	Utilities		$ 1,444,494	$ 1,455,928	$ -				$ 2,900,422	
	Unsecured								$ -	$ -
	Subtotal	$ 4,351,430	$ 11,104,101	$ 12,644,716	$ 8,400,527	$ 232,924	$ 24,567	$ 23,521	$ 32,430,356	$ 36,781,786
68th Avenue NE Pedestrian and Bicycle Improvements	Local	$ 853,000	$ 5,362,200	$ 2,230,025					$ 7,592,225	$ 8,445,225
	Federal/State	$ 50,000	$ 602,970	$ 401,980					$ 1,004,950	$ 1,054,950
	Unsecured								$ -	$ -
	Subtotal	$ 903,000	$ 5,965,170	$ 2,632,005	$ -	$ -	$ -	$ -	$ 8,597,175	$ 9,500,175
Juanita Drive Pedestrian and Bicycle Improvements	Local	$ 2,805,509	$ 1,857,865	$ 822,376					$ 2,680,241	$ 5,485,750
	Federal/State	$ 575,600	$ 2,044,350	$ 1,362,900					$ 3,407,250	$ 3,982,850
	Unsecured		$ 3,803,400	$ 2,535,600					$ 6,339,000	$ 6,339,000
	Subtotal	$ 3,381,109	$ 7,705,615	$ 4,720,876	$ -	$ -	$ -	$ -	$ 12,426,491	$ 15,807,600
Pavement Preservation Program (Prior year Expenditures are as of 2016 only)	Local	$ 2,148,200	$ 1,714,364	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 4,464,364	$ 6,612,564
	Federal/State	$ -	$ 355,351						$ 355,351	$ 355,351
	Unsecured								$ -	$ -
	Subtotal	$ 2,148,200	$ 2,069,715	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 4,819,715	$ 6,967,915
2018 Local Road Safety - Signing	Local		$ 8,800						$ 8,800	$ 8,800
	Federal/State		$ 79,000	$ 267,000					$ 346,000	$ 346,000
	Unsecured								$ -	$ -
	Subtotal	$ -	$ 87,800	$ 267,000	$ -	$ -	$ -	$ -	$ 354,800	$ 354,800
2018 Local Road Safety - Lighting	Local		$ 1,000						$ 1,000	$ 1,000
	Federal/State		$ 9,000	$ 25,000					$ 34,000	$ 34,000
	Unsecured								$ -	$ -
	Subtotal	$ -	$ 10,000	$ 25,000	$ -	$ -	$ -	$ -	$ 35,000	$ 35,000
NE Arrowhead Drive Sidewalk Improvements	Local								$ -	$ -
	Federal/State								$ -	$ -
	Unsecured			$ 173,600	$ 1,260,726				$ 1,434,326	$ 1,434,326
	Subtotal	$ -	$ -	$ 173,600	$ 1,260,726	$ -	$ -	$ -	$ 1,434,326	$ 1,434,326

CITY OF KENMORE

2020-2025 Transportation Improvement Program

Project name	Funding	Year							2020-2025 Totals	Project Totals
		Prior Years	2020	2021	2022	2023	2024	2025		
SR 522 Crossing Study	Local								$ -	$ -
	Federal/State		$ 200,000	$ 300,000					$ 500,000	$ 500,000
	Unsecured								$ -	$ -
	Subtotal	$ -	$ 200,000	$ 300,000	$ -	$ -	$ -	$ -	$ 500,000	$ 500,000
Lower Swamp Creek Bridge Replacement (design only)	Local								$ -	$ -
	Federal/State								$ -	$ -
	Unsecured					$ 404,000	$ 404,000		$ 808,000	$ 808,000
	Subtotal	$ -	$ -	$ -	$ -	$ 404,000	$ 404,000	$ -	$ 808,000	$ 808,000
Sidewalk Replacement/Gap Program	Local	$ 25,000	$ 175,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 675,000	$ 700,000
	Federal/State								$ -	$ -
	Unsecured								$ -	$ -
	Subtotal	$ 25,000	$ 175,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 675,000	$ 700,000
73rd Ave NE Restriping and Widening for Bike Lanes	Local								$ -	$ -
	Federal/State								$ -	$ -
	Unsecured			$ 95,300	$ 656,215				$ 751,515	$ 751,515
	Subtotal	$ -	$ -	$ 95,300	$ 656,215	$ -	$ -	$ -	$ 751,515	$ 751,515

City of Kenmore Capital Improvement Program

Project Name: SR 522 West B (57 Avenue NE to 61 Avenue NE)

Project No. T-8

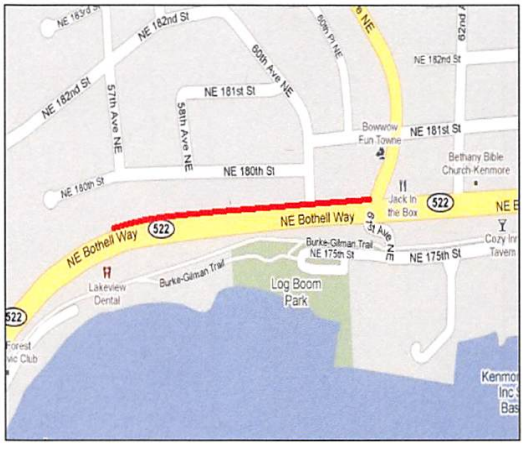
Project Location: SR 522 from 57 Avenue NE to 61 Avenue NE

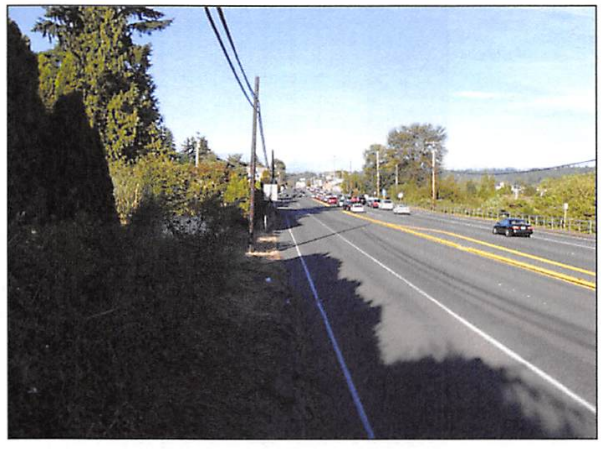
Project Manager: Kent Vaughan

Project Description: This project will widen Highway 522 west of 61 Avenue NE to the south to provide dual eastbound to northbound left turn lanes at the SR 522 / 61 Avenue NE traffic signal and eastbound-to-westbound u-turn capability at the intersection. The widening would require construction of a retaining wall along the north side of the Burke-Gilman Trail.

Background: Since its incorporation, the City of Kenmore has completed improvements to SR 522 (Bothell Way) between 61st Avenue NE and the east city limits to increase safety, improve transit reliability, and ease congestion. Improvements included adding new traffic signals, street lighting and sidewalks, widening SR 522 for Business Access and Transit lanes, enhancing the corridor with new landscaping and medians to improve access management, replacing the Swamp Creek Bridge, undergrounding utilities, and more. The final segment, SR 522 West B (57 Avenue NE to 61 Avenue NE) will complete corridor improvements to the west City limits.

Funding Sources: This project is funded by the State's Connecting WA. The first installment of the funds ($4M) are expected to become available after July 1, 2019. Design may resume earlier if staffing allows. City surface water fees may be proposed to fund the surface water component of the project.





City of Kenmore Transportation Improvement Program

Project Name: West Sammamish River Bridge Replacement Project

Project Location: 68th Avenue NE between NE 170th Street and NE 175th Street

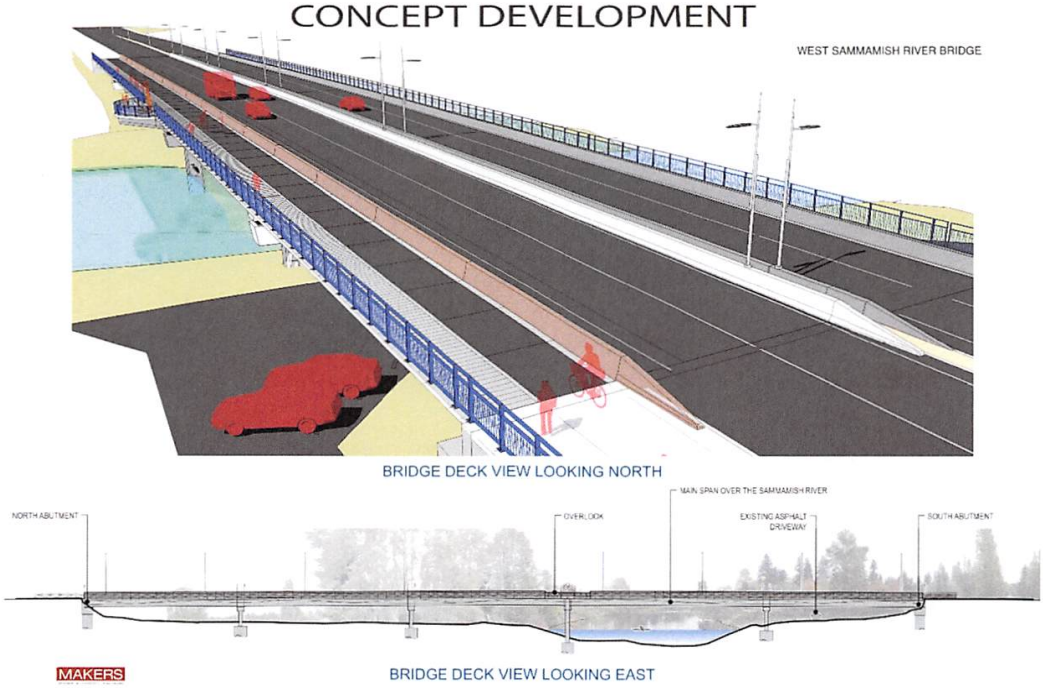
Project Manager: John Vicente

Project Description: Replace the West Sammamish River Bridge (southbound traffic) that crosses the Sammamish River on 68th Avenue NE. The project will also include new sidewalk and bike path, landscaping, lighting, and utility undergrounding on 68th Avenue NE between NE 170th Street and NE 175th Street.

Background: The West Sammamish River Bridge was constructed in the 1930's and is at the end of its life. It is considered to be structurally obsolete. To date, the City has completed an alternatives analysis, a scour analysis, a load rating analysis, and has applied load restrictions on the bridge (weight limits went into effect in 2014). The bridge continues to be monitored during the design of the new bridge.

Funding Sources: The City has been awarded several grants for the project. The City was awarded $12M in Bridge Program funds, $1.06M in Surface Transportation funds, $12M in Connecting Washington funds, and $6.9M in TIB funds.

Project Location



City of Kenmore Transportation Improvement Program

Project Name: 68 Avenue NE Pedestrian and Bicycle Improvements

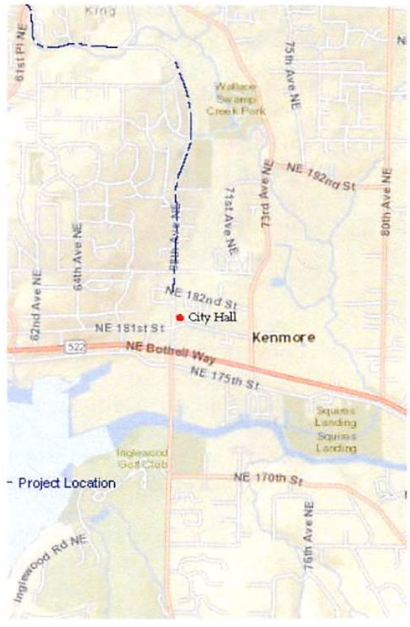
Project Location: 68 Avenue NE / NE 202 Street
Segment a: West side of 68 Avenue NE from NE 182 Street to NE 185 Street
Segment b: East side of 68 Avenue NE from NE 185 Street to existing sidewalk
Segment c: West side of 68 Avenue NE from NE 185 Street to NE 201 Street
Segment d: North side of NE 202 Street from 66 Avenue NE to 61 Avenue NE

Project Manager: Kent Vaughan

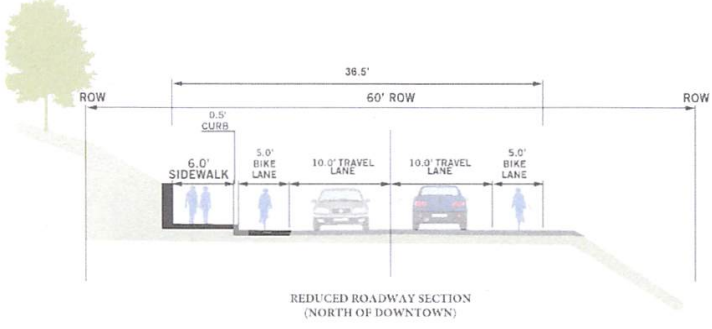
Project Description: This project provides continuous ADA accessible sidewalk and bike lanes on 68 Avenue NE and NE 202 Streets respectively between NE 182 Street and 61 Avenue NE. Other project components include new drainage, LED street lighting of existing power poles, retaining walls and utility relocation where necessary.

Background: 68 Avenue NE / NE 202 Street is a collector arterial roadway that runs north/south through the City of Kenmore. This roadway serves as a primary connector to Downtown Kenmore and City Hall for residences and Kenmore Middle School. The current street configuration allows for only one travel lane in each direction and intermittent asphalt shoulders. The posted speed is 35 mph.

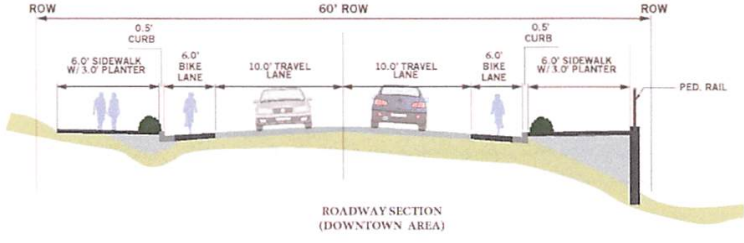
Funding Sources: In November 2016, the citizens of Kenmore voted to pass a public bond measure to fund this sidewalk/bicycle improvement project. Grants are also being sought to fund this project.



Proposed Improvements:



REDUCED ROADWAY SECTION
(NORTH OF DOWNTOWN)



ROADWAY SECTION
(DOWNTOWN AREA)

City of Kenmore Transportation Improvement Program

Project Name: Juanita Drive NE Pedestrian and Bicycle Improvements
Project No. T-41

Project Location: Juanita Drive NE (NE 143 Street to NE 170 Street)

Project Manager: Kent Vaughan

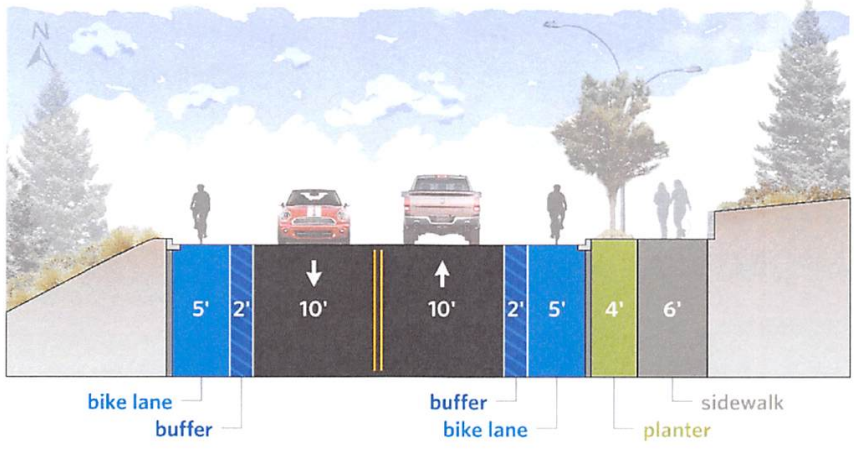
Project Description: This project provides continuous ADA accessible sidewalk and buffered bike lanes on Juanita Drive NE between NE 143 Street and NE 170 Street. Specific project components include:

- Sidewalk along the east side of Juanita Drive NE where residential neighborhoods are located. Sidewalk improvements and pedestrian crossings on west side of street will be limited to bus stops only.
- Bike lanes with buffer on the east and west side of Juanita Drive NE;
- Additional or extensions of left turn lanes where warranted;
- Pedestrian crossing treatments to improve nonmotorized safety, connectivity, and comfort;
- Improved storm drainage, LED street lighting, landscaping and aesthetics and;
- Utility relocation and/or retaining structures, where necessary.

Background: Juanita Drive NE serves as a north-south critical link to the City's Downtown, SR 522 Corridor, Burke-Gilman Trail, Bastyr University, Kenmore Senior Center, Parks, and Arrowhead Elementary School for thousands of local residents and is part of the Lake Washington Loop, one of the region's most popular recreational cycling routes. Juanita Drive NE is an existing minor arterial roadway with mostly one travel lane in each direction and asphalt shoulders. The posted speed is 35 mph. This roadway experiences a high number of accidents per year and contains several geometric deficiencies including lack of continuous sidewalks and bicycle lanes. Up to 250 bicycles and 15,000 vehicles use this corridor daily.

Funding Status: This project is partially funded. In November 2016, the citizens of Kenmore voted to pass a public bond measure to begin design work on Juanita Drive NE in 2017 and provide matching funds to pursue State and Federal grant opportunities to fund the right-of-way and construction phases of the project. To date, $525K in WSDOT Pedestrian and Bicycle Program grant funds have been awarded. Additional grants will be pursued to fund this project.

Typical Section – two lanes *(Looking North)*



City of Kenmore Transportation Improvement Program

Project Name: Pavement Preservation Program
Project No.: T-35

Project Location: Citywide.

Project Manager: Tobin Bennett-Gold

Project Description: This program includes all grind and overlay, crack seal, and slurry seal projects within the City. Typically grind and overlay projects are completed on roadways with pavement ratings between 60 and 70, while slurry seal operations are completed on roadways with ratings above 70. Crack sealing typically occurs on roads as a preparation treatment prior to a planned slurry seal. As part of any pavement overlay, curb ramps within the project limits are upgraded to comply with the American's with Disabilities Act (ADA). In addition, pavement overlay may also include major pavement repairs, utility adjustments and pavement markings. Pavement Preservation projects provide appropriate traffic control and field inspection during construction and re-establish pavement markings, if applicable, when the preservation work is complete.

Background: The City of Kenmore Comprehensive Plan promotes a fiscally constrained Transportation Element that prioritizes operation and maintenance of existing facilities within the City. Focus is typically on arterials within the City. In addition, there are 3 goals listed in the Comprehensive Plan that support this program:

1. Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users;
2. Promote a transportation system that contributes to fiscal and environmental sustainability;
3. Facilitate freight mobility and economic prosperity.

City of Kenmore Transportation Improvement Program

Project Name: 2018 Local Road Safety – Signing
Project No.: TBD

Project Location: Citywide

Project Manager: Kent Vaughan

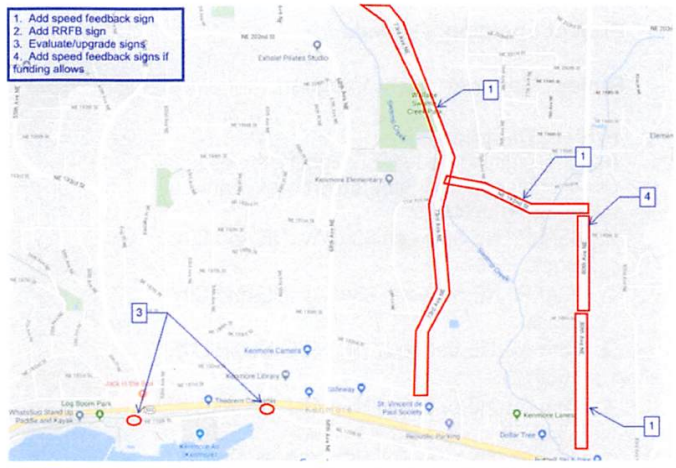
Project Description:

A. Evaluate the intersection of NE 175th St. at the 61st Ave NE and 65th Ave NE:
   1. Evaluate traffic flow patterns
   2. Upgrade/modify signage as needed
   3. Evaluate/modify striping and access
   4. Evaluate sight distance

B. Add two pedestrian actuated rectangular rapid flashing beacons for the crosswalk on the south leg of the intersection at 84th Av. NE and NE 145th St.

C. Install a radar speed feedback sign at the following locations:
   1. 80th Av. NE northbound between NE 179th Pl. and NE 185th St.
   2. 80th Av. NE southbound between NE 179th Pl. and NE 185th St.
   3. Simonds Rd. NE northbound between 92nd Av. and NE 151st St.
   4. Simonds Rd. NE southbound between 92nd Av. and NE 151st St.
   5. 73rd Av. NE northbound between NE 181st St. and NE 204th St.
   6. 73rd Av. NE southbound between NE 181st St. and NE 204th St.
   7. Juanita Dr. NE northbound south of the intersection with NE Arrowhead Dr./NE 153rd Pl.
   8. Juanita Dr. NE southbound south of the intersection with NE Arrowhead Dr./NE 153rd Pl.
   9. NE 192nd St. eastbound between 80th Av. NE and 73rd Av. NE
   10. NE 192nd St. westbound between 80th Av. NE and 73rd Av. NE

D. If funds allow, install a speed feedback sign at the following locations:
   1. 80th Av. NE northbound between NE 192nd St and NE 185th St.
   2. 801h Av. NE southbound between NE 192nd St and NE 185th St.



Background: In 2015, the Local Road Safety Plan was created that identified these improvement to enhance safety for pedestrians and bicyclists. One of the most effective and visible traffic calming measures for arterials are speed feedback signs and flashing beacons. These signs and beacons can be mounted at the roadside with direct wired power or solar panel power. There are currently several of these signs and beacons throughout the City. The signs allow for tracking of the effectiveness of the signs, identify locations where speed may be a continuing problem and allow for coordination with the police for targeted high visibility enforcement to supplement the feedback sign's traffic calming effect.

Funding Sources: This project is funded by the WSDOT Highway Safety Improvement Program grant and City funds (10% of the design cost only).

City of Kenmore Transportation Improvement Program

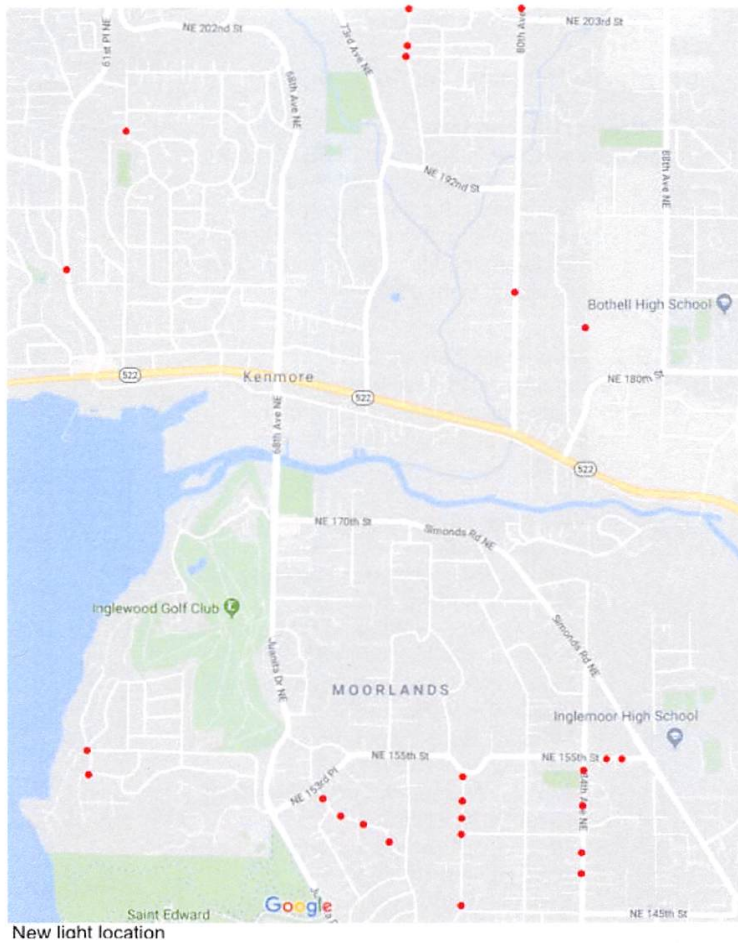
Project Name: 2018 Local Road Safety – Lighting
Project No.: TBD

Project Location: Citywide

Project Manager: Kent Vaughan

Project Description:
Add light emitting diode (LED) lighting to existing power poles (where lighting does not exist now) at the following locations:

1. 83rd Pl. NE between 83rd Av. NE and City Limits
2. 83rd Pl. NE between 83rd Av. NE and City Limits
3. 78th Av. NE between NE 145th St. and NE 155th St.
4. 78th Av. NE between NE 145th St. and NE 155th St.
5. 78th Av. NE between NE 145th St. and NE 155th St.
6. 78th Av. NE between NE 1451h St. and NE 1551h St.
7. 74th Pl NE between 75th Av. NE and NE 150th St
8. NE 150th St. between 74th Pl NE and 70th Av. NE
9. NE 150th St. between 74th Pl NE and 70th Av. NE
10. 70th Av. NE between NE 150th St and NE 153rd Pl.
11. 62nd Av NE and NE 195th St
12. NE 155th St between Simonds Rd NE and 84th Av. NE
13. NE 155th St between Simonds Rd NE and 84th Av. NE
14. 84th Av NE between NE 145th St. and NE 155th St.
15. 84th Av NE between NE 145th St. and NE 155th St.
16. 84th Av NE between NE 145th St. and NE 155th St.
17. 84th Av NE between NE 145th St. and NE 155th St.
18. 75th Av NE and NE 200th St
19. 75th Av NE and NE 201st St
20. 75th Av NE and NE 205th St
21. 80th Av NE and NE 185th St
22. 80th Av NE and NE 205th St
23. NE Arrowhead Dr and 61st Pl NE
24. NE 154th St and 61st Pl NE
25. 61st Av NE and 60th Av NE



New light location

Background: A street lighting program involves a systematic review of street lighting on residential collector roadways. Roads that lack sidewalks, have frequent intersections, horizontal or vertical curves or are heavily vegetated would be higher priority candidates for additional lighting.

Funding Sources: This project is funded by the WSDOT Highway Safety Improvement Program grant and City funds (10% of the design cost only).

City of Kenmore Transportation Improvement Program

Project Name: NE Arrowhead Drive Sidewalks
Project No.: T-27

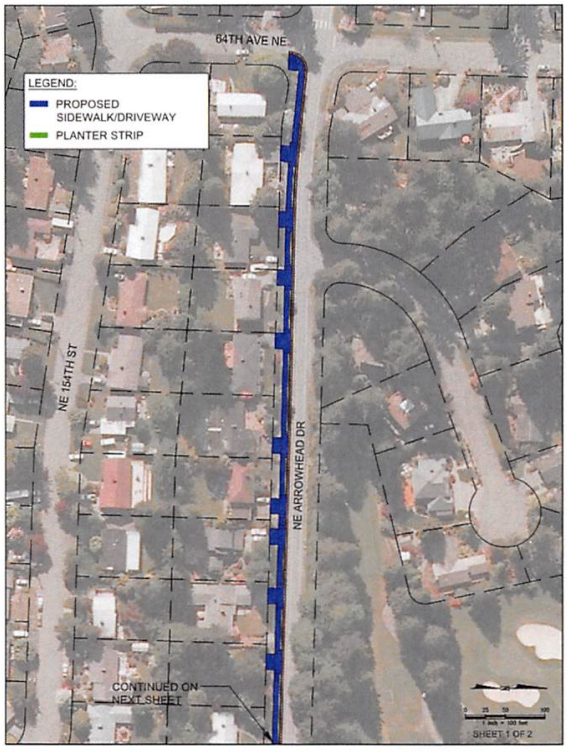
Project Location: NE Arrowhead Drive between NE 151st Street and 64th Avenue NE.

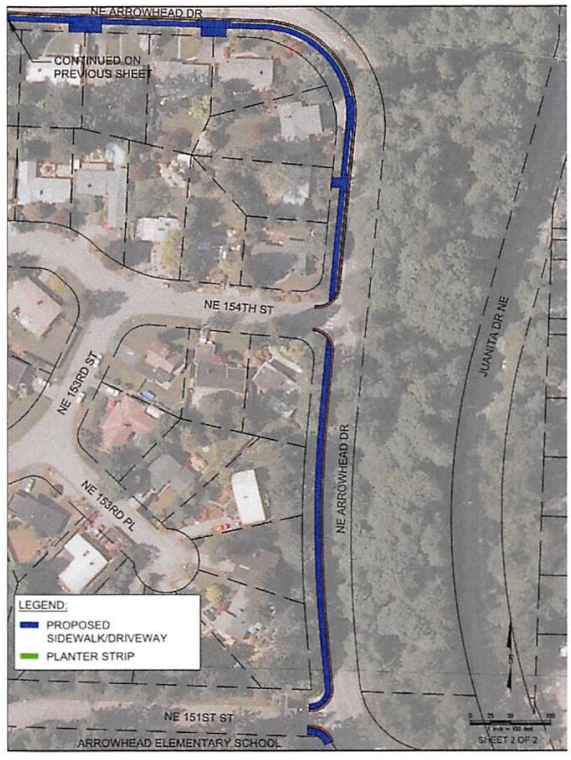
Project Manager: To Be Determined

Project Description: This project builds new sidewalks on west side of NE Arrowhead drive from the Arrowhead Elementary to approximately 1000 feet north.

Background: NE Arrowhead Drive varies from 3-foot wide to 5-foot wide shoulder with two way traffic. NE Arrowhead Drive is a designated walking route for Arrowhead Elementary School students. Sidewalks along this road were identified as a high priority during the neighborhood meetings held for this area as part of the Neighborhood Transportation Program Plan.

Funding Sources: This project is currently unfunded. In May 2018, staff applied for a WSDOT Safe Route to Schools grant to fund this project. Grant results will be announced in the fall of 2018.





Proposed Improvements

City of Kenmore Transportation Improvement Program

Project Name: SR 522 Crossing Study
Project No.: T-43

Project Location: State Route 522 between 61st Ave NE and 68th Ave NE.

Project Manager: John Vicente

Project Description: Type, size, and location study to evaluate potential crossing locations of SR 522 between 61st and 68th Avenues. The alternatives will include both grade-separation and at-grade crossing improvements. All facilities analyzed will consider walking and biking as priority modes, but vehicles will also be considered.

Background: SR 522 currently has signalized crossings located at 68th Ave NE and 61st Ave NE, and no other safe crossings are located between these two intersections, a distance of over 0.5 mile. The north side of SR 522 is composed of several commercial businesses, a mix of single and multi-family housing, the City's downtown and other community destinations (post office, public library, City Hall, parks, etc.). The south side of SR 522 has the Burke-Gilman trail (a regional trail serving several cities and connecting many communities), Kenmore Air, and the future Lakepointe Development (a multifamily/commercial development on 40 acres of lake front property). The proposed crossing would help to connect Downtown Kenmore, community destinations, and the many businesses and residences north of SR 522 with the proposed Lakepointe development, the Burke-Gilman Trail, and Kenmore's waterfront. SR 522 currently serves as a major barrier for north-south mobility in Kenmore, particularly for bicycle and pedestrian travel.

Funding Sources: This project is currently funded with $500K of State appropriated funds.

Study Area

City of Kenmore Capital Improvement Program

Project Name: Lower Swamp Creek Bridge Replacement
Project No.: T-38

Project Location: NE 175th Street/Swamp Creek Crossing

Project Manager: To be determined

Project Description: The bridge over Swamp Creek at NE 175th Street has reaching its expected lifespan and is in need of replacement.

Figure A: Existing Bridge

Background: This structure is on NE 175th Street, adjacent to the Burke Gilman Trail and crosses Swamp Creek. This structure currently is wide enough for two way vehicle traffic. The existing structure is routinely evaluated by the King County, our Bridge Engineering team. Maintenance is provided to the structure as needed. The City's Bridge Inspection Team recommended evaluation of the structure for rehabilitation vs. replacement. A study and alternatives analysis was performed in 2016 that recommended replacement of the bridge within the next 10 years.

Funding Status:
There is no funding set aside for design or construction for a new bridge. Funding sources will be evaluated and proposed during the 2023/2024 budget plan.

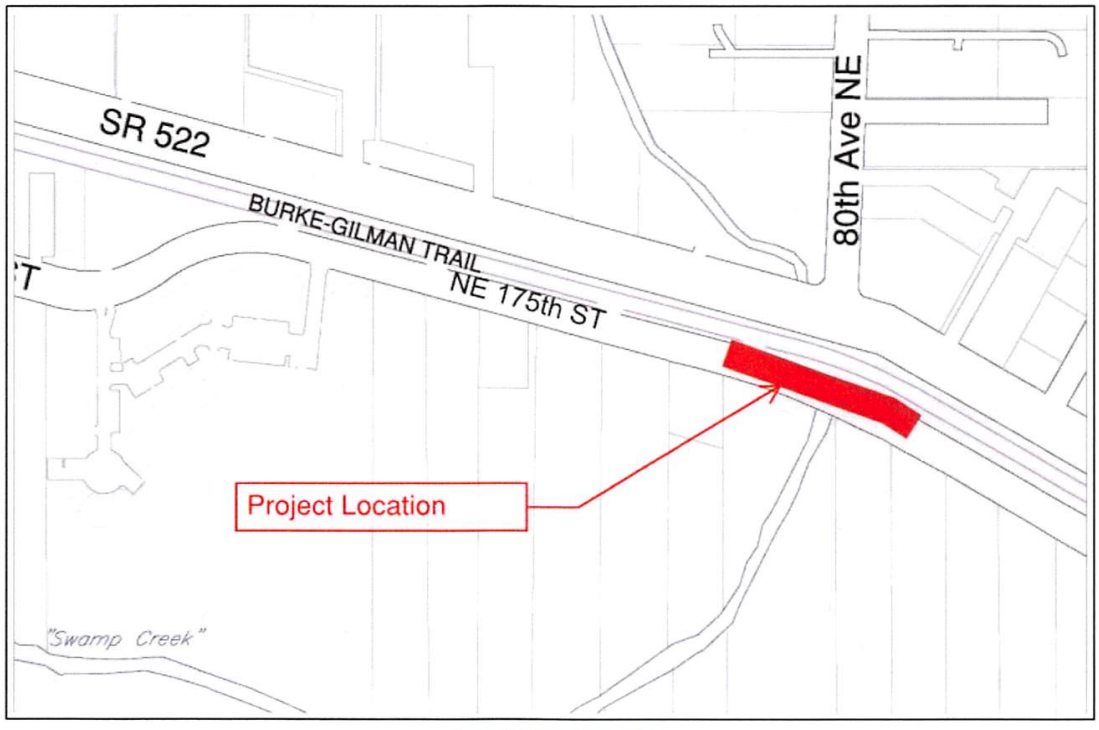


Figure B: Project Location

City of Kenmore Transportation Improvement Program

Project Name: Sidewalk Gap/Replacement Program
Project No.: T-27

Project Location(s): Citywide

Project Manager: Terri Bielenberg

Project Description: These projects are intended to complete gaps in existing sidewalk, replace non-compliant curb ramps and sidewalks at the identified locations throughout the city. Typical projects include new 5-6 foot wide sidewalk and ADA ramp improvements, curb ramp replacement, and sidewalk panel replacement.

Background: The City completed an inventory and assessment of its pedestrian facilities within the right of way. Several locations were identified as not being compliant with the American with Disabilities Act (ADA) standards. Also, filling sidewalk gaps is a cost effective way to improve mobility within the City. Staff will utilize the pedestrian facility inventory completed in 2015 to identify priorities for replacing noncompliant accessible routes and for gaps to propose for projects.

Funding Sources: $100K per year of local City funds are allocated to this project.

Figure A

City of Kenmore Transportation Improvement Program

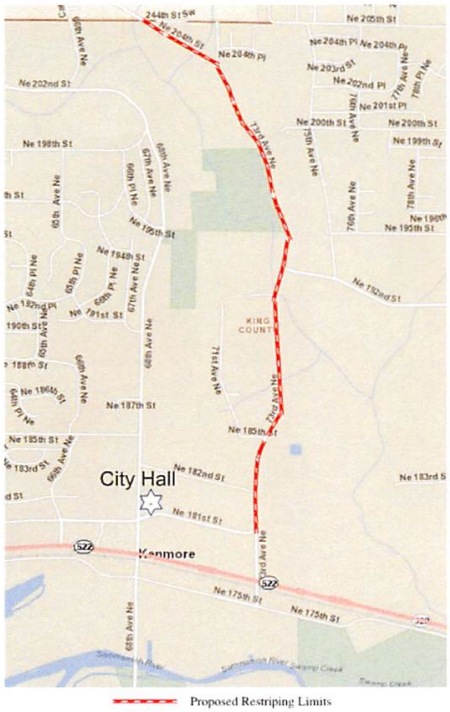
Project Name: 73rd Ave NE Restriping and Widening for Bike Lanes
Project No.: TBD

Project Location: Citywide

Project Manager: Kent Vaughan

Project Description:
This project would provide approximately 7,000 feet of dedicated, buffered bike lanes on both sides of 73rd Avenue NE from NE 181st Street to NE 205th Street. The bike lanes would be separated from vehicle traffic by up to a two-foot wide painted buffer. Existing striping along 73rd Ave NE will be removed and the centerline shifted to allow for sufficient space for a 5-foot bike lane. Additional paving will be required to widen the roadway in locations north of NE 192nd St.

