



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

City Council Regular Meeting

ON-SITE

MONDAY, JULY 15, 2024 - 7:00 PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/86943952532>

ZOOM PASSWORD: 608153

Or Telephone Dial US: +1 253 205 0468

Webinar ID: 869 4395 2532

ZOOM PASSWORD: 608153

SIGN UP FOR VIRTUAL PUBLIC COMMENT HERE: www.kenmorewa.gov/virtualpubliccomment

If you have technical difficulties accessing the meeting virtually, please contact the Deputy City Clerk at mkang@kenmorewa.gov.

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

Land Acknowledgement to Honor First Peoples

We acknowledge that the City of Kenmore is situated upon the ancestral lands of the Snohomish, Snoqualmie, Sauk-Suiattle, Duwamish, Stillaguamish, Tulalip, Suquamish, Muckleshoot, and other tribes who are part of the Coast Salish Peoples. We recognize and express our deepest respect for their enduring stewardship and profound relationship with this land, which they have cherished and protected since time immemorial. We honor the First Peoples, acknowledge their vibrant cultures, and commit ourselves to learning from their wisdom in our journey to promote justice, equity, and mutual understanding. We pledge to stand alongside these communities in acknowledging past injustices and working towards a future that respects and celebrates the diverse heritage of this land.

- I. CALL REGULAR MEETING TO ORDER - 7:00 PM**
- II. ROLL CALL**
- III. LAND ACKNOWLEDGEMENT**
- IV. FLAG SALUTE**
- V. AGENDA APPROVAL**
- VI. WHERE'S THE FUN?**
- VII. PUBLIC COMMENTS**

Welcome to the Council's meeting. Please address your comments to the Mayor and Council. You'll have three minutes to speak. If there are more than 20 speakers, time will be reduced to two minutes per speaker. The Clerk will call your name when it's your turn. The Presiding Officer may choose to alternate between in-person and online comments. Please state your name and city of residence and keep within the allotted time. To make every person feel welcome and safe

here; please refrain from booing, clapping, heckling, yelling, or other interruptions. The meeting is recorded for transparency. Thank you for being here, and for sharing your input respectfully.

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION PROCESS: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

VIII. PUBLIC HEARING

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

- A. Proposed Ordinance No. 24-0612 Amending and Extending Interim Regulations for an Additional Six-Months for Certain Parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent, *for Public Hearing*

PUBLIC HEARING HELD

[Agenda Bill - Extending Interim TOD Regulations July 2024](#)

[Attachment 1 - Proposed Ordinance No. 24-0612 Amending and Extending TOD Interim Regulations \(updated 7/15/24\)](#)

[Attachment 2 - Ordinance No. 24-0606](#)

[Attachment 3 - Ordinance No. 23-0586](#)

[Attachment 4 - Ordinance No. 23-0575](#)

[Attachment 5 - Ordinance No. 23-0569](#)

[Attachment 6 - Ordinance No. 22-0555](#)

[Attachment 7 - Ordinance No. 22-0543](#)

IX. BUSINESS AGENDA **ADOPTED**

- A. Proposed Ordinance No. 24-0612 Amending and Extending Interim Regulations for an Additional Six-Months for Certain Parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent, *for Adoption*

[Agenda Bill - Extending Interim TOD Regulations July 2024](#)

[Attachment 1 - Proposed Ordinance No. 24-0612 Amending and Extending TOD Interim Regulations \(updated 7/15/24\)](#)

[Attachment 2 - Ordinance No. 24-0606](#)

[Attachment 3 - Ordinance No. 23-0586](#)

[Attachment 4 - Ordinance No. 23-0575](#)
[Attachment 5 - Ordinance No. 23-0569](#)
[Attachment 6 - Ordinance No. 22-0555](#)
[Attachment 7 - Ordinance No. 22-0543](#)

X. PRESENTATION

- A. Fire District Update by Shoreline Fire Department Fire Chief Matt Cowan (which may include update of 2024 Northshore Fire Levy Rate Ballot).

Public Comment:

Per RCW 42.17A.555(1), members of the public are afforded an approximately equal opportunity for the expression of an opposing view relating to 2024 Northshore Fire Levy Rate Ballot Measure, also known as Proposition 1.

PUBLIC COMMENT RECEIVED. RESOLUTION IN SUPPORT TO BE DRAFTED.

[Presentation - Shoreline Fire Department](#)

XI. BUSINESS AGENDA - CONTINUED

- B. Urban Land Institute (ULI) Technical Assistance Panel (TAP) Final Report, presented by Community Development Director Debbie Bent and Principal Planner Todd Hall, *for Information and Discussion*

DISCUSSED

[Agenda Bill - ULI Final Report July 2024](#)

[Attachment 1 - Final Report Kenmore TAP](#)

[Attachment 2 - Presentation: ULI TAP Final Report](#)

- C. Council Priorities for 2025-2026: Defining what Success Will Look Like, presented by City Manager Rob Karlinsey and Team, *for Discussion*

DISCUSSED

[Agenda Bill - 2025-2026 What Success Will Look Like](#)

[Attachment 1 - What Success Will Look Like for City Council Priorities in 2025 and 2026](#)

XII. STAFF REPORTS

- A. Update on Twin Springs Park Project, presented by Community Development Director Debbie Bent

STAFF RECOMMENDATION APPROVED.

[Staff Memorandum - Twin Springs Park Update July 2024](#)

[Attachment 1 - 2018 Twin Springs Adopted Master Plan](#)

XIII. COUNCILMEMBER REPORTS & COMMENTS

XIV. ADJOURNMENT

UPCOMING MEETINGS

Monday, July 15, 2024 at 7:00 PM - City Council Regular Meeting

Monday, July 22, 2024 at 7:00 PM - City Council Regular Meeting

August - City Council Recess; No Regular Meetings

NOTICE OF POTENTIAL QUORUMS

[Click here for information about Potential Quorums of the City Council.](#) Now found on the City website under City Council Meetings.



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing regarding Ordinance 24-0612 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE

Proposed Council Action/Motion: Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 24-0612 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

For Council Meeting Agenda of: 7/15/24

Department: Community Development

Prepared by: Debbie Bent, Community Development Director

Initial & Date

Approved by Department Head:

DB 6/25/24

Approved by City Attorney:

DR 6/25/24

Approved by Finance Director:

N/A

Approved by City Manager:

RK 6/26/24

Attachments/Exhibits:

1. Ordinance 24-0612
2. Ordinance 24-0606
3. Ordinance 23-0586
4. Ordinance 23-0575
5. Ordinance 23-0569
6. Ordinance 22-0555
7. Ordinance 22-0543

Summary: Following conclusion of the Public Hearing and Council discussion. Staff recommends that the Council pass a motion to adopt Ordinance 24-0612 to amend and extend interim regulations for an additional six-months (through for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

INFORMATION/BACKGROUND: A Public Hearing is scheduled for 7/15/24 to receive public testimony on Ordinance 24-0612 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the Transit Oriented Development (TOD) provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Ordinance 24-0612 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the area close to Swamp Creek that would incentivize or further facilitate Swamp Creek channel restoration. The assessment is anticipated to be completed later this year.

Background: The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #7) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the

Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #6), which amended Ordinance 22-0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #5) to renew and extend the interim regulations for an additional six-month period through 7/25/23. Ordinance 23-0575 was adopted on 3/13/23 (Attachment #4) to extend the interim regulations, reduce the Transit Oriented Development (TOD) District Overlay to certain properties identified in the ordinance, and adopt amended interim regulations to those identified parcels close to Swamp Creek pending completion of a Swamp Creek channel restoration assessment that will determine where channel restoration would provide the most ecological benefit. Ordinance 23-0586 (Attachment #3) was adopted on 9/11/23 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 3/11/24. Ordinance 24-0606 (Attachment #2) was adopted on 2/26/24 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 8/26/24.

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a “carve out” area for certain parcels close to Swamp Creek. On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the “carve out” area. On 3/13/23 Council adopted Ordinance 23-0575 for the “carve out” area.

Fiscal Consideration: Staff time to complete a channel restoration assessment of Swamp Creek and develop options for new regulations with consultant assistance. \$20,000 general consulting dollars estimated in the Environmental Services Department budget.

City Council Priority: 2023-2024 Council Priorities: #9 foster community engagement and participation

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0612**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, ORDINANCE 23-0569, ORDINANCE 23-0575, ORDINANCE 23-0586
AND ORDINANCE 24-0606 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED
DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO
CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING
TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-
0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-
0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-
0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-

0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020

and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance 24-606 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0586, for a further six months, until August 26, 2024; and

WHEREAS, on July 15, 2024, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also

to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586 and 24-0606 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, and 23-0586 and 24-0606 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~February 26, 2024~~ July 15, 2024 (to and through ~~August 26, 2024~~ January 15, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force and effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15th DAY OF JULY 2024.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL: JULY 15, 2024

ORDINANCE NO.: 24-0612

DATE OF PUBLICATION:

EFFECTIVE DATE:

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0606**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 22-0569, ORDINANCE 23-0575, AND ORDINANCE 23-0586 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
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5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586; and

WHEREAS, in order for this Ordinance to become effective prior to the March 11th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, and 23-0586 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, ~~and 23-0575,~~ and 23-0586 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~September~~

~~11, 2023~~ February 26, 2024 (to and through ~~March 11, 2024~~ August 26, 2024), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 26th DAY OF FEBRUARY 2024.

CITY OF KENMORE


Nigel G. Herbig (Mar 1, 2024 12:36 PST)
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 28, 2024 10:33 PST)
Anastasiya Warhol City Clerk

Approved as to form:


Dawn Reitan (Feb 27, 2024 16:19 PST)
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 02/14/2024

PASSED BY THE CITY COUNCIL: FEBRUARY 26, 2024

ORDINANCE NO.: 24-0606
DATE OF PUBLICATION: 03/01/2024
EFFECTIVE DATE: 03/06/2024

Ordinance No. 24-0606 amending and extending TOD interim regulations

Final Audit Report

2024-03-01

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By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
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"Ordinance No. 24-0606 amending and extending TOD interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2024-03-01 - 8:36:16 PM GMT



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 Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)

Signature Date: 2024-03-01 - 8:36:18 PM GMT - Time Source: server

 Agreement completed.

2024-03-01 - 8:36:18 PM GMT



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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0586**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569 AND ORDINANCE 23-0575, TO EXTEND AND
RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT
(TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES
IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000,
TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-
0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN
011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881,
TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569 and 23-0575; and

WHEREAS, in order for this Ordinance to become effective prior to the September 13th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569 and Ordinance 23-0575, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, and 23-0575 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, ~~and 23-0569, and 23-0575,~~ and as amended by Section 3.D of this Ordinance ~~No. 23-0575,~~ shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, September 11, 2023~~March 13, 2023~~ (to and through March 11, 2024~~September 13, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF September 2023.

CITY OF KENMORE


[Nigel C. Herbig \(Sep 15, 2023 08:04 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Sep 13, 2023 11:37 PDT\)](#)

Anastasiya Warhol City Clerk

Approved as to form:


[Dawn Reitan \(Sep 13, 2023 09:55 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: AUGUST 31, 2023
PASSED BY THE CITY COUNCIL: SEPTEMBER 11, 2023
ORDINANCE NO.: 23-0586
DATE OF PUBLICATION: SEPTEMBER 15, 2023
EFFECTIVE DATE: SEPTEMBER 20, 2023

Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523

Final Audit Report

2023-09-15

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"Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523" History

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 Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0575**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE
18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE
AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD)
DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED
BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN
670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN
011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN
011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD “carve out” area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City’s police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the “Parcels”), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term “development” means the same as defined in KMC 18.20.715. The term “development permit” means the same as defined in KMC 18.20.735.

- B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.
- C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.
- D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 “Area” is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~March 13, 2023~~ ~~January 25, 2023~~ (to and through ~~September 13, 2023~~ ~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

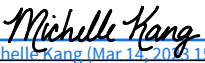
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE


[Nigel G. Herbig \(Mar 14, 2023 18:19 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Mar 14, 2023 15:50 PDT\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Mar 14, 2023 15:56 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 03/13/2023

PASSED BY THE CITY COUNCIL: MARCH 13, 2023

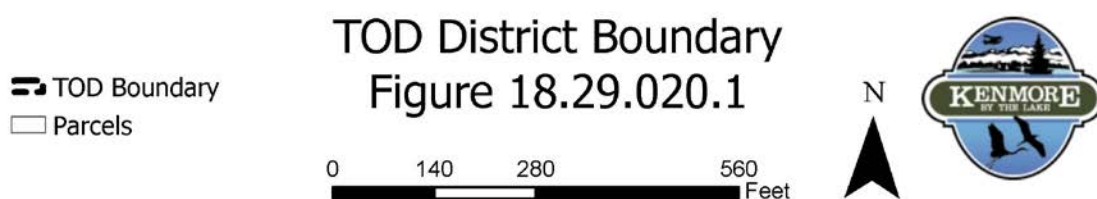
ORDINANCE NO.: 23-0575

DATE OF PUBLICATION: 03/17/2023

EFFECTIVE DATE: 03/22/2023

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



Ordinance 23-0575 amending and extending interim regulations

Final Audit Report

2023-03-15

Created:	2023-03-14
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
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"Ordinance 23-0575 amending and extending interim regulations" History

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0569**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH
PERIOD THE CITY’S INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City’s planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City’s TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City’s intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City’s long-range planning, prior to completion of the City’s regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

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 (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE


[Nigel Herbig \(Jan 10, 2023 17:12 PST\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Jan 10, 2023 16:33 PST\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Jan 11, 2023 10:54 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report

2023-01-11

Created:	2023-01-11
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKm_vw2Umw9cRQmFsFfpf1MG3AOA_Uv2M

"Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations" History

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Signature Date: 2023-01-11 - 0:33:26 AM GMT - Time Source: server
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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0555**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT
(TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

Section 4. Duration. The interim regulations established by ~~in Section 3 above~~ Ordinance 22-0543 shall be extended and renewed in effect for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the

remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

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 (5) days after the date of publication.

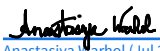
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE


Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22

PASSED BY THE CITY COUNCIL: JULY 25, 2022

ORDINANCE NO.: 22-0555

DATE OF PUBLICATION: 7/28/22

EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report

2022-07-27

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"Ordinance 22-0555, Extending Interim Regulations in TOD Area" History

-  Document created by Anastasiya Warhol (awarhol@kenmorewa.gov)
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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE



Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol
Anastasiya Warhol (Feb 16, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

[18.29.010 Intent.](#)
[18.29.020 Area.](#)
[18.29.030 Applicability.](#)
[18.29.040 Use allowances.](#)
[18.29.050 Zoning standards.](#)
[18.29.055 Wireless communication facilities.](#)
[18.29.060 Affordable housing requirements.](#)
[18.29.070 Parking.](#)
[18.29.080 Design requirements.](#)
[18.29.090 Connectivity requirements.](#)
[18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



18.29.030 Applicability.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

- VIII. A. Proposed Ordinance No. 24-0612 Amending and Extending Interim R...

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety **with the following exceptions:-**

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone:

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/ shelter ^{2,5}	Air transportation service
Day care	College/ university ²	Arts, entertainment, outdoor
Eating and drinking place ¹	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		Construction and trade
Personal service ^{1,3}		Family child-care home
Recreational facility, indoor ^{1,3}		Funeral home/crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.
- ⁵ No *outdoor storage* of materials shall be permitted.

⁶ Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter [18.60](#) KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing regarding Ordinance 24-0612 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE

Proposed Council Action/Motion: Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 24-0612 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

For Council Meeting Agenda of: 7/15/24

Department: Community Development

Prepared by: Debbie Bent, Community Development Director

Initial & Date

Approved by Department Head:

DB 6/25/24

Approved by City Attorney:

DR 6/25/24

Approved by Finance Director:

N/A

Approved by City Manager:

RK 6/26/24

Attachments/Exhibits:

1. Ordinance 24-0612
2. Ordinance 24-0606
3. Ordinance 23-0586
4. Ordinance 23-0575
5. Ordinance 23-0569
6. Ordinance 22-0555
7. Ordinance 22-0543

Summary: Following conclusion of the Public Hearing and Council discussion. Staff recommends that the Council pass a motion to adopt Ordinance 24-0612 to amend and extend interim regulations for an additional six-months (through for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

INFORMATION/BACKGROUND: A Public Hearing is scheduled for 7/15/24 to receive public testimony on Ordinance 24-0612 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the Transit Oriented Development (TOD) provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Ordinance 24-0612 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the area close to Swamp Creek that would incentivize or further facilitate Swamp Creek channel restoration. The assessment is anticipated to be completed later this year.

Background: The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #7) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the

Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #6), which amended Ordinance 22-0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #5) to renew and extend the interim regulations for an additional six-month period through 7/25/23. Ordinance 23-0575 was adopted on 3/13/23 (Attachment #4) to extend the interim regulations, reduce the Transit Oriented Development (TOD) District Overlay to certain properties identified in the ordinance, and adopt amended interim regulations to those identified parcels close to Swamp Creek pending completion of a Swamp Creek channel restoration assessment that will determine where channel restoration would provide the most ecological benefit. Ordinance 23-0586 (Attachment #3) was adopted on 9/11/23 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 3/11/24. Ordinance 24-0606 (Attachment #2) was adopted on 2/26/24 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 8/26/24.

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a “carve out” area for certain parcels close to Swamp Creek. On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the “carve out” area. On 3/13/23 Council adopted Ordinance 23-0575 for the “carve out” area.

Fiscal Consideration: Staff time to complete a channel restoration assessment of Swamp Creek and develop options for new regulations with consultant assistance. \$20,000 general consulting dollars estimated in the Environmental Services Department budget.

City Council Priority: 2023-2024 Council Priorities: #9 foster community engagement and participation

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0612**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, ORDINANCE 23-0569, ORDINANCE 23-0575, ORDINANCE 23-0586
AND ORDINANCE 24-0606 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED
DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO
CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING
TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-
0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-
0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-
0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-

0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020

and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance 24-606 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0586, for a further six months, until August 26, 2024; and

WHEREAS, on July 15, 2024, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also

to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586 and 24-0606 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, and 23-0586 and 24-0606 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~February 26, 2024~~ July 15, 2024 (to and through ~~August 26, 2024~~ January 15, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force and effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15th DAY OF JULY 2024.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL: JULY 15, 2024

ORDINANCE NO.: 24-0612

DATE OF PUBLICATION:

EFFECTIVE DATE:

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0606**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 22-0569, ORDINANCE 23-0575, AND ORDINANCE 23-0586 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586; and

WHEREAS, in order for this Ordinance to become effective prior to the March 11th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, and 23-0586 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, ~~and 23-0575,~~ and 23-0586 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~September~~

~~11, 2023~~ February 26, 2024 (to and through ~~March 11, 2024~~ August 26, 2024), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 26th DAY OF FEBRUARY 2024.

CITY OF KENMORE


Nigel G. Herbig (Mar 1, 2024 12:36 PST)
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 28, 2024 10:33 PST)
Anastasiya Warhol City Clerk

Approved as to form:


Dawn Reitan (Feb 27, 2024 16:19 PST)
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 02/14/2024

PASSED BY THE CITY COUNCIL: FEBRUARY 26, 2024

ORDINANCE NO.: 24-0606
DATE OF PUBLICATION: 03/01/2024
EFFECTIVE DATE: 03/06/2024

Ordinance No. 24-0606 amending and extending TOD interim regulations

Final Audit Report

2024-03-01

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By:	Michelle Kang (mkang@kenmorewa.gov)
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"Ordinance No. 24-0606 amending and extending TOD interim regulations" History

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-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2024-03-01 - 8:36:16 PM GMT



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 Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)

Signature Date: 2024-03-01 - 8:36:18 PM GMT - Time Source: server

 Agreement completed.

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0586**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569 AND ORDINANCE 23-0575, TO EXTEND AND
RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT
(TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES
IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000,
TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-
0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN
011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881,
TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569 and 23-0575; and

WHEREAS, in order for this Ordinance to become effective prior to the September 13th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569 and Ordinance 23-0575, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, and 23-0575 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, ~~and 23-0569, and 23-0575,~~ and as amended by Section 3.D of this Ordinance ~~No. 23-0575,~~ shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, September 11, 2023~~March 13, 2023~~ (to and through March 11, 2024~~September 13, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF September 2023.

CITY OF KENMORE


[Nigel C. Herbig \(Sep 15, 2023 08:04 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Sep 13, 2023 11:37 PDT\)](#)

Anastasiya Warhol City Clerk

Approved as to form:


[Dawn Reitan \(Sep 13, 2023 09:55 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: AUGUST 31, 2023
PASSED BY THE CITY COUNCIL: SEPTEMBER 11, 2023
ORDINANCE NO.: 23-0586
DATE OF PUBLICATION: SEPTEMBER 15, 2023
EFFECTIVE DATE: SEPTEMBER 20, 2023

Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523

Final Audit Report

2023-09-15

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By:	Michelle Kang (mkang@kenmorewa.gov)
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"Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523" History

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-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
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 Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2023-09-15 - 3:04:09 PM GMT

 Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-09-15 - 3:04:11 PM GMT - Time Source: server

 Agreement completed.
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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0575**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE
18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE
AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD)
DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED
BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN
670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN
011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN
011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD “carve out” area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City’s police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the “Parcels”), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term “development” means the same as defined in KMC 18.20.715. The term “development permit” means the same as defined in KMC 18.20.735.

- B. Exemptions. The interim regulations adopted by this Ordinance apply to new development permit applications.
- C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.
- D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 “Area” is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, March 13, 2023 ~~January 25, 2023~~ (to and through September 13, 2023 ~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

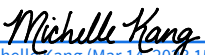
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE


[Nigel G. Herbig \(Mar 14, 2023 18:19 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Mar 14, 2023 15:50 PDT\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Mar 14, 2023 15:56 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 03/13/2023

PASSED BY THE CITY COUNCIL: MARCH 13, 2023

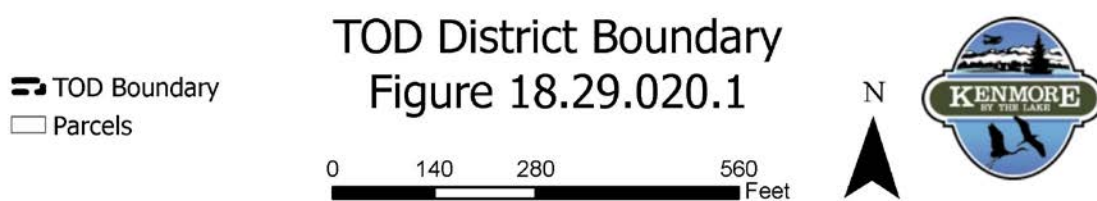
ORDINANCE NO.: 23-0575

DATE OF PUBLICATION: 03/17/2023

EFFECTIVE DATE: 03/22/2023

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



Ordinance 23-0575 amending and extending interim regulations

Final Audit Report

2023-03-15

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By:	Michelle Kang (mkang@kenmorewa.gov)
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"Ordinance 23-0575 amending and extending interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0569**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH
PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

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 (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE


[Nigel Herbig \(Jan 10, 2023 17:12 PST\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Jan 10, 2023 16:33 PST\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Jan 11, 2023 10:54 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report

2023-01-11

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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0555**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT
(TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

Section 4. Duration. The interim regulations established by ~~in Section 3 above~~ Ordinance 22-0543 shall be extended and renewed in effect for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the

remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

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 (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE


Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22

PASSED BY THE CITY COUNCIL: JULY 25, 2022

ORDINANCE NO.: 22-0555

DATE OF PUBLICATION: 7/28/22

EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report

2022-07-27

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"Ordinance 22-0555, Extending Interim Regulations in TOD Area" History

-  Document created by Anastasiya Warhol (awarhol@kenmorewa.gov)
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-  Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)
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Agreement completed.