The public will be engaged with the development of this project.

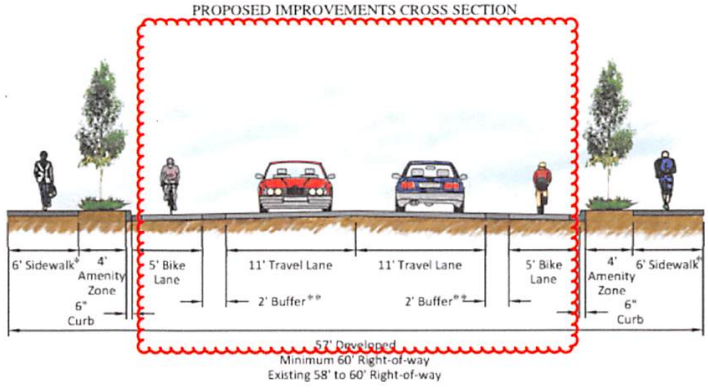


Background: 73rd Avenue NE is a 35 MPH minor arterial connecting the northern part of Kenmore to the City's downtown and commercial areas, parks, the Burke Gilman Trail, and the Kenmore Park and Ride/Transit facility. 73rd Avenue NE also connects with Kenmore Elementary and Kenmore Junior High School.

Shoulders along this corridor are either narrow or have existing on-street parking forcing bicyclist to share the road with vehicles and limiting sight distance for vehicles entering traffic. This creates potential conflicts and increases crash risk for all road users. Cyclists, occupying the outside edge of the roadway, are disproportionately affected by these issues as well as being especially vulnerable to high severity crashes.

This project is currently identified in the Transportation element within the City's Comprehensive plan. And is consistent with the City's current Road Standards

Funding Sources: This project is currently unfunded. This project was submitted to Sound Transit for grant



* Sidewalk currently exists from NE 181st to NE 192nd St
** Bike lane width may vary from 0'-2'

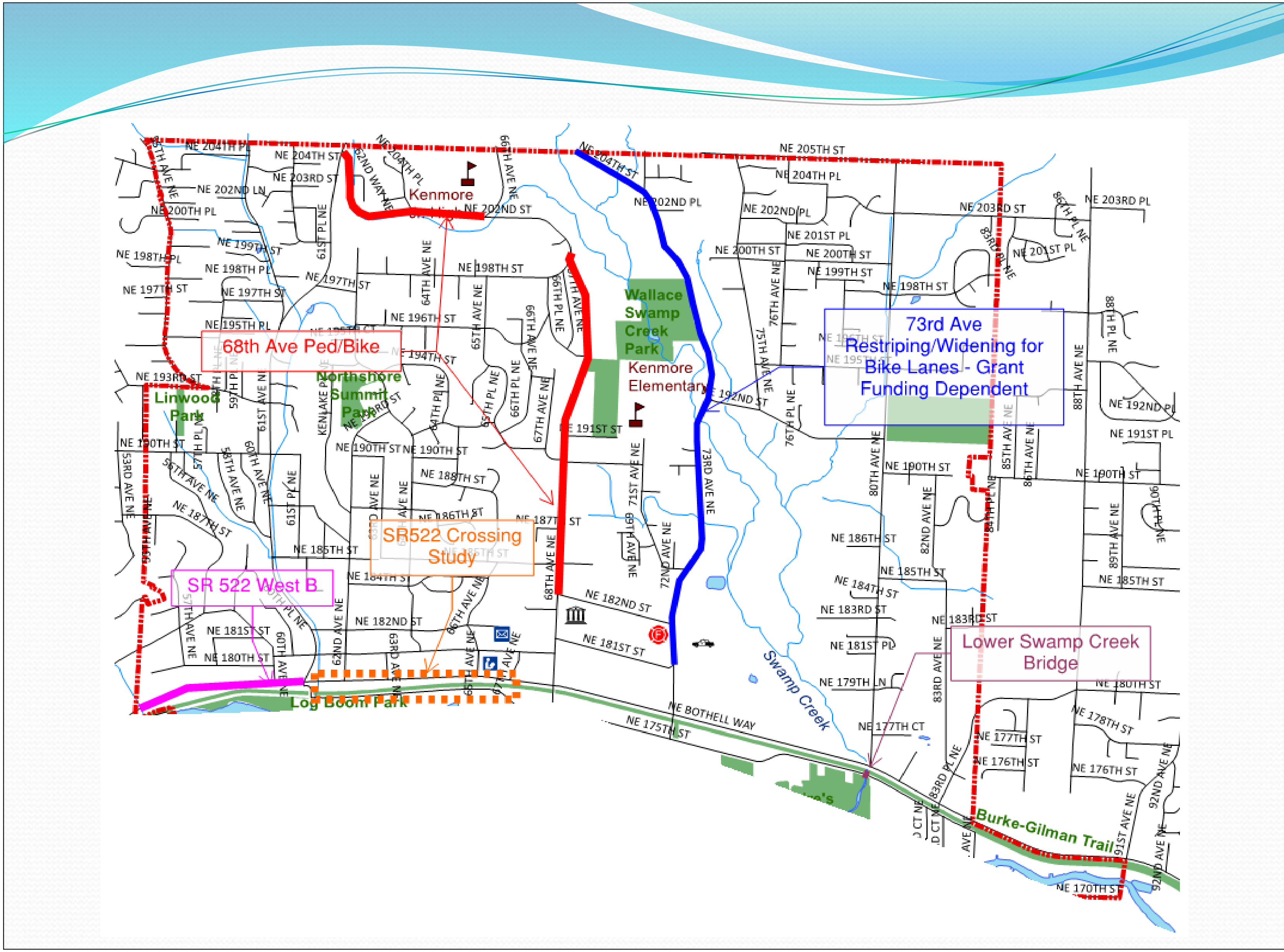
Six Year Transportation Improvement Program 2020-2025

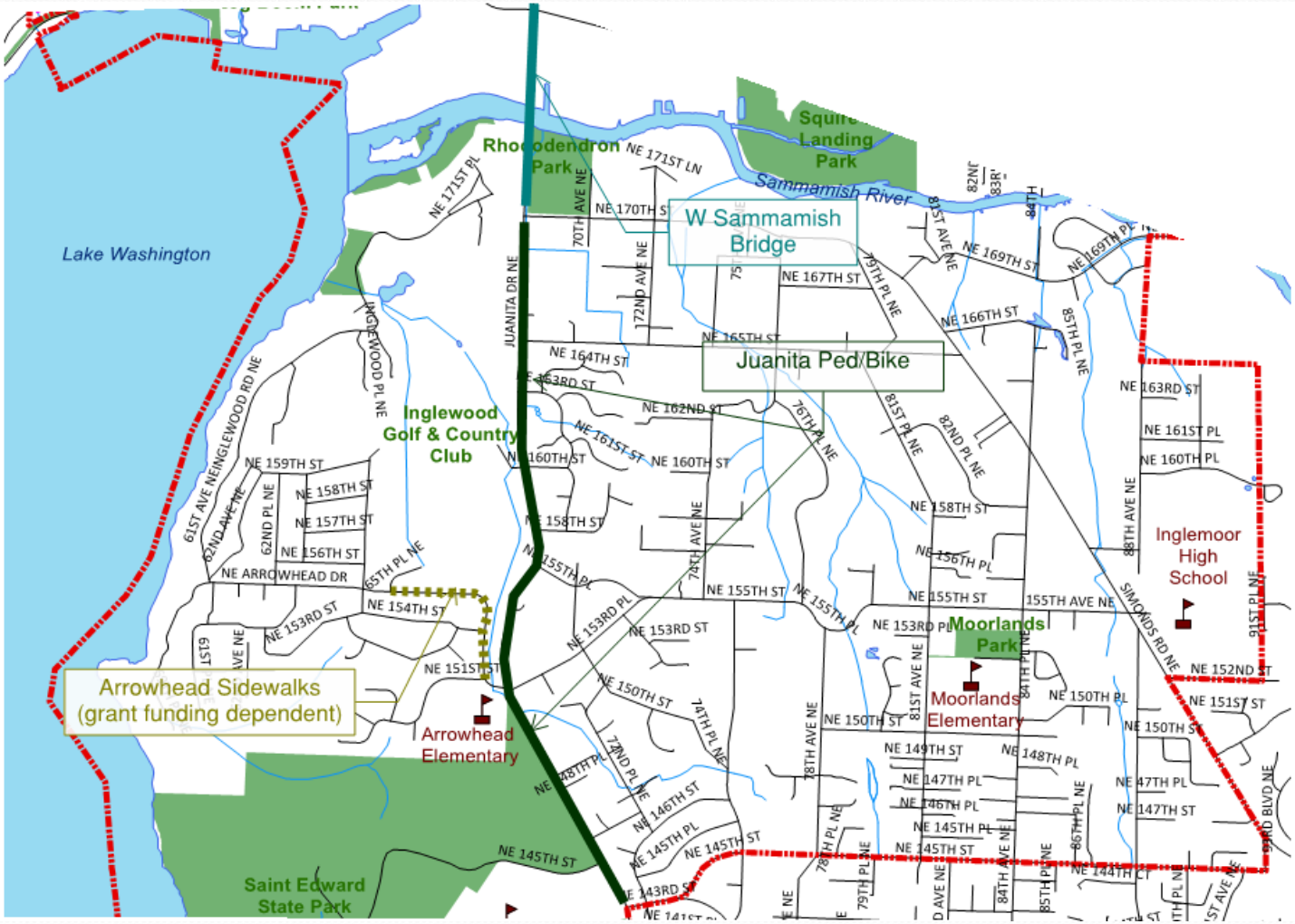
Background

- RCW 35.77.010 requires municipalities to create a Transportation Improvement Program (TIP)
- TIP must show how a City proposes to utilize funds for transportation related projects in the ensuing 6 years
- Consistent with the City's Comprehensive Plan
- Update must be performed each year
- TIP is a planning document and not fiscally restrained
- TIP filed with WA State Secretary of Transportation
- A public hearing is required prior to approval

TIP Update

- Most project from last year carried over
- Three new projects added to this TIP
- New project added:
  - 2018 Local Road Safety Signing
  - 2018 Local Road Safety Lighting
  - 73rd Ave NE Restriping and Widening for Bike Lanes
- Projects Removed:
  - 181st St Sidewalk (between 65th Ave and 67th Ave)
  - 153rd St Sidewalk (between Juanita Dr and 70th Ave)


68th Ave Ped/Bike
73rd Ave Restriping/Widening for Bike Lanes - Grant Funding Dependent
SR522 Crossing Study
SR 522 West B
Lower Swamp Creek Bridge
Kenmore
Wallace Swamp Creek Park
Kenmore Elementary
Northshore Summit Park
Linwood Park
Log Boom Park
Swamp Creek
Burke-Gilman Trail
NE BOTHELL WAY
NE 175TH ST
68TH AVE NE
73RD AVE NE
NE 202ND ST
NE 204TH ST
NE 205TH ST
NE 170TH ST


Lake Washington
Rhododendron Park
Squire Landing Park
Sammamish River
W Sammamish Bridge
Juanita Ped/Bike
Inglewood Golf & Country Club
Arrowhead Sidewalks (grant funding dependent)
Arrowhead Elementary
Moorlands Park
Moorlands Elementary
Inglemoor High School
Saint Edward State Park
NE 171ST LN
NE 171ST PL
NE 170TH ST
NE 169TH ST
NE 169TH PL
NE 167TH ST
NE 166TH ST
NE 165TH ST
NE 164TH ST
NE 163RD ST
NE 162ND ST
NE 161ST ST
NE 160TH ST
NE 159TH ST
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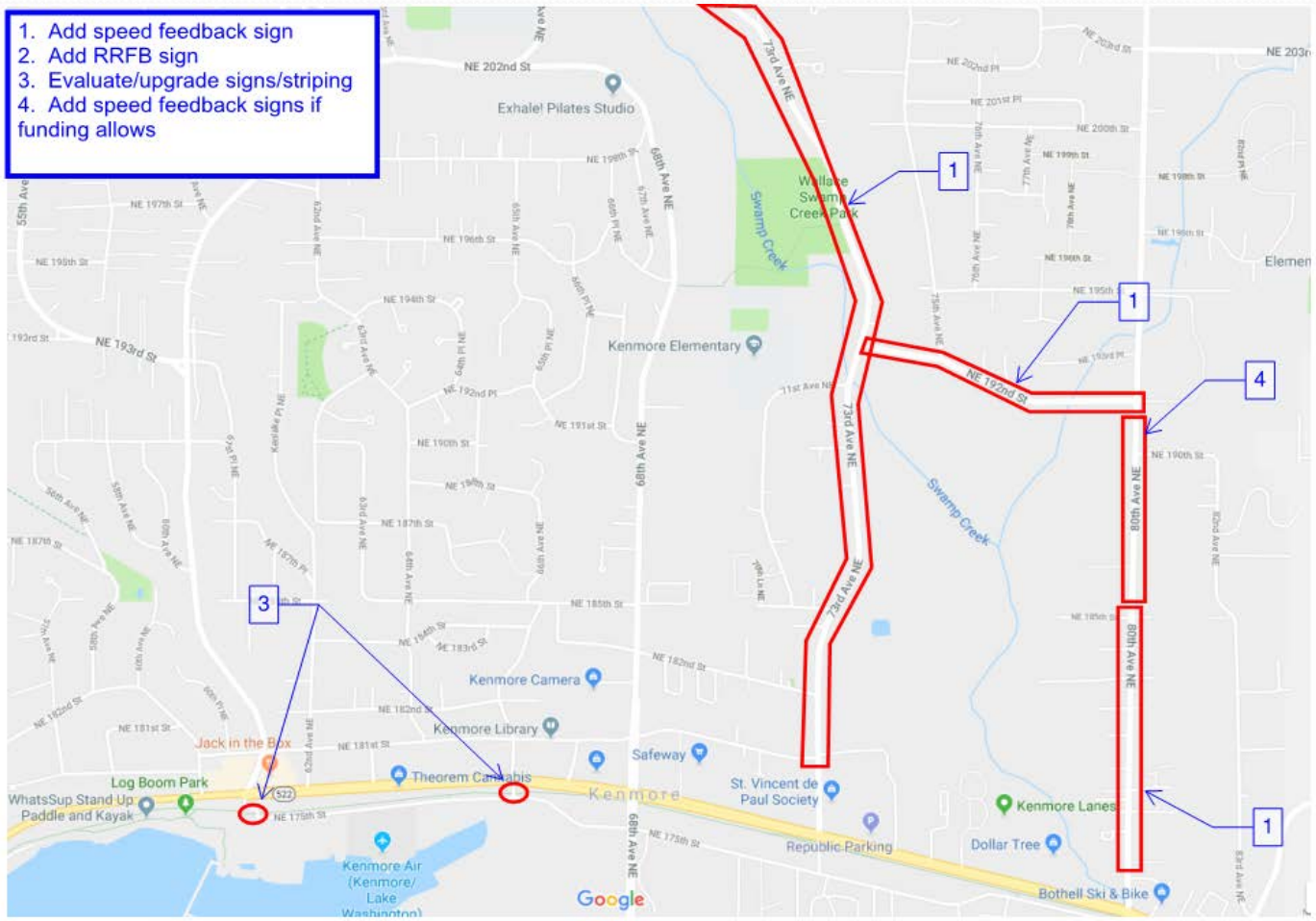
NE 148TH ST
NE 147TH ST
NE 146TH ST
NE 145TH ST
NE 143RD ST
NE ARROWHEAD DR
JUANITA DR NE
INGLEWOOD PL NE
61ST AVE NE
INGLEWOOD RD NE
62ND AVE NE
62ND PL NE
65TH PL NE
70TH AVE NE
72ND AVE NE
74TH AVE NE
74TH PL NE
76TH PL NE
78TH AVE NE
78TH PL NE
79TH PL NE
81ST AVE NE
81ST PL NE
82ND PL NE
84TH AVE NE
84TH PL NE
85TH PL NE
86TH PL NE
88TH AVE NE
155TH AVE NE
SIMONDS RD NE
93RD BLVD NE
NE 161ST PL
NE 160TH PL
NE 158TH PL
NE 156TH PL
NE 153RD PL
NE 150TH PL
NE 147TH PL
NE 146TH PL
NE 145TH PL
NE 144TH CT

2018 Local Safety - Signage

1. Add speed feedback sign
2. Add RRFB sign
3. Evaluate/upgrade signs/striping
4. Add speed feedback signs if funding allows



2018 Local Safety – Signage

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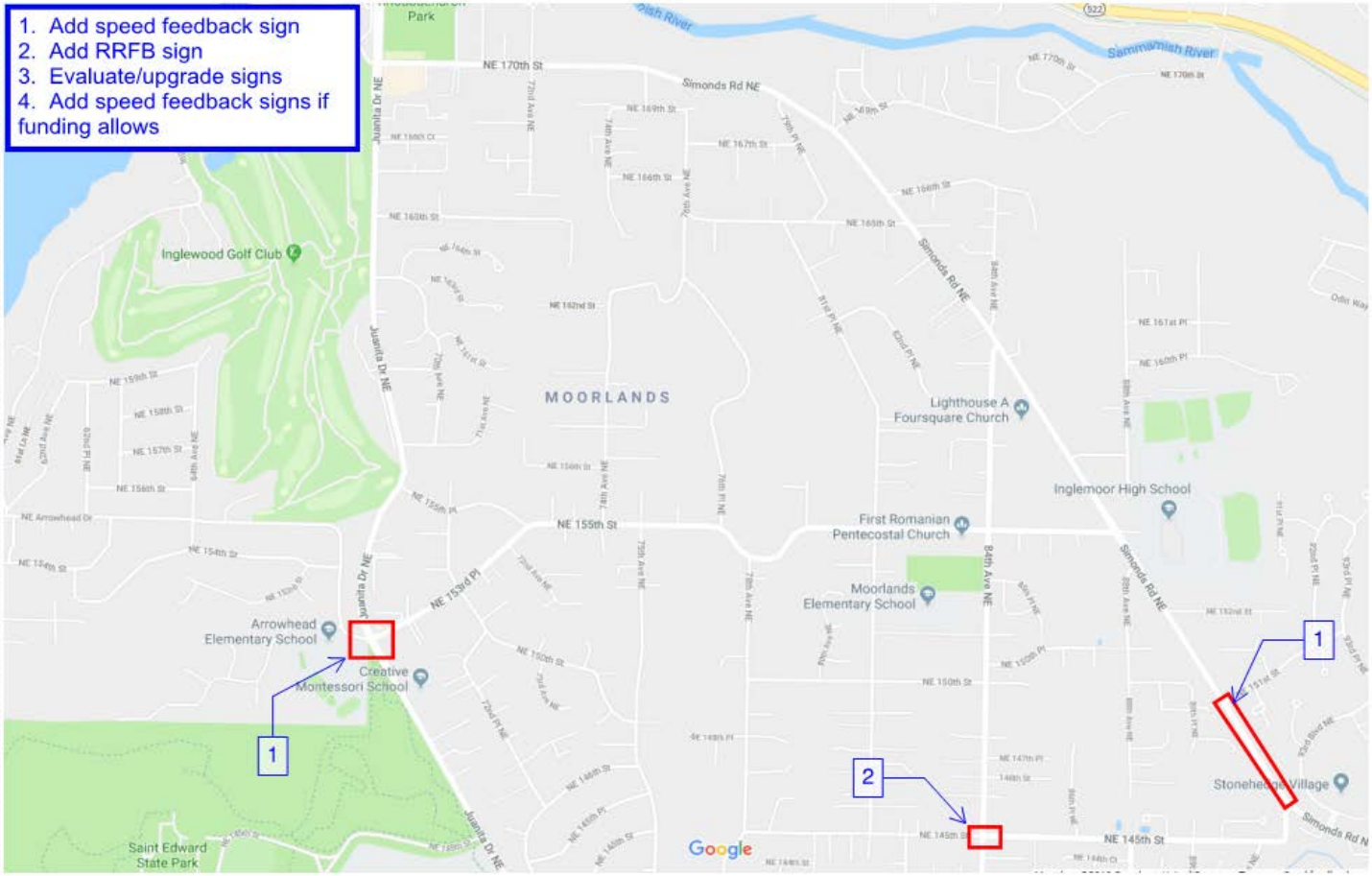
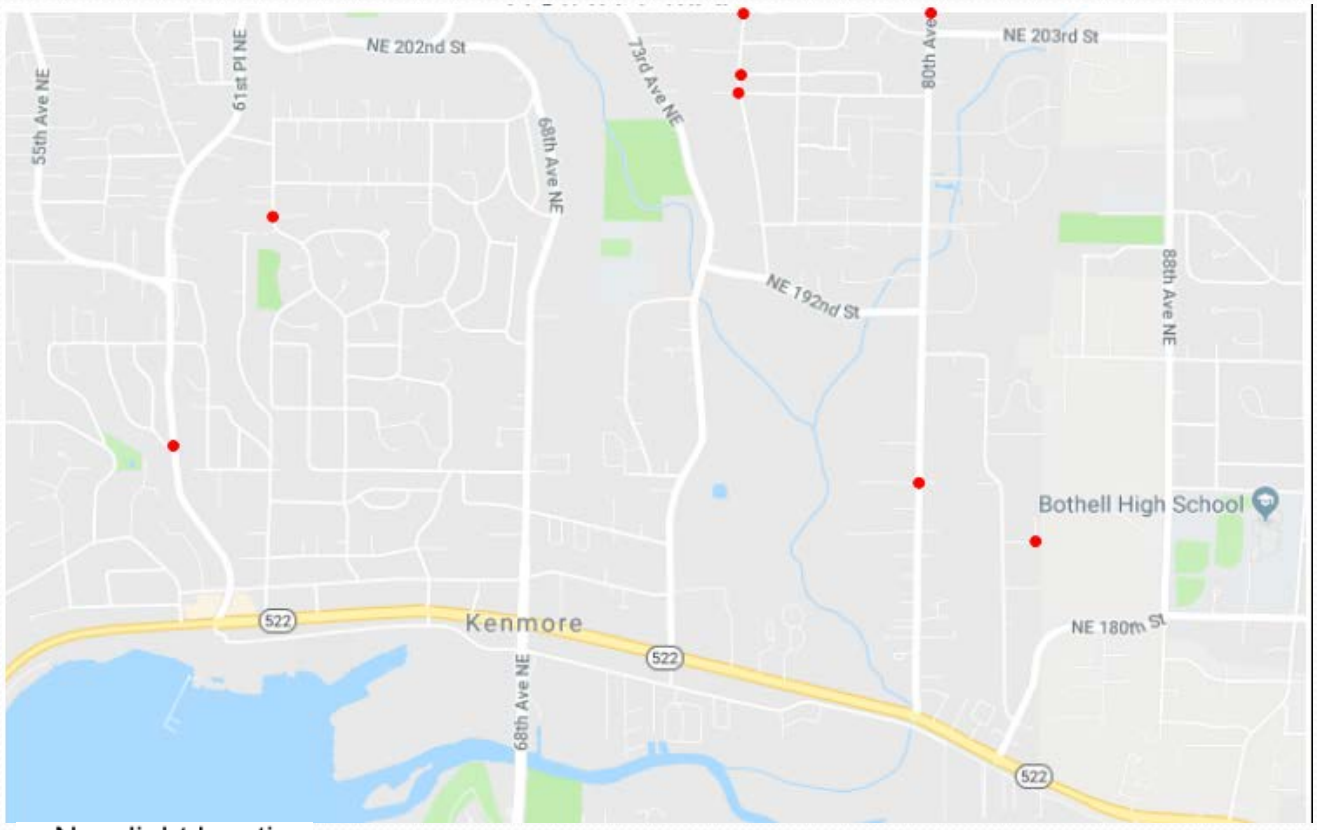


2018 Local Safety - Lighting

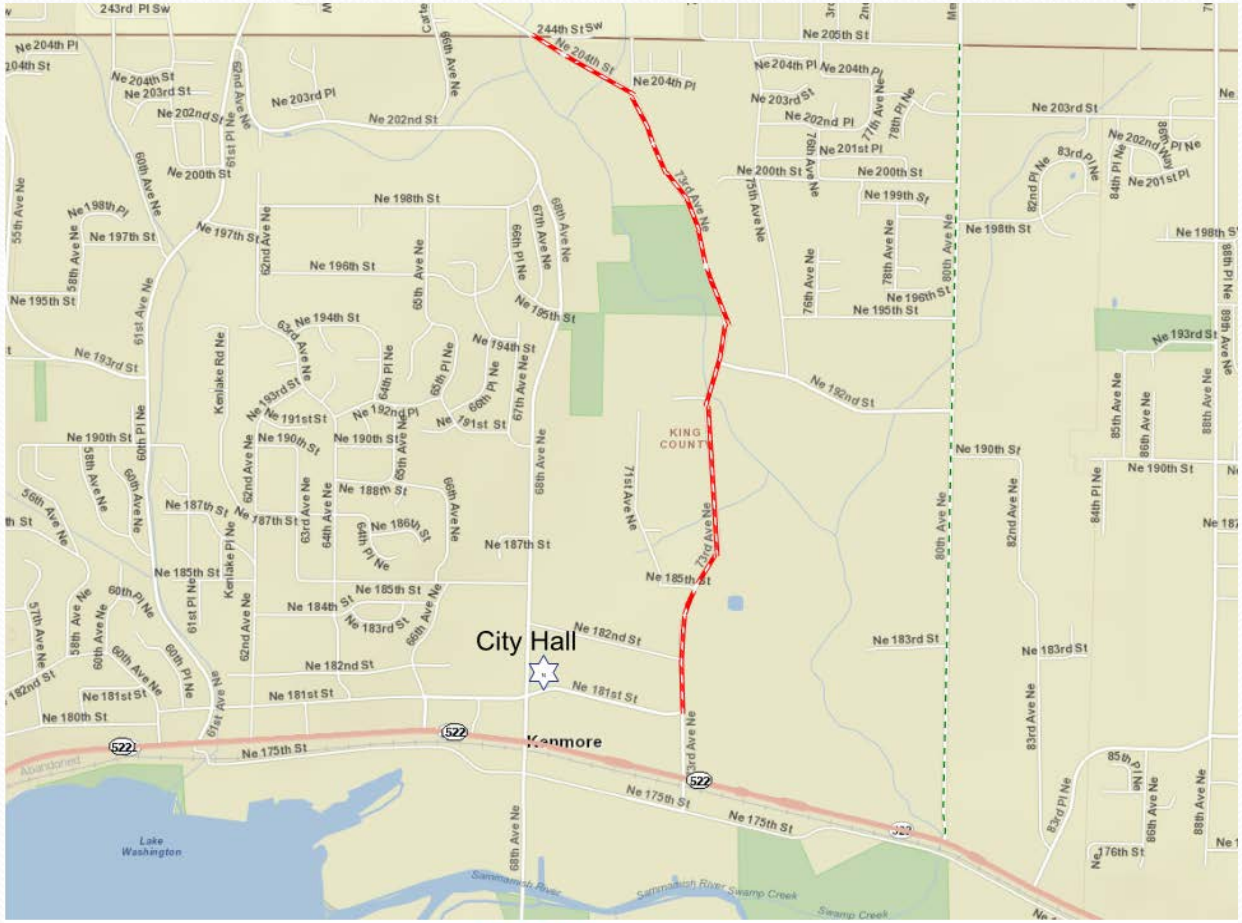


• New light location

2018 Local Safety - Lighting

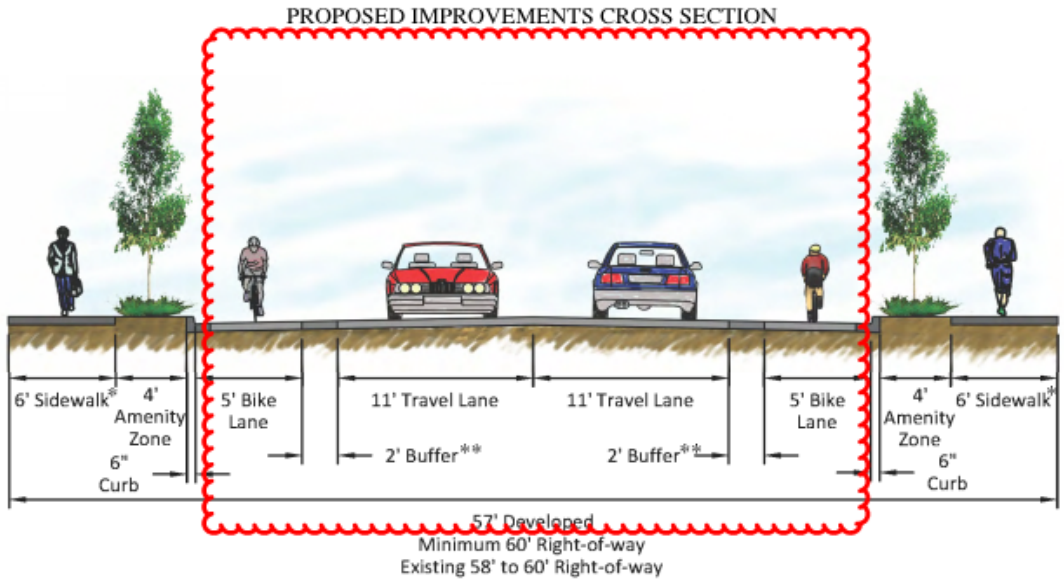
• New light location

73rd Striping/Widening for Bikes



Proposed Restriping Limits

73rd Ave NE Cross Section



73rd Avenue NE
(181st Street to 205th Street)
Neighborhood Connection

Recommendation

- Recommendation to Adopt Resolution 19-322 and approve the 2020-2025 Six-Year Transportation Improvement Program

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing and Resolution Adopting the 2020-2025 Six-Year Transportation Improvement Program	For Council Meeting Agenda of: June 17, 2019 Department: Public Works/Engineering Prepared by: John Vicente, PE Initial & Date Approved by Department Head: 6/3/19 Approved by City Attorney: VIA Email Approved by Finance Director: 6/3/19 Approved by City Manager:
Proposed Council Action/Motion: Public Hearing and Adoption of Resolution No. 19-322 for the 2020-2025 Six-Year Transportation Improvement Program	Exhibits/Attachments: A: Resolution No. 19-322

INFORMATION/BACKGROUND:

In accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city "perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program." The 6-year TIP has been prepared and is attached to Resolution No 19-322 (Exhibit A).

A public hearing has been scheduled for June 17, 2019 to receive public comment and to consider adoption of the TIP.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City's adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be "in hand" to include a project in the TIP.

The recommended TIP continues the City's emphasis on multimodal transportation safety including improvements to SR 522, Juanita Drive and 68th Ave NE sidewalks and bike lanes, sidewalk projects located near Arrowhead elementary and Downtown, and the West Sammamish River Bridge replacement. The Lower Swamp Creek Bridge Replacement project has been added to this year's TIP update. The bridge study/alternative analysis performed in 2015 recommended that the bridge be replaced in 10 years. This TIP reflects that recommendation and identifies a funding need for design in 2023 and 2024. Construction would be estimated in 2025 or 2026. The alternative analysis (retrofit, realign for one-way use only, replace) will be reviewed during the preliminary design phase to confirm what option will be proposed for the bridge.

FISCAL CONSIDERATION: Funding secured for projects are noted on the attached TIP. For projects with unsecured funding, additional local funds will be needed and/or Federal or State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding, they will be pushed out subsequent years with each TIP amendment.
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Goal #1: To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel (Implement the Sidewalk Plan).

EXHIBIT A

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 19-322

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, ADOPTING THE 2020-2025 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM.

WHEREAS, RCW 35.77.010 requires the City to review and adopt annually a revised and extended six-year comprehensive transportation program; and

WHEREAS, on June 17, 2019, the City Council held a public hearing and took public comment on the proposed 2020-2025 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2020-2025 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

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

Section 1. Program Adopted. The 2020-2025 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

Section 2. Filing of Program. As required by RCW 35.77.010, the City Manager or designee is authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the Secretary of the Washington Department of Transportation within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE 2019

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

_____
Dawn Reitan, City Attorney

CITY OF KENMORE

6-Year TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

2020-2025

June 17, 2019

CITY OF KENMORE

2020-2025 Transportation Improvement Program

Project name	Funding	Year: Prior Years	2020	2021	2022	2023	2024	2025	2020-2025 Totals	Project Totals
SR 522 West B (57th to 61st)	Local	$ -							$ -	$ -
	Federal/State	$ -			$ 600,000	$ 600,000	$ 6,800,000		$ 8,000,000	$ 8,000,000
	Unsecured	$ -							$ -	$ -
	Subtotal	$ -	$ -	$ -	$ 600,000	$ 600,000	$ 6,800,000	$ -	$ 8,000,000	$ 8,000,000
West Sammamish River Bridge Replacement	Local	$ 179,129	$ 603,375	$ 691,760	$ 162,094	$ 232,924	$ 24,567	$ 23,521	$ 1,738,241	$ 1,917,370
	Federal/State	$ 4,172,301	$ 9,056,232	$ 10,497,028	$ 8,238,433				$ 27,791,693	$ 31,963,994
	Utilities		$ 1,444,494	$ 1,455,928	$ -				$ 2,900,422	
	Unsecured								$ -	$ -
	Subtotal	$ 4,351,430	$ 11,104,101	$ 12,644,716	$ 8,400,527	$ 232,924	$ 24,567	$ 23,521	$ 32,430,356	$ 36,781,786
68th Avenue NE Pedestrian and Bicycle Improvements	Local	$ 853,000	$ 5,362,200	$ 2,230,025					$ 7,592,225	$ 8,445,225
	Federal/State	$ 50,000	$ 602,970	$ 401,980					$ 1,004,950	$ 1,054,950
	Unsecured								$ -	$ -
	Subtotal	$ 903,000	$ 5,965,170	$ 2,632,005	$ -	$ -	$ -	$ -	$ 8,597,175	$ 9,500,175
Juanita Drive Pedestrian and Bicycle Improvements	Local	$ 2,805,509	$ 1,857,865	$ 822,376					$ 2,680,241	$ 5,485,750
	Federal/State	$ 575,600	$ 2,044,350	$ 1,362,900					$ 3,407,250	$ 3,982,850
	Unsecured		$ 3,803,400	$ 2,535,600					$ 6,339,000	$ 6,339,000
	Subtotal	$ 3,381,109	$ 7,705,615	$ 4,720,876	$ -	$ -	$ -	$ -	$ 12,426,491	$ 15,807,600
Pavement Preservation Program (Prior year Expenditures are as of 2016 only)	Local	$ 2,148,200	$ 1,714,364	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 4,464,364	$ 6,612,564
	Federal/State	$ -	$ 355,351						$ 355,351	$ 355,351
	Unsecured								$ -	$ -
	Subtotal	$ 2,148,200	$ 2,069,715	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 550,000	$ 4,819,715	$ 6,967,915
2018 Local Road Safety - Signing	Local		$ 8,800						$ 8,800	$ 8,800
	Federal/State		$ 79,000	$ 267,000					$ 346,000	$ 346,000
	Unsecured								$ -	$ -
	Subtotal	$ -	$ 87,800	$ 267,000	$ -	$ -	$ -	$ -	$ 354,800	$ 354,800
2018 Local Road Safety - Lighting	Local		$ 1,000						$ 1,000	$ 1,000
	Federal/State		$ 9,000	$ 25,000					$ 34,000	$ 34,000
	Unsecured								$ -	$ -
	Subtotal	$ -	$ 10,000	$ 25,000	$ -	$ -	$ -	$ -	$ 35,000	$ 35,000
NE Arrowhead Drive Sidewalk Improvements	Local								$ -	$ -
	Federal/State								$ -	$ -
	Unsecured			$ 173,600	$ 1,260,726				$ 1,434,326	$ 1,434,326
	Subtotal	$ -	$ -	$ 173,600	$ 1,260,726	$ -	$ -	$ -	$ 1,434,326	$ 1,434,326

CITY OF KENMORE

2020-2025 Transportation Improvement Program

Project name	Funding	Year							2020-2025 Totals	Project Totals
		Prior Years	2020	2021	2022	2023	2024	2025		
SR 522 Crossing Study	Local								$ -	$ -
	Federal/State		$ 200,000	$ 300,000					$ 500,000	$ 500,000
	Unsecured								$ -	$ -
	Subtotal	$ -	$ 200,000	$ 300,000	$ -	$ -	$ -	$ -	$ 500,000	$ 500,000
Lower Swamp Creek Bridge Replacement (design only)	Local								$ -	$ -
	Federal/State								$ -	$ -
	Unsecured					$ 404,000	$ 404,000		$ 808,000	$ 808,000
	Subtotal	$ -	$ -	$ -	$ -	$ 404,000	$ 404,000	$ -	$ 808,000	$ 808,000
Sidewalk Replacement/Gap Program	Local	$ 25,000	$ 175,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 675,000	$ 700,000
	Federal/State								$ -	$ -
	Unsecured								$ -	$ -
	Subtotal	$ 25,000	$ 175,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 675,000	$ 700,000
73rd Ave NE Restriping and Widening for Bike Lanes	Local								$ -	$ -
	Federal/State								$ -	$ -
	Unsecured			$ 95,300	$ 656,215				$ 751,515	$ 751,515
	Subtotal	$ -	$ -	$ 95,300	$ 656,215	$ -	$ -	$ -	$ 751,515	$ 751,515

City of Kenmore Capital Improvement Program

Project Name: SR 522 West B (57 Avenue NE to 61 Avenue NE)

Project No. T-8

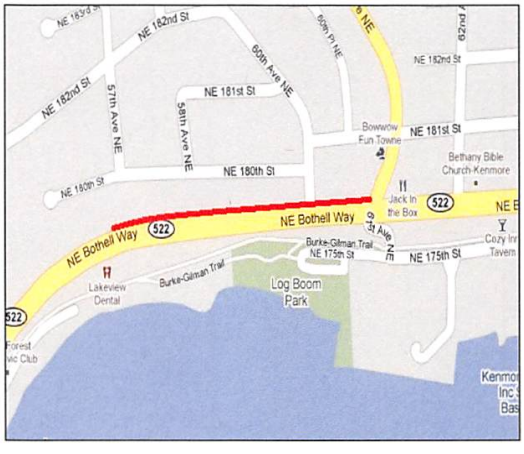
Project Location: SR 522 from 57 Avenue NE to 61 Avenue NE

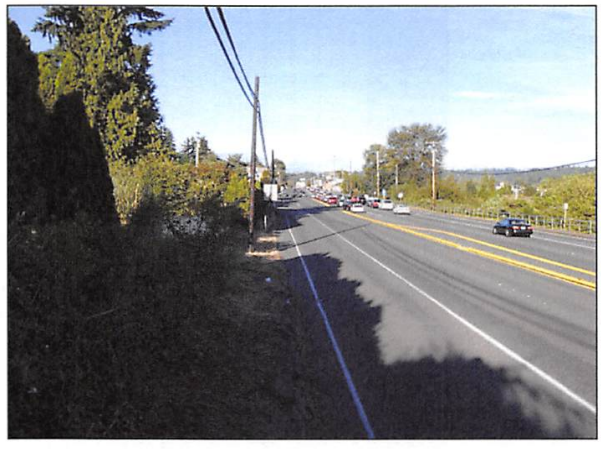
Project Manager: Kent Vaughan

Project Description: This project will widen Highway 522 west of 61 Avenue NE to the south to provide dual eastbound to northbound left turn lanes at the SR 522 / 61 Avenue NE traffic signal and eastbound-to-westbound u-turn capability at the intersection. The widening would require construction of a retaining wall along the north side of the Burke-Gilman Trail.