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE



Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol
Anastasiya Warhol (Feb 16, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

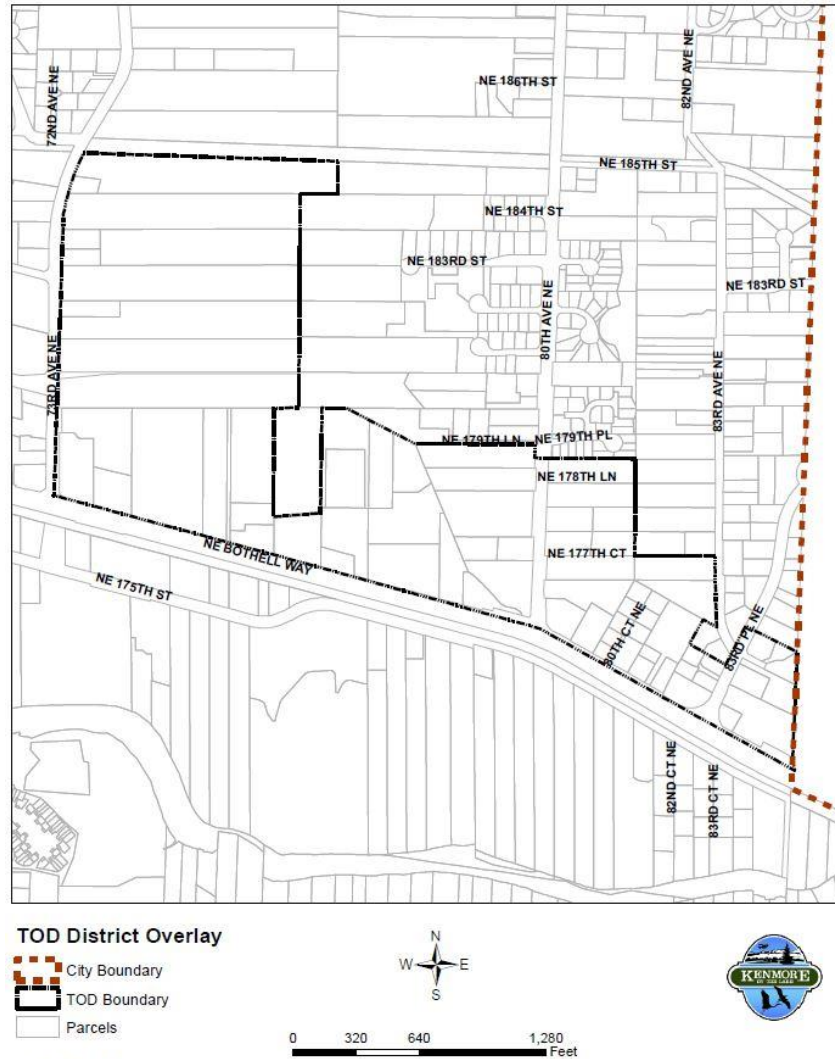
[18.29.010 Intent.](#)
[18.29.020 Area.](#)
[18.29.030 Applicability.](#)
[18.29.040 Use allowances.](#)
[18.29.050 Zoning standards.](#)
[18.29.055 Wireless communication facilities.](#)
[18.29.060 Affordable housing requirements.](#)
[18.29.070 Parking.](#)
[18.29.080 Design requirements.](#)
[18.29.090 Connectivity requirements.](#)
[18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);
2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety with the following exceptions:

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone:

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/ shelter ^{2,5}	Air transportation service
Day care	College/ university ²	Arts, entertainment, outdoor
Eating and drinking place ¹	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		Construction and trade
Personal service ^{1,3}		Family child-care home
Recreational facility, indoor ^{1,3}		Funeral home/crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the *mobile food service*;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.
- ⁵ No *outdoor storage* of materials shall be permitted.

⁶ Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter [18.60](#) KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

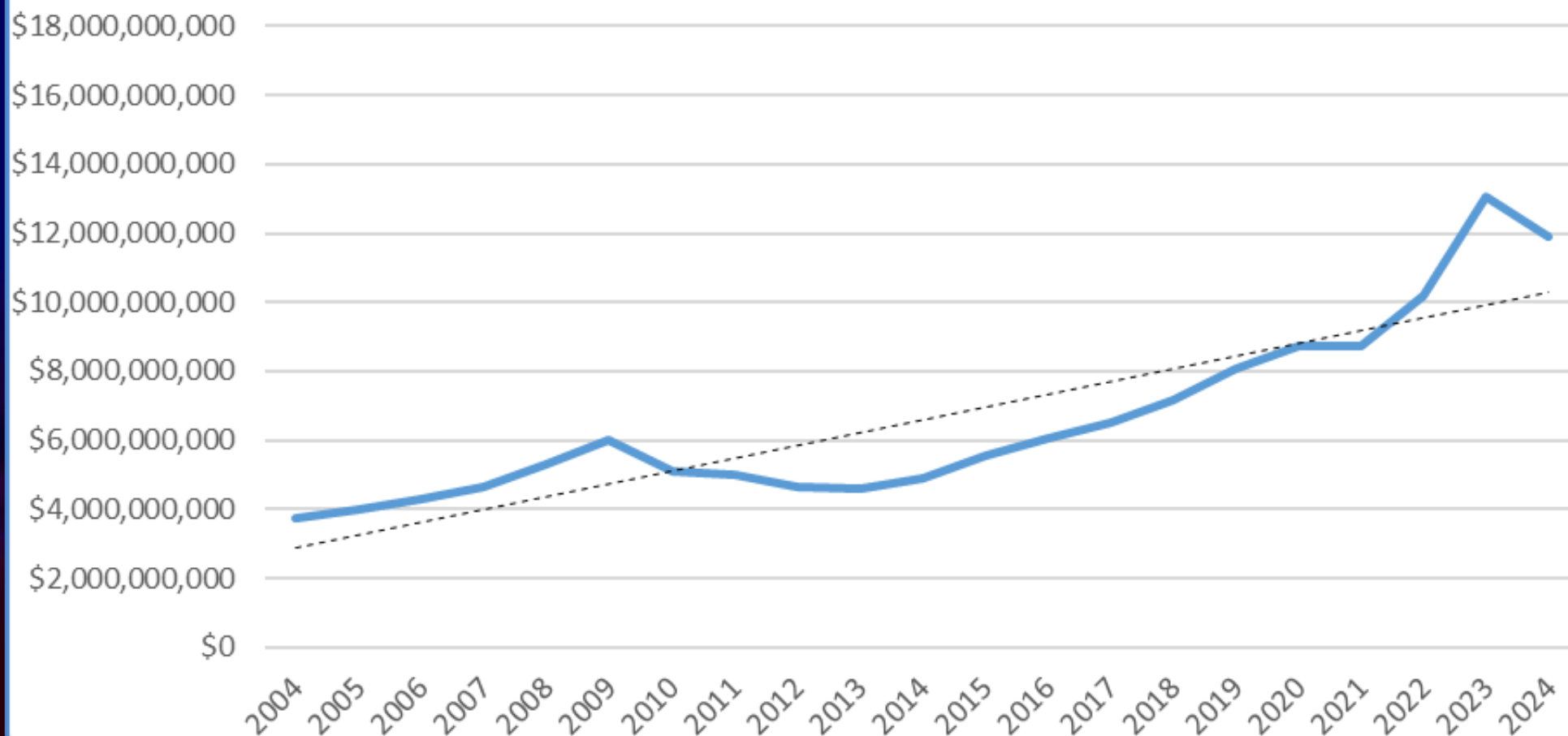
3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]

Northshore Fire Department

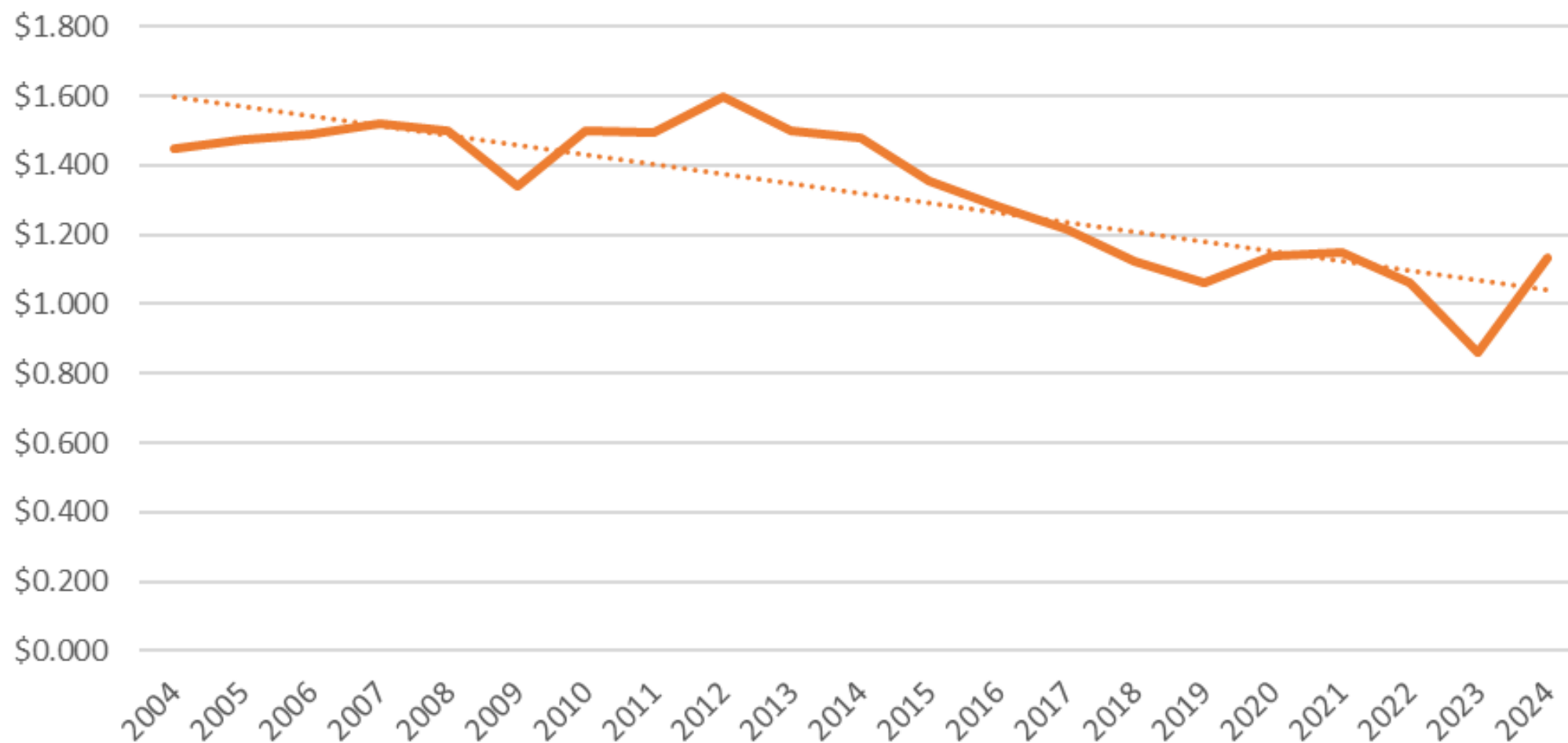
Upcoming Ballot Measures

Why are we here?

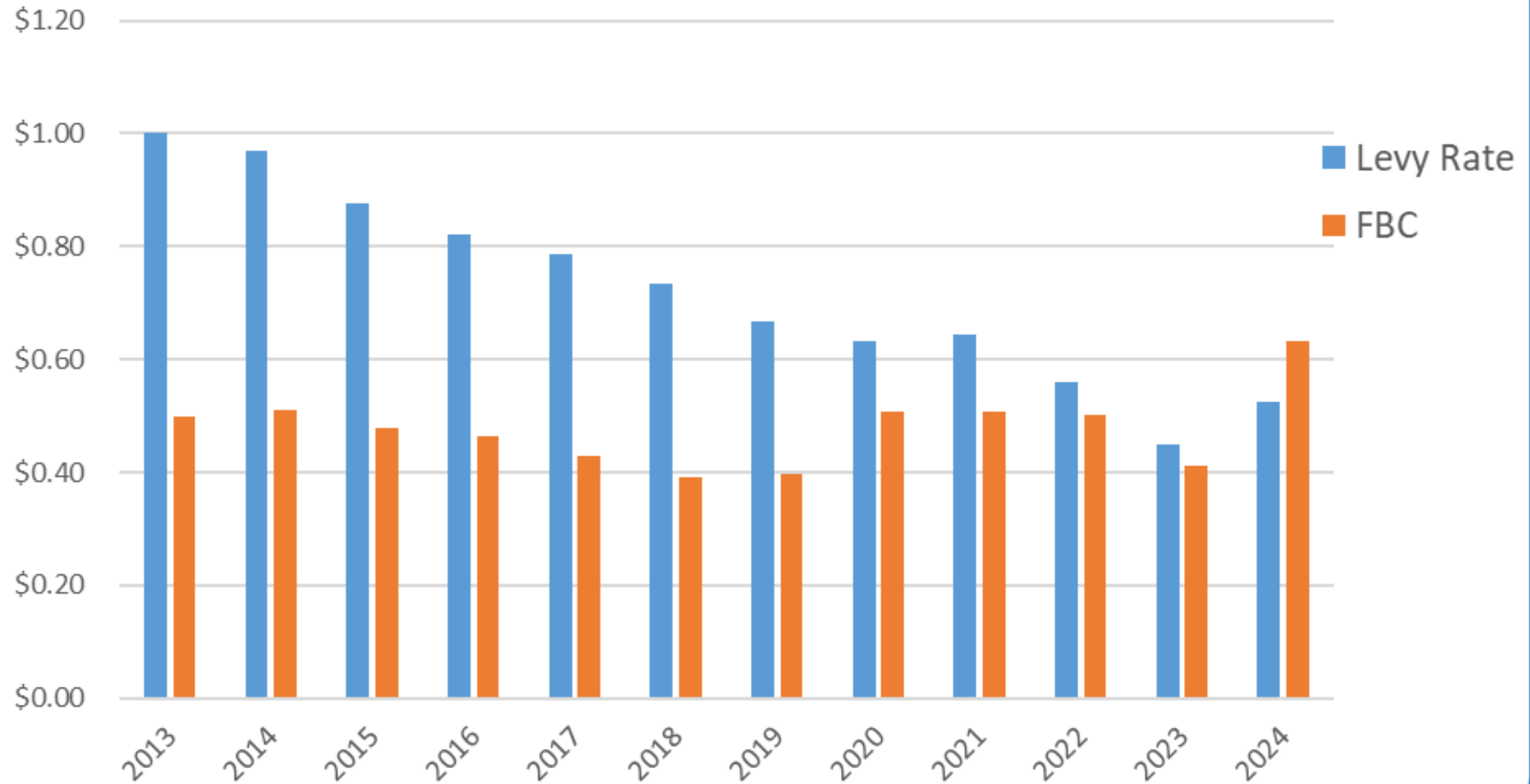
Assessed Valuation Comparison



Equivalent Levy Rate (levy + FBC) Comparison



Distribution of Revenues Between Levy and FBC



Summary

- We are limited to a 1% increase in revenues from the fire tax levy.
- Also limited to a maximum of 60% of the budget from the FBC.
- Fire departments are forced to perform levy rate lid lifts as part of their normal, long-term financial planning.
- We have not done a lid lift in about 20 years.
- This is not a complete surprise as this has been known and discussed at the NFD for nearly a decade.
- We believe that we will not need a big increase in revenues or perhaps none at all, depending on CPI and assessed values.

Summary

- We will need a simple majority to pass this measure, 50% + 1 vote.
- We are also working on forming a regional fire authority (RFA) between Northshore and Shoreline Fire Departments.
- If the RFA plan is approved then a ballot measure is planned for February of 2025.
- A critical part of that plan is to ensure geographical representation on the RFA governing board.
- The RFA planning committee currently meets on the third Monday of each month at 5 pm, alternating between Kenmore and Shoreline.
- Next meeting is on Monday at 5 pm in Kenmore.

More Information

For more information on the levy lid lift or RFA please visit:

- <https://shorelinefire.com/>
- Once there, click on the subject of either:
 - **2024 Northshore Fire Levy Rate Ballot Measure**
 - or
 - **Regional Fire Authority - Shoreline Fire & Northshore Fire**

You can also visit the King County elections site for levy lid lift info:

- <https://info.kingcounty.gov/kcelections/Vote/contests/ballotmeasures.aspx?lang=en-US&cid=101315>

Thank You!

Matt Cowan

Fire Chief

mcowan@shorelinefire.com

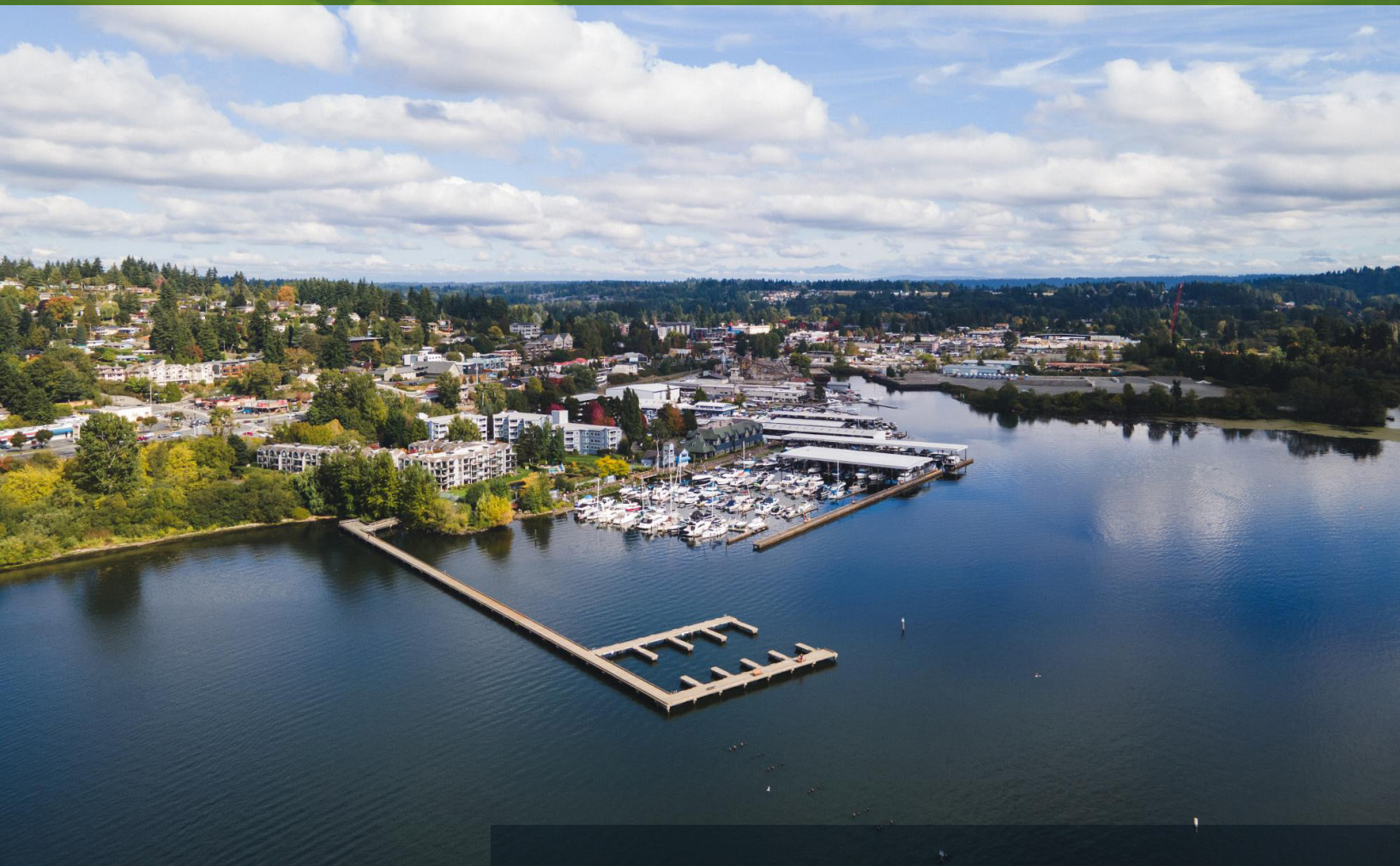


City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Urban Land Institute (ULI) Technical Assistance Panel (TAP) Final Report	For Council Meeting Agenda of: 7/15/24 Department: Community Development Prepared by: Debbie Bent, Community Development Director and Todd Hall, Principal Planner										
Proposed Council Action/Motion: No proposed action. Review and discussion only.	<table><tr><td>Approved by Department Head:</td><td>Initial & Date</td></tr><tr><td>Approved by City Attorney:</td><td>DB, 6/27/24</td></tr><tr><td>Approved by Finance Director:</td><td>N/A</td></tr><tr><td>Approved by City Manager:</td><td>N/A</td></tr><tr><td>Attachments/Exhibits:</td><td>RK, 7/2/24</td></tr></table> 1. Final TAP Report 2. Slide Presentation	Approved by Department Head:	Initial & Date	Approved by City Attorney:	DB, 6/27/24	Approved by Finance Director:	N/A	Approved by City Manager:	N/A	Attachments/Exhibits:	RK, 7/2/24
Approved by Department Head:	Initial & Date										
Approved by City Attorney:	DB, 6/27/24										
Approved by Finance Director:	N/A										
Approved by City Manager:	N/A										
Attachments/Exhibits:	RK, 7/2/24										
Summary: At the 7/15/24 City Council meeting, Community Development staff and three members from ULI who participated in the Technical Advisory Panel (TAP), will provide a briefing on the final report from ULI. The findings from ULI are suggested actions, tools, and partnerships the City could consider to further the next phase of downtown planning. An implementation measure of the “draft” updated Comprehensive Plan Downtown Element is to create a strategy for the next phase of downtown development which would be a future docket item. The first phase could focus on the same primary area of downtown, and its relationship to a broader downtown area similar to the ULI report. The findings from ULI could be useful to frame the update in terms of strategies and new or amended regulations.											
Information/Background: Urban Land Institute (ULI) Northwest, a non-profit real estate and land development organization, conducted a Technical Assistance Panel (TAP) for two days in March providing strategic advice regarding the next phase of downtown Kenmore planning. Funded by a grant from the Washington State Department of Commerce, a ULI TAP panel of experts spent time in Kenmore to brainstorm ideas and actionable recommendations to further the vision and next phase in creating a livable, walkable, and vibrant downtown. Staff provided the panel with a briefing packet of background information, gave a presentation and walking tour. The panel also interviewed several key stakeholders including business and property owners.											
Fiscal Consideration: The Community Development Department received grants from the Department of Commerce in 2022 (\$125,000) for the periodic update to the Comprehensive Plan, including updates to the Downtown and Community Design elements.											
City Council Priority or Budget Objective Being Addressed: Priority #1: Increase and preserve the options for affordable housing Priority #5: Implement the Diversity, Equity, Including and Accessibility (DEIA) Strategic Plan											



CITY OF KENMORE



TECHNICAL ASSISTANCE PANEL REPORT | FEBRUARY 2024

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ON THE COVER: City of Kenmore from above. Photo Credits: <https://www.kenmorewa.gov>

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ULI Advisory Services:
National and Global Programs

Since 1947, the ULI Advisory Services program has assembled well over 700 ULI-member teams to help sponsors find creative, practical solutions for complex land use challenges. A wide variety of public, private, and nonprofit organizations have contracted for ULI’s advisory services. National and international panelists are specifically recruited to form a panel of independent and objective volunteer ULI member experts with the skills needed to address the identified land use challenge. The program is designed to help break through obstacles, jump-start conversations, and solve tough challenges that need an outside, independent perspective. Three- and five-day engagements are offered to ensure thorough consideration of relevant topics.

An additional national offering is the project analysis session (PAS) offered at ULI’s Fall and Spring Meetings, through which specific land use challenges are evaluated by a panel of volunteer experts selected from ULI’s membership. This is a conversational format that lends itself to an open exchange of ideas among diverse industry practitioners with distinct points of view. From the streamlined two-hour session to the “deeper dive” eight-hour session, this intimate conversational format encourages creative thinking and problem solving.

Learn more at americas.uli.org/programs/advisory-services/.

Distinct from Advisory Services panels, TAPs leverage local expertise through a half-day to two-day process.

ULI Advisory Services:
District Council Programs

The goal of the ULI Advisory Services program is to bring the finest expertise in the real estate field to bear on complex land use planning and development projects, programs, and policies. Since 2006, the ULI Northwest’s technical assistance panel (TAP) program has assembled over 25 ULI-member teams in service of ULI’s mission to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide. Drawing from its local membership base, ULI Northwest conducts one-and-a-half-day TAPs offering objective and responsible advice to local decision-makers on a wide variety of land use and real estate issues ranging from site-specific projects to public policy questions. The TAP program is intentionally flexible to provide a customized approach to specific land use and real estate issues. In fulfillment of ULI’s mission, this technical assistance report is intended to provide objective advice that will promote the responsible use of land to enhance the environment.