Background: Since its incorporation, the City of Kenmore has completed improvements to SR 522 (Bothell Way) between 61st Avenue NE and the east city limits to increase safety, improve transit reliability, and ease congestion. Improvements included adding new traffic signals, street lighting and sidewalks, widening SR 522 for Business Access and Transit lanes, enhancing the corridor with new landscaping and medians to improve access management, replacing the Swamp Creek Bridge, undergrounding utilities, and more. The final segment, SR 522 West B (57 Avenue NE to 61 Avenue NE) will complete corridor improvements to the west City limits.

Funding Sources: This project is funded by the State's Connecting WA. The first installment of the funds ($4M) are expected to become available after July 1, 2019. Design may resume earlier if staffing allows. City surface water fees may be proposed to fund the surface water component of the project.





City of Kenmore Transportation Improvement Program

Project Name: West Sammamish River Bridge Replacement Project

Project Location: 68th Avenue NE between NE 170th Street and NE 175th Street

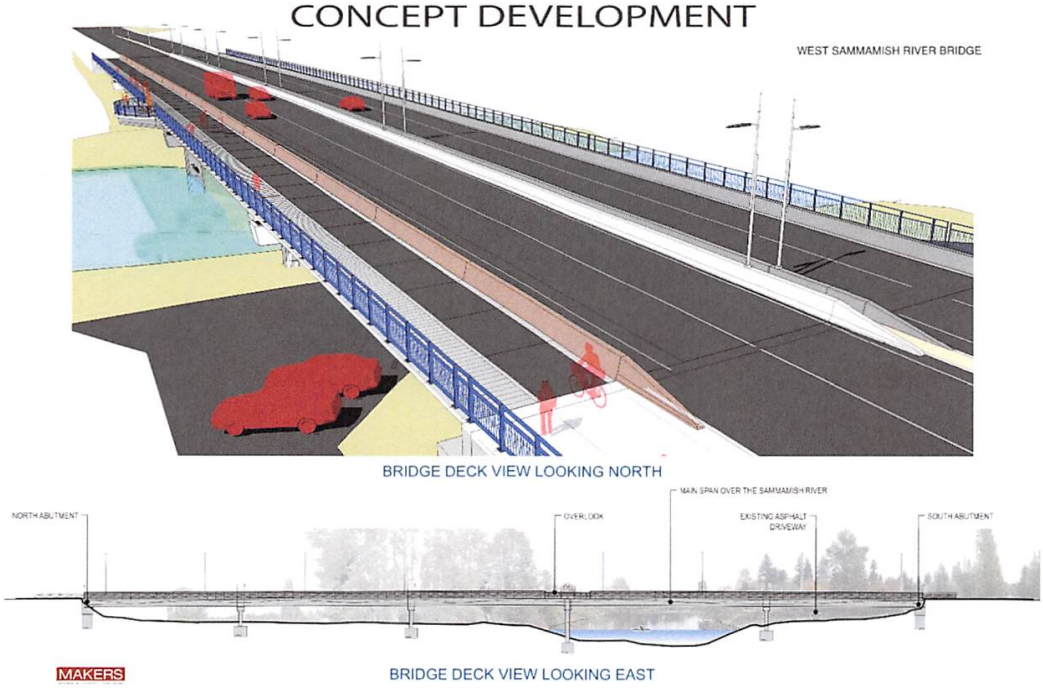
Project Manager: John Vicente

Project Description: Replace the West Sammamish River Bridge (southbound traffic) that crosses the Sammamish River on 68th Avenue NE. The project will also include new sidewalk and bike path, landscaping, lighting, and utility undergrounding on 68th Avenue NE between NE 170th Street and NE 175th Street.

Background: The West Sammamish River Bridge was constructed in the 1930's and is at the end of its life. It is considered to be structurally obsolete. To date, the City has completed an alternatives analysis, a scour analysis, a load rating analysis, and has applied load restrictions on the bridge (weight limits went into effect in 2014). The bridge continues to be monitored during the design of the new bridge.

Funding Sources: The City has been awarded several grants for the project. The City was awarded $12M in Bridge Program funds, $1.06M in Surface Transportation funds, $12M in Connecting Washington funds, and $6.9M in TIB funds.

Project Location



City of Kenmore Transportation Improvement Program

Project Name: 68 Avenue NE Pedestrian and Bicycle Improvements

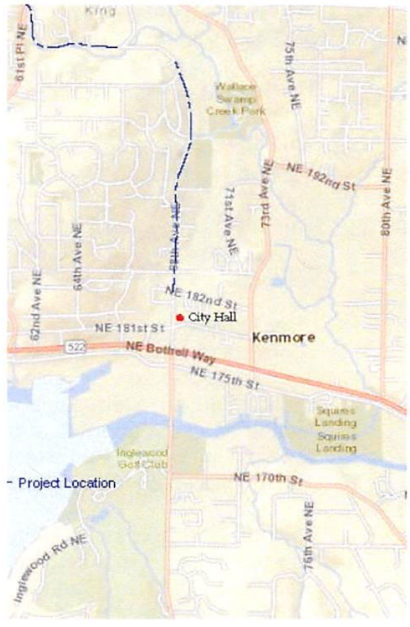
Project Location: 68 Avenue NE / NE 202 Street
Segment a: West side of 68 Avenue NE from NE 182 Street to NE 185 Street
Segment b: East side of 68 Avenue NE from NE 185 Street to existing sidewalk
Segment c: West side of 68 Avenue NE from NE 185 Street to NE 201 Street
Segment d: North side of NE 202 Street from 66 Avenue NE to 61 Avenue NE

Project Manager: Kent Vaughan

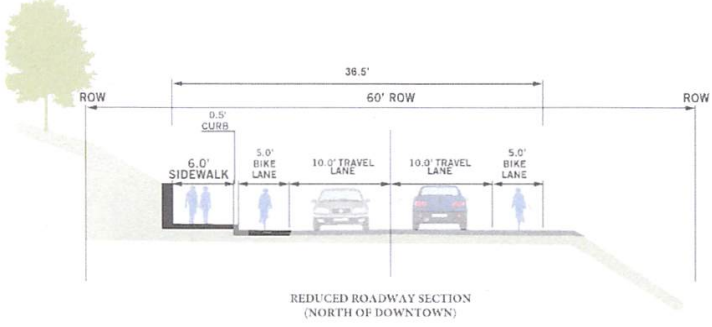
Project Description: This project provides continuous ADA accessible sidewalk and bike lanes on 68 Avenue NE and NE 202 Streets respectively between NE 182 Street and 61 Avenue NE. Other project components include new drainage, LED street lighting of existing power poles, retaining walls and utility relocation where necessary.

Background: 68 Avenue NE / NE 202 Street is a collector arterial roadway that runs north/south through the City of Kenmore. This roadway serves as a primary connector to Downtown Kenmore and City Hall for residences and Kenmore Middle School. The current street configuration allows for only one travel lane in each direction and intermittent asphalt shoulders. The posted speed is 35 mph.

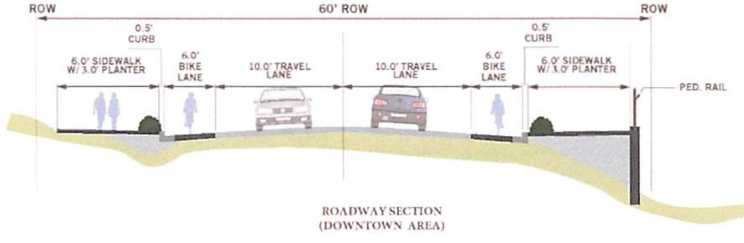
Funding Sources: In November 2016, the citizens of Kenmore voted to pass a public bond measure to fund this sidewalk/bicycle improvement project. Grants are also being sought to fund this project.



Proposed Improvements:



REDUCED ROADWAY SECTION
(NORTH OF DOWNTOWN)



ROADWAY SECTION
(DOWNTOWN AREA)

City of Kenmore Transportation Improvement Program

Project Name: Juanita Drive NE Pedestrian and Bicycle Improvements
Project No. T-41

Project Location: Juanita Drive NE (NE 143 Street to NE 170 Street)

Project Manager: Kent Vaughan

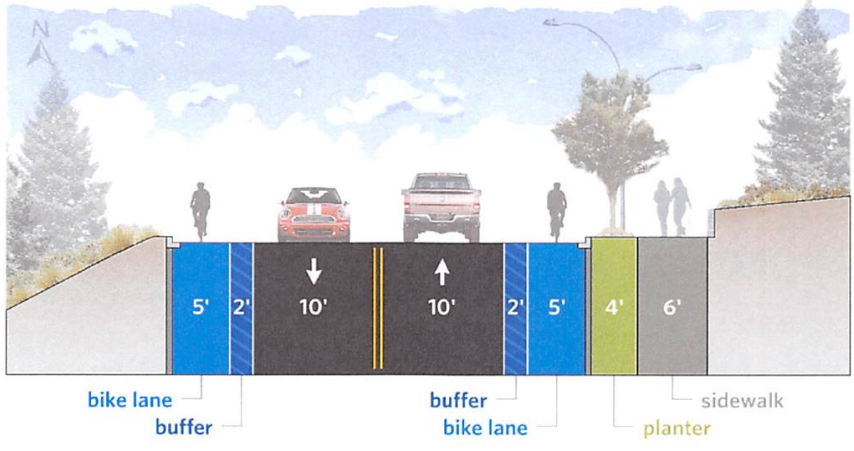
Project Description: This project provides continuous ADA accessible sidewalk and buffered bike lanes on Juanita Drive NE between NE 143 Street and NE 170 Street. Specific project components include:

- Sidewalk along the east side of Juanita Drive NE where residential neighborhoods are located. Sidewalk improvements and pedestrian crossings on west side of street will be limited to bus stops only.
- Bike lanes with buffer on the east and west side of Juanita Drive NE;
- Additional or extensions of left turn lanes where warranted;
- Pedestrian crossing treatments to improve nonmotorized safety, connectivity, and comfort;
- Improved storm drainage, LED street lighting, landscaping and aesthetics and;
- Utility relocation and/or retaining structures, where necessary.

Background: Juanita Drive NE serves as a north-south critical link to the City's Downtown, SR 522 Corridor, Burke-Gilman Trail, Bastyr University, Kenmore Senior Center, Parks, and Arrowhead Elementary School for thousands of local residents and is part of the Lake Washington Loop, one of the region's most popular recreational cycling routes. Juanita Drive NE is an existing minor arterial roadway with mostly one travel lane in each direction and asphalt shoulders. The posted speed is 35 mph. This roadway experiences a high number of accidents per year and contains several geometric deficiencies including lack of continuous sidewalks and bicycle lanes. Up to 250 bicycles and 15,000 vehicles use this corridor daily.

Funding Status: This project is partially funded. In November 2016, the citizens of Kenmore voted to pass a public bond measure to begin design work on Juanita Drive NE in 2017 and provide matching funds to pursue State and Federal grant opportunities to fund the right-of-way and construction phases of the project. To date, $525K in WSDOT Pedestrian and Bicycle Program grant funds have been awarded. Additional grants will be pursued to fund this project.

Typical Section – two lanes *(Looking North)*



City of Kenmore Transportation Improvement Program

Project Name: Pavement Preservation Program
Project No.: T-35

Project Location: Citywide.

Project Manager: Tobin Bennett-Gold

Project Description: This program includes all grind and overlay, crack seal, and slurry seal projects within the City. Typically grind and overlay projects are completed on roadways with pavement ratings between 60 and 70, while slurry seal operations are completed on roadways with ratings above 70. Crack sealing typically occurs on roads as a preparation treatment prior to a planned slurry seal. As part of any pavement overlay, curb ramps within the project limits are upgraded to comply with the American's with Disabilities Act (ADA). In addition, pavement overlay may also include major pavement repairs, utility adjustments and pavement markings. Pavement Preservation projects provide appropriate traffic control and field inspection during construction and re-establish pavement markings, if applicable, when the preservation work is complete.

Background: The City of Kenmore Comprehensive Plan promotes a fiscally constrained Transportation Element that prioritizes operation and maintenance of existing facilities within the City. Focus is typically on arterials within the City. In addition, there are 3 goals listed in the Comprehensive Plan that support this program:

1. Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users;
2. Promote a transportation system that contributes to fiscal and environmental sustainability;
3. Facilitate freight mobility and economic prosperity.

City of Kenmore Transportation Improvement Program

Project Name: 2018 Local Road Safety – Signing
Project No.: TBD

Project Location: Citywide

Project Manager: Kent Vaughan

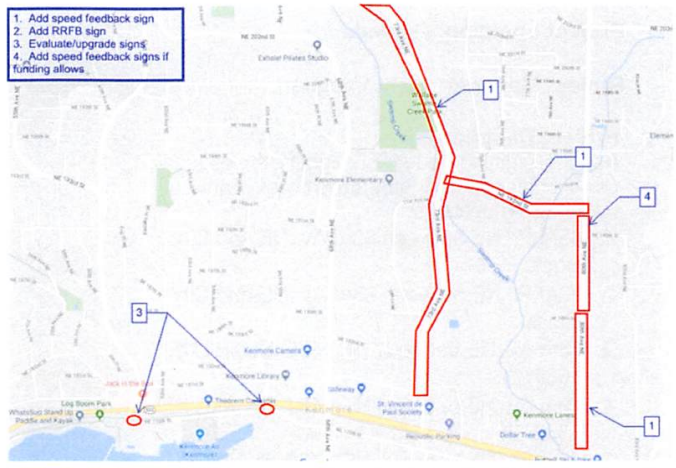
Project Description:

A. Evaluate the intersection of NE 175th St. at the 61st Ave NE and 65th Ave NE:
   1. Evaluate traffic flow patterns
   2. Upgrade/modify signage as needed
   3. Evaluate/modify striping and access
   4. Evaluate sight distance

B. Add two pedestrian actuated rectangular rapid flashing beacons for the crosswalk on the south leg of the intersection at 84th Av. NE and NE 145th St.

C. Install a radar speed feedback sign at the following locations:
   1. 80th Av. NE northbound between NE 179th Pl. and NE 185th St.
   2. 80th Av. NE southbound between NE 179th Pl. and NE 185th St.
   3. Simonds Rd. NE northbound between 92nd Av. and NE 151st St.
   4. Simonds Rd. NE southbound between 92nd Av. and NE 151st St.
   5. 73rd Av. NE northbound between NE 181st St. and NE 204th St.
   6. 73rd Av. NE southbound between NE 181st St. and NE 204th St.
   7. Juanita Dr. NE northbound south of the intersection with NE Arrowhead Dr./NE 153rd Pl.
   8. Juanita Dr. NE southbound south of the intersection with NE Arrowhead Dr./NE 153rd Pl.
   9. NE 192nd St. eastbound between 80th Av. NE and 73rd Av. NE
   10. NE 192nd St. westbound between 80th Av. NE and 73rd Av. NE

D. If funds allow, install a speed feedback sign at the following locations:
   1. 80th Av. NE northbound between NE 192nd St and NE 185th St.
   2. 801h Av. NE southbound between NE 192nd St and NE 185th St.



Background: In 2015, the Local Road Safety Plan was created that identified these improvement to enhance safety for pedestrians and bicyclists. One of the most effective and visible traffic calming measures for arterials are speed feedback signs and flashing beacons. These signs and beacons can be mounted at the roadside with direct wired power or solar panel power. There are currently several of these signs and beacons throughout the City. The signs allow for tracking of the effectiveness of the signs, identify locations where speed may be a continuing problem and allow for coordination with the police for targeted high visibility enforcement to supplement the feedback sign's traffic calming effect.

Funding Sources: This project is funded by the WSDOT Highway Safety Improvement Program grant and City funds (10% of the design cost only).

City of Kenmore Transportation Improvement Program

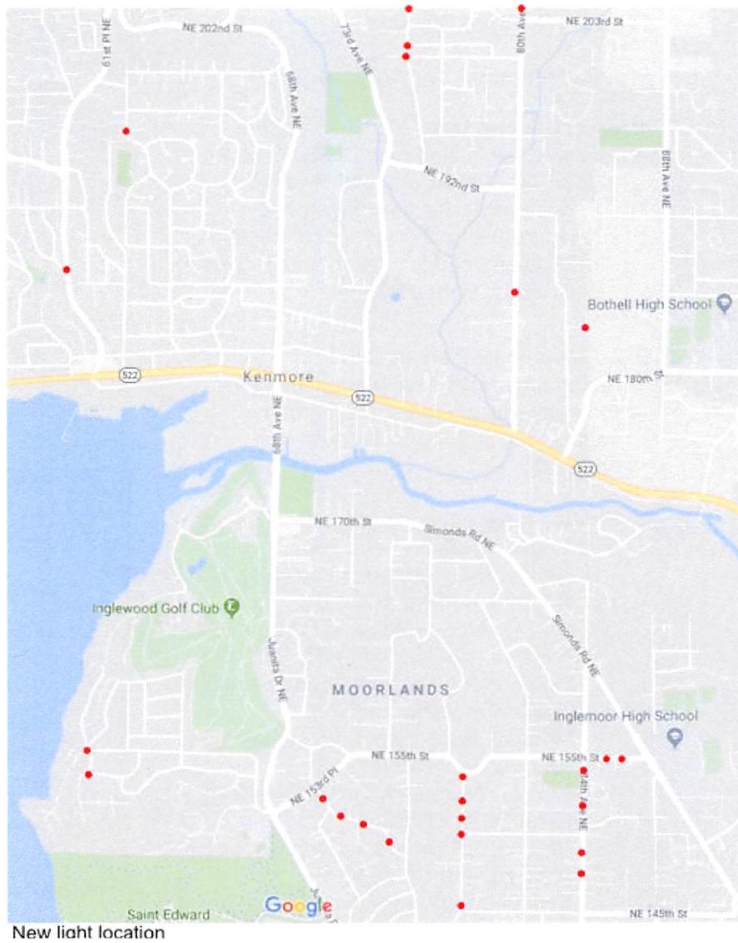
Project Name: 2018 Local Road Safety – Lighting
Project No.: TBD

Project Location: Citywide

Project Manager: Kent Vaughan

Project Description:
Add light emitting diode (LED) lighting to existing power poles (where lighting does not exist now) at the following locations:

1. 83rd Pl. NE between 83rd Av. NE and City Limits
2. 83rd Pl. NE between 83rd Av. NE and City Limits
3. 78th Av. NE between NE 145th St. and NE 155th St.
4. 78th Av. NE between NE 145th St. and NE 155th St.
5. 78th Av. NE between NE 145th St. and NE 155th St.
6. 78th Av. NE between NE 1451h St. and NE 1551h St.
7. 74th Pl NE between 75th Av. NE and NE 150th St
8. NE 150th St. between 74th Pl NE and 70th Av. NE
9. NE 150th St. between 74th Pl NE and 70th Av. NE
10. 70th Av. NE between NE 150th St and NE 153rd Pl.
11. 62nd Av NE and NE 195th St
12. NE 155th St between Simonds Rd NE and 84th Av. NE
13. NE 155th St between Simonds Rd NE and 84th Av. NE
14. 84th Av NE between NE 145th St. and NE 155th St.
15. 84th Av NE between NE 145th St. and NE 155th St.
16. 84th Av NE between NE 145th St. and NE 155th St.
17. 84th Av NE between NE 145th St. and NE 155th St.
18. 75th Av NE and NE 200th St
19. 75th Av NE and NE 201st St
20. 75th Av NE and NE 205th St
21. 80th Av NE and NE 185th St
22. 80th Av NE and NE 205th St
23. NE Arrowhead Dr and 61st Pl NE
24. NE 154th St and 61st Pl NE
25. 61st Av NE and 60th Av NE



New light location

Background: A street lighting program involves a systematic review of street lighting on residential collector roadways. Roads that lack sidewalks, have frequent intersections, horizontal or vertical curves or are heavily vegetated would be higher priority candidates for additional lighting.

Funding Sources: This project is funded by the WSDOT Highway Safety Improvement Program grant and City funds (10% of the design cost only).

City of Kenmore Transportation Improvement Program

Project Name: NE Arrowhead Drive Sidewalks
Project No.: T-27

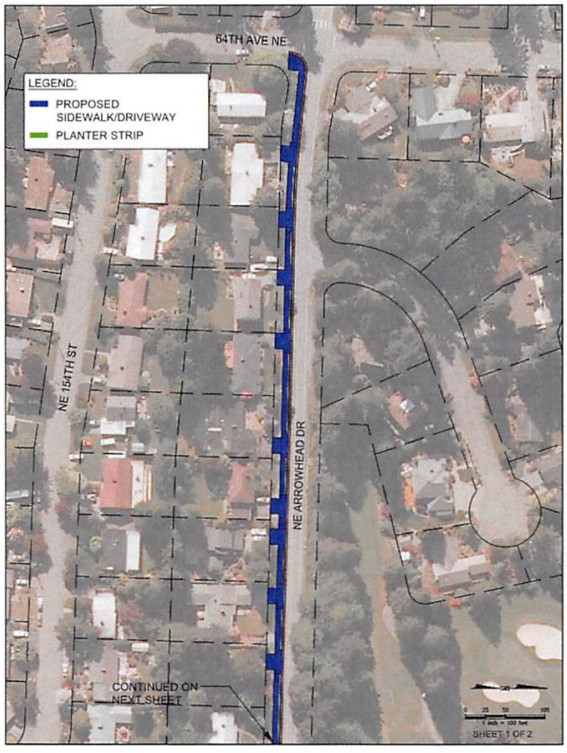
Project Location: NE Arrowhead Drive between NE 151st Street and 64th Avenue NE.

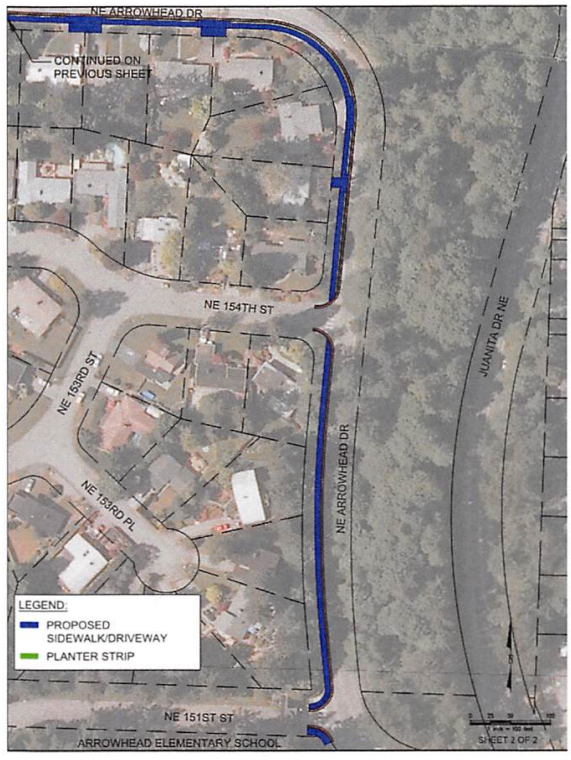
Project Manager: To Be Determined

Project Description: This project builds new sidewalks on west side of NE Arrowhead drive from the Arrowhead Elementary to approximately 1000 feet north.

Background: NE Arrowhead Drive varies from 3-foot wide to 5-foot wide shoulder with two way traffic. NE Arrowhead Drive is a designated walking route for Arrowhead Elementary School students. Sidewalks along this road were identified as a high priority during the neighborhood meetings held for this area as part of the Neighborhood Transportation Program Plan.

Funding Sources: This project is currently unfunded. In May 2018, staff applied for a WSDOT Safe Route to Schools grant to fund this project. Grant results will be announced in the fall of 2018.





Proposed Improvements

City of Kenmore Transportation Improvement Program

Project Name: SR 522 Crossing Study
Project No.: T-43

Project Location: State Route 522 between 61st Ave NE and 68th Ave NE.

Project Manager: John Vicente

Project Description: Type, size, and location study to evaluate potential crossing locations of SR 522 between 61st and 68th Avenues. The alternatives will include both grade-separation and at-grade crossing improvements. All facilities analyzed will consider walking and biking as priority modes, but vehicles will also be considered.

Background: SR 522 currently has signalized crossings located at 68th Ave NE and 61st Ave NE, and no other safe crossings are located between these two intersections, a distance of over 0.5 mile. The north side of SR 522 is composed of several commercial businesses, a mix of single and multi-family housing, the City's downtown and other community destinations (post office, public library, City Hall, parks, etc.). The south side of SR 522 has the Burke-Gilman trail (a regional trail serving several cities and connecting many communities), Kenmore Air, and the future Lakepointe Development (a multifamily/commercial development on 40 acres of lake front property). The proposed crossing would help to connect Downtown Kenmore, community destinations, and the many businesses and residences north of SR 522 with the proposed Lakepointe development, the Burke-Gilman Trail, and Kenmore's waterfront. SR 522 currently serves as a major barrier for north-south mobility in Kenmore, particularly for bicycle and pedestrian travel.

Funding Sources: This project is currently funded with $500K of State appropriated funds.

Study Area

City of Kenmore Capital Improvement Program

Project Name: Lower Swamp Creek Bridge Replacement
Project No.: T-38

Project Location: NE 175th Street/Swamp Creek Crossing

Project Manager: To be determined

Project Description: The bridge over Swamp Creek at NE 175th Street has reaching its expected lifespan and is in need of replacement.

Figure A: Existing Bridge

Background: This structure is on NE 175th Street, adjacent to the Burke Gilman Trail and crosses Swamp Creek. This structure currently is wide enough for two way vehicle traffic. The existing structure is routinely evaluated by the King County, our Bridge Engineering team. Maintenance is provided to the structure as needed. The City's Bridge Inspection Team recommended evaluation of the structure for rehabilitation vs. replacement. A study and alternatives analysis was performed in 2016 that recommended replacement of the bridge within the next 10 years.

Funding Status:
There is no funding set aside for design or construction for a new bridge. Funding sources will be evaluated and proposed during the 2023/2024 budget plan.

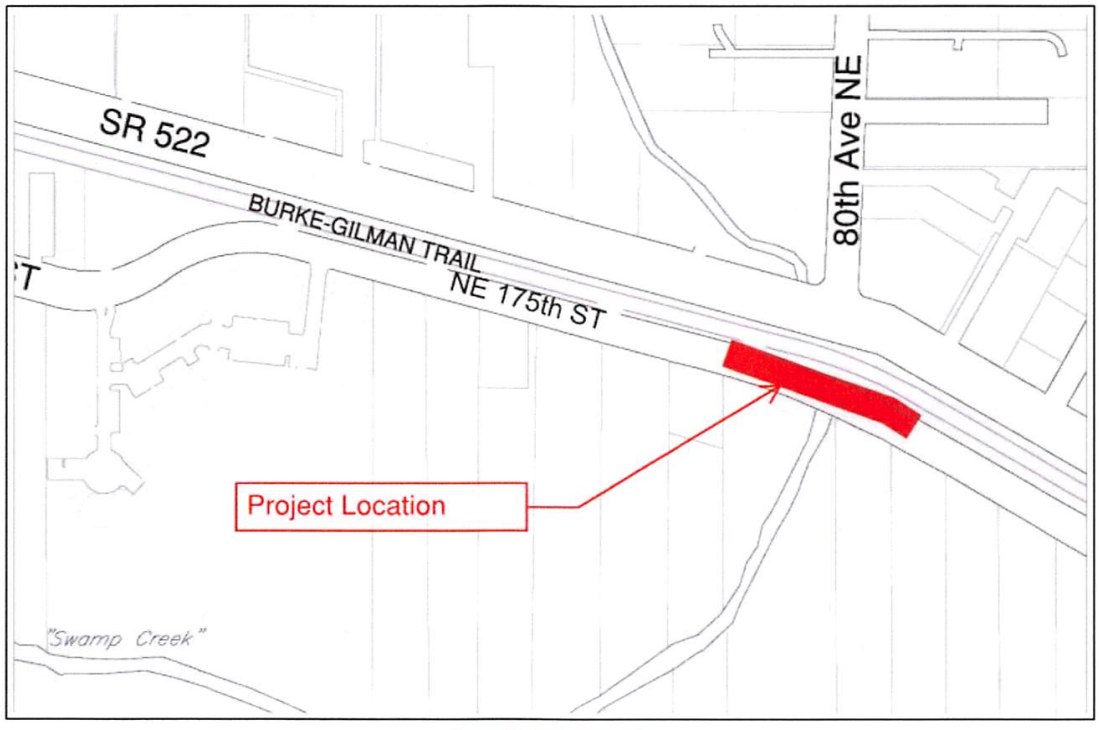


Figure B: Project Location

City of Kenmore Transportation Improvement Program

Project Name: Sidewalk Gap/Replacement Program
Project No.: T-27

Project Location(s): Citywide

Project Manager: Terri Bielenberg

Project Description: These projects are intended to complete gaps in existing sidewalk, replace non-compliant curb ramps and sidewalks at the identified locations throughout the city. Typical projects include new 5-6 foot wide sidewalk and ADA ramp improvements, curb ramp replacement, and sidewalk panel replacement.

Background: The City completed an inventory and assessment of its pedestrian facilities within the right of way. Several locations were identified as not being compliant with the American with Disabilities Act (ADA) standards. Also, filling sidewalk gaps is a cost effective way to improve mobility within the City. Staff will utilize the pedestrian facility inventory completed in 2015 to identify priorities for replacing noncompliant accessible routes and for gaps to propose for projects.

Funding Sources: $100K per year of local City funds are allocated to this project.

Figure A

City of Kenmore Transportation Improvement Program

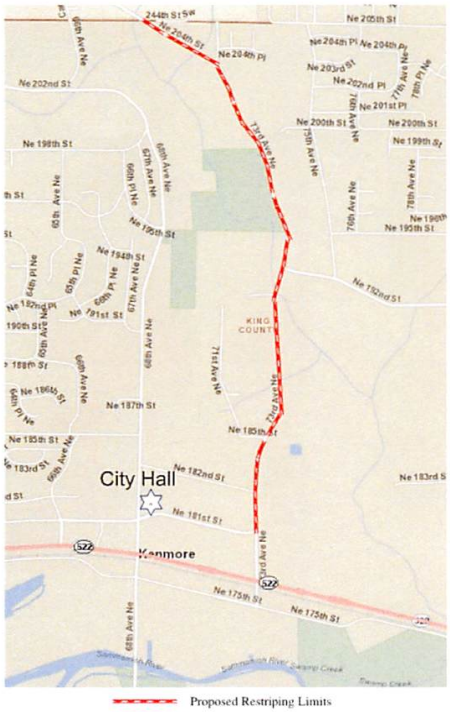
Project Name: 73rd Ave NE Restriping and Widening for Bike Lanes
Project No.: TBD

Project Location: Citywide

Project Manager: Kent Vaughan

Project Description:
This project would provide approximately 7,000 feet of dedicated, buffered bike lanes on both sides of 73rd Avenue NE from NE 181st Street to NE 205th Street. The bike lanes would be separated from vehicle traffic by up to a two-foot wide painted buffer. Existing striping along 73rd Ave NE will be removed and the centerline shifted to allow for sufficient space for a 5-foot bike lane. Additional paving will be required to widen the roadway in locations north of NE 192nd St.

The public will be engaged with the development of this project.

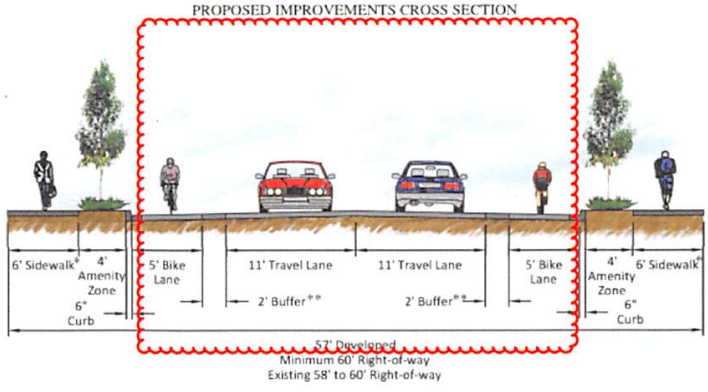


Background: 73rd Avenue NE is a 35 MPH minor arterial connecting the northern part of Kenmore to the City's downtown and commercial areas, parks, the Burke Gilman Trail, and the Kenmore Park and Ride/Transit facility. 73rd Avenue NE also connects with Kenmore Elementary and Kenmore Junior High School.

Shoulders along this corridor are either narrow or have existing on-street parking forcing bicyclist to share the road with vehicles and limiting sight distance for vehicles entering traffic. This creates potential conflicts and increases crash risk for all road users. Cyclists, occupying the outside edge of the roadway, are disproportionately affected by these issues as well as being especially vulnerable to high severity crashes.

This project is currently identified in the Transportation element within the City's Comprehensive plan. And is consistent with the City's current Road Standards

Funding Sources: This project is currently unfunded. This project was submitted to Sound Transit for grant



* Sidewalk currently exists from NE 181st to NE 192nd St
** Bike lane width may vary from 0'-2'

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Consideration of Ordinances 19-0488, 19-0489 and 19-0490 amending the City's Critical Area Regulations and Shoreline Master Program **Proposed Council Action/Motion:** Adopt Ordinances 19-0488, 19-0489 and 19-0490.	**For Council Meeting Agenda of:** 6/17/19 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner Initial & Date Approved by Department Head: PB 6/14/19 Approved by City Attorney: 5/22, 5/24/19 DR email Approved by Finance Director: 6/14/19 Approved by City Manager: KOK Exhibits/Attachments: 1. Ordinance 19-0488 2. Ordinance 19-0489 3. Ordinance 19-0490 4. Docket Criteria Analysis 5. Email from Valerie Smith with Commerce dated 6/10/19 6. Email from Mark McCaskill with Commerce dated 6/12/19 7. Code amendments related to retaining pre-existing PAUE standards

INFORMATION/BACKGROUND:

On June 10, the City Council held a public hearing on Ordinances 19-0488, 19-0489 and 19-0490 (see Attachments 1-3) but tabled final consideration of those ordinances to allow time for staff to communicate with the Department of Commerce about their email received that evening and entered into the hearing record (see Attachment 5). Staff provided detailed information to Commerce staff and, on June 12, held a telephone conference with several of their representatives. The outcome of that meeting was an email received on June 13 from Mark McCaskill, the Departing Managing Director of the Growth Management Services Unit (see Attachment 6). A voicemail from Mr. McCaskill, left for Debbie Bent on June 14 in response to her voicemail and email, confirmed that Commerce was choosing not to submit further comments on the Public Agency or Utility Exception (PAUE) and that their email was neither an endorsement or condemnation of the proposed process.

With regard to the PAUE, the Council could take two approaches: (1) proceed with the amendments, or (2) remove the proposed PAUE amendments by motion—leaving the existing PAUE code section in place without amendment. Minor adjustments to Code sections 18.55.170 C.1.b, 18.55.170 C.2 b and 18.55.180 A.1.b (Variance and Reasonable Use Exception) would be required to remove the word, "new" from the review criteria, as expansions or alterations of existing facilities also could be considered. Attachment 7 is the recommended Code language with this approach.

Staff has included the "docket criteria analysis" (see Attachment 4) referenced in the ordinances.

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.

ATTACHMENT 1

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0488

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON; AMENDING CHAPTER 18.55, CRITICAL AREAS, OF THE KENMORE MUNICIPAL CODE; REPEALING DIVISION II OF TITLE 16, FLOOD DAMAGE PREVENTION, OF THE KENMORE MUNICIPAL CODE; AMENDING CHAPTER 18.20, DEFINITIONS, OF THE KENMORE MUNICIPAL CODE; AMENDING SECTIONS 18.30.190 AND 18.40.030 OF THE KENMORE MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Growth Management Act, Chapter 36.70A RCW (GMA), requires that the City periodically review and revise its development regulations, including its critical areas regulations, to incorporate best available science and conform to State guidelines; and

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

WHEREAS, an update to the City's SMP is underway and must be completed by June 30, 2019, and the City desires to achieve general consistency between its critical area regulations within and outside of the jurisdiction of the SMP; and

WHEREAS, in the summer of 2018, the City began its SMP update to its Shoreline Sub-Element of the Comprehensive Plan and shoreline regulations (SMP Update) and review of its critical area regulations, adopted under Chapter 18.55 of the Kenmore Municipal Code (CAR Amendments) with the assistance of grant funding from Ecology; and

WHEREAS, the City retained Shannon & Wilson, Inc., qualified scientific experts, to 1) identify scientific information, 2) determine the best available science and assess its applicability to relevant critical areas, and 3) assist the City in the SMP Update and CAR Amendments; and

WHEREAS, Shannon & Wilson has assisted the City in developing the SMP Update and CAR Amendments by preparing updated GIS maps of streams and wetlands, geologically hazardous areas and areas of groundwater susceptibility; preparing a gap analysis to identify portions of the critical area regulations and Shoreline Master Program needing amendment; and drafting the CAR Amendments; and

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

ATTACHMENT 1

WHEREAS, consistent with RCW 36.70A.172(1), the City has included the best available science in developing the CAR Amendments to protect the functions and values of critical areas, and the City has given special consideration in the CAR Amendments to conservation or protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, the City has considered the definitions and guidelines adopted in Chapter 365-190 of the Washington Administrative Code (WAC), including WAC 365-195-900 through WAC 365-195-925, "Growth Management Act – Best Available Science", when preparing the CAR Amendments; and

WHEREAS, the City Council has considered the "Best Available Science Evaluation of the proposed Public Agency and Utility Exception (PAUE)," prepared by Shannon & Wilson, Inc., and BERK (Evaluation), and consistent with WAC 365-195-915, the City Council relies upon the analysis and rationales within the Evaluation for any departure from best available science relating to PAUEs; and

WHEREAS, the City desires to consolidate the regulations in Title 16, Division II, Flood Damage Prevention and Chapter 18.55, Article XIX, Flood Hazard Areas into a single section of the Kenmore Municipal Code; and

WHEREAS, the City Council desires to amend Chapter 18.20, Definitions, of the Kenmore Municipal Code to amend and add certain definitions relating to critical areas within the City to more fully protect the values and functions of critical areas; and

WHEREAS, to aid in implementation of the proposed critical area regulations, the City Council desires to amend Sections 18.30.190 and 18.40.030 of the Kenmore Municipal Code; and

WHEREAS, over the past year, the City's Planning Commission has reviewed and revised the proposed critical area regulations amendments; and

WHEREAS, throughout the update process for the CAR Amendments, the City has complied with the requirements of RCW 36.70A.140, and provided early and continuous public participation in the development of the CAR Amendments, including holding a public open house and two public forums; holding public hearings, creating a comprehensive and regularly-updated web page devoted to the update; and maintaining a large mailing list in order to keep interested parties informed; and

WHEREAS, Ecology completed its initial review of the proposed CAR Amendments and submitted comments to the City, and the City has considered and acted upon said comments; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has reviewed the consolidated flood hazard area regulations to ensure consistency with the National Flood Insurance Program; and

ATTACHMENT 1

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

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

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

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

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

WHEREAS, the City Council has considered public testimony and comments, Ecology's comments, and staff and consultant input; and

WHEREAS, the City Council has considered and relied upon the scientific expertise of Shannon & Wilson, Inc., and certain documents and information, including: 1) the Gap Analysis; 2) the City of Kenmore Shoreline Master Program draft shoreline regulations; 3) the City of Kenmore draft critical area regulations; 4) Ecology's Critical Areas Checklist; 5) SEPA Determination of Nonsignificance; 6) Best Available Science Evaluation for the PAUE; and 6) Docket Criteria Analysis; and

WHEREAS, pursuant to RCW 36.70A.020, the City Council has been guided by the GMA planning goals in its adoption of this ordinance; and

WHEREAS, the City Council desires to amend the City's critical area regulations and associated definitions and development regulations; now therefore

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

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

Section 2. Amendment of Chapter 18.55 – Critical Areas. The City Council amends Chapter 18.55 of the Kenmore Municipal Code, "Critical Areas", as set forth in Exhibit 1, attached hereto and incorporated by reference.

ATTACHMENT 1

Section 3. Repealer. The City Council repeals Division II of Title 16, Chapter 16.90 of the Kenmore Municipal Code, "Flood Damage Prevention".

Section 4. Amendments to Chapter 18.20, Definitions. The City Council amends Chapter 18.20 of the Kenmore Municipal Code, "Definitions", as set forth in Exhibit 2, attached hereto and incorporated by reference.

Section 5. Amendments to Sections 18.30.190 and 18.40.030. The City Council amends Sections 18.30.190 and 18.40.030 of the Kenmore Municipal Code, as set forth in Exhibit 3, attached hereto and incorporated by reference.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

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

EXHIBIT 1

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.
18.55.090 Jurisdiction – Critical areas.
18.55.100 Protection of critical areas.

Article II. Best Available Science

18.55.110 Best available science.

Article III. Applicability, Exemptions, and Exceptions

18.55.120 Applicability.
18.55.130 Mapping.
18.55.140 Signs and fencing of critical areas.
18.55.150 Exemptions.
18.55.160 Exception – Public agency ~~and~~or utility.
18.55.170 Variances – Buffer widths and building setbacks.
18.55.180 Exception – Reasonable use.

Article IV. Critical Areas Report

18.55.190 Critical areas reports – Requirements.
18.55.200 Mitigation requirements.
18.55.210 Mitigation sequencing.
18.55.220 Mitigation plan requirements.

Article V. Unauthorized Alterations and Enforcement

EXHIBIT 1

18.55.230 Unauthorized critical area alterations and enforcement.

Article VI. General Critical Area Protective Measures

18.55.250 Notice on title.
18.55.260 Critical area tracts.
18.55.270 Building setbacks.
18.55.280 Bonds to ensure mitigation, maintenance, and monitoring.
18.55.290 Critical area inspections.

Article VII. Wetlands – Designation and Rating

18.55.300 Designation and rating of wetlands.

Article VIII. Wetlands – Additional Report Requirements

18.55.310 Critical areas report.

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

18.55.320 ~~Performance standards – General requirements~~Allowed Uses.
18.55.325 Buffer Width Alterations.
18.55.330 Performance standards – Mitigation requirements.

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 – General~~Alterations.
18.55.430 Performance standards – Mitigation requirements.

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500 Designation of fish and wildlife habitats of importance.

EXHIBIT 1

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 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 XIX. Flood Hazard Areas

Note that this is a complete rewrite of the previous Article XIX

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.

EXHIBIT 1

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 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 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 public or *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.

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

EXHIBIT 1

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.

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), U.S. Army Corps of Engineers *Section 404 permits*, and National Pollut~~ion~~ant 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.

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;

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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 18.55.70~~0~~7, Frequently flooded areas and ~~F~~*flood* damage prevention~~*hazard areas.*~~; and

6. Critical aquifer recharge areas and groundwater as designated in KMC 18.55.800, Designation of groundwater susceptibility and critical aquifer recharge areas.

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;

4. A distance equal to or less than ~~900~~656 feet from the closest nest of a great blue 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.

EXHIBIT 1

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 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 is a list of some maps sources that identify ~~known~~potential *critical areas* located in the *City*:

1. *Wetlands* and *Streams*.

EXHIBIT 1

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 ~~p~~*Priority* ~~h~~*Habitats* and ~~s~~Species ~~maps~~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~~c~~. Anadromous and resident *salmonid* distribution maps contained in the Habitat Limiting Factors Reports published by the Washington State Conservation Commission; and

e~~d~~. Washington State Department of Natural Resources State natural area preserves and natural resource conservation area maps.

3. *Geologically Hazardous Areas.*

a. *City geologically hazardous areas* inventory;

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

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

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

e~~d~~. Washington State Department of Natural Resources slope stability maps.

4. *Flood Hazard Areas.*

EXHIBIT 1

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 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.

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 non*wetland* 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;

EXHIBIT 1

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 ~~land 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 pervious *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;

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 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

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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.

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).

~~B~~C. 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).

~~C~~D. *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 ~~D~~E of this section.

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

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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;

~~2~~3. 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*;

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

EXHIBIT 1

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;

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.

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.

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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 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).

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 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

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 completed ~~or~~ and maintained in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, and to ~~as~~ensure 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.

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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 ~~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.

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 homeowner's' 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.

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

EXHIBIT 1

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.

~~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;

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.

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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.

~~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.*~~

~~1~~4. *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~~110	225
~~Class 2~~Category II	75	~~100~~110	225
~~Class 3~~Category III	60	~~60~~110	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:

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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 cevelopment* techniques
Change in water regime	• Infiltrate or treat, detain, and disperse into *buffer* new runoff from *impervious surfaces* and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense *vegetation* to delineate *buffer* edge and to discourage disturbance using *vegetation* appropriate for the ecoregion • Place *wetland* and its *buffer* in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust

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.*

~~2~~7. 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.~~

~~3~~8. 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*

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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.; or

c. A *degraded wetland buffer* is present. In this case, the standard *buffer* on the entire *site* shall be increased by 33 percent unless new net *impervious surface* between the upland edge of the standard *buffer* and the upland edge of the potentially increased *buffer* equals or is less than 500 square feet or a *buffer* revegetation plan is provided meeting all of the following criteria:

(1) The *buffer* revegetation plan shall be prepared by a *qualified professional* and the *applicant* shall fund a review of the plan by the *City*'s wetland consultant. Enhancements shall include revegetation with native species appropriate for the *site*, and may also include installation of special habitat features, such as snags, downed wood, bat boxes, or other wildlife habitats. The *buffer* revegetation plan shall meet the requirements for a mitigation plan as described in KMC Section 18.55.220, including five years of maintenance and *monitoring* consistent with KMC Section 18.55.280.

(2) The *degraded wetland buffer* shall be enhanced at a 1:1 ratio relative to the total net new *impervious surface* located between the upland edge of the standard buffer and the upland edge of the potentially increased buffer, up to the total on-site square footage of *degraded wetland buffer* outside of any legal *nonconformances*. When the available *degraded wetland buffer* area is exceeded by the new net *impervious surface* area, the remaining required area of revegetation shall be implemented in *degraded wetland*, if present on the *site*.

(3) If the total new net *impervious surface* area between the upland edge of the standard *buffer* and the upland edge of the potentially increased *buffer* exceeds the area of *degraded wetland buffer* outside of any legal *nonconformances* and degraded *wetland*, the applicant should consider opportunities to convert areas of legal *nonconformances* to enhanced *buffer*.

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~~E~~D. 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 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.~~

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Article VIII. Wetlands – Additional Report Requirements

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.

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

~~A~~B. Unless otherwise allowed by this chapter, a~~A~~ctivities 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*.

~~6~~E. 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 wWalkways 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 bioswalesGrass-lined swales and dispersal trenches may be located in the outer 25 percent of the *buffer* area of Category III and IVClass 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*, tThe *buffer* width shall not be reduced by more than 2025 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 ~~class~~category, 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.~~

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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
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

[1]Rehabilitation 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*.

[2]Enhancement 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.

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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 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*~~

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~~*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:

   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.

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.

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, or as revised).

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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.

Article X. Streams and Lakes – Designation and Rating

18.55.400 Designation and rating of streams and lakes.

A. *Stream* and Lake Classifications. *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 ~~1~~S ~~*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*.~~

~~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 non*fish 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, non*fish 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;* or

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

~~B~~C. 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).

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

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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.

F~~B~~. *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 great blue 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*.~~

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

***Stream* Type**	***Buffer* Width (Feet)**
Type ~~1~~S - ~~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
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.~~

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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* 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

~~5~~A. *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*.

~~6~~C. *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 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:

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

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

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~~(1)~~a. Private w~~W~~alkways 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

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.

~~C~~3. 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. 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 – General~~Alterations.

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~~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*.~~

~~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~~

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~~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 demonstrative conclusively in a *critical area* report that all of the following criteria are met:

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.~~

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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
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;

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~~(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.

~~b~~2. 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 ~~wetland~~*critical 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;~~

~~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.~~

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~~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~~F *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*;

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 4~~F *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;

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~~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*.

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

~~2~~1. The project results in a~~n~~ 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.

~~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.

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.

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

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2. Great blue h~~H~~eron 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

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).

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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~~Washington 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~~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*.~~

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

~~c~~b. ~~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.

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

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

(~~2~~1) Establishment of a *buffer* around the fish and wildlife habitat ~~conservation area~~of importance;

(~~3~~2) Retention of certain *vegetation* or areas of *vegetation* critically important to the ~~listed~~ *species* of importance;

(~~4~~3) Limitation of access to the fish and wildlife habitats of importance and *buffer*;

(~~5~~4) Seasonal restrictions on construction activities on the subject property; and

(~~6~~5) Clustering of *development* on the subject property~~; and~~.

~~(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.~~

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~~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.~~

~~(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;~~

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

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

~~G~~A. *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.

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 w~~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 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, *m~~M~~itigation* 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.

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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*.~~

~~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.~~

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

~~B~~A. 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~~.

~~C~~B. *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~~A~~n 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.

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*.~~

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*, landsliding, 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;

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B. *Landslide* hazard;

C. Seismic hazard; and

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

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 ~~*L*~~*landslide hazard areas* are areas ~~potentially subject to~~at 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 1~~0~~6,000 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;

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~~4. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;~~

~~5~~4. Areas potentially unstable because of rapid *stream* incision, *stream* bank *erosion*, and undercutting by wave action; and

~~6~~5. 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:

~~7~~1. 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.

~~C~~D. *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.

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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.

~~D~~E. 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*.

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.

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

~~A~~B. *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

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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.

~~B~~C. *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.

A. *Erosion* ~~and *Landslide*~~ *Hazard Areas*. ~~Activities on *sites* containing *e*~~*Erosion* ~~or *landslide*~~ hazard~~s~~ 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.*

~~5~~3. *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.

~~6~~4.Seasonal Restriction. ~~*Clearing*~~*Site development* work shall be allowed only from May 1st to October 1st of each year; provided, that the ~~*C*~~*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.

~~7~~5. 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.~~

~~8~~6. 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.~~

~~3~~7. *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 certifies~~demonstrating that~~:~~

~~a. T~~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:

~~2~~1. 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*.

~~a~~i. 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.

~~b~~ii. *Buffer* Reduction. The *buffer* may be reduced to a minimum of ~~10~~25 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

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developments and *uses* and the subject *critical area* through slope stability improvements or structural means.

~~c~~iii. 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.~~

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

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

~~a~~i. 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;

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

~~c~~iii. 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.

~~7~~d. 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.

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~~b~~ii. 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.*

~~6~~e. Seasonal Restriction. Permitted ~~*Clearing*~~*site development* work shall be allowed only from May 1st to October 1st of each year; provided, that the ~~*C*~~*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 Washington 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 pedestrian use only, and is a maximum of 4 (four) feet wide;

ii. 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.

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

~~a~~i. 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

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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.

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.

~~10~~h. 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.

~~4~~a. 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:

~~a~~i. 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.

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Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;

~~c~~ii. *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;

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

~~e~~iv. 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;

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

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

~~11~~C. **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*.

~~B~~D. *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.

~~C~~E. 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.

Article XIX. Flood Hazard Areas

(EXISTING ARTICLE XIX IS ENTIRELY REPLACED WITH THE FOLLOWING NEW TEXT)

18.55.700 Purpose.

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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.

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

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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 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

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* 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).

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.

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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:

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.

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 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 non*hazardous 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*.

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*.

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:

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

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.

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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.

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:

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a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the *applicant;* and

c. 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;

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.

~~**18.55.700 Flood hazard areas.**~~

~~A. *Flood hazard areas* consist of the following components:~~

~~1. *Floodplain*;~~

~~2. *Flood fringe*;~~

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3. *Zero-rise floodway*; and

4. *Federal Emergency Management Agency (FEMA) floodway*.

B. 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. In areas where the flood insurance study for the *City* includes detailed *base flood* calculations, those calculations may be used until projections of future flows are completed and approved by the *City*.

18.55.710 Flood fringe – Development standards and permitted alterations.

Development proposals on *sites* within the *flood fringe* area shall meet the following requirements:

A. *Development proposals* shall not reduce the effective *base flood* storage volume of the *floodplain*. *Grading* or other activity which would reduce the effective storage volume shall be mitigated by creating *compensatory storage* on the *site* or off the *site* if legal arrangements can be made to assure that the effective *compensatory storage* volume will be preserved over time. *Grading* for construction of livestock manure storage facilities to control nonpoint source water pollution designed to the standards of and approved by the *City* is exempt from this *compensatory storage* requirement.

B. 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.

C. 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 *zero-rise floodway*, 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 subsections D, E and H of this section;

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 *floodplain* and the *zero-rise floodway*, if determined; and

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~~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:~~

~~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.~~

~~D. New residential *structures* and *substantial improvements* of existing residential *structures* shall meet the following requirements:~~

~~1. The lowest floor shall be elevated to the *flood protection elevation*;~~

~~2. Portions of a *structure* which are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:~~

~~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 if they permit the unrestricted entry and exit of floodwaters;~~

~~3. Materials and methods which are resistant to and minimize flood damage shall be used; and~~

~~4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the *flood protection elevation*.~~

~~E. New nonresidential *structures* and *substantial improvements* of existing nonresidential *structures* shall meet the following requirements:~~

~~1. The elevation requirement for residential *structures* contained in subsection (D)(1) of this section shall be met; or~~

~~2. The *structure* shall be floodproofed to the *flood protection elevation* and shall meet the following requirements:~~

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~~a. The *applicant* shall provide certification 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; and~~

~~b. 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;~~

~~3. Materials and methods which are resistant to and minimize flood damage shall be used; and~~

~~4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the *flood protection elevation*.~~

~~F. All new construction shall be anchored to prevent flotation, collapse or lateral movement of the *structure*.~~

~~G. *Mobile homes* and *mobile home parks* shall meet the following requirements:~~

~~1. *Mobile homes* shall meet all requirements for flood hazard protection for residential *structures*, shall be anchored and shall be installed using methods and practices which minimize flood damage; and~~

~~2. No permit or approval for the following shall be granted unless all *mobile homes* within the *mobile home park* meet the requirements for flood hazard protection for residential *structures*:~~

~~a. A new *mobile home park*;~~

~~b. An expansion of an existing *mobile home park*; or~~

~~c. Any repair or reconstruction of *streets*, utilities or pads in an existing *mobile home park* which equals or exceeds 50 percent of the value of such *streets*, utilities or pads.~~

~~H. Utilities shall meet the following requirements:~~

~~1. New and replacement utilities including, but not limited to, sewage treatment facilities shall be floodproofed to or elevated above the *flood protection elevation*;~~

EXHIBIT 1

~~2. New on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the *base flood elevation*. The installation of new on-site sewage disposal systems in the *flood fringe* may be allowed if no feasible alternative *site* is available;~~

~~3. Sewage and agricultural waste storage facilities shall be floodproofed to the *flood protection elevation*;~~

~~4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and~~

~~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.~~

~~I. *Critical facilities* may be allowed within the *flood fringe* of the *floodplain*, but only when no feasible alternative *site* is available. *Critical facilities* shall be evaluated through the *conditional* or *special use permit* process. *Critical facilities* constructed within the *flood fringe* shall have the lowest floor elevated to three or more feet above the *base flood elevation*. *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 *base flood elevation* shall be provided to all *critical facilities* from the nearest maintained public *street* or roadway.~~

~~J. Prior to approving any permit for alterations in the *flood fringe*, the *City* shall determine that all permits required by State or federal law have been obtained.~~

~~**18.55.720 Zero-rise floodway – Development standards and permitted alterations.**~~

~~A. The requirements which apply to the *flood fringe* shall also apply to the *zero-rise floodway*. The more restrictive requirements shall apply where there is a conflict.~~

~~B. A *development proposal* including, but not limited to, new or reconstructed *structures* shall not cause any increase in the *base flood elevation* unless the following requirements are met:~~

~~1. Amendments to the *flood insurance rate map* are adopted by FEMA, in accordance with 44 CFR 70, 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.~~

EXHIBIT 1

~~C. The following are presumed to produce no increase in *base flood elevation* and shall not require a special study to establish this fact:~~

~~1. New residential *structures* outside the *FEMA floodway* on *lots* in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the *zero-rise floodway* and which have a total building footprint of all proposed *structures* on the lot of less than 2,000 square feet;~~

~~2. *Substantial improvements* of existing residential *structures* in the *zero-rise floodway*, but outside the *FEMA floodway*, where the footprint is not increased; or~~

~~3. *Substantial improvements* of existing residential *structures* meeting the requirements for new residential *structures* in KMC 18.55.710.~~

~~D. Post or piling construction techniques which permit water flow beneath a *structure* shall be used.~~

~~E. All temporary *structures* or substances hazardous to public health, safety and welfare, except for *hazardous household substances* or consumer products containing *hazardous substances*, shall be removed from the *zero-rise floodway* during the flood season from September 30th to May 1st.~~

~~F. New residential *structures* or any *structure* accessory to a residential *use* shall meet the following requirements:~~

~~1. The *structures* shall be outside the *FEMA floodway*; and~~

~~2. The *structures* shall be on *lots* in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the *zero-rise floodway*.~~

~~G. Utilities may be allowed within the *zero-rise floodway* if the *City* determines that no feasible alternative *site* is available, subject to the following requirements:~~

~~1. Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by Seattle/King County public health; and~~

~~2. Construction of sewage treatment facilities shall be prohibited.~~

~~H. *Critical facilities* shall not be allowed within the *zero-rise floodway* except as provided in subsection J of this section.~~

EXHIBIT 1

~~I. Livestock manure storage facilities and associated nonpoint source water pollution facilities designed, constructed and maintained to the standards of and approved in a conservation plan by the *City* may be allowed if the *City* reviews and approves the location and design of the facilities.~~

~~J. *Structures* and installations which are dependent upon the floodway may be located in the floodway if the *development proposal* is approved by all agencies with jurisdiction. Such *structures* include, but are not limited to:~~

~~1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;~~

~~2. Flood damage reduction facilities, such as levees and pumping stations;~~

~~3. Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;~~

~~4. Stormwater conveyance facilities subject to the development standards for *streams* and *wetlands* and the surface water design manual;~~

~~5. *Boat launches* and related recreation structures;~~

~~6. Bridge piers and abutments; and~~

~~7. Other fisheries enhancement or stream restoration projects.~~

~~**18.55.730 FEMA floodway – Development standards and permitted alterations.**~~

~~A. The requirements which apply to the *zero-rise floodway* shall also apply to the *FEMA floodway*. The more restrictive requirements shall apply where there is a conflict.~~

~~B. A *development proposal* including, but not limited to, new or reconstructed *structures* shall not cause any increase in the *base flood elevation*.~~

~~C. New residential or nonresidential *structures* are prohibited within the *FEMA floodway*.~~

~~D. *Substantial improvements* of existing residential *structures* in the *FEMA floodway*, meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in *base flood elevation* and shall not require a special study to establish this fact.~~

~~**18.55.740 Flood hazard areas – Certification by engineer or surveyor.**~~

EXHIBIT 1

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

~~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 engineer or surveyor shall indicate if the *structure* has a *basement*.~~

~~C. The *City* shall maintain the certifications required by this section for public inspection.~~

~~**18.55.750 Channel relocation and stream meander areas.**~~
~~No *structure* shall be allowed which would be at risk due to channel relocation or stream meander until the promulgation of a public rule.~~

Article XX. Groundwater Susceptibility and Critical Aquifer Recharge Areas

(ARTICLE XX IS ENTIRELY NEW TEXT)

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.

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.

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:

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.

EXHIBIT 2

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 ~~a~~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.

EXHIBIT 2

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.

18.20.105~~990~~ 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.

EXHIBIT 2

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~~.

18.20.1~~0201~~125 ~~Federal Emergency Management Agency (FEMA)~~F~~f~~loodway

"~~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 flood*~~*water 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.~~

EXHIBIT 2

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.

EXHIBIT 2

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 surfacewater 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.

EXHIBIT 3

Amendments to other sections of the Zoning Code

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.

EXHIBIT 3

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*.

ATTACHMENT 2

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0489

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

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

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

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

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

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

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

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

ATTACHMENT 2

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 2

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 2

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

Section 2. Adoption of Amendments to the Shoreline Sub-Element of the City of Kenmore Comprehensive Plan. The City Council adopts the amendments to the City of Kenmore Shoreline Sub-Element of the City of Kenmore Comprehensive Plan, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 3. Map Adopted. The City Council adopts revised Figure LU-12, the Shoreline Master Program Environment Designations Map, attached hereto as Exhibit 2, and incorporated by reference.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and pursuant to RCW 90.58.090(7) shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology's written notice of final action approving the shoreline master program amendments.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

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

EXHIBIT 1

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."

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 (~~3~~C) 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.

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).

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;

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 Eenvironment. 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

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.

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.~~2~~3 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.~~2~~3.1 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.~~2~~3.2 Multifamily and multi-lot residential and recreational developments should provide public access and community recreational facilities.

Policy LU-17.~~2~~3.3 Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.

17.~~3~~4 Urban Conservancy Environment

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

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

(A) The shoreline ~~includes wetlands or exceptional riparian corridor that should not be more intensively developed~~is suitable for water-related or water-enjoyment uses and public access and recreation-related water-dependent uses;

(B) The shoreline ~~is in public ownership and has been altered or in public ownership that is small in size and not adjacent to other publicly owned properties~~includes open space, floodplain or other sensitive areas that should not be more intensively developed;

(C) The shoreline has been altered but retains important ecological functions;

(D) The shoreline has potential for ecological restoration or is a restoration priority; or

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

Management Policies

Policy LU-17.~~3~~4.1 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 ~~e~~Environment.

Policy LU-17.~~3~~4.2 New development should be restricted to those which are compatible with the natural and biophysical limitations of the land and water.

Policy LU-17.~~3~~4.3 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.~~3~~4.4 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.~~3~~4.5 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.

Policy LU-17.~~3~~4.6 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.~~3~~4.7 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.~~3~~4.8 New structural flood control devices should be strongly discouraged in the Urban Conservancy Environment.

Policy LU-17.~~3~~4.9 Developments should not be allowed unless connected to a sewer line.

Policy LU-17.~~3~~4.10 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.~~3~~4.11 Standards should be established for shoreline stabilization measures, vegetation conservation, water quality and shoreline modifications within the Urban Conservancy Environment.

Policy LU-17.~~3~~4.12 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.~~4~~5 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 ~~e~~Environment 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.

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.~~5~~6 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.~~5~~6.1 New over-water structures should be limited, with priority given to water-dependent uses, public access and ecological restoration.

Policy LU-17.~~5~~6.2 The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

Policy LU-17.~~5~~6.3 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.~~5~~6.4 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.~~5~~6.5 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.~~5~~6.6 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.

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.

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 ~~e~~Environments.

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

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

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

Policy LU-19.4.1 The City should provide incentives to encourage multi-family and commercial private property owners to provide public shoreline access.

Policy LU-19.4.2 Public pedestrian easements should be required in future shoreline land use actions whenever shoreline features are appropriate for public use.

Policy LU-19.4.3 Shorelines of the state that include but are not limited to any of the following conditions should be considered for pedestrian easements:

a. Where a proposed trail in the ~~Kenmore Trail System~~Parks, Recreation and Open Space Plan, ~~or~~ Downtown ~~Plan Circulation improvement~~Sub-Element or Transportation Element is planned along the shoreline.

b. Areas presently being legally used or historically having been legally used by the public along the shoreline for access.

Policy LU-19.4.4 Public access opportunities identified in the Shoreline Inventory and Characterization should be pursued as feasible over time to increase and improve public access to the shoreline.

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

Policy LU-19.5.1 Viewpoints, lookouts, and vistas of shorelines of the state and wetlands should be publicly accessible.

Policy LU-19.5.2 Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use.

Policy LU-19.5.3 Publicly-owned street ends that abut the shoreline should be retained or reclaimed for public access.

Policy LU-19.5.4 Shoreline recreational facilities and other public access points should be connected by trails, bicycle pathways and other access links where appropriate,

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 ~~A~~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.

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 ~~e~~Environment. ~~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

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 though 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.

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.

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.

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.~~6~~5 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.~~7~~6 Uses or activities that degrade the natural resources of the shoreline should not be allowed.

Policy LU-21.2.~~8~~7 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.

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;

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

9. Activities reducing the functions of buffers.

Policy LU-21.4.2 Kenmore shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, any potential conflicts with adjacent land use, and other relevant factors.

Policy LU-21.4.3 Kenmore may allow compensatory mitigation only after a mitigation sequence is applied consistent with Policy LU-21.3.2. Lower priority mitigation measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Critical Freshwater Habitat

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

Policy LU-21.5.1 Kenmore should establish priorities for protection and restoration, where appropriate, along river corridors and lake shorelines.

Policy LU-21.5.2 Uses and development within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction should be regulated to ensure that no net loss of ecological processes and functions results from new development near freshwaters of the state, including associated hyporheic zones.

Policy LU-21.5.3 Kenmore shall protect ecological functions associated with critical freshwater habitat as necessary to ensure no net loss from shoreline activities and associated changes.

Policy LU-21.5.4 Kenmore should facilitate appropriate restoration projects.

Flood Hazard Areas

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

Water Quality, Stormwater and Nonpoint Pollution

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

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

Geologically Hazardous Areas

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

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

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;

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

aquaculture proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

Policy LU-23.3.10 The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed during the permit review process. Direct and early coordination between the applicant or proponent and the affected tribe should be encouraged.

Policy LU-23.3.11 Kenmore support should be given to ~~State~~Washington Department~~s~~ of Fish~~eries~~ and ~~Game~~Wildlife to improve stream conditions, open new spawning areas, and establish new fish runs.

23.4 Boating facilities

Policy LU-23.4.1 Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:

1. Meet health, safety and welfare requirements;
2. Mitigate adverse aesthetic impacts;
3. Provide public access in new marinas, unless there is a safety or security concern;
4. Limit adverse impacts to shoreline resources from boaters living in their vessels;
5. Ensure no net loss of shoreline ecological processes and functions or other adverse impacts; and
6. Protect the rights of navigation.

Policy LU-23.4.2 The need for additional marinas should be balanced against other shoreline-dependent uses.

Policy LU-23.4.3 Local governments should coordinate in the planning and development of regional marina facilities for multi-jurisdictional use.

Policy LU-23.4.4 Marinas should be located only within the Downtown Waterfront and adjacent Aquatic ~~shoreline e~~Environment~~s~~ 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.

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

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.~~

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.

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.~~6~~5 The use of conventional fertilizers and pesticides in public recreation areas should be minimized or replaced with ecologically friendly landscape management methods.

Policy LU-23.9.~~7~~6 Public recreational shoreline areas should serve as emergency refuge areas for boaters.

Policy LU-23.9.~~8~~7 Visual access to the water should be pursued on steep slopes, at view points from bluffs and stream valleys, and in general where it is consistent with public safety and where extensive flood or erosion protection would not be necessary.

Policy LU-23.9.~~9~~8 The acquisition of public easements to the shoreline should be encouraged.

Policy LU-23.9.~~10~~9 Setbacks should be established for recreational development in the shoreline jurisdiction to protect existing shoreline ecological processes and functions,

provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and protect the visual quality of views of the shoreline.

Policy LU-23.9.11 ~~Existing public recreation shorelines should be restored and, w~~Where possible during park master plan development or redevelopment, ~~Kenmore should~~consideration should be given to revegetateing the shoreline, re-siteing roads and parking areas further away from the shoreline, and removeing stream channelization and shoreline protection devices.

Policy LU-23.9.1~~2~~0 Prime fishing areas should be given priority and protected for recreational use.

Policy LU-23.9.1~~3~~1 Boating activities that increase shore erosion should be discouraged.

Policy LU-23.9.1~~4~~2 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;

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.~~9~~7 In residential developments, the water's edge should be kept free of fences.

Policy LU-23.10.~~10~~8 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.~~12~~9 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-23.10.1~~3~~0 Residential developments should be permitted only where there are adequate provisions for utilities, circulation, access, site layout and building design.

Policy LU-23.10.1~~4~~1 Residential development plans submitted for approval should contain provisions for protection of groundwater, erosion control, water quality, aesthetic characteristics and landscaping.

Policy LU-23.10.1~~5~~2 Subdivisions should provide public pedestrian access to the shorelines within the development in accordance with this Master Program.

Policy LU-23.10.1~~6~~3 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.

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 e~~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.~~6~~5 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.~~7~~6 Shoreline transportation facilities should be designed, located and maintained to fit the topography, minimize cuts and fills, and minimize erosion.

Policy LU-23.11.~~8~~7 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.~~9~~8 Shoreline roadways should have a high priority for arterial beautification funds.

Policy LU-23.11.~~10~~9 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-23.11.1~~1~~0 Passenger only ferry facilities should be encouraged.

Policy LU-23.11.1~~2~~1 Abandoned road or railroad rights-of-way that contain unique shoreline amenities should be acquired for public benefit.

Policy LU-23.11.1~~3~~2 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.

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.~~6.9~~12.9 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

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

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

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.

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.~~20~~19 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-24.2.2~~1~~0 If structural shoreline stabilization measures are demonstrated to be necessary, Kenmore shall limit the size of stabilization measures to the minimum necessary.

Policy LU-24.2.2~~2~~1 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-24.2.2~~3~~2 Adverse impacts of erosion and mass wasting should be mitigated through protection of geologically hazardous areas.

24.3 ~~Piers and Docks~~Water Access Structures

Policy LU-24.3.1 Kenmore shall allow new ~~piers and docks~~water access structures only for water-dependent uses or public access. If it is designed and intended solely as a facility for access to watercraft, a dock or pier associated with a single-family residence is considered a water-dependent use.

Policy LU-24.3.2 Kenmore shall require ~~pier and dock~~water access structure construction to be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.

Policy LU-24.3.3 Kenmore may allow water-related and water-enjoyment uses as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the structure is the minimum size required to serve the water-dependent use.

Policy LU-24.3.4 Kenmore shall allow new ~~pier or dock construction~~water access structures~~, excluding docks accessory to single-family residences,~~ only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. Applicants for new piers and docks accessory to single-family residences are not required to demonstrate need.

Policy LU-24.3.5 Kenmore shall require new residential development of two or more dwelling units to provide community pier or dock facilities, when feasible, rather than individual piers or docks for each dwelling unit. Kenmore shall allow only one pier or dock associated with residential development on a parcel.

Policy LU-24.3.6 Kenmore shall require ~~piers and docks~~water access structures, including those accessory to single-family residences, to be designed and constructed to avoid and then minimize and mitigate the adverse impacts to ecological processes and functions. ~~Piers and docks~~Water access structures should be constructed of non-toxic materials. Where toxic materials, such as treated wood, are proposed, the proponent must show that no non-toxic alternative exists.

Policy LU-24.3.7 Open pile pier construction should be preferred on Lake Washington where scenic values will not be impaired and where there will be no net loss of ecological processes and functions.

Policy LU-24.3.8 ~~Floating pier~~Dock construction should be preferred in those areas where scenic values are high and on the Sammamish River.

Policy LU-24.3.9 ~~Piers and docks~~Water access structures should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by ~~pier~~water access structure construction.

Policy LU-24.3.10 Preference should be given to shared use of ~~piers~~water access structures in all shoreline areas.

Policy LU-24.3.11 Temporary moorages should be permitted for vessels used in the construction of shoreline facilities. The design and construction of such moorages shall be such that upon termination of the project the aquatic life can be returned to

their original condition within one year at no cost to the environment or the public.

Policy LU-24.3.12 Shoreline structures that are abandoned or structurally unsafe should be abated.

Policy LU-24.3.13 Substantial additions or alterations, including, but not limited to, substantial developments, should be in conformance with the policies and regulations set forth in the Shoreline Master Program.

Policy LU-24.3.14 ~~Piers and docks~~Water access structures should not interfere with navigation.