About the Urban Land Institute

The Urban Land Institute (ULI) is a global, member-driven organization comprising more than 48,000 real estate and urban development professionals dedicated to advancing the Institute’s mission of shaping the future of the built environment for transformative impact in communities worldwide.

ULI’s interdisciplinary membership represents all aspects of the industry, including developers, property owners, investors, architects, urban planners, public officials, real estate brokers, appraisers, attorneys, engineers, financiers, and academics. Established in 1936, the Institute has a presence in the Americas, Europe, and Asia Pacific regions, with members in 84 countries.

More information is available at uli.org. Follow ULI on [X \(formerly known as Twitter\)](#), [Facebook](#), [LinkedIn](#), and [Instagram](#).

About ULI Northwest

ULI Northwest is a District Council of the Urban Land Institute, a nonprofit education and research organization supported by its members. ULI Northwest carries out the ULI mission locally by serving as the preeminent real estate forum in the Pacific Northwest, facilitating the open exchange of ideas, information, and experiences among local, national, and international industry leaders and policy makers.

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ULI Northwest would like to thank the staff at the City of Kenmore, especially Todd Hall and Debbie Bent, for their excellent work coordinating the Forum.

Finally, ULI would like to thank the more than 30 stakeholders who shared their experiences, perspectives, and insights with the panel.

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EXECUTIVE SUMMARY

Sometimes referred to as “the crown of Lake Washington”, the City of Kenmore is perched atop Lake Washington and affords a high quality of life convenient to several major employment centers. The city is updating its 2003 Downtown Plan aiming to continue investment toward fostering a distinctive identity, particularly within its Downtown area. Embracing its waterfront location and the inherent quality of life it offers, Kenmore recognizes the importance of well-conceived growth anchored by an identity of place that resonates with its residents and businesses. Fully realizing this potential necessitates advance planning, a long-term vision, and gathering and embracing perspectives from the community.

Partly because of Kenmore’s central location and convenient accessibility, Kenmore faces the challenge of being a “drive-thru” community, rather than a “drive-to” destination. While its proximity

to essential services and amenities attracts prospective residents, the presence of SR-522 makes for an automobile-centric thoroughfare through the downtown area. Residents frequently seek leisure and entertainment options in neighboring municipalities like Bothell and Woodinville.

To address these challenges, Kenmore could benefit from focused development of social, physical, and economic infrastructure. Strategically building new infrastructure aimed at leveraging Kenmore’s strengths and assets could significantly build on and contribute to a distinct sense of place. The Urban Land Institute’s Technical Assistance Panel (TAP) identified three key categories of infrastructure for focused development: social, physical, and economic. Social infrastructure enhancements would foster community connections and a sense of belonging; physical improvements

would ensure seamless navigation for visitors; and economic infrastructure initiatives would support thriving businesses to facilitate future growth. Recommendations are presented in these three categories, but there is also overlap. When the City implements recommendations across these categories, it will have a reinforcing effect that will boost efficacy and success.

Social infrastructure:

- Amplify, Expand, Connect Your Assets
- Arts Activation and Community Hub
- Programming and Place Management
- Wayfinding and Business Support

Physical infrastructure:

- Reforest Kenmore
- The Green Loop
- 522 Bridge

Economic infrastructure:

- Infill Development Incentives, Permits, and Regulation Certainty
- Invest in Yourself; Programs and Placemaking; Constraint Research
- Strategic Parcel Identification and Support

Key Question:

How can the city attract investment to make Kenmore residents proud, as well as draw others to Kenmore to share in what it has to offer? How can the city be made a destination; a place that gives the Kenmore community a reason to stay and spend time?

ULI’s TAP panelists made recommendations to the City of Kenmore to achieve its objectives and tackle four key questions:

1. How does the city ‘jump-start’ the next phase of the Downtown Plan?
2. Why is the City of Kenmore being left behind with regards to development investment compared to our neighbors (i.e., Bothell, Woodinville)?
3. What tools and partnership opportunities may the city consider to leverage public/private investment in Downtown?
4. How does the City incentivize and inspire long-time property owners in seeing the vision for Downtown Kenmore and allow for redevelopment?

PHOTO CREDIT: HEWITT ARCHITECTS, KENMORE TOWN SQUARE WEBPAGE



BACKGROUND

Nestled along the northern shore of Lake Washington in near proximity to communities such as Lake Forest Park, Bothell, and Kirkland, Kenmore officially became a city on August 31, 1998. Boasting an estimated population of 24,488 as of September 2023 with approximately 9,600 households, the median age in Kenmore is 41.3 and the median household income is approximately \$121,000 compared with \$110,000 in King County. Kenmore is known as a residential, family-oriented city with a great quality of life that serves partly as a bedroom community to Seattle and east side employment centers and also supports several thousand jobs within the City limits. Like many of the communities around Kenmore, housing affordability is a major issue, and many workers that support businesses in Kenmore live in other communities with more attainable housing. With its picturesque lakefront locale, residents enjoy a plethora of recreational and social pursuits. Whether it's running or cycling along the scenic Burke-Gilman Trail, exploring an array of parks, or sampling the delights of Brewery Row, Kenmore provides opportunities for residents to forge connections, unwind, and savor a rewarding lifestyle.

History

The earliest known residents of this area were the Sts'-ahp-absh people who wintered in at the junction of the Sammamish River and Lake Washington. In the early 1900s, Kenmore, named after a Scottish town, attracted loggers who moved timber by skid and rail bound for mills down the lake. It soon burgeoned into a small settlement centered around a Shingle Mill. The establishment of SR-522, the primary thoroughfare traversing the north side of Lake Washington in 1910, played a pivotal role in Kenmore's development, enticing travelers to pause and partake in its offerings. With its array of eateries, roadhouses, and dance halls, Kenmore quickly gained renown for whiskey in the prohibition era. In 1946, the founding of Kenmore Air on the North shore of Lake Washington further solidified the area's position as a hub for tourism. Over time, Kenmore evolved into a bustling transportation nexus, catering to road, rail, water, and air transit. During the 1950s, the advent of the drive-in theater and library added to Kenmore's allure, cementing its status as a destination. Today, Kenmore stands as a vibrant community, boasting thousands of employment opportunities and a convenient residential haven.

Soon after the City was incorporated in 1998, City Leaders created a vision for Kenmore's comprehensive plan: "A community with an attractive, vital, pedestrian-oriented city center offering commercial, civic cultural and park spaces, integrated with higher-density housing." With this vision, the City Council adopted the 2003 Downtown Plan spurring public investment, development, and growth shaping Kenmore's urban landscape. Central to this vision was the revitalization of a downtown intersection off SR-522, strategically leveraging

this major thoroughfare to enhance accessibility and draw visitors into the heart of the city. By positioning the downtown hub in proximity to SR-522, the city aimed to cultivate a dynamic energy that would drive growth.

Public investments, including the construction of City Hall in 2010, a new fire station in 2011, and redevelopment of the Kenmore Library, played a crucial role in anchoring Kenmore's civic presence and establishing a central focal point. Additionally, the city partnered to develop Town Square and The Hangar, completed in 2017, further bolstering the community serving as gathering spaces reflective of Kenmore's aviation heritage. These initiatives spurred private sector investment, leading to the emergence of mixed-use retail and residential developments like Flyway, Linq Lofts and Flats, and Spencer 68.

The 2003 Downtown Plan outlined strategies for infrastructure improvements, property acquisition, and development. Initiatives such as bicycle lanes and sidewalk enhancements aimed to create safer pedestrian and cyclist experiences, while land acquisition provided opportunities for future development.

Moreover, the plan introduced design standards to activate storefronts for pedestrians and emphasized the retention of existing businesses while attracting new ones. Now, with the initial phase of the downtown plan implemented, the city is poised to evaluate and embark on the next phase of downtown planning, reflecting its ongoing commitment to vibrant urban development.



OBSERVATIONS & RECOMMENDATIONS

To gain understanding of the Kenmore community, the panel conducted stakeholder interviews and categorized the feedback to create a community-centric vision, and gain understanding of opportunities and challenges

Community Vision

Based on Stakeholder Interviews

“In downtown Kenmore, we envision a bustling hub where small businesses thrive and residents flourish. We dream of vibrant, safe streets alive with diverse shops and activities for young and old, fostering a strong sense of community for all who call it home, and a memorable experience for visitors.”

Assets and Successes

Distinctive attributes that define Kenmore’s character:

- Kenmore is known for having a high quality of life, and especially for being family-friendly.
- Kenmore residents value art, entertainment, services, and nature, and would like more of those locally and better access to them.
- Downtown has a variety of small, local, and BIPOC businesses with both local and regional appeal, though they are physically disconnected from each other.
- Existing multi-family housing in and near downtown is attractive and well-maintained. There is significant housing capacity either under construction or in planning stages.
- Recent public investments like the Hangar, City Hall, the Library, and the fire station demonstrate renewed investment in the area and add vibrancy.
- Public realm improvements like the pedestrian and bike trails on 68th are seen as a success.
- Development reflects Kenmore’s market position in the Puget Sound reflected in its population and employment densities and relative proximity to other larger urban centers. (Kenmore is not being “left behind.”)

Challenges

Challenges to developing a vibrant “magnetized” downtown Kenmore:

- Downtown parking is a source of strife.
- The downtown core is auto-oriented, which detracts from its walkability.
- Downtown Kenmore does not have a coherent visual identity and its beauty does not match the city’s beautiful natural context.
- Downtown lacks visibility from auto and bus traffic passing on 522 and from significant bike traffic passing on the Burke Gilman regional trail.
- Connections are compromised across 522 to the lake, parks, the Burke Gilman trail, the brewery district, and institutions like Bastyr and St. Edward’s Lodge.
- Proximity to the noise and traffic of SR 522 presents obvious challenges to a more tranquil urban center.
- Lakepointe is a generational development opportunity for dense urban development, but stakeholders are unclear on the relationship between downtown development and the future plans for Lakepointe.
- Small lot sizes downtown have proved an obstacle to catalyzing larger developments, and many current downtown landowners don’t see themselves as a part of the City’s long-term vision for downtown.
- Residents and other stakeholders are skeptical of grand plans for downtown after seeing previous master plans and development deals falter.



PHOTO COURTESY OF THE CITY OF KENMORE

KENMORE SWOT ANALYSIS			
STRENGTHS		WEAKNESSES	
• Superior quality of life • Family-friendly nature • Vibrant, connected community • Small businesses with local and regional appeal. • Residents value art, entertainment, services, nature, recreation. • Influx of projects shows Kenmore’s willingness to evolve and provide for growth and change. • Multi-family housing in and near the downtown looks attractive and well-maintained. • Public realm improvements such as pedestrian and bike trails on 68th Avenue NE proved successful.		• Parking, parking management • Walkability • Aesthetics • Connecting the city, cohesion; The current visual of the Downtown does not parallel the beauty of the natural surroundings	
OPPORTUNITIES		THREATS	
• Considerable growth in housing capacity with projects under construction or in the planning stages • SR-522 remains an opportunity for increased visibility and attention to Kenmore. • Public acquisition of land for leverage and development		• Downtown core’s auto-oriented nature detracts from the walkability. • Shifting to walkability poses a challenge as parking downtown is a source of strife for the community. • Small parcels pose a challenge to assemble anything meaningful. • SR-522 threatens walkability, and Kenmore’s sense of place	



PHOTO SOURCE: CITY OF KENMORE WEBSITE

Recommendations

Expanding upon the foundation laid by the 2003 downtown plan, the panel proposed zeroing in on promising investment and redevelopment avenues, with emphasis on:

- 1. Social Infrastructure
- 2. Physical Infrastructure
- 3. Economic Infrastructure

Investment in these aspects of infrastructure will bolster community connectivity, optimize urban functionality, and stimulate economic growth, aligning with the overarching vision for a community-centric downtown “place”.

SOCIAL INFRASTRUCTURE

“Human and neighborly connections inform opportunities and upward economic mobility, increasing community resilience.”

At the core of human interaction lies social infrastructure, the foundation upon which communities thrive. While Kenmore boasts a wealth of local businesses and natural beauty, these defining features often remain inconspicuous to passersby on SR-522. Social infrastructure is supported by physical public realm and third places with legible wayfinding knit together with local businesses, services, arts and culture, and community-based organizations. Together, this social infrastructure provides long term support for community connections and resilience. Identifying key areas of opportunity and implementing projects to highlight and interconnect these assets will forge a more cohesive community. By forging partnerships with local businesses, Kenmore can catalyze community engagement, spur growth, and foster development. Leveraging social infrastructure presents a cost-effective and efficient means of unlocking Kenmore’s inherent assets.