24.4 Fill

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

Policy LU-24.4.1 Kenmore shall require fill to be located, designed, and constructed to protect shoreline ecological processes and functions and ecosystem-wide processes, including channel migration, stream meander and side channels. Mitigation shall be required consistent with Policy LU 21.3.2.

Policy LU-24.4.2 Kenmore shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:

1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
5. Expansion or alteration of SR 522 in the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects and flood risk reduction projects.

Policy LU-24.4.3 Kenmore shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use except ecological restoration and maintenance, repair and replacement of flood protection facilities.

Policy LU-24.4.4 Fill should be deposited so as to minimize disruption of normal surface and ground water passage.

Policy LU-24.4.5 Fill should allow surface water penetration into the ground water supply where such conditions existed prior to fill.

Policy LU-24.4.6 Fill within the 100-year floodplain should not reduce the river channel or floodplain water storage capacity, reduce the channel migration zone, or in any way increase flood hazard so as to endanger public safety.

Policy LU-24.4.7 Land should be filled only after some ultimate use of the property is approved by Kenmore in accordance with the Comprehensive Plan and this Shoreline Master Program.

Policy LU-24.4.8 Fill should be done at such time as to minimize damage to ecological processes and functions.

Policy LU-24.4.9 Beach nourishment areas may be established by Kenmore on Lake Washington.

24.5 Breakwaters, Groins and Weirs

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

Policy LU-24.5.1 Kenmore shall allow breakwaters and weirs located waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

Policy LU-24.5.2 Groins are prohibited except as a component of a publicly-sponsored project to protect or restore shoreline ecological processes and functions.

Policy LU-24.5.3 Kenmore shall require a shoreline conditional use permit for the construction of breakwaters, groins, weirs, and similar structures, except for those structures installed to protect or restore ecological processes and functions, such as woody debris installed in streams.

Policy LU-24.5.4 Breakwaters, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in General Shoreline Management Policies for Conservation – Critical Areas (Policy LU-21.3.2) and WAC 173-26-201(2)(e).

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.~~

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 e~~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 Eenhancement

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.

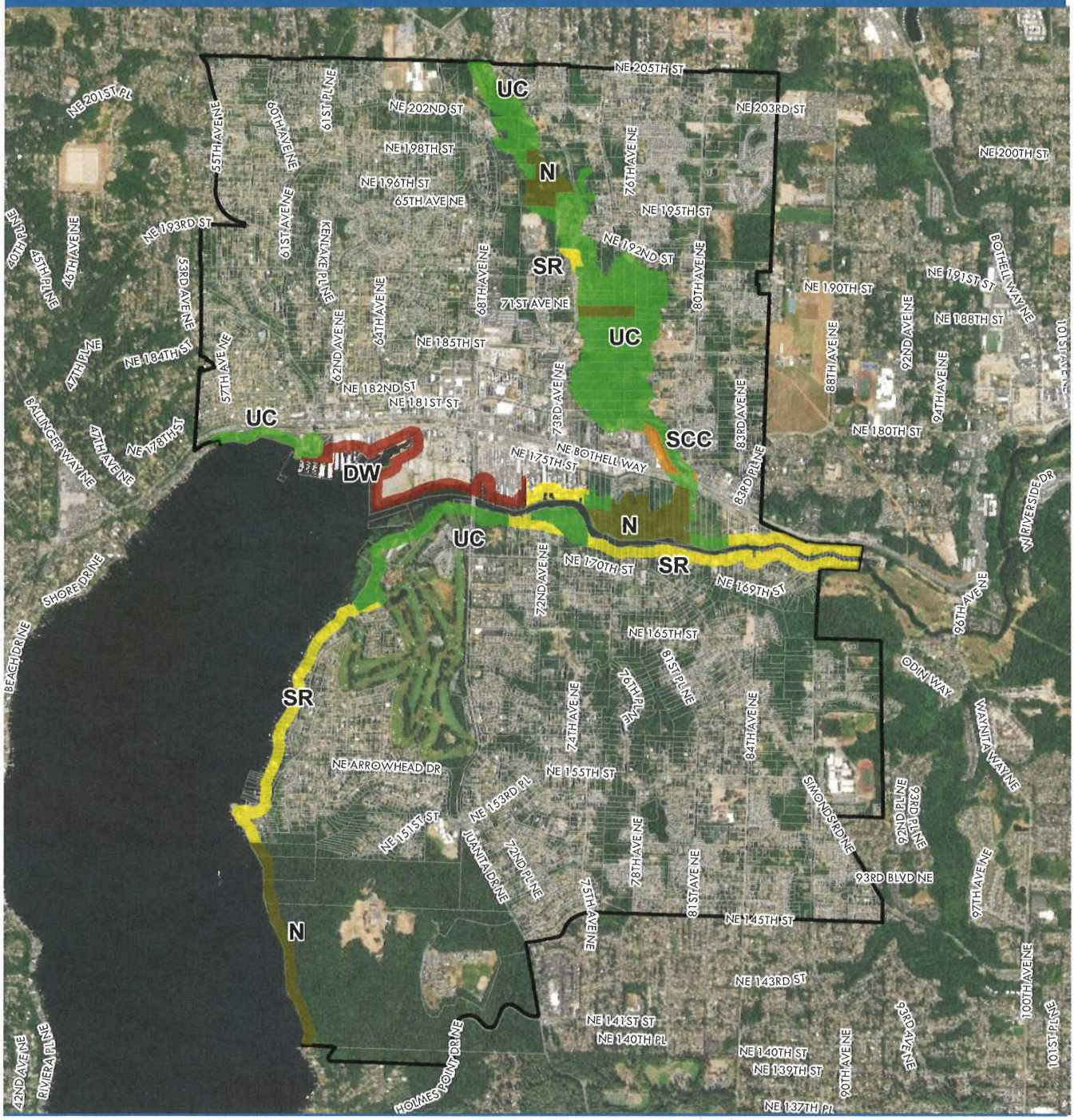
EXHIBIT 1

(Insert Revised Shoreline Map)

Figure LU-12

Exhibit 2

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.

N

0 0.25 0.5

Miles

Sources: City of Kenmore, 2018.

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

Map Date: March 2019

ATTACHMENT 3

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0490

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

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

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

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

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

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

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

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

ATTACHMENT 3

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 3

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

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

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

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

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

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

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

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

Section 2. Amendment of Title 16 KMC; Adoption of Shoreline Master Program Development Regulations. The City Council amends Title 16 of the Kenmore Municipal Code and adopts the City of Kenmore Shoreline Master Program Shoreline Regulations, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 3. Map Adopted. The City Council adopts revised Map 1, Shoreline Environment Designations Map, attached hereto as Exhibit 2, and incorporated by reference.

ATTACHMENT 3

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and pursuant to RCW 90.58.090(7) shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology's written notice of final action approving the shoreline master program amendments.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

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

EXHIBIT 1

Title 16
~~ENVIRONMENT~~SHORELINE MANAGEMENT

Chapters:

~~Division I. Shoreline Management~~

16.05 Shoreline Management Code – Purpose and Scope

16.10 Definitions

16.15 Shoreline Environment Designations

16.20 Downtown Waterfront Environment

16.23 Swamp Creek Commercial Environment

16.25 Shoreline Residential Environment

16.30 Urban Conservancy Environment

16.35 Natural Environment

16.40 Aquatic Environment

16.45 General Shoreline Development Standards

16.50 Shoreline Uses

16.55 Shoreline Modifications

16.60 Vegetation Conservation

16.65 Shoreline Density and Dimensions

16.68 Signs

16.70 Subdivisions

16.75 Procedures

~~Division I. Shoreline Management~~

EXHIBIT 1

Chapter 16.05

SHORELINE MANAGEMENT CODE – PURPOSE AND SCOPE

Sections:

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

16.05.010 Purpose.

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

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

16.05.020 Citation.

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

16.05.030 Scope.

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

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

EXHIBIT 1

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;~~

EXHIBIT 1

~~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).~~

EXHIBIT 1

~~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).~~

EXHIBIT 1

~~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).~~

~~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.

1

~~Certain c~~*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 ~~2012~~2019 ~~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.

EXHIBIT 1

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.
16.10.0~~20~~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.
16.10.175 Ell.
16.10.178 Feasible.
16.10.180 Fill.
16.10.185 Fish and wildlife habitats ~~area~~ of importance.
16.10.190 Float.

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16.10.200 Floating home.

16.10.210 Floodplain.

16.10.220 Floodway.

16.20.225 Geotechnical report or geotechnical analysis.

16.10.230 Grading.

~~16.10.235 Government services.~~

16.10.240 Groin.

~~16.10.250 Hatchery.~~

16.10.260 Height.

16.10.270 Jetty.

16.10.275 Live-aboard.

16.10.280 Marina.

~~16.10.285 Manufacturing uses.~~

16.10.~~310~~285 No net loss.

16.10.290 Nonconforming structure.

16.10.300 Nonconforming use.

16.10.320 Non-water-oriented uses.

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

~~16.10.340 Open space, required.~~

16.10.350 Ordinary high-water mark.

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

16.10.360 Pier.

~~16.10.370 Port.~~

16.10.375 Ramp

16.10.380 Recreational development.

16.10.390 Redesignation.

~~16.10.395 Residential development.~~

16.10.400 Restoration.

~~16.10.410 Riprap.~~

16.10.420 Sediment.

~~16.10.430 Shall.~~

~~16.10.440 Should.~~

16.10.~~45~~040 Shorelands.

16.10.445 Shoreline buffer.

16.10.460 Shoreline environment.

16.10.470 Shoreline Master Program.

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16.10.480 Shoreline modifications.
16.10.500 Shoreline stabilization.
16.10.510 Shorelines.
16.10.520 Shorelines of statewide significance.
16.10.530 Shorelines of the State.
16.10.540 Sign.
~~16.10.550 Significant vegetation removal.~~
16.10.560 Solid waste.
16.10.570 Substantial development.
~~16.10.580 Utilities and utility facilities.~~
16.10.575 Water access structure.
16.10.590 Water-dependent use.
16.10.6~~1~~00 Water-enjoyment use.
16.10.6~~2~~10 Water-oriented use.
16.10.6~~0~~20 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

EXHIBIT 1

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

16.10.0~~20~~38 Applicant.

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

16.10.040 Aquaculture.

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

16.10.050 Associated wetlands.

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

16.10.060 Average grade level.

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

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

~~16.10.070 Backfill.~~

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

16.10.080 Berm.

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

16.10.083 Boat launch.

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

16.10.085 Boating facility.

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

16.10.090 Breakwater.

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

16.10.100 Bulkhead.

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

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16.10.105 Channel migration zone.

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

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.~~

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16.10.110 Critical areas.

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

~~16.10.115 Critical freshwater habitat.~~

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

16.10.120 Department.

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

16.10.130 Development.

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

~~16.10.140 Director.~~

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

16.10.150 Dock.

"Dock" means ~~all platform structures or anchored devices in or~~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.

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16.10.160 Dredging.

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

16.10.170 Ecological functions.

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

16.10.173 Ecosystem-wide processes.

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

16.10.175 Ell.

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

16.10.178 Feasible.

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

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

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

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

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

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

16.10.180 Fill.

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

16.10.185 Fish and wildlife habitats ~~area~~ of importance.

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

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

~~B. Heron rookeries or active nesting trees; or~~

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

~~D. Type 1 streamsS 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~~

EXHIBIT 1

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

16.10.210 Floodplain.

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

16.10.220 Floodway.

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

16.20.225 Geotechnical report or geotechnical analysis.

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

EXHIBIT 1

16.10.230 Grading.

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

~~16.10.235 Government services.~~

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

16.10.240 Groin.

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

~~16.10.250 Hatchery.~~

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

16.10.260 Height.

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

16.10.270 Jetty.

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

EXHIBIT 1

16.10.275 Live-aboard.

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

16.10.280 Marina.

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

~~16.10.285 Manufacturing uses.~~

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

16.10.~~310~~285 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.

EXHIBIT 1

16.10.320 Non-water-oriented uses.

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

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

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

~~16.10.340 Open space, required.~~

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

16.10.350 Ordinary high-water mark.

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

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

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

EXHIBIT 1

16.10.360 Pier.

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

~~16.10.370 Port.~~

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

16.10.375 Ramp.

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

16.10.380 Recreational development.

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

16.10.390 Redesignation.

"Redesignation" means a change in the *shoreline environment designation* by the procedures provided in Chapter 16.75 KMC.

~~16.10.395 Residential development.~~

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

EXHIBIT 1

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

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

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

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

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

16.10.400 Restoration.

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

~~16.10.410 Riprap.~~

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

16.10.420 Sediment.

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

~~16.10.430 Shall.~~

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

~~16.10.440 Should.~~

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

16.10.4~~50~~40 Shorelands.

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

EXHIBIT 1

16.10.445 Shoreline buffer.

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

16.10.460 Shoreline environment.

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

16.10.470 Shoreline Master Program.

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

1. Shoreline management goals and policies contained in the shoreline subelement of the Kenmore comprehensive plan. The shoreline management goals and policies constitute the official policy of Kenmore regarding areas of the City subject to shoreline management jurisdiction under Chapter 90.58 RCW;

2. The shoreline regulations specified in this chapter.

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

1. The shoreline protection and *restoration* plan;

2. The cumulative impacts analysis, which provides a mechanism for examining the success of meeting the requirement for *no net loss* of *ecological functions*;

3. The Shoreline Master Program checklist and public involvement process, which shows how Kenmore meets the procedural requirements for updating the Shoreline Master Program; and

4. The shoreline inventory and characterization, which includes data and analytic methods used to develop Kenmore's shoreline inventory and shoreline characterization.

16.10.480 Shoreline modifications.

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

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

16.10.500 Shoreline stabilization.

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

16.10.510 Shorelines.

"Shorelines" means lakes greater than 20 acres and rivers and streams with a minimum of 20 cubic feet per second mean annual flow, including the entire water body waterward from the *ordinary high-water mark* from its centerline or point, all water below the surface and associated *shorelands*. Kenmore shorelines are shown on the adopted map entitled Kenmore Shoreline Environment Designations (attached to Ord. ~~12-033~~19-0490 as Exhibit 2, and incorporated by reference). If there is a discrepancy between the map and the criteria established in this section, the criteria shall constitute the official Kenmore shoreline jurisdiction.

16.10.520 Shorelines of statewide significance.

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

16.10.530 Shorelines of the State.

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

16.10.540 Sign.

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

EXHIBIT 1

~~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 vactor 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.

EXHIBIT 1

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.

16.10.6~~1~~00 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.

16.10.6~~2~~010 Water-oriented use.

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

16.10.6~~0~~20 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,

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:

EXHIBIT 1

A. Downtown Waterfront Environment.

B. Swamp Creek Commercial Environment.

C. Shoreline Residential Environment.

~~C~~D. Urban Conservancy Environment.

~~D~~E. Natural Environment.

~~E~~F. 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)

EXHIBIT 1

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~~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:

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.

EXHIBIT 1

16.30.010 Purpose.

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

16.30.020 Designation criteria.

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

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

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

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

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

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

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

Chapter 16.35

NATURAL ENVIRONMENT

Sections:

16.35.010 Purpose.
16.35.020 Designation criteria.

EXHIBIT 1

16.35.010 Purpose.

The purpose of the Natural Environment is to protect public shoreline areas that include ecologically intact or minimally altered *shorelines*. Only low intensity uses are to be allowed in this eEnvironment 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.

EXHIBIT 1

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~~

~~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.

EXHIBIT 1

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 *applicant*s; 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

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

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 ~~R~~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

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 environment~~s~~ designations* and whether it is permitted outright or allowed only as a shoreline conditional use. The process through which a use or development may be permitted is defined under procedures in Chapter 16.75 KMC.

B. In the table, *shoreline environment~~s~~ 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.

EXHIBIT 1

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," or "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*	P2~~5~~	P2	~~P6~~X	P~~6~~2,18	~~P7~~X	~~C5~~X
Arts, entertainment, outdoor	P2	P2	X	P2	P6	X
Auction house	X	X	X	X	X	X
Automotive sales and service, marine	P2	P2	X	X	X	U3
Automotive sales and service, non-marine	X	X	X	X	X	X
Business service, intensive	X	X	X	X	X	X
Business service~~s~~, standard	P2~~, X2~~	P2	X	~~P2, 3,~~ X~~2~~	X	~~C2~~X
Cemetery, columbarium or mausoleum	X	X	X	X	X	X
College/university	P3	P3	P3	P3	X	U
Community residential facility	P2	P2	P	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

EXHIBIT 1

Shoreline Use Table

KEY **P** – Permitted Use **C** – Shoreline Conditional Use **X** – Prohibited Use **U** – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Educational service	P2	P2	P2	P2	X	X
Family child-care home	X	X	P	X	C	X
~~Golf course~~	~~X~~		~~X~~	~~C~~	~~X~~	~~X~~
~~Government services~~*Fire or police facility*	P43	P3	P43	~~P~~C43	~~P4~~X	~~C4~~U
Funeral home/crematory	X	X	X	X	X	X
Health care and social assistance	P2,15	P2,15	X	P2,15	X	X
Hospital	X	X	X	X	X	X
Laboratory	P2	P2	X	X	X	X
Manufacturing, ~~uses~~*heavy*	~~P2~~X	X	X	X	X	X
Manufacturing, light	P2	P2	X	X	X	X
Marijuana business	P2	P2	X	X	X	X
Marijuana cooperative	X	X	X	X	X	X
~~Marina (recreational boat moorage)~~	~~P8~~		~~X~~	~~P~~	~~X~~	~~P~~
Mobile food service	P2	P2	X	P2	X	P43
~~Mobile home park~~*Manufactured housing community*	X	X	C16	X	X	X
Multiple-family d~~D~~*welling*~~, multiple-family~~. See also KMC Section 16.50.090.	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~~	C~~11~~10	C10	C~~11~~10	C~~11~~10,12	C~~11~~10,12	C~~11~~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, X2~~18	X	~~C2~~X
Retail sales, bulk	X	P2	X	X	X	X
Secure facility	X	X	X	X	X	X
~~Signs~~	~~P15~~		~~P15~~	~~P15~~	~~P15~~	~~P15~~

EXHIBIT 1

Shoreline Use Table

KEY **P** – Permitted Use **C** – Shoreline Conditional Use **X** – Prohibited Use **U** – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Single detached d~~D~~welling 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.	C~~16~~13	X	X	X	X	X
~~Group residences~~*Supportive living facility*	P2	P2	P	~~P~~X	~~C~~X	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.	P~~13~~11	P11	P~~13~~11	P~~13~~11	P~~13~~11	~~X~~P3,11
~~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**~~					

EXHIBIT 1

Shoreline Use Table

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

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

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

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.

~~4~~3. Only the *water-dependent* portion of the use shall be allowed in the *shoreline environment*~~, except as provided in this section for utility uses~~.

~~5~~4. In the Downtown Waterfront and ~~Aquatic~~Swamp 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.

~~6~~5. 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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~~7~~6. 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.

~~8~~7. 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.

~~9~~8~~. 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.~~

~~10~~9. 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*.

~~11~~10. 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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~~13~~11. 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.

~~14~~12. 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.~~

~~16~~13. Commuter parking ~~may~~ only, and only ~~be allowed~~ if it is designed to serve a passenger ferry system.

~~17~~14. 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 insert effective 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.~~

~~2~~1. ~~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*.

~~3~~2. 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.

~~4~~3. Accessory ~~P~~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.

~~5~~4. *Piers*, *floats*, pilings, *breakwaters*, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable *shoreline environment*.

~~6~~5. *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.

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.

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

~~C~~E. 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.

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

~~E. Trails and other *public access* improvements are subject to the standards for recreational uses in KMC 16.65.020 and the vegetation management standards in KMC 16.60.020(B).~~

~~F~~G. 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 ~~R~~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

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 migrat~~ory~~ion habitat;

B. Water intakes shall not be permitted near fish spawning, migrat~~ory~~ion, 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.

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

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

~~C~~D. 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.~~

~~D~~E. 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.

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:

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, ~~T~~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 **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	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
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 **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	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Dock or *pier* – Public	P	X	P	P	C	U
Dock or *pier*– Commercial	P	X	X	X	X	U
Floatplane lifts	C9	X	C	C	X	U
Watercraft lifts (including jet ski lifts)	P	X	P	X	X	U
Other *floats* and moorage buoys	P	X	P	P	P8	U
Repair or replacement of existing *water access structures*	P	P	P	P	P	P
Fill. See also KMC Section 16.55.060.						
~~Filling~~Upland outside of *floodplain*	P~~5, C5~~	P	P~~5, C5~~	P~~5, C5~~	C~~5~~	~~C5~~NA
Upland inside of *floodplain*	P	C	C	C	C	NA
Waterward of the *ordinary high-water mark*, *restoration*	NA	P	P	P	P	P
Waterward of the *ordinary high-water mark*, non-*restoration*	NA	C	C	C	C	C
Breakwaters, jetties, groins, and weirs						
Breakwaters, *jetties*, *groins* and weirs	C~~6~~5	C5	C~~6~~5	C~~6~~5	C~~6~~5	C~~6~~5
Grading and dredging. See also KMC Section 16.55.060.						
~~Grading, dredging, dredge material disposal~~	~~P5, C5~~		~~P5, C5~~	~~P5, C5~~	~~C5~~	~~C5~~
Dredging	NA	P	P	P	P	P
Grading	P	P	P	P7	C	NA

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Shoreline Modifications Table

KEY **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	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
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~~7~~6	P6	P~~7~~6	P~~7~~6	P~~7~~6	P~~7~~6

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.~~

~~6~~5. *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.

~~7~~6. Shoreline habitat and natural systems enhancement projects may include *shoreline modifications* of vegetation, removal of nonnative or invasive plants, and *shoreline stabilization*, including the installation of large woody debris, *dredging* and filling, provided the primary purpose is clearly *restoration* of the natural character and *ecological functions* of the shoreline. Mitigation actions identified through biological assessments required by the NOAA Fisheries Service and applied to

flood hazard mitigation projects may include *shoreline modifications* of vegetation, removal of nonnative or invasive plants, and *shoreline stabilization*, including the installation of large woody debris, *dredging* and filling.

7. *Grading* in the Urban Conservancy Environment is only permitted to support *public access*, *restoration*, or *water-oriented uses*. Otherwise, a conditional use permit shall be required.

8. *Floats* and moorage buoys are only permitted waterward of the Natural Environment designation in Lake Washington.

9. Except floatplane lifts associated with a regional land use such as Kenmore Air Harbor which are permitted outright.

16.55.040 Shoreline stabilization.

Shoreline stabilization may be permitted subject to the standards in this chapter, provided:

A. The *applicant* has demonstrated the following in order to construct new *shoreline stabilization*, including additions to, or increases in size of, existing *shoreline stabilization* measures:

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 facilities~~Water access structures.

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

~~B~~1. Any ~~dock, pier, moorage, buoy, float or launching facility~~*water 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; ells may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center; or ells may be up to six feet wide by 26 feet long with grating over the entire ell;~~

~~e. Floats are allowed only over water with depths of 10 feet or greater at the landward end of the float; and floats may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center;~~

~~f. In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark;~~

~~g. The first (nearest shore) piling shall be steel, four-inch piling and at least 18 feet waterward of the ordinary high water mark. Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter;~~

~~h. Piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate or comparably toxic compounds. If ammoniacal copper zinc arsenate pilings are proposed, the~~

~~applicant will meet all of the best management practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers; and~~

~~i. When steel piles are installed, approved sound attenuation measures must be used.~~

~~10~~2. Existing habitat features (e.g., large and small woody debris, ~~substrate materials~~spawning gravel, etc.) shall be retained to the maximum extent practicable and new or expanded ~~moorage facilities~~*water access structures* placed to avoid disturbance of such features. Mitigation is required where habitat features cannot be avoided or when habitat features are removed to address navigation or access requirements.

~~11~~3. 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.

~~12~~4. 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.

~~13~~5. 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*.

~~15~~6. 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;~~

(~~7~~6) The total overwater coverage of the *piers*, *floats*, *ramps*, *ells*, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and

(~~8~~7) 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.

~~14~~7. 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.~~

~~16~~8. No dwelling unit may be constructed on a *dock* or *pier*.

B. Any *pier*, *dock*, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements:

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
General	• No skirting is allowed on any structure. • When steel piles are installed, approved sound attenuation measures must be used. • Only one *dock* or *pier* 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. • 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*.	

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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	Residential • 4 ft. for *pier or dock* • 4 ft. for *ramp* • 6 ft. for *ell* and *float* Public or Commercial • 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*.	Residential • 4 ft. for *ramp* • 6 ft. for *float* Public or Commercial • 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 *ordinary high-water mark.*	thus 20 ft., 40 ft., 60 ft., and 80 ft. for facilities serving 1, 2, 3 and 4 residential units, respectively. *Floats* may be perpendicular to shore only within existing embayments off of the main river channel. • Public or commercial *docks* should be no longer than 80 feet unless project-specific justification of need is provided. • *Ramps* shall be the minimum length necessary to provide safe access to the *float* and to position the *float* so that the *float* and a moored boat would not ground on the substrate or disturb the substrate by boat propeller action.
Decking and Material Standards	• *Ramps* and *piers*, including *ells* and perpendicular fingers, shall be fully grated. • *Floats* 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 *float* area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations.	• *Floats* 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 *float* area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations. • *Ramps* 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 *ordinary high-water mark* are *piers* and *ramps.*	• *Floats* shall be located no less than 5 feet and no more than 10 feet from the *ordinary high-water mark* measured from the landward edge of the *float*. 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 *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 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.

~~C~~D. 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

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

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*.

C~~B~~. 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.

D~~C~~. Nonnative vegetation may be removed as part of a *restoration* or enhancement project if replacement plantings will provide greater benefit to shoreline ecological processes than would be provided by strict application of this chapter.

E~~D~~. 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.

F~~E~~. Landscaping plans for *shoreline buffers* should avoid adverse impacts on existing public views of the shoreline.

G~~F~~. Vegetation management in *shorelines* shall be consistent with the requirements for *grading* permits under Chapter 15.25 KMC. If there is a conflict between this chapter and Chapter 15.25 KMC, the more restrictive standards shall apply.

H~~G~~. 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. B~~b~~e 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 t~~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 f~~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~~

~~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.~~

~~2~~1. 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*.

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

EXHIBIT 1

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)~~	~~Z~~
	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	--
Water-oriented parks and outdoor recreational facilities	50 ft (3)	NA	50 ft (3)	100 ft (3)	150 ft (3)	--
Non-*water-oriented* parks and outdoor recreational facilities	100 ft	NA	75 ft	100 ft	150 ft	--
Other *water-oriented uses*	75 ft	NA	50 ft	100 ft	150 ft	--
All other *non-water-oriented uses*	100 ft	NA	150 ft	150 ft	150 ft	--
	Shoreline Buffers from OHWM on Swamp Creek					
Residential development[1]	NA	60 ft	50 ft	150 ft	150 ft	--
Water-oriented parks and outdoor recreational facilities	NA	50 ft (3)	50 ft (3)	100 ft (3)	150 ft (3)	--
Non-*water-oriented* parks and outdoor recreational facilities	NA	60 ft	75 ft	100 ft	150 ft	--
Other *water-oriented uses*	NA	50 ft	50 ft	100 ft	150 ft	--
All other *non-water-oriented uses*	NA	60 ft	150 ft	150 ft	150 ft	--
	Building Setback from the Shoreline Buffer					
~~Single-family uses~~All uses	15 ft (2)	15 ft (2)	~~25~~15 ft (2)	15 ft (2)	15 ft (2)	~~Z~~--

EXHIBIT 1

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~~	~~Z~~
	Building Height					
Base *height*	35 ft	35 ft	35 ft	35 ft	30 ft	35 ft
Additional *height* allowed when permitted in underlying zoning	Yes (5~~7~~)	Yes (5)	Yes (5~~7~~)	~~Yes (7)~~No	No	No

[1]Residential 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.

[2]Sammamish 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) T~~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(~~G~~H).

~~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

EXHIBIT 1

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~~

~~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*.~~

~~7~~5. Additional *height* may be permitted in the Downtown Waterfront, Shoreline Residential and Swamp Creek Commercial environments under the following conditions:

a. The structures would not obstruct the view of a substantial number of residences; and

b. The structures are located in an area designated on Map 1, Shoreline Environment Designations (attached to Ord. ~~12-0334~~19-0490 as Exhibit 2, and incorporated by reference), as allowing these additional *heights*; and

c. The structure *height* complies with the allowable *height* of the underlying zone and the following additional *height* limits within the shoreline; and

d. The additional *height* of the structures would not impair the *ecological functions* of the stream, lake, *wetland*, or the required buffer. In particular, the effects of shading and light impacts on the viability of vegetation in the buffer shall be considered when making this determination; and

e. ~~Be~~The structures are outside of the *floodway* in effect at the time of permit application; and

f. The structures would ~~N~~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

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

person requesting an exemption shall provide a written statement of exemption for activities that are exempt from the *substantial development* permit requirement in subsection B of this section when:

1. WAC 173-27-0540 applies; or

2. The activity will occur waterward of the *ordinary high-water mark*.

D. Whether or not a written statement of exemption under WAC 173-27-050 is required, all permits and approvals issued for *development* activities within the shoreline jurisdiction shall include a record of review indicating compliance with the City of Kenmore *Shoreline Master Program*.

E. Conditions of approval may be attached to the approval of *substantial development* permits, statements of exemptions, or exempted developments as necessary to ensure consistency of the project with the City of Kenmore *Shoreline Master Program*.

16.75.015 - Developments not requiring shoreline permits or local reviews

A. Requirements to obtain a *substantial development* permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW.

2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.

3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a *substantial development* permit, conditional use permit, variance, letter of exemption, or other local review.

4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

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) require~~s~~ 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

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.

EXHIBIT 1

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.

EXHIBIT 1

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.

~~B~~C. 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.

~~C~~D. 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.~~

~~C~~B. 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.

~~D~~C. Any person subject to the regulatory provisions of this title who violates any provision of this title or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private

property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. The ~~director~~*city manager* shall bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. The court on its discretion may award attorney's fees and costs of the suit to the prevailing party.

16.75.110 Shoreline environment redesignation.

A. *Shoreline environments* designated by the *Shoreline Master Program* may be redesignated by the city council upon finding that such a *redesignation* will be consistent with the standards in KMC 16.75.160 and the requirements of WAC 173-26-100 and 173-26-110. A shoreline *redesignation* may be initiated by an *applicant* or by motion of the city council and requires Department of Ecology approval.

B. A *redesignation* initiated by an *applicant* shall be made on forms and processed in a manner prescribed in KMC 16.75.120. A *redesignation* initiated by the city council shall follow the process in KMC 16.75.130.

C. The fee which shall accompany an application for a shoreline *redesignation* shall be as adopted by resolution.

~~D. The departmental report and recommendation regarding an application for a site-specific *redesignation* initiated by council motion shall be forwarded to the hearing examiner for consideration together with all relevant testimony at a public hearing to be held consistent with the procedures for a zone reclassification as provided in Chapter 19.30 KMC.~~

16.75.120 Redesignation applications.

A. A *redesignation* initiated by an *applicant*, as described in KMC 16.75.110(B), must follow the procedures in Chapters 19.25 and 19.30 KMC for *shorelines redesignations* and must include the following information in addition to the requirements in Chapter 19.25 KMC:

1. *Applicant* information, including signature, telephone number and address;

2. The *applicant*'s interest in the property, such as owner, buyer or consultant;

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;

EXHIBIT 1

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

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.

~~D~~E. 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;

EXHIBIT 1

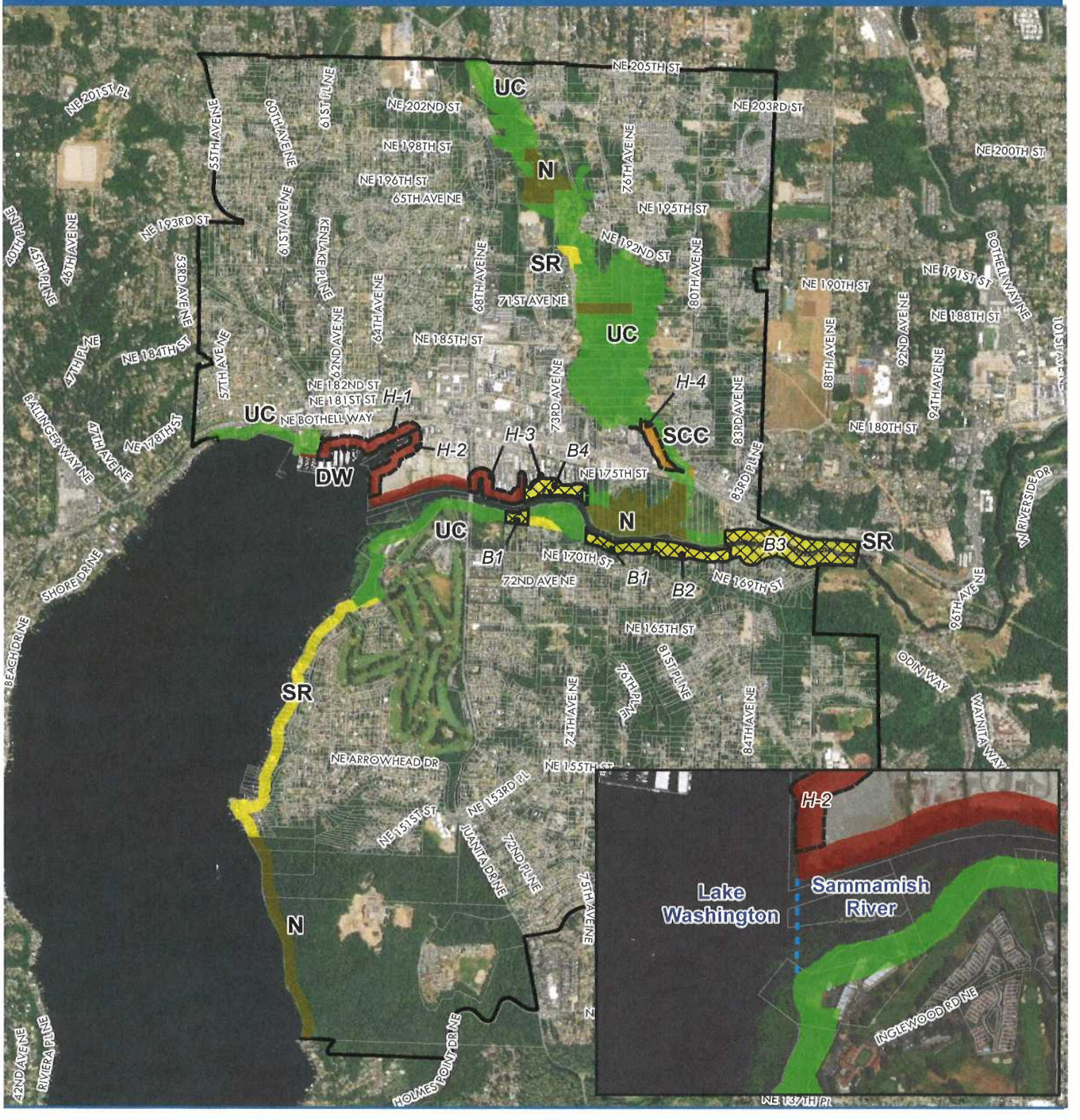
B. The impacts of *development* allowed by the proposed change will not permanently impair any habitat critical to endangered or threatened species; and

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.

City of Kenmore

Exhibit 2

Shoreline Environment Designations Map



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.

N

0 0.25 0.5

Miles

Sources: City of Kenmore, 2018.

The information included on this map has been compiled by City of Kenmore staf from a variety of sources and is subject to change without notice. City of Kenmor makes no representation or warranties, expressed or implied, as to the accuracy completeness, timeliness, or rights to the use of such information. This document i not intended for use as a survey product. City of Kenmore shall not be liable fo any general, special, indirect, incidental, or consequential damages including, bu 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 th map is prohibited except by written permission of City of Kenmore.

Map Date: March 2019

ATTACHMENT 4

Critical Area Regulations and Shoreline Master Program Amendments

Docket Criteria Analysis

Proposed Comprehensive Plan and development regulation amendments must meet the criteria described in 19.20.090.A and C ("Amendment decision criteria"). Following is staff's analysis of these criteria:

A. Review Criteria Applicable to All Proposed Amendments. All proposed amendments must meet the following criteria:

1. The proposed amendment is consistent with the Growth Management Act and the countywide planning policies; and

Staff response: The proposed amendments are consistent with the Growth Management Act (GMA) and the countywide planning policies. The GMA requires that cities adopt critical area regulations and that they be consistent with best available science. A GMA goal also is to ensure compliance with the shoreline management act (SMA). The SMA requires periodic updating of the City's Shoreline Master Program and that periodic review requirement is the purpose of the proposed amendments. The countywide planning policies support environmental protection within King County.

2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the comprehensive plan; and

Staff response: The proposed critical area amendments are consistent with the Comprehensive Plan as it was amended in November 2018. The Shoreline Sub-Element of the Comprehensive Plan is being amended with this project to ensure consistency.

3. The proposed amendment meets at least one of the following criteria:

a. The proposed amendment is beneficial to the City as a whole and will not adversely affect public health, safety, and welfare; or

b. The proposed amendment addresses changed circumstances within the City as a whole; or

c. The proposed amendment accommodates new policy direction from the city council.

Staff response: The proposed amendments are beneficial to the City as a whole and will not adversely affect public health, safety, and welfare. The purpose of the proposed critical area regulations is to protect the functions and values of critical areas and give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries, as well as to protect lives and property from hazards. The shoreline regulations regulate development along the City's shorelines, consistent with statewide goals to protect the resources and ecology of the shoreline and increase public access to, and recreational opportunities for, the public in the shoreline.

ATTACHMENT 4

C. Additional Review Criteria for Development Regulations.

1. The proposed amendment is consistent with the policies, objectives, and goals of the *comprehensive plan*; and

Staff response: As described above, the proposed critical area amendments are consistent with the Comprehensive Plan, particularly the Natural Environment Element, as it was amended in November 2018. The Shoreline Sub-Element of the Comprehensive Plan is being amended with this project to ensure consistency between the goals, objectives and policies and the amended regulations.

2. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code.

Staff response: The amendments have been reviewed for duplication and conflict with other portions of the Kenmore Municipal Code. Changes have been made, as necessary. In particular, the conflicts between Title 16, Division II, Flood Damage Prevention and Chapter 18.55, Article XIX, Flood Hazard Areas, have been resolved and the two code sections consolidated.

Attachment 5

Lauri Anderson

From: Smith, Valerie (COM) <valerie.smith@commerce.wa.gov>
Sent: Monday, June 10, 2019 6:33 PM
To: Lauri Anderson; Kelly Chelin; Debbie Bent
Cc: Andersen, Dave (COM); McCaskill, Mark (COM); Andrade, Charlene (COM)
Subject: comment for Ordinance 19-0488 Public Hearing tonight
Attachments: 2 - CAR Intro and Wetlands.pdf

Good afternoon,
It was brought to our attention that in the Commerce 60-day review submittals for the City of Kenmore's Critical Areas Ordinance (ID #2019-S-25874) additions were made to the PAUE section that differed from the initial draft that we reviewed in January, and that we did not have a chance to review prior to tonight's hearing.

Due to limited resources we were unable to make a comment on this within the 60-days, however we still want to get this on the record for tonight's public hearing.

The following are concerns regarding the amendments to 18.55.160 Exception –Public agency and utility:

- The intended use of the PAUE section is for linear utilities
- The addition of "new" non-linear facilities (item B, page 12 of the attached submittal) is not the intention of the PAUE, and should not be included in the PAUE section

Our comment letter dated January 22, 2019, was specific to the draft ordinance proposed to us at the time, and if it had included this amended section B, we would have advised that this is out of the scope of the PAUE. Similar to other comments in the letter, we would advise that the city not consider new facilities under this exception. The city should use practical alternatives to siting these facilities, as mention in the letter, these new facilities should be located out of the wetland and wetland buffer.

Please read this email into the record at tonight's hearing if possible.

Valerie Smith, AICP
Senior Planner, Growth Management Services
Local Government Division
Office: 360.725.3062
Mobile: 360.259.0487

Washington State Department of Commerce
1011 Plum Street SE, Olympia, WA. 98504
www.commerce.wa.gov
Follow us @WAStateCommerce
Learn why you should Choose Washington

Valerie Smith's hours are Monday – Thursday, 7:30 a.m. – 6:00 p.m.

Attachment 6

Lauri Anderson

From: McCaskill, Mark (COM) <mark.mccaskill@commerce.wa.gov>
Sent: Wednesday, June 12, 2019 6:18 PM
To: Lauri Anderson; Smith, Valerie (COM)
Cc: Debbie Bent; Amy Summe; Lisa Grueter; Andersen, Dave (COM); Kuhta, Scott (COM); Andrade, Charlene (COM)
Subject: RE: PAUE changes since January Commerce review

Lauri,

I would like to thank you and your consultant team for having walked us through your thought process on the PAUE changes since Commerce's January letter during our conference call on 06/12/19. We do not have any additional feedback or comments to provide for Monday's (06/17/19) continued public hearing at the City Council Meeting. Please accept this email as fulfilling our promise to get back to you before 3:00 pm Friday 06/14/19.

Sincerely,

Mark McCaskill

Mark McCaskill, AICP
Departing Managing Director – GMS Unit
Starting June 1st please include ***Dave Andersen, Managing Director*** *on all MD level correspondence.*
Dave Andersen, dave.andersen@commerce.wa.gov , 509-434-4491
I will be working with Dave on a smooth transition for the GMS Unit during the month of June, and my last day physically present in the office will be July 3, 2019.

From: Lauri Anderson <landerson@kenmorewa.gov>
Sent: Wednesday, June 12, 2019 3:30 PM
To: McCaskill, Mark (COM) <mark.mccaskill@commerce.wa.gov>; Smith, Valerie (COM) <valerie.smith@commerce.wa.gov>
Cc: Debbie Bent <Dbent@kenmorewa.gov>; Amy Summe <AJS@shanwil.com>; Lisa Grueter <Lisa@berkconsulting.com>
Subject: PAUE changes since January Commerce review
Importance: High

Hello-- I've spent some time preparing the attached document which shows the January 2019 version of the PAUE with the changes the City has made since that time. Changes from the January 2019 version are shown in yellow highlighting.

Valerie thought this comparison might be useful, in conjunction with the other materials we have provided.

Lauri

Lauri Anderson
Principal Planner | City of Kenmore
18120 68th Ave NE | Kenmore, WA 98028
Tel: (425) 398-8900 | Fax: (425) 481-3236
landerson@kenmorewa.gov | www.kenmorewa.gov

ATTACHMENT 7

NO CHANGES PROPOSED TO THIS SECTION

18.55.160 Exception – Public agency and utility.

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.

THE FOLLOWING SECTIONS WOULD BE REVISED (CHANGES SHOWN IN GRAY HIGHLIGHTING)

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.

ATTACHMENT 7

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;

b. ~~New~~ ~~*p*~~*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~~ ~~*p*~~*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~~

ATTACHMENT 7

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.

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:

ATTACHMENT 7

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 p~~*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 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.

ATTACHMENT 7

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).

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.

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Consideration of Ordinances 19-0488, 19-0489 and 19-0490 amending the City's Critical Area Regulations and Shoreline Master Program **Proposed Council Action/Motion:** Adopt Ordinances 19-0488, 19-0489 and 19-0490.	**For Council Meeting Agenda of:** 6/17/19 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner Initial & Date **Approved by Department Head:** PB 6/14/19 **Approved by City Attorney:** 5/22, 5/24/19 DR email **Approved by Finance Director:** 6/14/19 **Approved by City Manager:** KOK **Exhibits/Attachments:** 1. Ordinance 19-0488 2. Ordinance 19-0489 3. Ordinance 19-0490 4. Docket Criteria Analysis 5. Email from Valerie Smith with Commerce dated 6/10/19 6. Email from Mark McCaskill with Commerce dated 6/12/19 7. Code amendments related to retaining pre-existing PAUE standards

INFORMATION/BACKGROUND:

On June 10, the City Council held a public hearing on Ordinances 19-0488, 19-0489 and 19-0490 (see Attachments 1-3) but tabled final consideration of those ordinances to allow time for staff to communicate with the Department of Commerce about their email received that evening and entered into the hearing record (see Attachment 5). Staff provided detailed information to Commerce staff and, on June 12, held a telephone conference with several of their representatives. The outcome of that meeting was an email received on June 13 from Mark McCaskill, the Departing Managing Director of the Growth Management Services Unit (see Attachment 6). A voicemail from Mr. McCaskill, left for Debbie Bent on June 14 in response to her voicemail and email, confirmed that Commerce was choosing not to submit further comments on the Public Agency or Utility Exception (PAUE) and that their email was neither an endorsement or condemnation of the proposed process.

With regard to the PAUE, the Council could take two approaches: (1) proceed with the amendments, or (2) remove the proposed PAUE amendments by motion—leaving the existing PAUE code section in place without amendment. Minor adjustments to Code sections 18.55.170 C.1.b, 18.55.170 C.2 b and 18.55.180 A.1.b (Variance and Reasonable Use Exception) would be required to remove the word, "new" from the review criteria, as expansions or alterations of existing facilities also could be considered. Attachment 7 is the recommended Code language with this approach.

Staff has included the "docket criteria analysis" (see Attachment 4) referenced in the ordinances.

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.

ATTACHMENT 2

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0489

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 2

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

Section 2. Adoption of Amendments to the Shoreline Sub-Element of the City of Kenmore Comprehensive Plan. The City Council adopts the amendments to the City of Kenmore Shoreline Sub-Element of the City of Kenmore Comprehensive Plan, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 3. Map Adopted. The City Council adopts revised Figure LU-12, the Shoreline Master Program Environment Designations Map, attached hereto as Exhibit 2, and incorporated by reference.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and pursuant to RCW 90.58.090(7) shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology's written notice of final action approving the shoreline master program amendments.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

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

EXHIBIT 1

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."

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 (~~3~~C) 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.

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).

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;

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 Eenvironment. 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

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.

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.~~2~~3 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.~~2~~3.1 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.~~2~~3.2 Multifamily and multi-lot residential and recreational developments should provide public access and community recreational facilities.

Policy LU-17.~~2~~3.3 Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.

17.~~3~~4 Urban Conservancy Environment

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

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

(A) The shoreline ~~includes wetlands or exceptional riparian corridor that should not be more intensively developed~~is suitable for water-related or water-enjoyment uses and public access and recreation-related water-dependent uses;

(B) The shoreline ~~is in public ownership and has been altered or in public ownership that is small in size and not adjacent to other publicly owned properties~~includes open space, floodplain or other sensitive areas that should not be more intensively developed;

(C) The shoreline has been altered but retains important ecological functions;

(D) The shoreline has potential for ecological restoration or is a restoration priority; or

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

Management Policies

Policy LU-17.~~3~~4.1 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 ~~e~~Environment.

Policy LU-17.~~3~~4.2 New development should be restricted to those which are compatible with the natural and biophysical limitations of the land and water.

Policy LU-17.~~3~~4.3 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.~~3~~4.4 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.~~3~~4.5 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.

Policy LU-17.~~3~~4.6 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.~~3~~4.7 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.~~3~~4.8 New structural flood control devices should be strongly discouraged in the Urban Conservancy Environment.

Policy LU-17.~~3~~4.9 Developments should not be allowed unless connected to a sewer line.

Policy LU-17.~~3~~4.10 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.~~3~~4.11 Standards should be established for shoreline stabilization measures, vegetation conservation, water quality and shoreline modifications within the Urban Conservancy Environment.

Policy LU-17.~~3~~4.12 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.~~4~~5 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 ~~e~~Environment 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.

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.~~5~~6 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.~~5~~6.1 New over-water structures should be limited, with priority given to water-dependent uses, public access and ecological restoration.

Policy LU-17.~~5~~6.2 The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

Policy LU-17.~~5~~6.3 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.~~5~~6.4 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.~~5~~6.5 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.~~5~~6.6 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.

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.

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 ~~e~~Environments.

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

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

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

Policy LU-19.4.1 The City should provide incentives to encourage multi-family and commercial private property owners to provide public shoreline access.

Policy LU-19.4.2 Public pedestrian easements should be required in future shoreline land use actions whenever shoreline features are appropriate for public use.

Policy LU-19.4.3 Shorelines of the state that include but are not limited to any of the following conditions should be considered for pedestrian easements:

a. Where a proposed trail in the ~~Kenmore Trail System~~Parks, Recreation and Open Space Plan, ~~or~~ Downtown ~~Plan Circulation improvement~~Sub-Element or Transportation Element is planned along the shoreline.

b. Areas presently being legally used or historically having been legally used by the public along the shoreline for access.

Policy LU-19.4.4 Public access opportunities identified in the Shoreline Inventory and Characterization should be pursued as feasible over time to increase and improve public access to the shoreline.

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

Policy LU-19.5.1 Viewpoints, lookouts, and vistas of shorelines of the state and wetlands should be publicly accessible.

Policy LU-19.5.2 Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use.

Policy LU-19.5.3 Publicly-owned street ends that abut the shoreline should be retained or reclaimed for public access.

Policy LU-19.5.4 Shoreline recreational facilities and other public access points should be connected by trails, bicycle pathways and other access links where appropriate,

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 ~~A~~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.

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 ~~e~~Environment. ~~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

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 though 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.

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.

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.

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.~~6~~5 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.~~7~~6 Uses or activities that degrade the natural resources of the shoreline should not be allowed.

Policy LU-21.2.~~8~~7 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.

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;

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

9. Activities reducing the functions of buffers.

Policy LU-21.4.2 Kenmore shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, any potential conflicts with adjacent land use, and other relevant factors.

Policy LU-21.4.3 Kenmore may allow compensatory mitigation only after a mitigation sequence is applied consistent with Policy LU-21.3.2. Lower priority mitigation measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Critical Freshwater Habitat

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

Policy LU-21.5.1 Kenmore should establish priorities for protection and restoration, where appropriate, along river corridors and lake shorelines.

Policy LU-21.5.2 Uses and development within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction should be regulated to ensure that no net loss of ecological processes and functions results from new development near freshwaters of the state, including associated hyporheic zones.

Policy LU-21.5.3 Kenmore shall protect ecological functions associated with critical freshwater habitat as necessary to ensure no net loss from shoreline activities and associated changes.

Policy LU-21.5.4 Kenmore should facilitate appropriate restoration projects.

Flood Hazard Areas

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

Water Quality, Stormwater and Nonpoint Pollution

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

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

Geologically Hazardous Areas

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

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

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;

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

aquaculture proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

Policy LU-23.3.10 The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed during the permit review process. Direct and early coordination between the applicant or proponent and the affected tribe should be encouraged.

Policy LU-23.3.11 Kenmore support should be given to ~~State~~Washington Department~~s~~ of Fish~~eries~~ and ~~Game~~Wildlife to improve stream conditions, open new spawning areas, and establish new fish runs.

23.4 Boating facilities

Policy LU-23.4.1 Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:

1. Meet health, safety and welfare requirements;
2. Mitigate adverse aesthetic impacts;
3. Provide public access in new marinas, unless there is a safety or security concern;
4. Limit adverse impacts to shoreline resources from boaters living in their vessels;
5. Ensure no net loss of shoreline ecological processes and functions or other adverse impacts; and
6. Protect the rights of navigation.

Policy LU-23.4.2 The need for additional marinas should be balanced against other shoreline-dependent uses.

Policy LU-23.4.3 Local governments should coordinate in the planning and development of regional marina facilities for multi-jurisdictional use.

Policy LU-23.4.4 Marinas should be located only within the Downtown Waterfront and adjacent Aquatic ~~shoreline e~~Environment~~s~~ 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.

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

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.~~

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.

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.~~6~~5 The use of conventional fertilizers and pesticides in public recreation areas should be minimized or replaced with ecologically friendly landscape management methods.

Policy LU-23.9.~~7~~6 Public recreational shoreline areas should serve as emergency refuge areas for boaters.

Policy LU-23.9.~~8~~7 Visual access to the water should be pursued on steep slopes, at view points from bluffs and stream valleys, and in general where it is consistent with public safety and where extensive flood or erosion protection would not be necessary.

Policy LU-23.9.~~9~~8 The acquisition of public easements to the shoreline should be encouraged.

Policy LU-23.9.~~10~~9 Setbacks should be established for recreational development in the shoreline jurisdiction to protect existing shoreline ecological processes and functions,

provide space for shoreline vegetation preservation and enhancement, minimize adverse impacts to views of the water by the public and adjacent uses, and protect the visual quality of views of the shoreline.

Policy LU-23.9.11 ~~Existing public recreation shorelines should be restored and, w~~Where possible during park master plan development or redevelopment, ~~Kenmore should~~consideration should be given to revegetateing the shoreline, re-siteing roads and parking areas further away from the shoreline, and removeing stream channelization and shoreline protection devices.

Policy LU-23.9.1~~2~~0 Prime fishing areas should be given priority and protected for recreational use.

Policy LU-23.9.1~~3~~1 Boating activities that increase shore erosion should be discouraged.

Policy LU-23.9.1~~4~~2 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;

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.~~9~~7 In residential developments, the water's edge should be kept free of fences.

Policy LU-23.10.~~10~~8 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.~~12~~9 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-23.10.1~~3~~0 Residential developments should be permitted only where there are adequate provisions for utilities, circulation, access, site layout and building design.

Policy LU-23.10.1~~4~~1 Residential development plans submitted for approval should contain provisions for protection of groundwater, erosion control, water quality, aesthetic characteristics and landscaping.

Policy LU-23.10.1~~5~~2 Subdivisions should provide public pedestrian access to the shorelines within the development in accordance with this Master Program.

Policy LU-23.10.1~~6~~3 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.

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 e~~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.~~6~~5 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.~~7~~6 Shoreline transportation facilities should be designed, located and maintained to fit the topography, minimize cuts and fills, and minimize erosion.

Policy LU-23.11.~~8~~7 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.~~9~~8 Shoreline roadways should have a high priority for arterial beautification funds.

Policy LU-23.11.~~10~~9 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-23.11.1~~1~~0 Passenger only ferry facilities should be encouraged.

Policy LU-23.11.1~~2~~1 Abandoned road or railroad rights-of-way that contain unique shoreline amenities should be acquired for public benefit.

Policy LU-23.11.1~~3~~2 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.

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.~~6.9~~12.9 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

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

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

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.

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.~~20~~19 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-24.2.2~~1~~0 If structural shoreline stabilization measures are demonstrated to be necessary, Kenmore shall limit the size of stabilization measures to the minimum necessary.

Policy LU-24.2.2~~2~~1 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-24.2.2~~3~~2 Adverse impacts of erosion and mass wasting should be mitigated through protection of geologically hazardous areas.

24.3 ~~Piers and Docks~~Water Access Structures

Policy LU-24.3.1 Kenmore shall allow new ~~piers and docks~~water access structures only for water-dependent uses or public access. If it is designed and intended solely as a facility for access to watercraft, a dock or pier associated with a single-family residence is considered a water-dependent use.

Policy LU-24.3.2 Kenmore shall require ~~pier and dock~~water access structure construction to be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.

Policy LU-24.3.3 Kenmore may allow water-related and water-enjoyment uses as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the structure is the minimum size required to serve the water-dependent use.

Policy LU-24.3.4 Kenmore shall allow new ~~pier or dock construction~~water access structures~~, excluding docks accessory to single-family residences,~~ only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. Applicants for new piers and docks accessory to single-family residences are not required to demonstrate need.

Policy LU-24.3.5 Kenmore shall require new residential development of two or more dwelling units to provide community pier or dock facilities, when feasible, rather than individual piers or docks for each dwelling unit. Kenmore shall allow only one pier or dock associated with residential development on a parcel.

Policy LU-24.3.6 Kenmore shall require ~~piers and docks~~water access structures, including those accessory to single-family residences, to be designed and constructed to avoid and then minimize and mitigate the adverse impacts to ecological processes and functions. ~~Piers and docks~~Water access structures should be constructed of non-toxic materials. Where toxic materials, such as treated wood, are proposed, the proponent must show that no non-toxic alternative exists.

Policy LU-24.3.7 Open pile pier construction should be preferred on Lake Washington where scenic values will not be impaired and where there will be no net loss of ecological processes and functions.

Policy LU-24.3.8 ~~Floating pier~~Dock construction should be preferred in those areas where scenic values are high and on the Sammamish River.

Policy LU-24.3.9 ~~Piers and docks~~Water access structures should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by ~~pier~~water access structure construction.

Policy LU-24.3.10 Preference should be given to shared use of ~~piers~~water access structures in all shoreline areas.

Policy LU-24.3.11 Temporary moorages should be permitted for vessels used in the construction of shoreline facilities. The design and construction of such moorages shall be such that upon termination of the project the aquatic life can be returned to

their original condition within one year at no cost to the environment or the public.

Policy LU-24.3.12 Shoreline structures that are abandoned or structurally unsafe should be abated.

Policy LU-24.3.13 Substantial additions or alterations, including, but not limited to, substantial developments, should be in conformance with the policies and regulations set forth in the Shoreline Master Program.

Policy LU-24.3.14 ~~Piers and docks~~Water access structures should not interfere with navigation.

24.4 Fill

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

Policy LU-24.4.1 Kenmore shall require fill to be located, designed, and constructed to protect shoreline ecological processes and functions and ecosystem-wide processes, including channel migration, stream meander and side channels. Mitigation shall be required consistent with Policy LU 21.3.2.

Policy LU-24.4.2 Kenmore shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:

1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
5. Expansion or alteration of SR 522 in the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects and flood risk reduction projects.

Policy LU-24.4.3 Kenmore shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use except ecological restoration and maintenance, repair and replacement of flood protection facilities.

Policy LU-24.4.4 Fill should be deposited so as to minimize disruption of normal surface and ground water passage.

Policy LU-24.4.5 Fill should allow surface water penetration into the ground water supply where such conditions existed prior to fill.

Policy LU-24.4.6 Fill within the 100-year floodplain should not reduce the river channel or floodplain water storage capacity, reduce the channel migration zone, or in any way increase flood hazard so as to endanger public safety.

Policy LU-24.4.7 Land should be filled only after some ultimate use of the property is approved by Kenmore in accordance with the Comprehensive Plan and this Shoreline Master Program.

Policy LU-24.4.8 Fill should be done at such time as to minimize damage to ecological processes and functions.

Policy LU-24.4.9 Beach nourishment areas may be established by Kenmore on Lake Washington.

24.5 Breakwaters, Groins and Weirs

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

Policy LU-24.5.1 Kenmore shall allow breakwaters and weirs located waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

Policy LU-24.5.2 Groins are prohibited except as a component of a publicly-sponsored project to protect or restore shoreline ecological processes and functions.

Policy LU-24.5.3 Kenmore shall require a shoreline conditional use permit for the construction of breakwaters, groins, weirs, and similar structures, except for those structures installed to protect or restore ecological processes and functions, such as woody debris installed in streams.

Policy LU-24.5.4 Breakwaters, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in General Shoreline Management Policies for Conservation – Critical Areas (Policy LU-21.3.2) and WAC 173-26-201(2)(e).

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.~~

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 e~~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 Eenhancement

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.

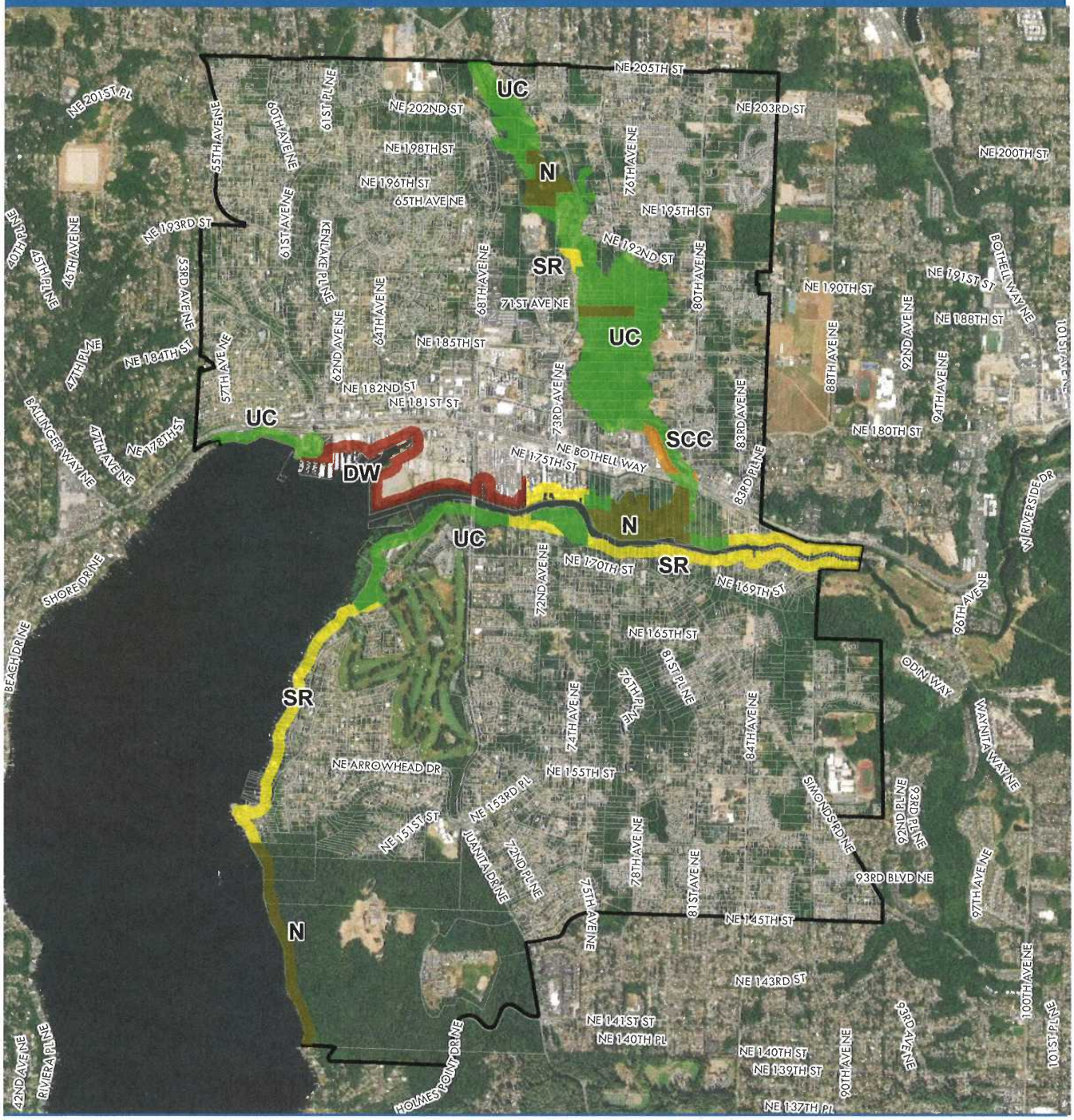
EXHIBIT 1

(Insert Revised Shoreline Map)

Figure LU-12

Exhibit 2

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.

N

0 0.25 0.5

Miles

Sources: City of Kenmore, 2018.

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

Map Date: March 2019

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Consideration of Ordinances 19-0488, 19-0489 and 19-0490 amending the City's Critical Area Regulations and Shoreline Master Program **Proposed Council Action/Motion:** Adopt Ordinances 19-0488, 19-0489 and 19-0490.	**For Council Meeting Agenda of:** 6/17/19 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner Initial & Date **Approved by Department Head:** PB 6/14/19 **Approved by City Attorney:** 5/22, 5/24/19 DR email **Approved by Finance Director:** 6/14/19 **Approved by City Manager:** KOK **Exhibits/Attachments:** 1. Ordinance 19-0488 2. Ordinance 19-0489 3. Ordinance 19-0490 4. Docket Criteria Analysis 5. Email from Valerie Smith with Commerce dated 6/10/19 6. Email from Mark McCaskill with Commerce dated 6/12/19 7. Code amendments related to retaining pre-existing PAUE standards

INFORMATION/BACKGROUND:

On June 10, the City Council held a public hearing on Ordinances 19-0488, 19-0489 and 19-0490 (see Attachments 1-3) but tabled final consideration of those ordinances to allow time for staff to communicate with the Department of Commerce about their email received that evening and entered into the hearing record (see Attachment 5). Staff provided detailed information to Commerce staff and, on June 12, held a telephone conference with several of their representatives. The outcome of that meeting was an email received on June 13 from Mark McCaskill, the Departing Managing Director of the Growth Management Services Unit (see Attachment 6). A voicemail from Mr. McCaskill, left for Debbie Bent on June 14 in response to her voicemail and email, confirmed that Commerce was choosing not to submit further comments on the Public Agency or Utility Exception (PAUE) and that their email was neither an endorsement or condemnation of the proposed process.

With regard to the PAUE, the Council could take two approaches: (1) proceed with the amendments, or (2) remove the proposed PAUE amendments by motion—leaving the existing PAUE code section in place without amendment. Minor adjustments to Code sections 18.55.170 C.1.b, 18.55.170 C.2 b and 18.55.180 A.1.b (Variance and Reasonable Use Exception) would be required to remove the word, "new" from the review criteria, as expansions or alterations of existing facilities also could be considered. Attachment 7 is the recommended Code language with this approach.

Staff has included the "docket criteria analysis" (see Attachment 4) referenced in the ordinances.

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.

ATTACHMENT 3

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0490

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

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

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

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

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

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

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

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

ATTACHMENT 3

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 3

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

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

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

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

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

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

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

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

Section 2. Amendment of Title 16 KMC; Adoption of Shoreline Master Program Development Regulations. The City Council amends Title 16 of the Kenmore Municipal Code and adopts the City of Kenmore Shoreline Master Program Shoreline Regulations, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 3. Map Adopted. The City Council adopts revised Map 1, Shoreline Environment Designations Map, attached hereto as Exhibit 2, and incorporated by reference.

ATTACHMENT 3

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and pursuant to RCW 90.58.090(7) shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology's written notice of final action approving the shoreline master program amendments.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

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

EXHIBIT 1

Title 16
~~ENVIRONMENT~~SHORELINE MANAGEMENT

Chapters:

~~Division I. Shoreline Management~~

16.05 Shoreline Management Code – Purpose and Scope

16.10 Definitions

16.15 Shoreline Environment Designations

16.20 Downtown Waterfront Environment

16.23 Swamp Creek Commercial Environment

16.25 Shoreline Residential Environment

16.30 Urban Conservancy Environment

16.35 Natural Environment

16.40 Aquatic Environment

16.45 General Shoreline Development Standards

16.50 Shoreline Uses

16.55 Shoreline Modifications

16.60 Vegetation Conservation

16.65 Shoreline Density and Dimensions

16.68 Signs

16.70 Subdivisions

16.75 Procedures

~~Division I. Shoreline Management~~

EXHIBIT 1

Chapter 16.05

SHORELINE MANAGEMENT CODE – PURPOSE AND SCOPE

Sections:

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

16.05.010 Purpose.

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

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

16.05.020 Citation.

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

16.05.030 Scope.

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

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

EXHIBIT 1

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;~~

EXHIBIT 1

~~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).~~

EXHIBIT 1

~~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).~~

EXHIBIT 1

~~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).~~

~~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 c~~*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 ~~2012~~2019 ~~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

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16.10.010 Applicability of RCW and WAC definitions.

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

16.10.030 Access, public.

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

16.10.032 Accessory structure.

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

16.10.035 Accessory use.

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

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

16.10.0~~20~~38 Applicant.

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

16.10.040 Aquaculture.

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

16.10.050 Associated wetlands.

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

16.10.060 Average grade level.

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

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

~~16.10.070 Backfill.~~

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

16.10.080 Berm.

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

16.10.083 Boat launch.

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

16.10.085 Boating facility.

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

16.10.090 Breakwater.

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

16.10.100 Bulkhead.

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

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16.10.105 Channel migration zone.

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

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.~~

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16.10.110 Critical areas.

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

~~16.10.115 Critical freshwater habitat.~~

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

16.10.120 Department.

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

16.10.130 Development.

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

~~16.10.140 Director.~~

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

16.10.150 Dock.

"Dock" means ~~all platform structures or anchored devices in or~~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.

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16.10.160 Dredging.

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

16.10.170 Ecological functions.

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

16.10.173 Ecosystem-wide processes.

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

16.10.175 Ell.

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

16.10.178 Feasible.

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

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

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

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

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

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

16.10.180 Fill.

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

16.10.185 Fish and wildlife habitats ~~area~~ of importance.

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

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

~~B. Heron rookeries or active nesting trees; or~~

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

~~D. Type 1 streamsS 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~~

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

16.10.210 Floodplain.

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

16.10.220 Floodway.

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

16.20.225 Geotechnical report or geotechnical analysis.

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

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16.10.230 Grading.

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

~~16.10.235 Government services.~~

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

16.10.240 Groin.

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

~~16.10.250 Hatchery.~~

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

16.10.260 Height.

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

16.10.270 Jetty.

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

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16.10.275 Live-aboard.

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

16.10.280 Marina.

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

~~16.10.285 Manufacturing uses.~~

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

16.10.~~310~~285 No net loss.

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

16.10.290 Nonconforming structure.

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

16.10.300 Nonconforming use.

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

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16.10.320 Non-water-oriented uses.

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

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

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

~~16.10.340 Open space, required.~~

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

16.10.350 Ordinary high-water mark.

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

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

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

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16.10.360 Pier.

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

~~16.10.370 Port.~~

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

16.10.375 Ramp.

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

16.10.380 Recreational development.

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

16.10.390 Redesignation.

"Redesignation" means a change in the *shoreline environment designation* by the procedures provided in Chapter 16.75 KMC.

~~16.10.395 Residential development.~~

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

EXHIBIT 1

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

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

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

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

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

16.10.400 Restoration.

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

~~16.10.410 Riprap.~~

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

16.10.420 Sediment.

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

~~16.10.430 Shall.~~

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

~~16.10.440 Should.~~

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

16.10.4~~50~~40 Shorelands.

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

EXHIBIT 1

16.10.445 Shoreline buffer.

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

16.10.460 Shoreline environment.

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

16.10.470 Shoreline Master Program.

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

1. Shoreline management goals and policies contained in the shoreline subelement of the Kenmore comprehensive plan. The shoreline management goals and policies constitute the official policy of Kenmore regarding areas of the City subject to shoreline management jurisdiction under Chapter 90.58 RCW;

2. The shoreline regulations specified in this chapter.

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

1. The shoreline protection and *restoration* plan;

2. The cumulative impacts analysis, which provides a mechanism for examining the success of meeting the requirement for *no net loss* of *ecological functions*;

3. The Shoreline Master Program checklist and public involvement process, which shows how Kenmore meets the procedural requirements for updating the Shoreline Master Program; and

4. The shoreline inventory and characterization, which includes data and analytic methods used to develop Kenmore's shoreline inventory and shoreline characterization.

16.10.480 Shoreline modifications.

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

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

16.10.500 Shoreline stabilization.

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

16.10.510 Shorelines.

"Shorelines" means lakes greater than 20 acres and rivers and streams with a minimum of 20 cubic feet per second mean annual flow, including the entire water body waterward from the *ordinary high-water mark* from its centerline or point, all water below the surface and associated *shorelands*. Kenmore shorelines are shown on the adopted map entitled Kenmore Shoreline Environment Designations (attached to Ord. ~~12-033~~19-0490 as Exhibit 2, and incorporated by reference). If there is a discrepancy between the map and the criteria established in this section, the criteria shall constitute the official Kenmore shoreline jurisdiction.

16.10.520 Shorelines of statewide significance.

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

16.10.530 Shorelines of the State.

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

16.10.540 Sign.

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

EXHIBIT 1

~~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 vactor 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.

EXHIBIT 1

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.

16.10.6~~1~~00 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.

16.10.6~~2~~010 Water-oriented use.

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

16.10.6~~0~~20 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,

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:

EXHIBIT 1

A. Downtown Waterfront Environment.

B. Swamp Creek Commercial Environment.

C. Shoreline Residential Environment.

~~C~~D. Urban Conservancy Environment.

~~D~~E. Natural Environment.

~~E~~F. 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)

EXHIBIT 1

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~~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:

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.

EXHIBIT 1

16.30.010 Purpose.

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

16.30.020 Designation criteria.

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

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

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

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

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

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

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

Chapter 16.35

NATURAL ENVIRONMENT

Sections:

16.35.010 Purpose.
16.35.020 Designation criteria.

EXHIBIT 1

16.35.010 Purpose.

The purpose of the Natural Environment is to protect public shoreline areas that include ecologically intact or minimally altered *shorelines*. Only low intensity uses are to be allowed in this eEnvironment 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.

EXHIBIT 1

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~~

~~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.

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 *applicant*s; 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

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

EXHIBIT 1

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 Rrecreation.
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

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 environment~~s~~ designations* and whether it is permitted outright or allowed only as a shoreline conditional use. The process through which a use or development may be permitted is defined under procedures in Chapter 16.75 KMC.

B. In the table, *shoreline environment~~s~~ 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.

EXHIBIT 1

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," or "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.