Wayfinding and Business Support

Many of the existing assets are not visible from SR -522 or the Burke Gilman Trail, the highest volume regional transportation routes. Enhancing wayfinding could help visitors and residents understand the “why” and “where” to explore Kenmore’s offerings. The intersection of 68th and 522 is the most visible location for a gateway to Kenmore, and can be a focus area for wayfinding from points south along 68th, east and west from 522 as well as the Burke Gilman Trail. For example, a significant influx of visitors arrive via the well-traveled Burke Gilman trail. Strategically positioning directional signage, artistic installations, and distinctive identity elements along this trail would enable easy navigation to Downtown or the waterfront. Adding other bespoke identity elements like comfortable benches, sheltered areas for shade or protection from inclement weather would invite leisurely sightseeing walks. Strategically placed lighting could signify warmth and accessibility. Informative “distance marker” signs would show nearby destinations. An innovative Brewery Passport program could entice exploration of Kenmore’s food and drink destinations. By magnetizing and expanding upon the Brew Row district, the city can bolster support for local enterprises associated with the roadhouse identity of historic Kenmore.



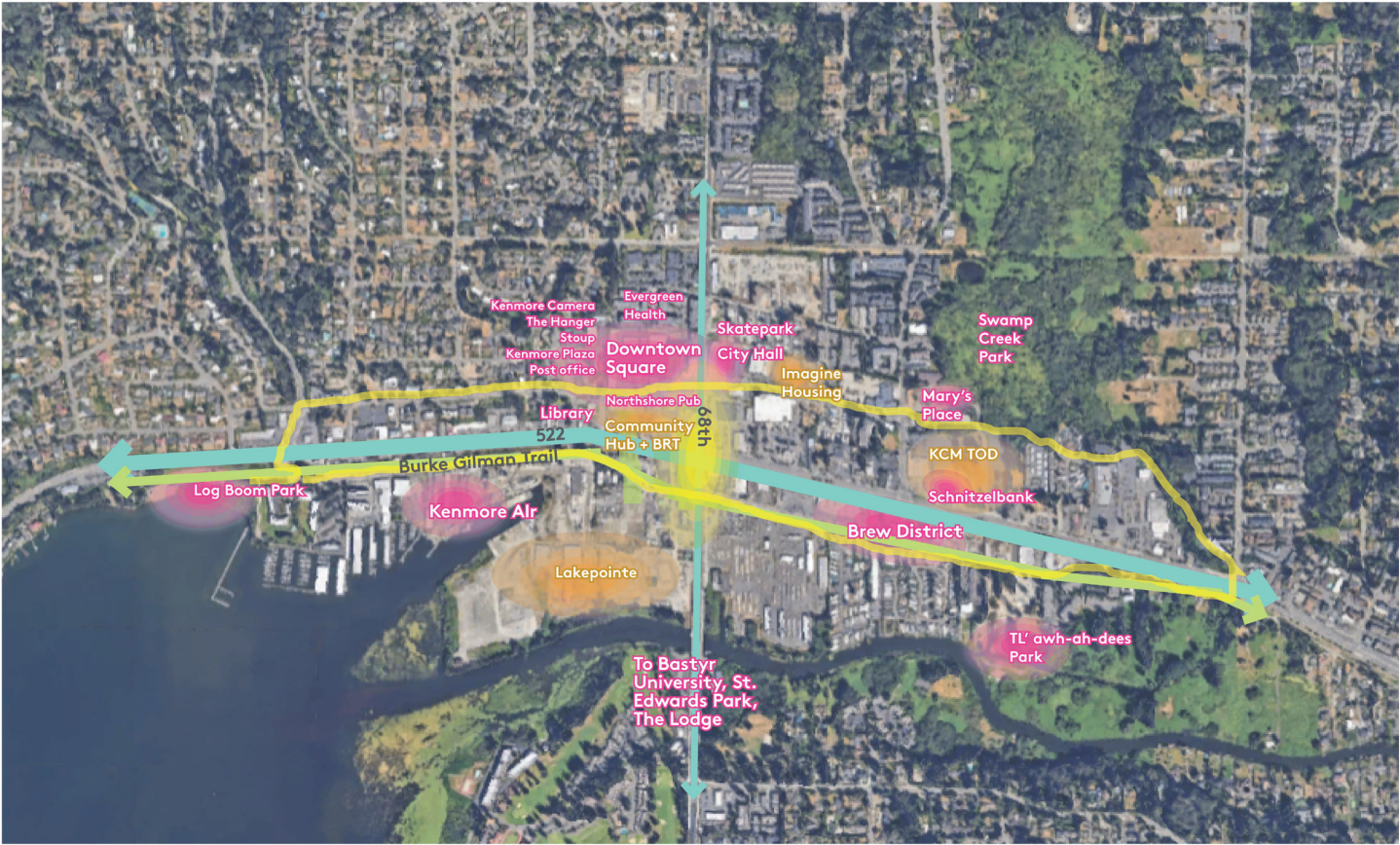
Arts Activation and Community Hub

Kenmore could position the city as a thriving arts and culture destination through fostering opportunities for artists, creators, and innovators to enhance Kenmore’s visual identity. Some ideas include:

- Providing gallery or studio space to support struggling or displaced artists from neighboring communities.
- Implementing pop-up events and activating vacant storefronts to showcase new businesses, artworks, and cultural offerings revitalizing underutilized spaces while promoting local entrepreneurship and creativity.
- Establishing an incubator space, ideally located near the library, where aspiring entrepreneurs can cultivate and refine their business ideas, fostering innovation and economic growth.
- Exploring opportunities to co-locate programs such as the Together Center or establish partnership initiatives, facilitating synergistic collaborations enhancing the overall community experience.
- Invest in a full time Arts & Culture coordinator employee.

Amplify, Expand, and Connect

By amplifying and expanding existing assets such as the Hangar and Town Square, Kenmore could highlight distinctive features that set it apart from neighboring municipalities. Kenmore’s unique and established local attractions like St. Edwards Lodge, Bastyr University, Brewery Row and Kenmore Air augment the natural beauty of local parks, beaches, rivers, and trails and could serve as cornerstones of Kenmore’s identity.



In the photo above, the pink hues denote existing assets clustered around the Downtown Square, representing established foundations of Kenmore’s urban landscape.

Areas highlighted in orange and yellow signify areas for potential growth and investment. Visual cues serve as a starting point linking the diverse amenities of Kenmore.

Programming and Placemaking

Regularly scheduled programs and events, such as a “Taste of Kenmore,” a triathlon, winter indoor movie screenings at the Hangar, or a scenic “Walk the Bridge,” could spotlight the diverse amenities and investments that Kenmore has to offer.

The City already hosts a range of events in the Town Square that attract many residents and visitors. Prioritizing maintenance and upkeep are key to building civic trust and pride; initiatives like unique landscaping enhancements and seasonal decorations could highlight Kenmore’s identity.

Actively seeking out opportunities for program partnerships, such as establishing an Herb Seed library or hosting a plant sale in collaboration with Bastyr University, amplifies existing businesses and strengthens civic identity. Partnerships can build on the success of Town Square and should reinforce Kenmore’s unique identity including local businesses, arts and culture, and community organizations. By fostering collaborations, Kenmore can showcase its unique niche opportunities and elements, further enhancing community cohesion and pride.

How to Create Social Infrastructure across various Real Estate Sectors			
Multifamily	Office	Retail	Hospitality
Build green spaces for residents (e.g., communal courtyards, gardens, or natural areas and trail networks).	Build green spaces and recreational areas (e.g., plazas, parks, or green roofs).	Build interstitial and transit spaces (e.g., atriums or arcades).	Build green spaces and recreational areas (e.g., plazas, parks, swimming pools, or sports courts).
Include internal recreational areas for residents (e.g., recreation or exercise areas, child playrooms, or meeting spaces).	Include third place–like amenities for employees that encourage social gathering (e.g., wellness spaces, coffee bars and shared dining areas, or lounge areas).	Build green spaces or recreational areas (plazas, parks).	Emphasize well-designed common or interstitial spaces for guests or local residents (e.g., attractive lobbies or co-working spaces with seating and amenities), or game rooms.
Create pocket neighborhoods.	Reserve leasable space for community support facilities run by local nonprofits or community groups.	Reserve tenant spaces for locally owned commercial establishments and third places, especially those owned or operated by socioeconomically marginalized groups.	Include third spaces (bars, cafés, or restaurants) for guests or residents.
Include community-oriented features in interstitial spaces such as front porches or shared balconies.	Include community support facilities such as child-care spaces for employees.	Include a diverse mix of third places that promote social experiences, such as cafés, restaurants, play spaces, or entertainment facilities.	Incorporate event and meeting space for local arts and culture organizations, especially for socioeconomically marginalized groups.

PHYSICAL INFRASTRUCTURE

The Green Landscapes of the Pacific Northwest are cherished regionally, and Kenmore’s place between Lake Washington and the Sammamish River is notable for accessing natural beauty. However, the current abundance of concrete and parking lots in the city center makes it challenging to connect with this natural beauty. Infusing more landscape and nature-based elements into Kenmore’s urban landscape could showcase Pacific Northwest flora and fauna.

“Reforest” Kenmore by integrating natural features of water, forests, and other geographic elements into the downtown area. Highlighting the natural beauty would leverage the shoreline identity of Kenmore. Prioritizing green spaces, wildlife habitats, and nature-centric designs in new developments, public spaces and rights of way would catalyze green spaces within the City.

Other public investments in infrastructure like leveraging public land, and rights of way to construct pedestrian and bike corridors, expand green spaces, establish parks, and provide public parking facilities would enhance the quality of life. Initiatives such as constructing a walking bridge over SR-522 and integrating a walking loop into a pedestrian network of Kenmore’s assets would shape the next phase of Kenmore’s identity.

Green Loop

Develop a loop that integrates nature and greenery with Kenmore’s natural landscapes, including waterfronts, streams, and parks. Extending beyond the confines of the city center, this loop creates a framework for organizing and showcasing the city’s assets. By connecting to Brewery Row, the loop not only enhances the vibrancy of

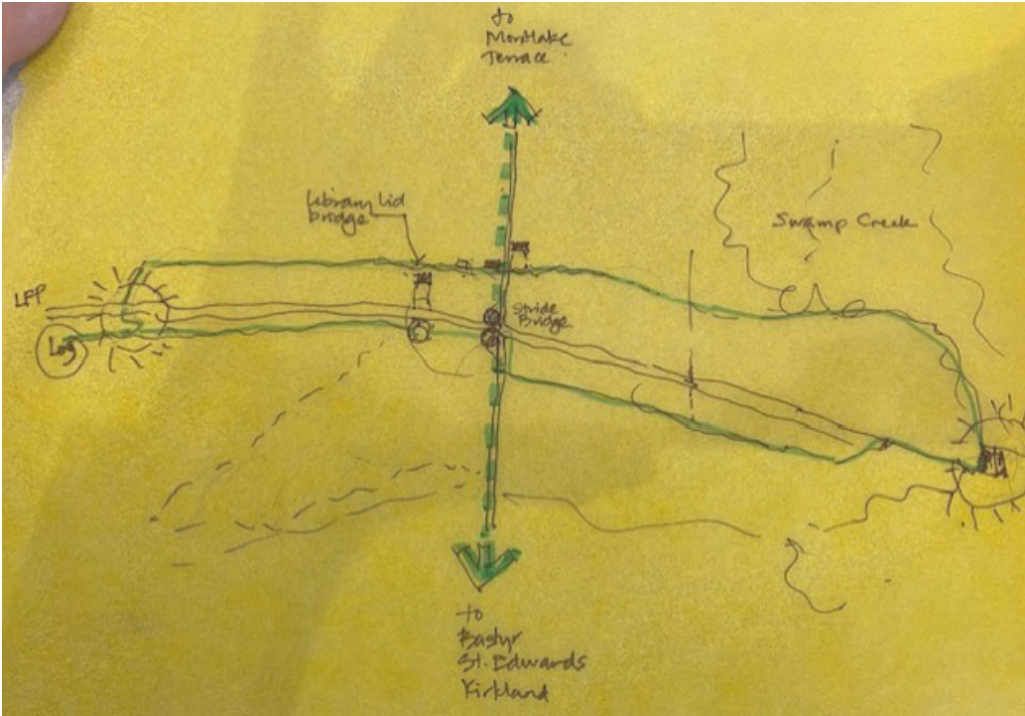


Illustration drawn by the panelists during the TAP to represent the “Green Loop”

the downtown area but also attracts visitors from the nearby Burke Gilman trail. Serving as both a functional pathway and recreational space, the loop encourages walking and outdoor activities, nurturing a sense of community well-being.