EXHIBIT 1

Shoreline Use Table

KEY **P** – Permitted Use **C** – Shoreline Conditional Use **X** – Prohibited Use **U** – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
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*	P2~~5~~	P2	~~P6~~X	P~~6~~2,18	~~P7~~X	~~C5~~X
Arts, entertainment, outdoor	P2	P2	X	P2	P6	X
Auction house	X	X	X	X	X	X
Automotive sales and service, marine	P2	P2	X	X	X	U3
Automotive sales and service, non-marine	X	X	X	X	X	X
Business service, intensive	X	X	X	X	X	X
Business service~~s~~, standard	P2~~, X2~~	P2	X	~~P2, 3,~~ X~~2~~	X	~~C2~~X
Cemetery, columbarium or mausoleum	X	X	X	X	X	X
College/university	P3	P3	P3	P3	X	U
Community residential facility	P2	P2	P	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

EXHIBIT 1

Shoreline Use Table

KEY **P** – Permitted Use **C** – Shoreline Conditional Use **X** – Prohibited Use **U** – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Educational service	P2	P2	P2	P2	X	X
Family child-care home	X	X	P	X	C	X
~~Golf course~~	~~X~~		~~X~~	~~C~~	~~X~~	~~X~~
~~Government services~~*Fire or police facility*	P43	P3	P43	~~P~~C43	~~P~~4X	~~C~~4U
Funeral home/crematory	X	X	X	X	X	X
Health care and social assistance	P2,15	P2,15	X	P2,15	X	X
Hospital	X	X	X	X	X	X
Laboratory	P2	P2	X	X	X	X
Manufacturing, ~~uses~~*heavy*	~~P2~~X	X	X	X	X	X
Manufacturing, light	P2	P2	X	X	X	X
Marijuana business	P2	P2	X	X	X	X
Marijuana cooperative	X	X	X	X	X	X
~~Marina (recreational boat moorage)~~	~~P8~~		~~X~~	~~P~~	~~X~~	~~P~~
Mobile food service	P2	P2	X	P2	X	P43
~~Mobile home park~~*Manufactured housing community*	X	X	C16	X	X	X
Multiple-family d~~D~~*welling*~~, multiple-family~~. See also KMC Section 16.50.090.	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~~	C~~11~~10	C10	C~~11~~10	C~~11~~10,12	C~~11~~10,12	C~~11~~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, X2~~18	X	~~C2~~X
Retail sales, bulk	X	P2	X	X	X	X
Secure facility	X	X	X	X	X	X
~~Signs~~	~~P15~~		~~P15~~	~~P15~~	~~P15~~	~~P15~~

EXHIBIT 1

Shoreline Use Table

KEY **P** – Permitted Use **C** – Shoreline Conditional Use **X** – Prohibited Use **U** – Same use allowances as in adjacent upland Environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Single detached d~~D~~welling 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.	C~~16~~13	X	X	X	X	X
~~Group residences~~*Supportive living facility*	P2	P2	P	~~P~~X	~~C~~X	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.	P~~13~~11	P11	P~~13~~11	P~~13~~11	P~~13~~11	~~X~~P3,11
~~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**~~					

EXHIBIT 1

Shoreline Use Table

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

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

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

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.

~~4~~3. Only the *water-dependent* portion of the use shall be allowed in the *shoreline environment*~~, except as provided in this section for utility uses~~.

~~5~~4. In the Downtown Waterfront and ~~Aquatic~~Swamp 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.

~~6~~5. 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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~~7~~6. 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.

~~8~~7. 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.

~~9~~8~~. 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.~~

~~10~~9. 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*.

~~11~~10. 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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~~13~~11. 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.

~~14~~12. 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.~~

~~16~~13. Commuter parking ~~may~~ only, and only ~~be allowed~~ if it is designed to serve a passenger ferry system.

~~17~~14. 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 insert effective 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.~~

~~2~~1. ~~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*.

~~3~~2. 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.

~~4~~3. Accessory ~~P~~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.

~~5~~4. *Piers*, *floats*, pilings, *breakwaters*, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable *shoreline environment*.

~~6~~5. *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.

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;

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.

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

~~C~~E. 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.

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

~~E. Trails and other *public access* improvements are subject to the standards for recreational uses in KMC 16.65.020 and the vegetation management standards in KMC 16.60.020(B).~~

~~F~~G. 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 ~~R~~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

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 migrat~~ory~~ion habitat;

B. Water intakes shall not be permitted near fish spawning, migrat~~ory~~ion, or rearing areas;

C. Water intakes shall comply with Washington Department of Fish and Wildlife fish screening criteria, and to the maximum extent practical, intakes shall be placed at least 30 feet waterward of the *ordinary high-water mark*;

D. Cable crossings for telecommunications and power lines and pipelines for oil, gas, water and other utilities shall:

1. Use the best available technology to protect health, safety, and the environment;

2. Be routed through sites that are already free of vegetation, such as existing roadways, or attached to existing bridges, to the greatest extent *feasible*;

3. Avoid critical aquatic habitat to the greatest extent *feasible*;

4. If crossing beneath a streambed, utilities shall be designed to avoid streambed mobilization and adverse impacts on groundwater flow, be placed in a sleeve or conduit that allows replacement without need for additional excavation, and return grades to existing or better condition that provides for normal floodwater flow; and

5. Provide mitigation for impacts to shoreline *ecological functions*.

16.50.085 Transportation uses and facilities.

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

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

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

~~C~~D. 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.~~

~~D~~E. 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.

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, ~~T~~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 **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	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
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 **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	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Dock or *pier* – Public	P	X	P	P	C	U
Dock or *pier*– Commercial	P	X	X	X	X	U
Floatplane lifts	C9	X	C	C	X	U
Watercraft lifts (including jet ski lifts)	P	X	P	X	X	U
Other *floats* and moorage buoys	P	X	P	P	P8	U
Repair or replacement of existing *water access structures*	P	P	P	P	P	P
Fill. See also KMC Section 16.55.060.						
~~Filling~~Upland outside of *floodplain*	P~~5, C5~~	P	P~~5, C5~~	P~~5, C5~~	C~~5~~	~~C5~~NA
Upland inside of *floodplain*	P	C	C	C	C	NA
Waterward of the *ordinary high-water mark*, *restoration*	NA	P	P	P	P	P
Waterward of the *ordinary high-water mark*, non-*restoration*	NA	C	C	C	C	C
Breakwaters, jetties, groins, and weirs						
Breakwaters, *jetties*, *groins* and weirs	C~~6~~5	C5	C~~6~~5	C~~6~~5	C~~6~~5	C~~6~~5
Grading and dredging. See also KMC Section 16.55.060.						
~~Grading, dredging, dredge material disposal~~	~~P5, C5~~		~~P5, C5~~	~~P5, C5~~	~~C5~~	~~C5~~
Dredging	NA	P	P	P	P	P
Grading	P	P	P	P7	C	NA

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Shoreline Modifications Table

KEY **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	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
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~~7~~6	P6	P~~7~~6	P~~7~~6	P~~7~~6	P~~7~~6

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.~~

~~6~~5. *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.

~~7~~6. Shoreline habitat and natural systems enhancement projects may include *shoreline modifications* of vegetation, removal of nonnative or invasive plants, and *shoreline stabilization*, including the installation of large woody debris, *dredging* and filling, provided the primary purpose is clearly *restoration* of the natural character and *ecological functions* of the shoreline. Mitigation actions identified through biological assessments required by the NOAA Fisheries Service and applied to

flood hazard mitigation projects may include *shoreline modifications* of vegetation, removal of nonnative or invasive plants, and *shoreline stabilization*, including the installation of large woody debris, *dredging* and filling.

7. *Grading* in the Urban Conservancy Environment is only permitted to support *public access*, *restoration*, or *water-oriented uses*. Otherwise, a conditional use permit shall be required.

8. *Floats* and moorage buoys are only permitted waterward of the Natural Environment designation in Lake Washington.

9. Except floatplane lifts associated with a regional land use such as Kenmore Air Harbor which are permitted outright.

16.55.040 Shoreline stabilization.

Shoreline stabilization may be permitted subject to the standards in this chapter, provided:

A. The *applicant* has demonstrated the following in order to construct new *shoreline stabilization*, including additions to, or increases in size of, existing *shoreline stabilization* measures:

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 facilities~~Water access structures.

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

~~B~~1. Any ~~dock, pier, moorage, buoy, float or launching facility~~*water 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; ells may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center; or ells 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.~~

~~10~~2. Existing habitat features (e.g., large and small woody debris, ~~substrate materials~~spawning gravel, etc.) shall be retained to the maximum extent practicable and new or expanded ~~moorage facilities~~*water access structures* placed to avoid disturbance of such features. Mitigation is required where habitat features cannot be avoided or when habitat features are removed to address navigation or access requirements.

~~11~~3. 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.

~~12~~4. 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.

~~13~~5. 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*.

~~15~~6. 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;~~

(~~7~~6) The total overwater coverage of the *piers*, *floats*, *ramps*, *ells*, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and

(~~8~~7) 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.

~~14~~7. 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.~~

~~16~~8. No dwelling unit may be constructed on a *dock* or *pier*.

B. Any *pier*, *dock*, watercraft lift, or mooring buoy authorized by this chapter shall be subject to the following requirements:

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
General	• No skirting is allowed on any structure. • When steel piles are installed, approved sound attenuation measures must be used. • Only one *dock* or *pier* 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. • 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*.	

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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	Residential • 4 ft. for *pier or dock* • 4 ft. for *ramp* • 6 ft. for *ell* and *float* Public or Commercial • 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*.	Residential • 4 ft. for *ramp* • 6 ft. for *float* Public or Commercial • 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 *ordinary high-water mark.*	thus 20 ft., 40 ft., 60 ft., and 80 ft. for facilities serving 1, 2, 3 and 4 residential units, respectively. *Floats* may be perpendicular to shore only within existing embayments off of the main river channel. • Public or commercial *docks* should be no longer than 80 feet unless project-specific justification of need is provided. • *Ramps* shall be the minimum length necessary to provide safe access to the *float* and to position the *float* so that the *float* and a moored boat would not ground on the substrate or disturb the substrate by boat propeller action.
Decking and Material Standards	• *Ramps* and *piers*, including *ells* and perpendicular fingers, shall be fully grated. • *Floats* 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 *float* area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations.	• *Floats* 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 *float* area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations. • *Ramps* 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 *ordinary high-water mark* are *piers* and *ramps.*	• *Floats* shall be located no less than 5 feet and no more than 10 feet from the *ordinary high-water mark* measured from the landward edge of the *float*. 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 *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 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.

~~C~~D. 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

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

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*.

C~~B~~. 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.

D~~C~~. Nonnative vegetation may be removed as part of a *restoration* or enhancement project if replacement plantings will provide greater benefit to shoreline ecological processes than would be provided by strict application of this chapter.

E~~D~~. 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.

F~~E~~. Landscaping plans for *shoreline buffers* should avoid adverse impacts on existing public views of the shoreline.

G~~F~~. Vegetation management in *shorelines* shall be consistent with the requirements for *grading* permits under Chapter 15.25 KMC. If there is a conflict between this chapter and Chapter 15.25 KMC, the more restrictive standards shall apply.

H~~G~~. 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. B~~b~~e 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 t~~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 f~~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~~

~~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.~~

~~2~~1. 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*.

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

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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)~~	~~Z~~
	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	--
Water-oriented parks and outdoor recreational facilities	50 ft (3)	NA	50 ft (3)	100 ft (3)	150 ft (3)	--
Non-*water-oriented* parks and outdoor recreational facilities	100 ft	NA	75 ft	100 ft	150 ft	--
Other *water-oriented uses*	75 ft	NA	50 ft	100 ft	150 ft	--
All other *non-water-oriented uses*	100 ft	NA	150 ft	150 ft	150 ft	--
	Shoreline Buffers from OHWM on Swamp Creek					
Residential development[1]	NA	60 ft	50 ft	150 ft	150 ft	--
Water-oriented parks and outdoor recreational facilities	NA	50 ft (3)	50 ft (3)	100 ft (3)	150 ft (3)	--
Non-*water-oriented* parks and outdoor recreational facilities	NA	60 ft	75 ft	100 ft	150 ft	--
Other *water-oriented uses*	NA	50 ft	50 ft	100 ft	150 ft	--
All other *non-water-oriented uses*	NA	60 ft	150 ft	150 ft	150 ft	--
	Building Setback from the Shoreline Buffer					
~~Single-family uses~~All uses	15 ft (2)	15 ft (2)	~~25~~15 ft (2)	15 ft (2)	15 ft (2)	~~Z~~--

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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~~	~~Z~~
	Building Height					
Base *height*	35 ft	35 ft	35 ft	35 ft	30 ft	35 ft
Additional *height* allowed when permitted in underlying zoning	Yes (5~~7~~)	Yes (5)	Yes (5~~7~~)	~~Yes (7)~~No	No	No

[1]Residential 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.

[2]Sammamish 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) T~~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(~~G~~H).

~~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~~

~~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*.~~

~~7~~5. Additional *height* may be permitted in the Downtown Waterfront, Shoreline Residential and Swamp Creek Commercial environments under the following conditions:

a. The structures would not obstruct the view of a substantial number of residences; and

b. The structures are located in an area designated on Map 1, Shoreline Environment Designations (attached to Ord. ~~12-0334~~19-0490 as Exhibit 2, and incorporated by reference), as allowing these additional *heights*; and

c. The structure *height* complies with the allowable *height* of the underlying zone and the following additional *height* limits within the shoreline; and

d. The additional *height* of the structures would not impair the *ecological functions* of the stream, lake, *wetland*, or the required buffer. In particular, the effects of shading and light impacts on the viability of vegetation in the buffer shall be considered when making this determination; and

e. ~~Be~~The structures are outside of the *floodway* in effect at the time of permit application; and

f. The structures would ~~N~~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

EXHIBIT 1

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

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

person requesting an exemption shall provide a written statement of exemption for activities that are exempt from the *substantial development* permit requirement in subsection B of this section when:

1. WAC 173-27-0540 applies; or

2. The activity will occur waterward of the *ordinary high-water mark*.

D. Whether or not a written statement of exemption under WAC 173-27-050 is required, all permits and approvals issued for *development* activities within the shoreline jurisdiction shall include a record of review indicating compliance with the City of Kenmore *Shoreline Master Program*.

E. Conditions of approval may be attached to the approval of *substantial development* permits, statements of exemptions, or exempted developments as necessary to ensure consistency of the project with the City of Kenmore *Shoreline Master Program*.

16.75.015 - Developments not requiring shoreline permits or local reviews

A. Requirements to obtain a *substantial development* permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW.

2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.

3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a *substantial development* permit, conditional use permit, variance, letter of exemption, or other local review.

4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

EXHIBIT 1

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) require~~s~~ 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.

EXHIBIT 1

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

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.

EXHIBIT 1

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.

EXHIBIT 1

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.

~~B~~C. 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.

~~C~~D. 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.~~

~~C~~B. 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.

~~D~~C. Any person subject to the regulatory provisions of this title who violates any provision of this title or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private

property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. The ~~director~~*city manager* shall bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. The court on its discretion may award attorney's fees and costs of the suit to the prevailing party.

16.75.110 Shoreline environment redesignation.

A. *Shoreline environments* designated by the *Shoreline Master Program* may be redesignated by the city council upon finding that such a *redesignation* will be consistent with the standards in KMC 16.75.160 and the requirements of WAC 173-26-100 and 173-26-110. A shoreline *redesignation* may be initiated by an *applicant* or by motion of the city council and requires Department of Ecology approval.

B. A *redesignation* initiated by an *applicant* shall be made on forms and processed in a manner prescribed in KMC 16.75.120. A *redesignation* initiated by the city council shall follow the process in KMC 16.75.130.

C. The fee which shall accompany an application for a shoreline *redesignation* shall be as adopted by resolution.

~~D. The departmental report and recommendation regarding an application for a site-specific *redesignation* initiated by council motion shall be forwarded to the hearing examiner for consideration together with all relevant testimony at a public hearing to be held consistent with the procedures for a zone reclassification as provided in Chapter 19.30 KMC.~~

16.75.120 Redesignation applications.

A. A *redesignation* initiated by an *applicant*, as described in KMC 16.75.110(B), must follow the procedures in Chapters 19.25 and 19.30 KMC for *shorelines redesignations* and must include the following information in addition to the requirements in Chapter 19.25 KMC:

1. *Applicant* information, including signature, telephone number and address;

2. The *applicant*'s interest in the property, such as owner, buyer or consultant;

3. Property owner concurrence, including signature, telephone number and address;

4. A property description, including parcel number, property street address and nearest cross street;

5. A county assessor's map outlining the subject property;

6. Related or previous permit activity;

7. A description of the proposed *shorelines redesignation*;

8. A mitigation plan providing for significant enhancement of the first 100 feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of *development* can be determined at the time of the proposed shoreline *redesignation*; and

9. A discussion of how the proposed shoreline *redesignation* meets the criteria in KMC 16.75.160.

B. The hearing examiner shall make a recommendation to the city council based on the criteria for review in KMC 16.75.160.

16.75.130 Redesignation initiated by motion.

A. A city council motion initiating a shoreline *redesignation*, as described in KMC 16.75.110(B), must be accompanied by the following information:

1. A description of the shoreline and a property description, including parcel numbers, property street addresses and nearest cross streets, for all properties that the shoreline runs through or is adjacent to;

2. A county assessor's map outlining the subject property or properties; and

3. A description of the proposed *shorelines redesignation*.

B. If the motion proposes site-specific *redesignation*, as "site" is defined in KMC Title 18, the *redesignation* shall be referred to the hearing examiner for consideration following the procedures of KMC 16.75.120 for consideration of *redesignation* applications. Any other *redesignation* proposal initiated by motion shall be referred to the *city manager* for consideration as part of the process for amendment of comprehensive plan or development regulations as outlined in Chapter 19.20 KMC.

C. A motion initiating a site-specific *redesignation* must identify the resources and the work program required to provide the same level of review accorded to an *applicant*-generated shoreline *redesignation*. Before adoption of the motion, the *city manager* shall have the opportunity to provide an analysis of the motion's fiscal impact. If the *city manager* determines that additional funds are necessary to complete the work program, the *city manager* may transmit an ordinance requesting the appropriation of supplemental

funds. The city council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the *shorelines redesignation* proposal to the hearing examiner.

D. The departmental report and recommendation regarding an application for a site-specific *redesignation* initiated by city council motion shall be forwarded to the hearing examiner for consideration.

~~D~~E. 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;

EXHIBIT 1

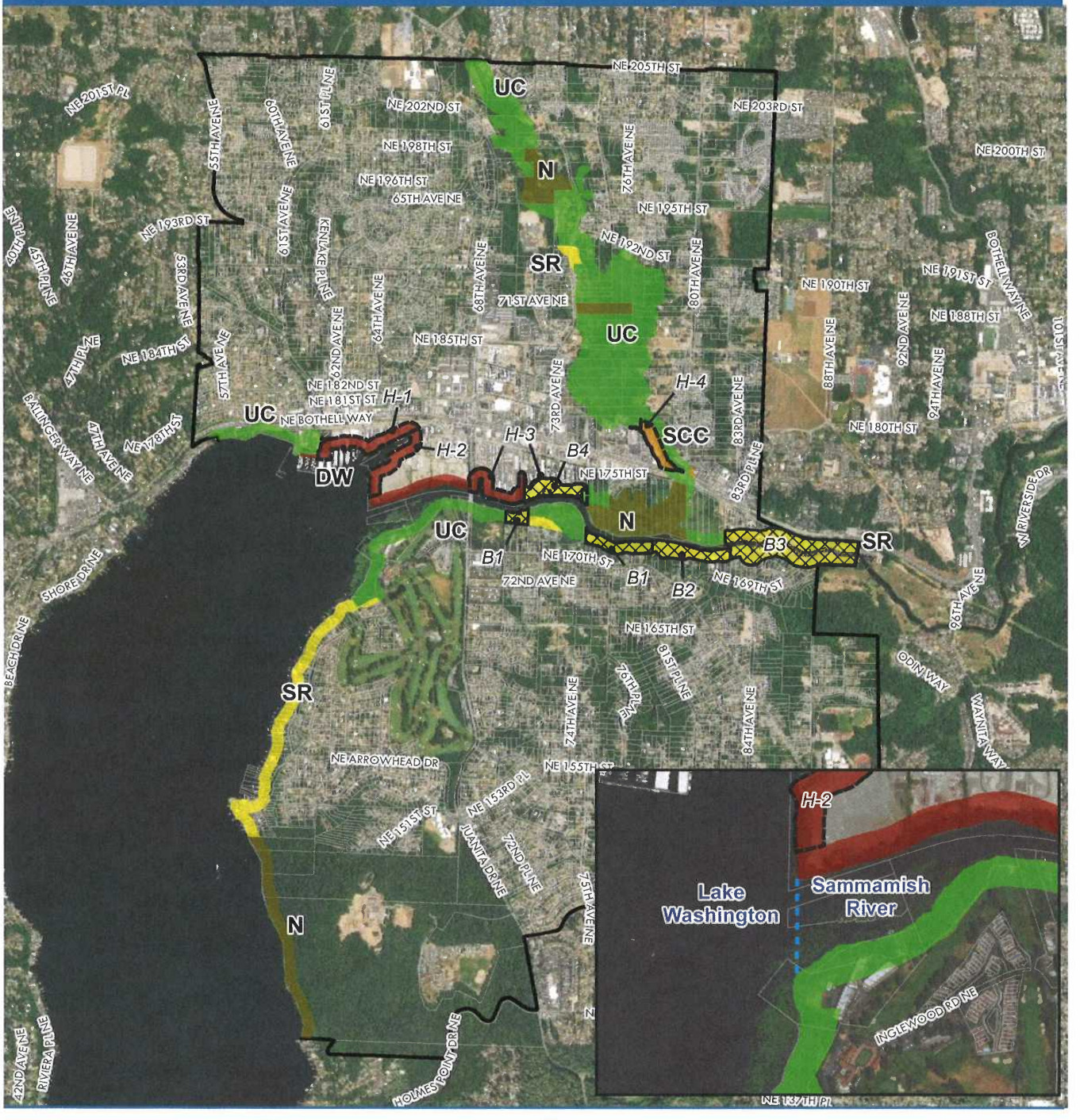
B. The impacts of *development* allowed by the proposed change will not permanently impair any habitat critical to endangered or threatened species; and

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.

City of Kenmore

Exhibit 2

Shoreline Environment Designations Map



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.

N

0 0.25 0.5

Miles

Sources: City of Kenmore, 2018.

The information included on this map has been compiled by City of Kenmore staf from a variety of sources and is subject to change without notice. City of Kenmor makes no representation or warranties, expressed or implied, as to the accuracy completeness, timeliness, or rights to the use of such information. This document i not intended for use as a survey product. City of Kenmore shall not be liable fo any general, special, indirect, incidential, or consequential damages including, bu 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 th map is prohibited except by written permission of City of Kenmore.

Map Date: March 2019

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Ordinance No. 19-0491 authorizing the City Manager to surplus personal property up to a value of $10,000.

Proposed Council Action/Motion: Adoption of Ordinance No. 19-0491 to revise Chapter 3.55 KMC, relating to the sale and disposition of surplus personal property.

For Council Meeting Agenda of: June 17, 2019

Department: City Manager's Office

Prepared by: Ryan Lancaster, Graduate Intern

	Initial & Date
Approved by Department Head:	
Approved by City Attorney:	D.R. via email
Approved by Finance Director:	KC for UMG
Approved by City Manager:	RJK

Exhibits/Attachments:

INFORMATION/BACKGROUND:

Occasionally, the City has the need to sell various equipment or property because it is no longer needed, used or of value to the City, and can no longer be stored. In these cases, the City can pursue various channels set forth in Chapter 3.55 of KMC to sell and dispose of the property. Adopted in 2001, Chapter 3.55 KMC identifies various procedures for the surplus, sale and disposal of such property.

Currently, the City Manager can only declare City property surplus if it is determined to be $250 or less in value. If property has a greater value, Staff must bring the request to surplus the property before Council. The Council will then set a minimum price for the property to be sold at and potentially have the property appraised. At the current $250 level of authority, the City Manager does not have much latitude and most requests to surplus property must go before Council.

Staff believes that if the City Manager were allowed to surplus at a higher value of $10,000 the City could surplus the property in a faster and more efficient way. This change would allow the property to be sold in a more expedited fashion, provide economic benefit to the City, and save Council and Staff time.

Municipal Research and Services Center had the following data on staff surplus authority in other cities:

City	Surplus Limit	Population
Bellevue	$ 10,000	147,599
Fife	$ 10,000	10,191
Langley	$ 1,000	1,136
Ellensburg	$ 10,000	20,977
Shoreline	$ 5,000	56,752
Kirkland	$ 20,000	89,557

FISCAL CONSIDERATION: No property is being considered for surplus with this ordinance. The proposed change would only affect the amount of time necessary to declare property surplus, not the value received by the City for the surplus property.
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Goal 4 relating to financial sustainability. This ordinance is not part of a financial stability plan itself, but will save the City money and time.

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0491

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING CHAPTER 3.55 OF THE KENMORE MUNICIPAL CODE RELATING TO THE SALE AND DISPOSITION OF SURPLUS PERSONAL PROPERTY.

WHEREAS, the City Council adopted Chapter 3.55 of the Kenmore Municipal Code (KMC), which regulates the sale and disposal of surplus property owned by the City; and

WHEREAS, the City Council sells and disposes of surplus property when it is in the best interest of the City; and

WHEREAS, pursuant to KMC 3.55.010.B, the City Council has authorized the City Manager to sell and dispose of surplus property with a value of $250.00, and any request to surplus property with a value that exceeds $250.00 must go before the City Council; and

WHERAS, an increase in the City Manager's authority will expedite the sale and disposition of surplus property and provide economic benefit to the City; and

WHEREAS, the City Council wishes to operate in an efficient and orderly manner, and desires to amend Chapter 3.55 KMC to adopt procedures relating to the same;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Amendment. Chapter 3.55 of the Kenmore Municipal Code is amended as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of the publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly M. Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

EXHIBIT 1 TO ORDINANCE 19-0491

Chapter 3.55
DISPOSAL OF SURPLUS PROPERTY

Sections:

3.55.010 Authority to sell.
3.55.015 Declaration of surplus; determination of value, disposition of property.
3.55.020 Public hearing.
3.55.030 Minimum price.
3.55.040 Method of sale.
3.55.050 Call for bids – Notice.
3.55.060 Opening bids – Rejection.
3.55.070 Execution of instruments of conveyance.
3.55.080 City councilmembers & staff establishing value barred from purchasing property.

3.55.010 Authority to sell.

A. Whenever it shall appear to the city council that it is in the best interests of the City that any property, whether real, personal or mixed, belonging to the City, should be sold, the city council may declare such property surplus and authorize its sale.

B. The city manager, or designee, is hereby authorized to declare surplus, and to sell by any method authorized under this chapter, City personal property the value of which the city manager, or designee, determines to be $10,000 or less. "Surplus" as used in this Subsection B, is defined as any tangible, city-owned personal property that is no longer needed at present or in the forseeable future, or that is no longer of value or use to the city.

3.55.015 Declaration of surplus; determination of value, disposition of property.

A. The city manager, or designee, may declare an item of personal property or similarly-described group of items with a value of $10,000 or less surplus within the meaning of this chapter. The declaring official must document such declaration, together with a determination of value. The determined value must be the reasonable fair market value in "as is, where is" condition. The documentation shall be submitted to the city manager to evaluate the disposal request. If the request and the value are determined to be reasonable, the city manager, or designee, may sell or dispose of the surplus personal property in any commercially reasonable manner determined to be in the city's best interest.

B. If any surplus personal property is purchased with grant funds, the city manager, or designee, shall ensure sale or disposal of said property is consistent with any grant requirements or restrictions prior to such sale or disposal.

C. When the cost of disposing the personal property is equal to, or exceeds the current fair market value of the property, the city manager may authorize donation of surplus personal property to a nonprofit, charitable organization that serves the poor and/or infirm and is tax exempt under the Internal Revenue Service Code Section 501(c)(3).

3.55.020 Public hearing.
Prior to any sale or transfer authorized under KMC 3.55.010, the city council shall hold a public hearing on the sale or transfer if:

A. The property to be declared surplus was originally acquired for public utility purposes (RCW 35.94.040); or

B. The property is to be surplussed by means of an intergovernmental transfer of property, and the value of the property exceeds $50,000 (RCW 39.33.020). [Ord. 01-0121 § 2.]

3.55.030 Minimum price.
Except for property surplussed under KMC 3.55.010(B) and KMC 3.55.015, the city council shall set a minimum price at which all surplus property may be sold. In setting the minimum price, the city council may first require an appraisal be made. [Ord. 01-0121 § 3.]

3.55.040 Method of sale.
Property declared surplus under this chapter may be sold upon competitive bids, on a negotiated basis, auctioned or exchanged for goods and services, as the council may direct. If the council does not direct a method of sale, or the city manager, or designee, declares the property surplus under KMC 3.55.010(B) and KMC 3.55.015, the city manager, or designee, shall determine the method of sale. [Ord. 01-0121 § 4.]

3.55.050 Call for bids – Notice.
If the property is to be sold upon competitive bids, the city clerk shall give notice that the City will invite bids for purchase of the property by one publication thereof in the City's official newspaper, posting at City Hall, and/or such other means as the council may direct, if any. The notice shall be posted and published at least 10 days before the date the bids are to be opened. [Ord. 01-0121 § 5.]

3.55.060 Opening bids – Rejection.
The bids shall be opened in public at the time and place stated in the notice. The city council, or the city manager, or designee, for property sold under KMC 3.55.010(B), may reject any or all bids, or the bid for any one or more of the parcels or item of property, real or personal, included in the aforesaid call for bids. [Ord. 01-0121 § 6.]

3.55.070 Execution of instruments of conveyance.
Upon the council's acceptance of an offer to purchase property surplussed under KMC 3.55.010(A) or upon the city manager's, or designee, acceptance of an offer to purchase property surplussed under KMC 3.55.010(B), the city manager, or designee, is hereby authorized to cause the necessary instruments for conveyance of the property to be prepared and to execute such instruments. [Ord. 01-0121 § 7.]

3.55.080 City councilmembers & staff establishing value barred from purchasing property.
Members of the city council may not purchase property from the City, regardless of the value. Any City employee that had a role in establishing the value of surplus personal property may not purchase said property. Otherwise, City employees may purchase City property; provided, employees shall not be given preferential treatment in the terms or conditions of the sale. [Ord. 01-0121 § 8.]

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Consideration of Ordinance No. 19-0492 setting forth a new policy allowing the City Manager to accept and approve small donations on behalf of the City. **Proposed Council Action/Motion:** Motion to adopt Ordinance No. 19-0492 approving the City of Kenmore Donation and Gift Acceptance Policy	**For Council Meeting Agenda of:** June 17, 2019 **Department:** City Manager's Office **Prepared by:** Ryan Lancaster, Graduate Intern Initial & Date **Approved by Department Head:** _____ **Approved by City Attorney:** D.R. via email **Approved by Finance Director:** _____ **Approved by City Manager:** RJK **Exhibits/Attachments:** Exhibit A: City of Kenmore Donation and Gift Acceptance Policy

INFORMATION/BACKGROUND:

Currently, for the City to accept any donation, the City Manager must present it to Council and have them approve and accept it by ordinance. For small donations, this can be a time consuming process. Staff recommends Council delegate this responsibility to the City Manager by ordinance for small donations.

The policy adopted by the ordinance covers donations with a value of $10,000 or less and gives the City Manager authority to accept them. The policy gives the responsibility of depositing and handling donations to the finance department, who will track and ensure that any conditions of the donation (like which fund or project it can go towards) are followed. The policy also stipulates that the City's interests must be considered and that the City Manager or designee must follow the code of ethics set forth in administrative policies.

FISCAL CONSIDERATION:

This policy will make the process of receiving donations less burdensome for staff and will save time and money. The policy will not change the amount of donations the City will receive, just the process through which they are accepted.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal 4 relating to financial sustainability. This ordinance is not part of a financial stability plan itself, but will save the City money and time.

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0492

AN ORDINANCE OF THE CITY COUNCIL OF KENMORE, WASHINGTON, ADOPTING THE CITY OF KENMORE DONATION AND GIFT ACCEPTANCE POLICY.

WHEREAS, the City of Kenmore does not have a policy in place regarding the timely processing of small donations; and

WHEREAS, the City Council wishes to work in an orderly and efficient manner; and

WHEREAS, the City Manager is capable of approving small donations in an expedited and efficient manner, and the City Council desires to delegate and authorize the City Manager to accept and process such donations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Policy Adopted. The City Council approves and adopts the City of Kenmore Donation and Gift Acceptance Policy, as set forth in Exhibit A, attached hereto and incorporated by this reference.

Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of the publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF _____, 2019.

CITY OF KENMORE

_____
David Baker, Mayor

ATTEST/AUTHENTICATED:

_____
Kelly M. Chelin, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

Exhibit A

City of Kenmore
Donation and Gift Acceptance Policy

Purpose

The purpose of this policy is to set forth a process and procedures through which the City can accept donations pursuant to RCW 35A.11.040 and RCW 35.21.100 in a timely and efficient manner.

Definitions

Donation(s) or Gift(s) – For purposes of this policy is defined as any monetary or nonmonetary gift, grant, devise or bequest to the city of Kenmore.

Authority

The City Council hereby authorizes the City Manager, or designee, to accept and approve donations to the City that:

1. Are consistent with City interests as defined in this policy;
2. Do not exceed ten thousand dollars ($10,000) in value; and
3. Meet the City's code of ethics.

If a donation exceeds ten thousand dollars ($10,000) in value, the Council retains the authority to accept and approve donations by way of ordinance.

City Interests

Donations should only be accepted when they have a purpose consistent with the City's adopted goals and objectives and are in the best interests of the public. The City must always consider the public and how the donation or any conditions attached to the donation will affect the public. All applicable laws shall be followed when accepting donations.

Accounting

The City of Kenmore finance department is responsible for depositing and administration of any donation to the City. If a donation has any restrictions attached to its use the department will be responsible for tracking use of said donation and ensuring that it is used according to the conditions of acceptance. Restricted donations or donations given for a particular purpose, if accepted, shall be deposited in the fund most closely corresponding to the purpose stated by the donor. If no such fund exists, Council may establish, by resolution, an appropriate new fund. If no terms or conditions are attached to the donation, the City may expend or use it for any municipal purpose. The finance director is authorized to establish administrative rules or guidelines to implement this policy.

Rejection of Donations

The City reserves the right to reject any donations or gifts offered to the City if they are not in the best interest of the City or the public.

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Website Migration Project Update **Proposed Council Action/Motion:** Presentation only. No action required.	**For Council Meeting Agenda of:** 17 June 2019 **Department:** Executive **Prepared by:** Becky Range, Communications Specialist Initial & Date **Approved by Department Head:** NKO 4 June 2019 **Approved by City Attorney:** **Approved by Finance Director:** June 4, 2019 **Approved by City Manager:** PSK **Exhibits/Attachments:** N/A

INFORMATION/BACKGROUND:

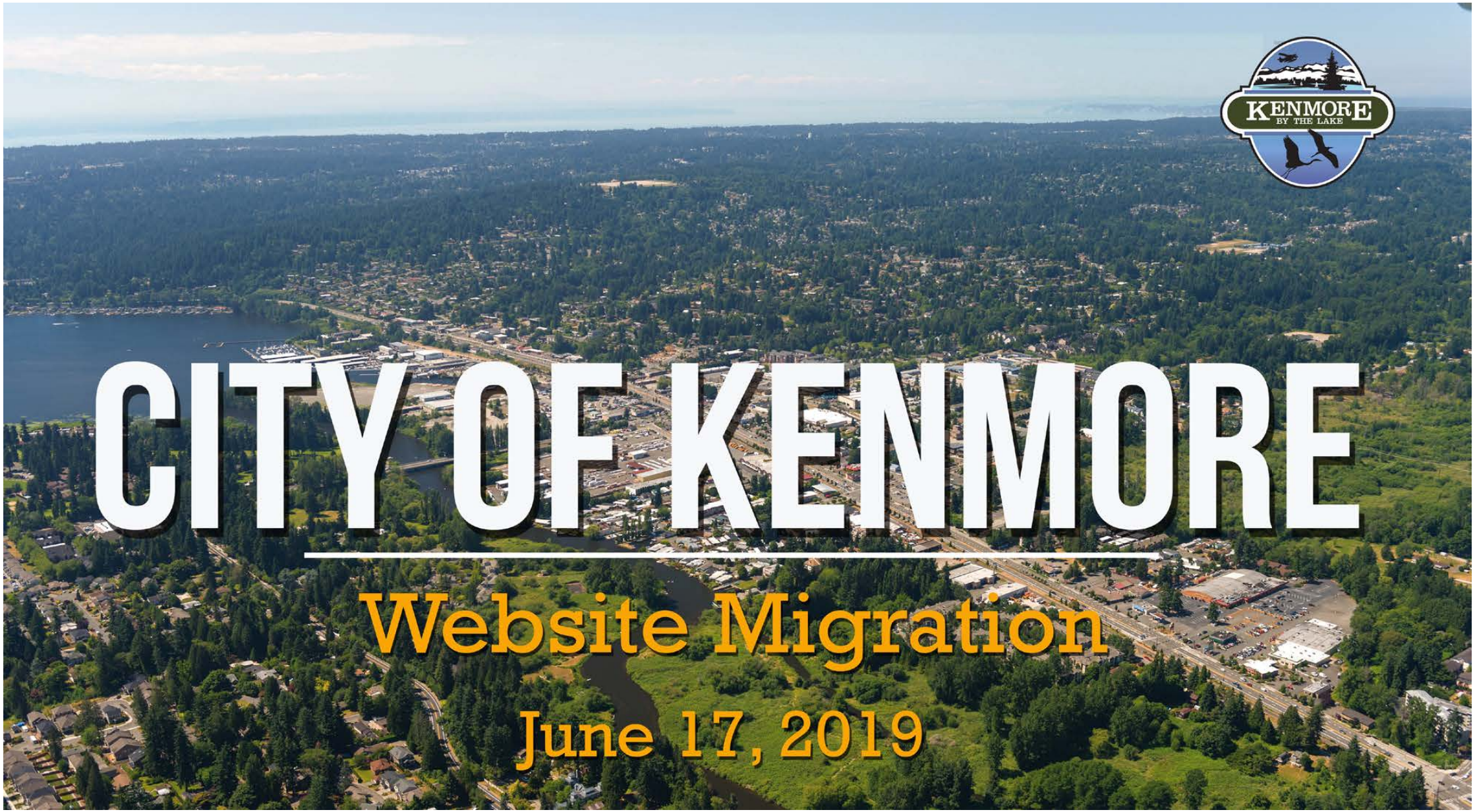
Providing clear, factual and timely information to our community is a top priority for city staff and the most important tool we have is our city website. A web migration project was approved in the 2019-2020 budget to deliver a new website that is more user-friendly, mobile-responsive, and has a simple yet effective search tool.
City staff will be working with a consultant to improve our website over the next 6 – 9 months.