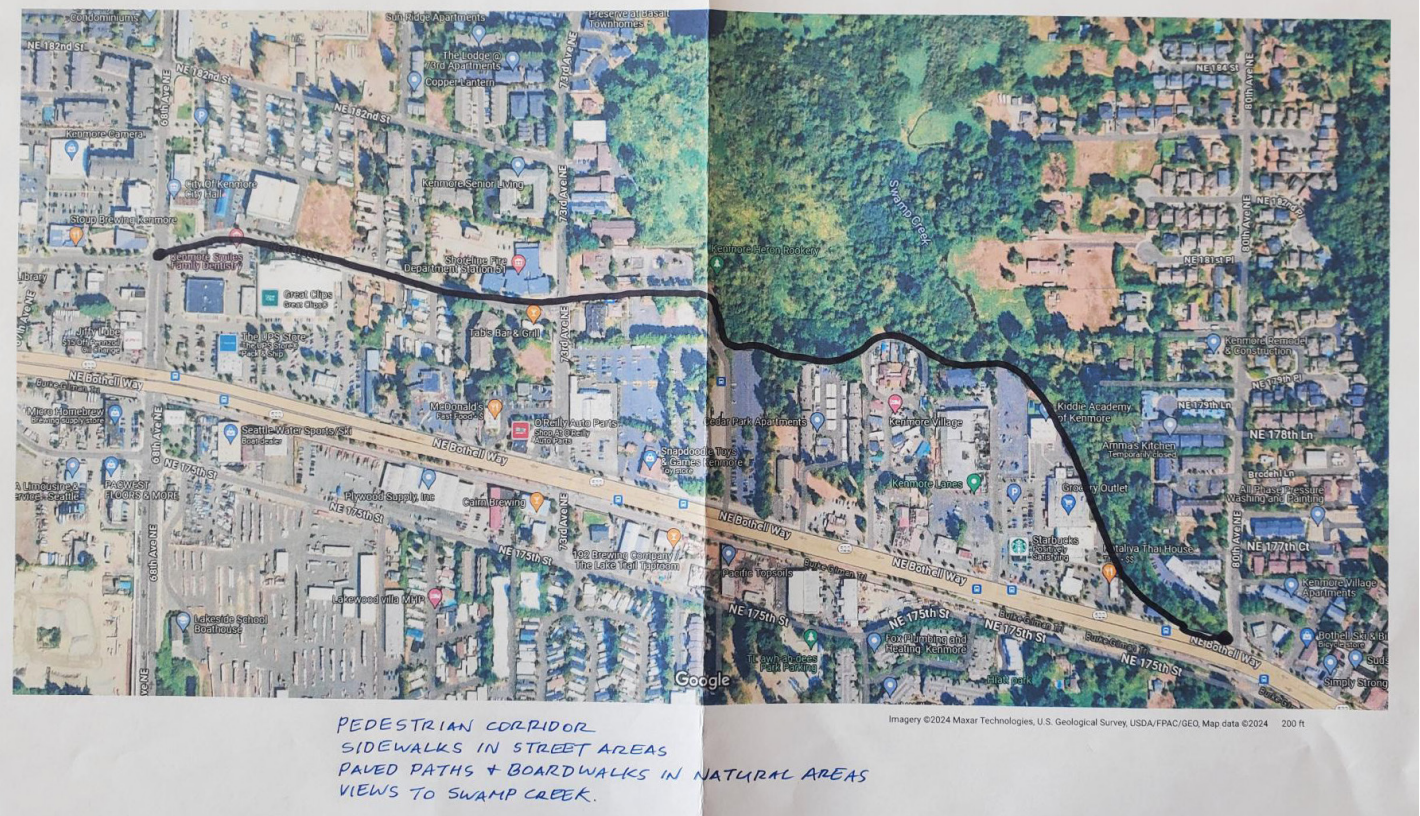


Illustration provided by stakeholder Jason Carbaugh

Enhancing SR-522 as a Gateway

SR-522 serves as a vital artery through Kenmore. With a substantial volume of daily commuters, this thoroughfare holds untapped potential to captivate visitors. By enhancing its visual appeal and ambiance, through softening hardscapes and embracing elements of Kenmore’s history, such as the roadhouse past, this corridor could evoke nostalgia and pique curiosity. Construction of a pedestrian bridge spanning SR-522 would promote safe pedestrian traffic and guide foot traffic to key destinations.

A vacant lot owned by the city adjacent to SR-522 presents an opportunity for springboarding the bridge. Leveraging the natural grade of the land, this blank canvas could host the foundation for bridge access, further enhanced by a green roof. This approach not only addresses pedestrian safety but also adds an aesthetic dimension and green to the landscape, symbolizing Kenmore's commitment to sustainable development.

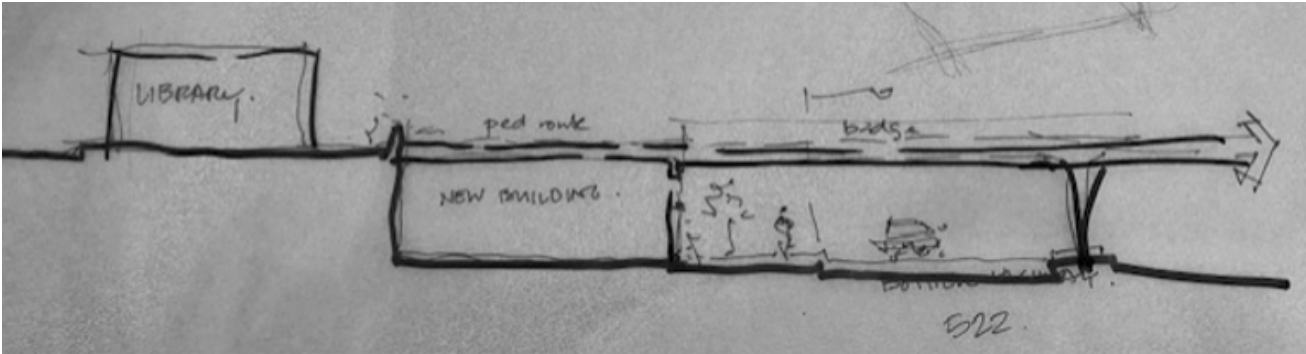


Illustration drawn by the panelists during the TAP

Park & Ride Transit-Oriented Development (TOD)

The Sound Transit Park & Ride facility slated for development at the intersection of SR-522 and 68th Avenue NE heralds an opportunity for TOD. By integrating residential, commercial, and recreational spaces around transit hubs, TOD not only introduces new amenities but also catalyzes street activation, a pedestrian friendly setting, and increases vitality.

Collaboration between the City of Kenmore and King County on this initiative would foster innovation and garner vital support for development. Together, they can leverage their respective expertise and resources to unlock the full potential of this TOD, creating a dynamic and sustainable urban environment that benefits residents and visitors alike. The City can support the TOD effort by facilitating permitting and providing active coordination with King County Metro.

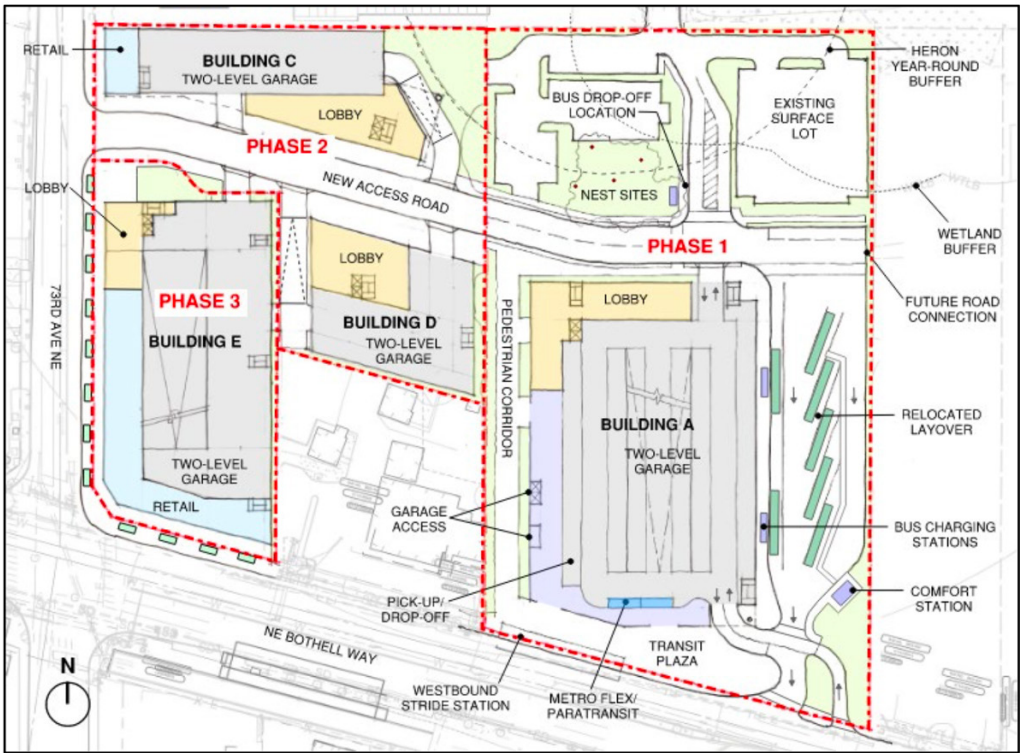
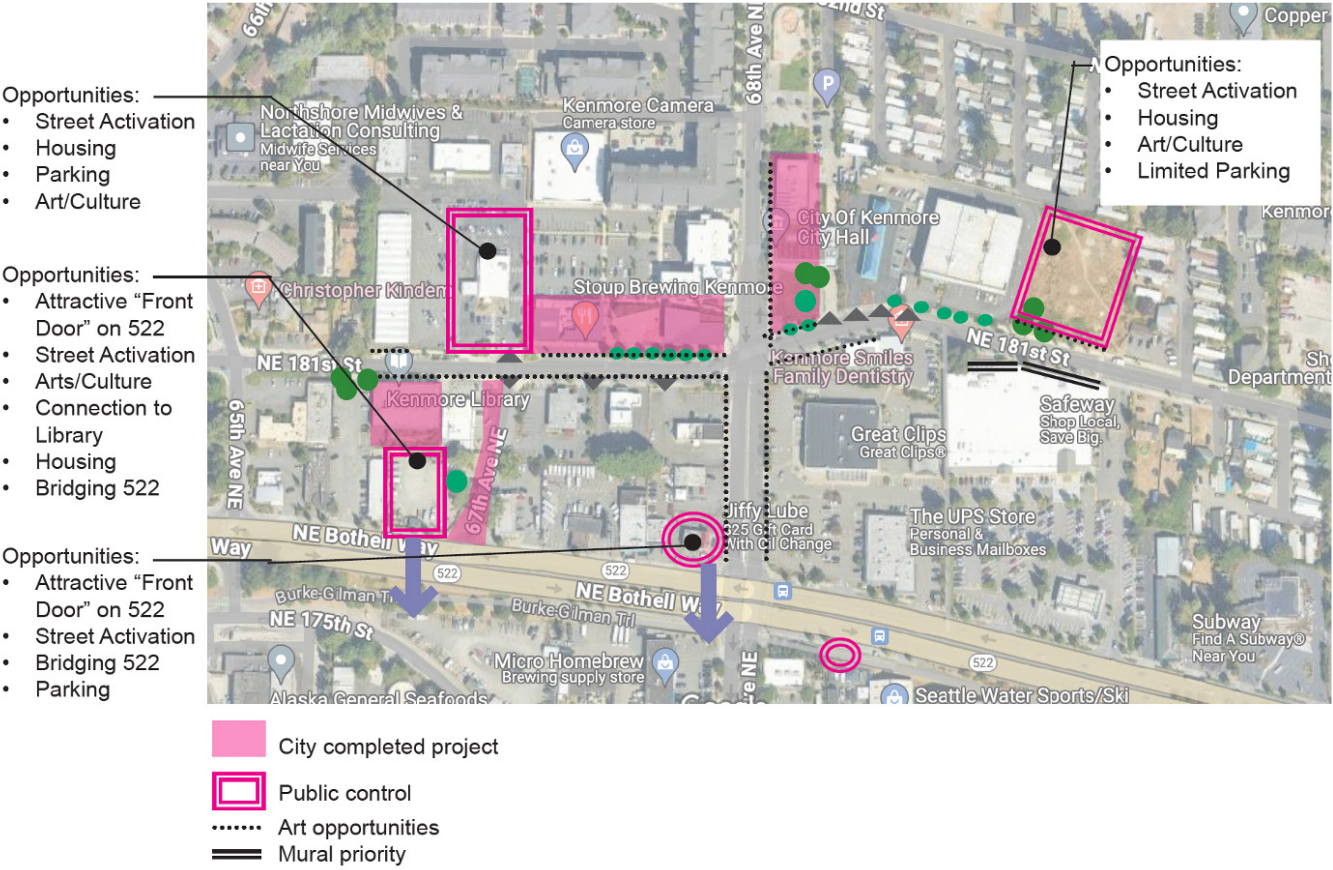


Figure 2-1 - Conceptual Development Plan



Enhancing Downtown Spaces

Downtown Kenmore presents a mosaic of plots and streets ripe for enhancement. Ranging from completed city projects to publicly controlled land, there are many walls and streets that could be potential art opportunities and priority areas for murals and creative expressions.