Staff has developed a project charter outlining project goals, roles, level of community engagement, and general timelines. Once the contract is signed with the vendor, we will further refine the schedule.

- January – June 2019: RFP drafted, vendor selection, contract signed, project charter drafted, internal project team kick-off
- June – August: Web clean up, archiving, design work
- September - December: More input on design/features, design site tested, CMS training
- January – March: Training, launch

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Providing clear, factual and timely information to our community supports all City Council goals.
Additionally, it directly supports Goal 7. Implement the Economic Development Plan, with an emphasis to "Promote the Image of Kenmore".


KENMORE
BY THE LAKE
CITY OF KENMORE
Website Migration
June 17, 2019

Website migration

- Providing clear, factual and timely information to our community is a top priority
- Current website is now outdated, difficult to update and not user-friendly

Project goals

- Quickly migrate content to secure website
- New content management system easier for staff to update
- Deliver new website that is:
  - Secure
  - User-friendly and mobile-responsive
  - Sustainable
  - Flexible

General timeline

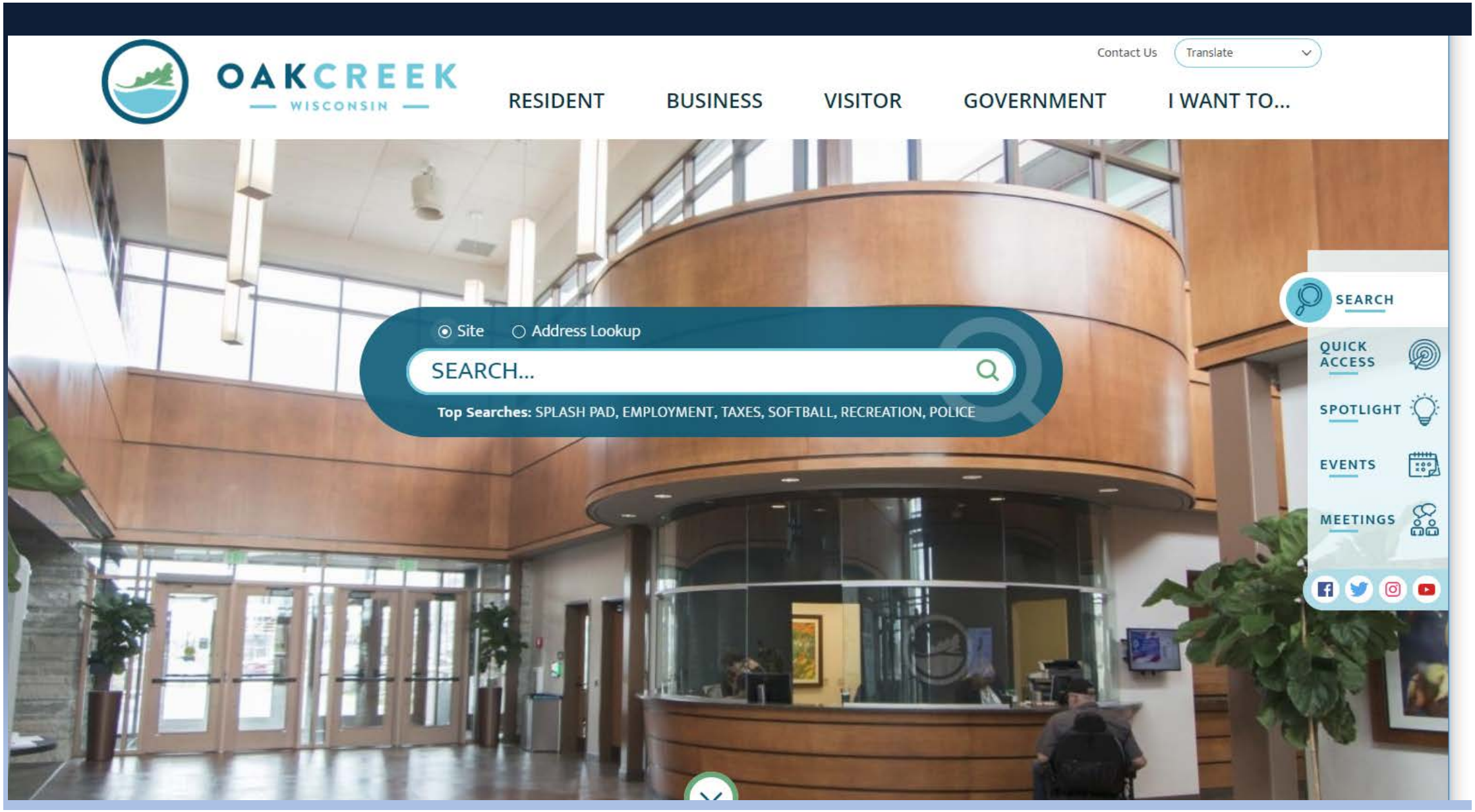
- January – June 2019
  - RFP drafted, consultant selected, contract signed, project charter drafted, internal project team kick-off
- June – August
  - Web clean up, archiving, design work
- September – December
  - More input on design/features, design site tested, CMS training
- January – March 2020
  - Training, launch

Migration team

- Works with consultant to review/delete/improve or add content
- Develops and plans new site architecture and design
- Educate public about new website, highlighting key changes and any new features

Design input

- Team is studying current analytics and industry trends
- Online public survey
- Internal staff survey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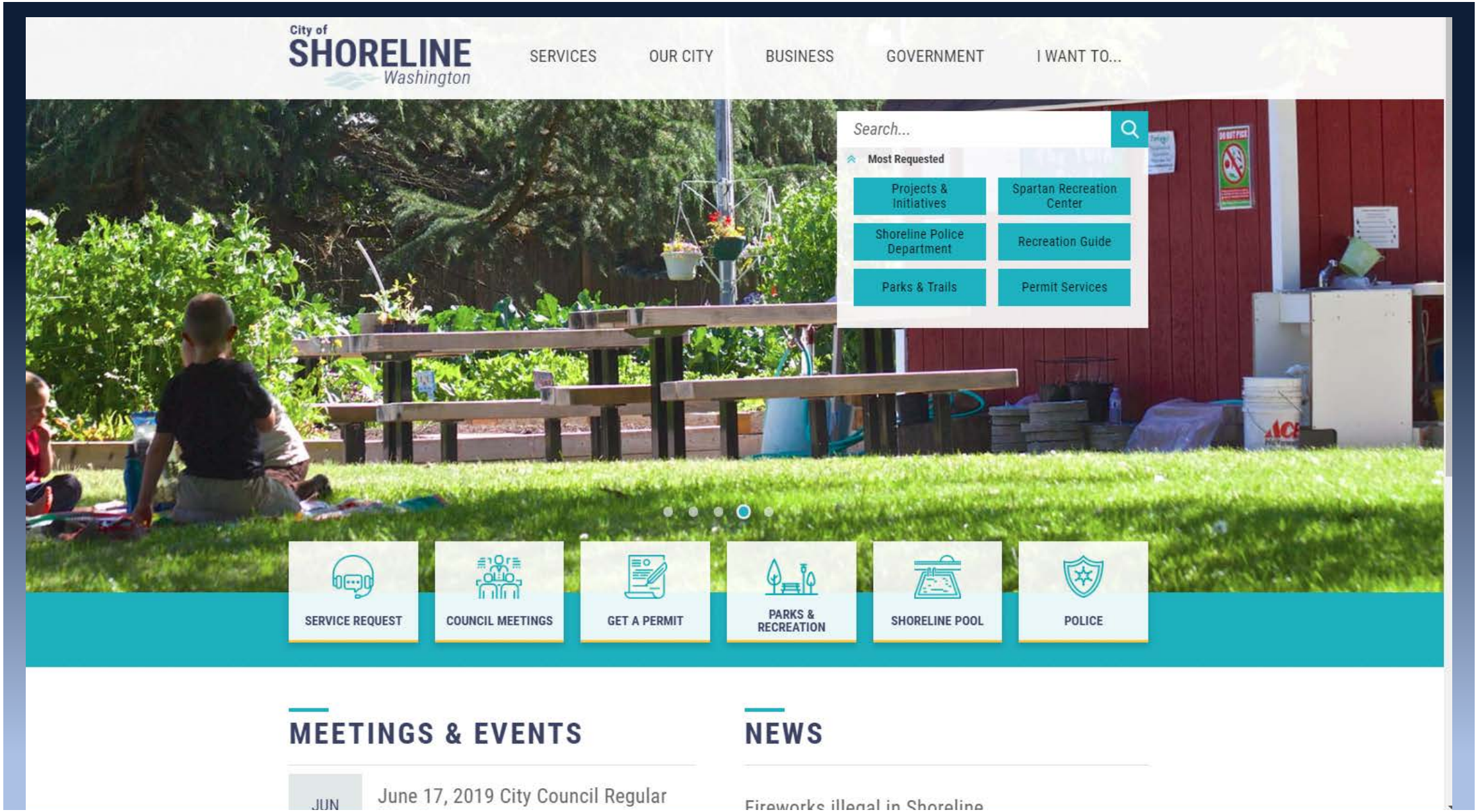
City of
SHORELINE
Washington
SERVICES
OUR CITY
BUSINESS
GOVERNMENT
I WANT TO...
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Most Requested
Projects & Initiatives
Spartan Recreation Center
Shoreline Police Department
Recreation Guide
Parks & Trails
Permit Services
SERVICE REQUEST
COUNCIL MEETINGS
GET A PERMIT
PARKS & RECREATION
SHORELINE POOL
POLICE
MEETINGS & EVENTS
JUN
June 17, 2019 City Council Regular
NEWS
Fireworks illegal in Shoreline

CITY OF GOOD LIVING
SAN CARLOS
Agendas
News
Calendar
Report a Concern
A A A
Select Language
SEARCH
Services
Government
Residents
Business
I Want To...
CITY OF SAN CARLOS
ONLINE PAYMENTS
PERMITS
JOBS
PARKS & RECREATION
LIBRARY
NEWS
MEETINGS & EVENTS

Questions?

City of Kenmore, Washington

Date: 05/24/2019

To: Rob Karlinsey, City Manager

From: Ryan Lancaster, Graduate Intern

Re: Short-term Rental Policy Paper

Recently, residents have raised a concern with a short-term rental or vacation rental that was detracting from the community. Short term rentals can be a source of income for property owners and can help the economy of the city, but if not properly monitored and regulated they can be a nuisance and may take up valuable housing stock.

The largest issue facing Kenmore in regards to short-term rentals is party rentals. In February a party was thrown at an Airbnb in a residential neighborhood that upset the neighbors. This same residence had three parties that disrupted the entire neighborhood. The police were called and the council heard complaints shortly after. This is the first incident that has garnered attention in Kenmore even though Airbnb has been operating in the city for many years. But, Kenmore is not the only city in the surrounding area that has dealt with this problem. For example, just a couple of months ago Seattle had an Airbnb party house incident where a man was shot.[1]

For Kenmore, the main question is whether the party house incident was a rare event or if more incidents like it are likely to happen. If they are, will regulations help mitigate any impacts and protect residents? Considering that over the past four years only one instance has occurred it is not the most likely event, but if more complaints occur in the future a simple ordinance now can protect residents and mitigate impacts.

Short-term Rental Growth Forecast

Kenmore currently has 33 unique listings on common online listing services. Of those 33 listings 91% were listed on Airbnb, 3% on Home Away, and 6% on both sites. The average occupancy rate is approximately 68% and 19 homes are booked 30-90 days a year, 7 homes are booked 120-180 days a year, 3 homes are booked 210-270 days a year, and 1 home is booked 300 - 365 days a year. Approximately 15 homes rent out the entire property and 18 homes rent out a private room.[8]

18120 68th Ave NE · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov · www.kenmorewa.gov

By using past data to forecast trends into the future Kenmore is expected to have between 21 and 54 units by the end of 2020 with an average forecast of 37. Any forecast longer than this would be uncertain. Considering the fast-paced growth of the industry in the general region it is likely that the high estimate will occur.

Frequency of Incidents

To help get a better picture of how often incidents involving short-term rentals occur the City used police dispatch records and queried them for any reports using the word Airbnb. This search resulted in 12 events over the past 2 years with 5 of those calls being for the same address. A simple ratio can give us an idea of the frequency of events. Given that Kenmore has 33 short-term rentals currently and 12 incidents the frequency of dispatch calls is 1 call for every 2.75 short-term rentals.

Citizen Experience

The City spent some time interviewing citizens that live around a short-term rental that was frequently used for parties to try and get a better picture of the impact caused by such an event.

Matt O'Neal, a resident of the neighborhood where a short-term rental party was thrown said, "The impacts my family experienced were as follows: sleepless nights due to banging car doors and chirping alarms from 10PM-3AM, a man who appeared to be drunk urinated in street in front of his truck that was blocking the fire hydrant across the street from our driveway (he was so intoxicated that he did not notice that I was standing in my driveway), unprecedented parking overflow on dead end street consuming all available parking and blocking fire hydrants, suspected underage drinking, people dressed for clubbing talking loudly in the streets as if they were outside a bar, suspected drivers over legal blood alcohol limit, mass of young people drinking on street in front of house with plastic cups, exhibition driving which sounded like motorcycles or cars with modified exhausts, cars using private driveway as a turn-around, suspicious cargo vans with smoked out windows, police blockade restricting ingress/egress to dead end street."

Mike Vanderlinde, another resident who lives in the neighborhood saw what he felt was a dangerous situation and was disappointed in the inability of the City to respond. This left him and his neighbors feeling vulnerable. When discussing what his feelings he said, "our neighborhood is highly concerned and adversely impacted by the continuing dangerous and disruptive activity associated with the transient rental property. While, our concern is directed at the abusive activity around a specific property, we believe this problem will soon spread, damaging the quality of life and property values in other neighborhoods and the reputation of the city of Kenmore in general."

Liz Postetter was trying to visit her mother who was being taken to the emergency room, but was unable to because of traffic caused by a party at a short-term rental. She said.

"Our ultimate goal is to protect and preserve the character, safety and quality of life in our neighborhood and all of Kenmore. In order to achieve this please prohibit short-term rentals of less than 30 days in single family zones, work to enforce current parking and noise laws and established stiff penalties for those home owners who do not obey these laws."

It seems the two most important things for these citizens to be required in an ordinance would be owner occupation and owner accountability. They want to know that the person running the short-term rental isn't seeking to make a profit on the misfortune of others but truly cares about the neighborhood. They also want to have a system in place to hold owners accountable. A system of fines or penalties that make the option of allowing parties or renting out without caution a big enough economic disincentive that it doesn't happen.

Regulation Types and Options

Many cities in Washington and across the United States have started to address the negative externalities of short-term rentals by regulating them. Different types of regulations exist and cities vary in what they monitor and require but most ordinances have the following things in common:

- A definition that reflects HB 1798 - 2019-20 "lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights". (2019 regular session effective July 28, 2019 Title 64 RCW)
- Some type of agreement/contract regarding nuisance where the operator is responsible to make sure that guests are courteous to neighbors
- A business license or land use application
- Violation penalties, normally a misdemeanor or monetary penalty
- A clause stating that a business license can be revoked
- A property manager or resident must be available locally for contact continuously
- A clause that stipulates rentals must follow all zoning, building, and fire codes including limits on occupancy and parking spaces
- The method through which taxes will be collected and remitted

In reality, the ordinances are more nuanced and vary from city to city. Following is a simple matrix that looks at five different cities that recently updated or adopted short-term rental regulations and what is included in their ordinances.

In some cases, the platform or website is required to register with the city and get a business license. Platforms and websites may also be required to disclose information on a regular basis. Having a registry and an accurate count of short-term rentals is helpful in responding to complaints. Requiring a business license also allows the city to

fine non-compliant rentals, which otherwise may be difficult if the city does not have an ordinance making short-term rentals illegal. Requiring registration may be difficult since getting in contact with the right people and informing them of the regulation can be a time-intensive. Listing platforms guard their data and often refuse to comply with regulations requiring them to disclose. For some cities this has led to legal proceedings.

Having a signed compliance form gives the city reasonable assurance that a short-term rental will not become a nuisance and follows current codes without staff having to go out and do inspections at every rental. The form also gives the city legal grounds when a rental does become a problem.

Requirements that the rental contact be local help with accountability. Having someone local that can work with the city to resolve problems is essential. Also, if someone is local they may have a more vested interest in the vibrancy and success of the city and may take better care of the property. In cases where the short-term rental is a multi-family residence and not a single family home, the requirement of having the owner live on the premise does not work and is often waived. In these cases having the owner either live within the boundary of the city or having a property management agency within a reasonable distance can still work.

Kirkland

Some highlights from the Kirkland ordinance include a limit of 120 days per year for use of a short term rental, the owner must occupy the unit at least 245 days per year, and a property manager must be within 15 miles and be continuously available when the owner is not occupying the property. A single detached dwelling unit cannot have more than two rental agreements through a listing platform at once, and the owner/property manager needs to sign an agreement with the city ensuring that every effort will be exercised to avoid conflicts with neighbors as a condition of maintaining the business license.[11]

In an interview with Kirkland City business license administrative staff we got the following advice and information. The ordinance originated because constituents were worried about party houses and noise complaints. The ordinance has been so far successful at its purpose mainly because the ordinance required any detached unit to be owner occupied a majority of the year and that a property manager be available for contact if they are not present. The largest problem they have faced has been condos and other multi-family rentals, which their ordinance does not cover. They suggested that if Kenmore were to adopt a similar ordinance that they work with HOA's and condo boards to make sure that restrictions on Airbnbs similar to those in the ordinance are part of their by-laws.

Another problem they faced is actually locating and getting all short-term rentals to get licensed. When they contacted Airbnb and other companies they refused to disclose data or to get a business license. Supposedly, the company did post information on their

website and send out letters to each host in the city stating that they should contact the city to get a business license, but no evidence has verified that. The best success has come from doing a mass mail out and publicizing the information on the City's website. Also, complaints have helped track down multiple rentals as well. Kirkland also gave us contact information for Airbnb and VRBO/HomeAway corporate if we wished to reach out to them.

Airbnb:

Alexandra April - alexandra.april@airbnb.com

VRBO/HomeAway:

Richard de Sam Lazaro - rilazaro@expedia.com

Bellingham

The Bellingham ordinance restricts where short-term rentals can be located by zone and distinguishes between attached and detached accessory dwelling units. The ordinance also defines two levels of rentals based on zone that determine the strictness of regulations. If the vacancy rate citywide is higher than 4%, detached accessory dwelling units are permitted as short-term rentals. Each individual and family can only operate one short-term rental and owners must provide proof of primary residence. Also, the outside appearance cannot be changed to indicate that the site is being used for commercial purposes. The local contact or property manager also must live within an hour's drive and be available 24 hours a day. Interestingly, the application is a land use application and the owner must be insured (through the listing platform most of the time) and must meet health and safety regulations for food if they serve meals.[10]

Renton

Renton has the shortest of all the ordinances studied and covers most of the important bases that mitigate negative impacts. They require a business license and that the rental property is owner-occupied. They also limit the number of guests at one time to two people and require additional off-street parking. They also require the units to post safety information in each bedroom and abide by the property maintenance code.[9]

Seattle

Seattle's ordinance is unique because it not only regulates owners within the City, but also the platforms that listings are posted to online. The platform must disclose

information quarterly, remove illegal listings that do not have a business license, and collect taxes on behalf of hosts. The platform also needs to maintain a license with the city. Note that most online platforms already collect and remit taxes on behalf of hosts but Seattle made it mandatory instead of being unenforced, like most cities.

The ordinance also has provisions for those that had rentals before the ordinance passed, giving them a grace period to conform to the new regulations. Owners need to post safety information in the apartment, sign a compliance statement, maintain insurance (if not covered by the listing platform), and comply with existing codes as well. Seattle also has a tiered violation system where warning and citations can be given before a misdemeanor is assessed, unlike other ordinances.[2]

Santa Monica

Santa Monica calls short-term rentals home sharing and vacation rentals but they are generally the same thing. Santa Monica recently won a court case against Airbnb giving validity to platform regulation at a local level. The hosting platform needs to disclose information and not assist any unlicensed short-term rentals. The city requires a business license and that hosts do everything they can to prevent nuisance claims and comply with all applicable safety codes, but not much else.[12]

Potential Tax Consequences

Short-term rentals, according to state law, are subject to the sales tax, convention and trade center tax, and special hotel/motel tax. Owners must report transient rental income on their excise tax return and all taxes are based off of this. Short-term rentals in Kenmore boundaries currently are subject to a total tax rate of 0.124 comprised of a local sales tax and regional convention and trade center tax. Kenmore does not currently have a hotel/motel tax in place. The convention and trade center tax is not received directly by the City and is used specifically for convention and trade centers by the Department of Revenue.[4]

Common online listing sites currently collect and send taxes to the Department of Revenue on behalf of hosts. Therefore, short-term rentals in Kenmore's boundaries have already been paying taxes to the state and the City receives a portion of those funds. Kirkland just adopted a special hotel/motel tax of .01, which Kenmore does not currently have. If the City were to levy a similar tax to Kirkland the amount of tax revenue possible according to the high estimate of units and average monthly income of $1,225 would be $15,031.19 in addition to current tax revenue by 2020. If a short-term rental does not have a facilitator paying taxes for them they must pay the taxes themselves. Note that this revenue would be earmarked and set aside for specific tourism related expenses and additional committees would need to be established to collect the tax.

Impact on Affordable Housing

One of the main concerns normally brought up when discussing short-term rentals is the impact they can have on affordable housing. Every unit used as a short-term rental can no longer be on the market for long-term occupancy. Measuring the displacement caused by short-term rentals is difficult because not every rental would be considered a long-term rental unit if it wasn't being used as a short-term rental. For example, a room in a house would not be considered an accessory dwelling unit but a mother-in-law apartment for rent would. Kenmore has 2,752 potential rental units (2,455 actually occupied and 297 vacant units that could be rented or bought) and 11 of the short-term rentals in the city could be considered full-time (because they are booked more than 120 days a year). Therefore, approximately 0.4% of rental housing is arguably being displaced by short-term rentals. Multiple different ways exist to measure the displacement of short-term rentals, but in all cases it would be low compared to the total rental housing stock.

Additionally, the presence of short-term rentals has been linked to increasing property values and rents making the remaining housing stock less affordable. In a recent study done in New York, the city used Airbnb website information and information regarding income, employment, and population from the census to determine the impact of Airbnb on rents in the city. They found that the amount of short-term rentals was significantly correlated with increases in rent.[5]

This does not necessarily mean that Airbnbs are bad for affordable housing though. Another study conducted by Stephen Sheppard and Andrew Udell also looked at New York Airbnb data and came to a similar conclusion, but with a warning. They said "A service that increases house prices (such as improved police protection, making better local schools available to residents, or providing more and better public parks) need not diminish community well-being. Public policies that reduce house prices in pursuit of housing affordability by diminishing the efficiency with which an owner can make use of his or her property are unlikely to be welfare-improving, in the same way as a city that creates "affordable" housing by encouraging more crime hardly seems desirable."[6] Essentially, the external positive benefits of higher property values and rents do not need to be in conflict with affordable housing. Restricting Airbnb may cost the city these external benefits. For example, in extreme cases some short-term rental owners may only be able to afford their current home because of the income renting a room brings in.

Overall, the professional community is still debating the effects of Airbnb on affordable housing. But, it seems that the rising consensus is that they raise property values and bring positive benefits to the community as long as any nuisance claims like noise and parking are kept to a minimum and the percentage of the rental housing stock is not overwhelmingly displaced.

Administrative Burden

A new ordinance and regulation will cause some administrative burden for city staff. The main burden will fall upon those who process business licenses and those who handle code enforcement and complaints. Other potential burdens may come in the form of inspections or communication with listing platforms to obtain necessary data. When the ordinance is first passed it may be difficult to get all owners of short-term rentals to register for a business license. A grace period may be helpful to allow all owners time to get their short-term rentals in compliance with any new laws. Most issues that would arise from short-term rentals would occur in the evening when noise and nuisance complaints would be most likely, in this case, the time of police in responding to calls should also be considered.

It takes administrative staff approximately 1-2 hours to process a regulatory business license. So, if all 33 short-term rentals in the city registered for business licenses it could take anywhere from 33-66 hours of staff time for initial registration of all rentals. This does not include the time it would take staff to get an ordinance passed and the time necessary to contact rental owners. Ongoing, staff would have to renew those business licenses on a regular basis and respond to violations and complaints generating a similar amount of demand for staff time each year.

This time cost could be recuperated by charging a license fee of $100 to $200. As time goes on staff could monitor the time taken to process short-term rental license requests and either lower or raise the fee accordingly. Short-term rentals could also get the existing business registration which is $10, but this would keep the city from using a compliance form or other regulatory measures.

Additional staff time would be consumed if inspections of building and safety codes were required. The way that smaller cities have dealt with this hurdle is through a declaration or affidavit signed by the license holder stating that the rental unit complies with all building, safety, and fire codes.

If a situation occurs where the code is violated staff would need to enforce and assess some type of monetary penalty to recoup costs and discourage the behavior. This could either be done as a warning system with citations issued or legal action where the city attaches a fine to the property; depending on how strictly the city would like to curtail violations. The simplest way for staff would be to assess a small fine and after repeated attempts have it be a misdemeanor. Enforcement of regulations is often passive and by complaint in cities with fewer resources and active in cities where the impact is being felt acutely.

Discussion of Alternatives

In discussing any alternatives note that state law effective this July will cover a wide variety of regulations that other cities have. Any regulation Kenmore pursues would not

have to include items contained in state legislation in order to reduce redundancies, unless the City Council felt more stringent than state law where necessary. A short digest description of that law, HB 1798 - 2019-20, follows:

"Requires a short-term rental operator to: (1) Obtain a business license from the department of revenue; and (2) Maintain liability insurance to cover a short-term rental unit in the aggregate of not less than one million dollars. Prohibits a short-term rental operator from: (1) Engaging in the business of providing a short-term rental unit unless the operator is in compliance with the requirements of this act (safety, taxes, and platform registration) and applicable local codes; and (2) Advertising short-term rental units that are not licensed or violate prohibitions or restrictions on the rentals."[13]

Status Quo

The first option available to the City is to do nothing. Considering that short-term rentals are already paying taxes, state law already regulates them, and that only a handful of incidents have occurred in Kenmore an ordinance may be unwarranted. In this situation, rentals could continue running as they currently are and staff would not be able to pursue any further action for punishment than what is currently being done for noise violations, which may be sufficient for any more incidents that occur.

By not pursuing regulation the City does not impose any further limits on property owners or create any additional burden for City staff. Citizens may be frustrated with this option, but the frustration caused by short-term rentals owners with having to get a license may be equally strong. It is important not to forget that those who own short-term rentals may be a larger constituency group even though they are currently silent.

However, by staying with the status quo the City would lose the main benefits of having a local contact continuously available and an up-to-date list of all short-term rentals. Even with those drawbacks, not regulating short-term rentals now is a solid option. For example, if the City does nothing now and the number of party rental occurrences increase in the future, and an ordinance is deemed necessary the groundwork has already been laid and one could be adopted quickly.

Regulatory License

The second option available to the City is to require short-term rentals to have a regulatory business license. This would allow the City to regulate and monitor short-term rentals in a way that reduces any negative impacts they cause. A regulatory license ordinance could require short-term rentals to:

- Get a regulatory business license
- Pay a licensing fee
- Be a rental reflecting state law of having tenants 30 days or less
- Be owner-occupied for a significant portion of the year (245 days). Potentially less stringent for multi-family units.
- Limit the number of rental agreements at any time at two (2), the number of adult occupants not exceed twice the number of bed rooms in the house, or a limit to 8 unrelated individuals (KMC 18.20.1012)
- Sign an affidavit or declaration stating that the owner will comply with all state regulations and seek to minimize conflicts with neighbors as a condition of the license
- Provide continuous contact information for a rental owner (or property manager if out of town) for the City and guests
- Be subject to penalties for operating without a City license. A system with warnings and then a code violation fine (KMC 5.75.010 or KMC 5.75.020) this includes a maximum criminal fine of $5,000 or 1 year jail time or if a civil infraction a maximum of $250.

Funds gathered from business license fees could be used to recuperate some of the costs caused by regulation. This method would also allow short-term rentals to operate no matter what zone they are located in within the city. If the City needed to shut down a short-term rental all they would have to do is pull the business license and monitor the property. The largest drawback of this option is the amount of staff time it would take to get running.

Land Use Regulation

The third option is to regulate short-term rentals through the land use code as a use subject to conditions. This option minimizes staff time but still allows staff to respond to complaints and enforce regulations. Short-term rentals could be listed as an allowed use subject to conditions in the R 1 - 6 zones with a definition reflecting state code. This could take the form of an update to the current temporary lodgings use (KMC 18.21.020) or a separate definition. Conditional uses could be required to go before a hearings examiner before receiving a permit and pay any application fees. Conditions could include:

- Definition reflecting state law of being 30 days or less
- Owner occupation for a significant portion of the year (245 days). Potentially less stringent for multi-family units.
- Limit the number of rental agreements at any time at two (2), the number of adult occupants not exceed twice the number of bed rooms in the house, or a limit to 8 unrelated individuals (KMC 18.20.1012)

- Provide continuous contact information for a rental owner (or property manager if out of town) for the City and guests
- Notification sent to surrounding properties that a short-term rental is being operated nearby
- Provide an additional parking space
- Comply with all state regulations
- Comply with the City building and fire code's
- Appear before a hearings examiner for a conditional use permit
- Penalties for violation of City regulations (KMC 1.20.030) this could be a misdemeanor with a maximum $1,000 fine or 90 days jail time decided by the court

The penalty for not complying with the ordinance would be the regular process for zoning violations and stiffer penalties could be addressed if council wishes. This method would lose some of the monitoring information that comes with business licensing and some of the funds for regulation from fees. But, with this option the City also could require short-term rentals to get a general business registration for $10 per year, thus getting some information on rentals in the City. This method also would lose the ability to have the rental owner sign a declaration or affidavit. Also, shutting down a short-term rental with this method may be more difficult than just pulling a business license and assessing a fee. Additionally, according to development services any amendment to the zoning ordinance may have to go before the Department of Commerce and other agencies before approval, which usually takes a couple of months.

Staff Recommendation

The decision to regulate short-term rentals rests with the Council. Staff sees no immediate negative impacts from not regulating them other than some displeased residents who were affected by party rentals. However, keep in mind that over the past two years police have received 12 noise complaints about Airbnb in Kenmore and recently other cities in the area have experienced problems as well. This could be a trend that will continue into the future.

If the Council decides that regulation is the correct course of action to take Staff recommends the regulatory business license route. This option would require owner occupancy, give contact information for rentals, and provide a method for monetary penalties significant enough to discourage party rentals. This option would also be faster to implement than a land use regulation and would take less staff time to regulate.

Conclusion

New regulations for short-term rentals need not be complicated. As long as the basic points mentioned in this report are covered an ordinance should mitigate the negative effects of short-term rentals. Special attention should be given to the potentially complicated process of collecting taxes and educating short-term rental owners of taxes

they would have to pay. Renton and Santa Monica had relatively simple ordinances that still made short-term rentals subject to regulations that kept them from being abused and used as party rentals and Kenmore easily can as well.

Appendix

Regulation	Kirkland	Bellingham	Renton	Seattle	Santa Monica
Definitions					
Short-term rental definition	x	x	x	x	x
Difference between single-family and multi-family	x	x		x	
Listing Platform Regulations					
Listing platform responsible for taxes				x	x
Platform remove listings				x	x
Platform disclose info such as address, revenue, and contact info for rental owner				x	x
Platform needs license with the city				x	

Requirements

Require a business license	x	x	x	x	x
Primary residence requirement (245 days a year or a property manager within 15 miles or an hours distance)	x		x		
Local continuous contact requirement for an owner or property manager	x	x		x	x
Signed declaration or affidavit as condition of license	x	x		x	
Signs on premises showing the rental is permitted		x		x	
If serving Food required to register with the health department				x	
Inspection of unit required for license		x			
Insurance required		x			
Notification sent to surrounding properties		x			

Limits on Rentals

Limit on days per year allowed to rent out the space	x				
Limit on # of rental agreements an individual can have at once (normally 2)	x			x	
Limits on how the rental can appear from the street		x			

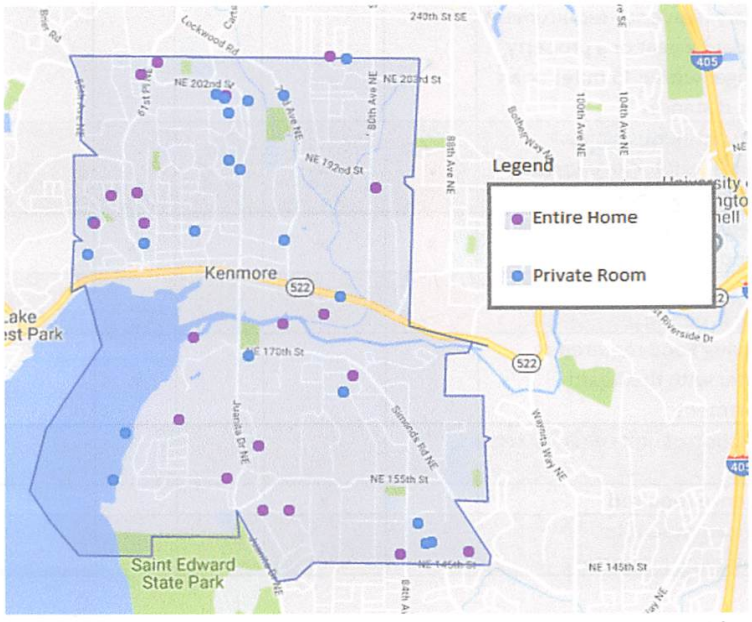
Violations

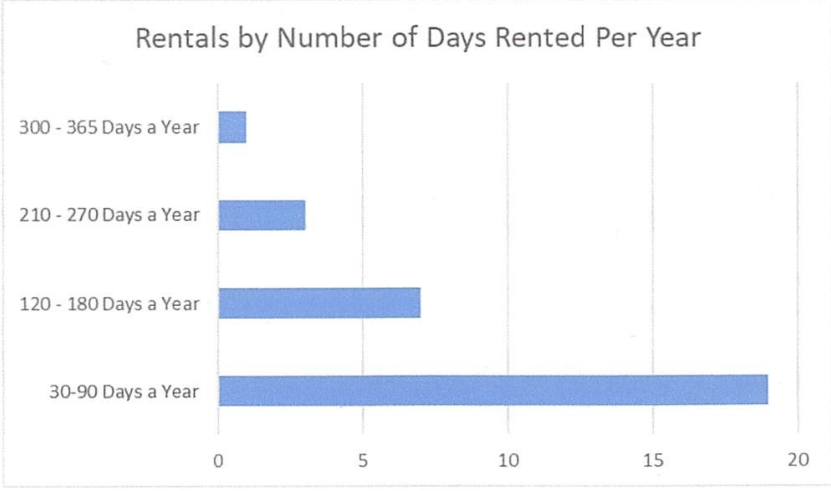
Violation is a misdemeanor	x		x	x	

Owner Responsible For

Responsible for all other safety codes		x	x		
Responsible for zoning code	x	x	x	x	

Locations of Short-term Rentals in Kenmore as of June 6, 2019





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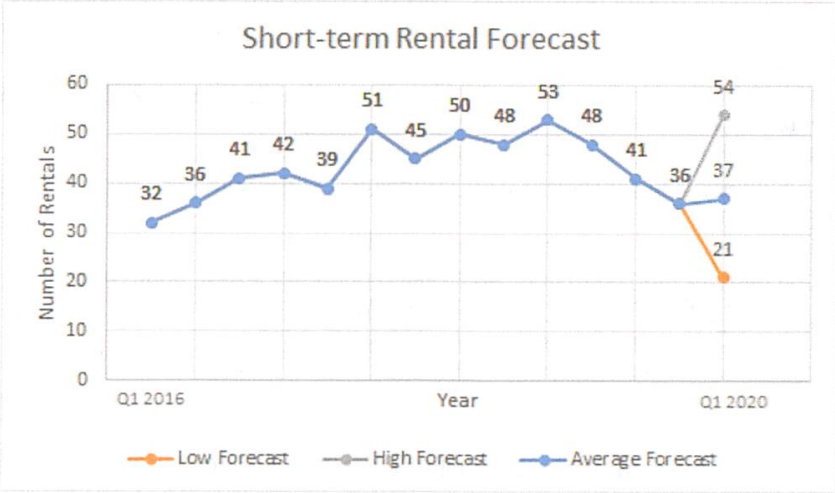

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