Strategically developing the land situated along SR-522 offers a gateway opportunity to amplify Kenmore's allure, acting as an attractive "front door". Allocating underutilized parcels for the construction of a pedestrian bridge spanning SR-522 will also provide connectivity from Downtown to the waterfront, creating a pedestrian-friendly conduit through the city.

Challenges inherent in Downtown space management, particularly concerning automobile use and curb cuts—such as those along 181st Street—deserve thoughtful consideration. Balancing vehicular access with stormwater management, natural elements integration, and pedestrian safety is important. Rather than dedicating downtown and downtown's adjacent land to surface parking lots, a parking garage could consolidate vehicles, streamline parking management, and regulate traffic flow.

Finally, art, while occupying minimal physical space, yields a profound impact on urban ambiance and character. Leveraging the topographic drop between the library and the adjacent vacant lot owned by the city offers a prime canvas for artistic expression. This unique terrain presents an opportunity to integrate art seamlessly into the landscape, transforming the space into a vibrant and inviting hub reflective of Kenmore's distinctive identity.

ECONOMIC INFRASTRUCTURE

Economic infrastructure underpins the quality of life, prosperity, growth, and vibrancy of local businesses within a community. Championing the existing, thriving businesses and devising strategies to bolster their sustainability through short- and long-term projects, aligned with the city’s Downtown revitalization efforts will create cohesion and success for invested local community and businesses.

Key recommendations for economic infrastructure:

- Infill Development Incentives, Permits, and Regulation Certainty
- Invest in Yourself: Programs and Placemaking Initiatives: Constraint Research
- Strategic Parcel Identification and Support

By embracing these recommendations, Kenmore can fortify its economic foundation, fostering a thriving ecosystem where businesses flourish and community vitality thrives.

Infill Development Incentives, Permits, and Regulation Certainty

Efforts towards establishing clear policy frameworks could establish regulatory certainty creating an investment friendly environment. Kenmore can enhance private development appeal by demonstrating a commitment to collaborative partnership. The examples below offer ways to spur development and encourage redevelopment of underutilized parcels.

Expedited Permitting

Given Kenmore’s abundance of small parcels, relaxation of barriers, considering high development cost, could catalyze development.

- Conduct periodic reviews of permit timelines
- Abbreviate or prioritize set review periods for building permits in high-priority areas

Design Review

- Maintain predictability and administrative efficiency of design review
- Establish and adhere to clear timelines for design review

Examination of City Fees, Utility Costs/Capacities, and Stormwater Management

A comprehensive assessment of city fees, utility costs, and stormwater management, beyond zoning code regulations, provides clarity, especially for smaller infill projects.

Incentivization

Utilizing the general fund to remove or reduce fee costs on smaller parcel lots within designated areas, as demonstrated by Auburn, is a proven effective incentive mechanism.

Additional incentives such as the 8-year MFTE (property tax exemption) and Tax Increment Financing support further bolster the attractiveness of development opportunities in Kenmore.

Deferral of Fee Collection

Following Tukwila’s lead in deferring fee collection until closer to the Certificate of Occupancy stage, coupled with the promotion of development agreements, would be steps toward demonstrating Kenmore’s commitment to facilitating private development.

Promotion of Development Agreements

Beyond land acquisition and control, the city can contribute to public-private partnerships through initiatives such as:

- Expedited permitting and fee waivers or reductions.
- Limited zoning and regulatory variance

Invest in yourself

Promote economic development through enhancing the character of downtown Kenmore. Showcase the city’s heritage buildings and unique character, leveraging existing assets and cultural heritage to attract visitors and enhance the overall appeal of the downtown area, ultimately contributing to its vibrancy and economic vitality of Kenmore.

- Businesses have been producing value for the community, empower them further!
- Functions of a business improvement area (BIA)
 - » Dedicate staff for parking coordination
- Create convenient and close-in parking for drive-through customers (double the resident population) to easily visit and linger in Kenmore’s downtown
 - » Direct investment from parking fees back into beautification efforts
 - » Recognize essential customer base is on SR 522 – create strategy to attract them into Kenmore near walkable zone to increase business viability
- Business/Parking Improvement Area – Empower Local Businesses
 - » Parking management and consolidation

- Hire Full Time Employee (FTE) Business and Arts Services Coordinator
 - » Technical assistance; ombudsman services for restaurants, businesses
 - » Look at LTAC potential yield to support position activities – events, space programming, coordination/ alleviation of congestion
 - » Local businesses and community events to support existing and attract new businesses
- Heritage Buildings – Façade Programs
 - » Embrace older buildings and businesses
 - » Invest in historic buildings that emphasize Kenmore’s “brand” (roadhouse vernacular) – painting, lighting at night
 - » Up light buildings and highlight paths and walkways with attractive lighting
- Avoid costly entanglement on small Parcels when big opportunities are south of 522 for long-term improvement of tax base and vitality—do what the city can do best in tackling King County, WSDOT, and other agency/ governmental entities, and resource appropriately

Be a city on the lake, not just by the lake –“ The Crown of Lake Washington”

Parking

During the stakeholder interviews and panel assessment, parking was a recurring topic due to its importance in balancing car use with promoting walkability in downtown areas. Although complete reliance on cars isn’t sustainable, transitioning away from car dependency requires managed solutions. Strategies include reducing parking requirements, managing existing parking better, and creating shared parking solutions. Encouraging transit, biking, and walking is key, alongside making the downtown area so compelling that people opt for alternative transport modes. Examples from other cities show that thoughtful integration of parking garages can support vibrant, walkable environments by consolidating parking and freeing up street space and surface parking lots to accommodate pedestrians and businesses. Ultimately, a balanced, transitional approach could help achieve long-term walkability and vibrancy goals. As our region’s transportation network evolves and becomes less car dependent, a parking garage can be redeveloped, but for now having convenient centralized parking for creating a downtown adjacent to well-traveled thoroughfare is key to establishing a “drive-to” destination, rather than a “drive-through” destination.

Request for Development Agreement

The city could collaborate with the private sector maximizing the city’s resources to support large-scale projects. Successful suburban center developments like Thornton Creek in Northgate and Totem Lake in Kirkland have implemented dedicated and shared parking arrangements to enhance urban vitality.

Goal: offer a range of tailored options that align with immediate short-term opportunities and larger-scale longer term initiatives through attracting public/private development. The City could signal to the development marketplace and local property owners and developers their willingness to participate in a development agreement through establishing a framework for partnership, with tailored options.

City could offer:

- Expedited permitting and fee waivers/reductions
- Limited zoning/regulatory variance
- 8-year MFTE (property tax exemption)
- Tax increment financing support (TIF) – provide money for publicly owned infrastructure so it doesn’t have large impact on taxes
- Flexible zoning (that works with diverse market conditions)
- Explore 8- and 12-year MFTE exemption programs
- Dedicated shared parking arrangements for residents and visitors

City could request:

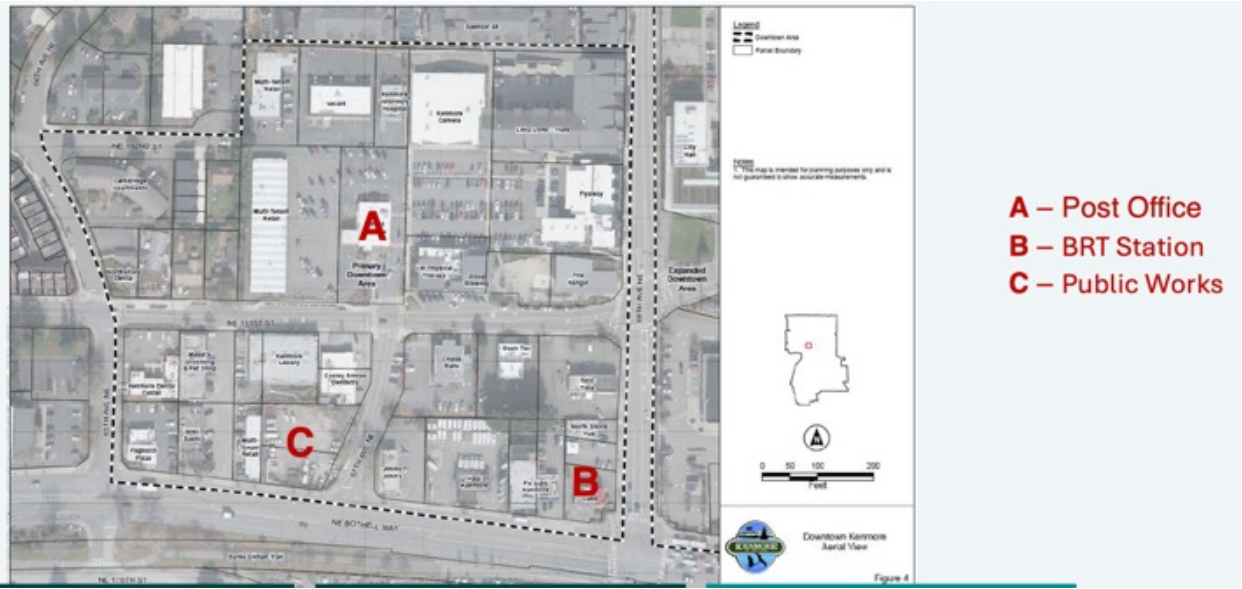
- Additional parking capacity to support downtown businesses.
- Other public realm and/or sustainability assets (i.e., pocket park, Green Factor design, etc.)

Before issuing an RFP for a development agreement, consider several key assumptions and conditions:

1. **Project Scale and Financing:** Understand the project’s financial requirements, such as the cost of constructing a 300-stall garage, which could need around \$12 million in subsidies.
2. **Minimum Conditions:** Define minimum project requirements, like site control (ownership or option to purchase) and specific types of development (e.g., residential with ground-floor commercial spaces).
3. **Incentives and Parameters:** Outline what you can offer, such as impact fee waivers for affordable housing projects that meet city criteria and other entitlements or permits.
4. **Public Benefits:** Consider additional public benefits, like dedicating part of the development for public use.

- 5. **Financial Calculations:** Perform basic financial analyses to understand the value of tax increment financing (TIF) and other incentives, ensuring they align with the project’s needs.
- 6. **Site Size:** Aim for sites of at least an acre to ensure sufficient development potential.
- 7. **Marketing and Partnerships:** Engage with property owners and developers to generate interest and create competition for the development opportunities.
- 8. **Pilot Programs:** Consider a limited-time pilot program to expedite permitting and attract qualified developers willing to partner on projects that deliver key public benefits.

Strategic Parcel Identification and Support



The panel identified key sites for potential development and strategies for leveraging them to enhance the city’s economic and infrastructural landscape. The highlighted sites include:

- Parcel A (Post Office Site):** Identified as a critical development site, with significant potential to drive economic activity and connect different parts of the city.
- Parcel B (near the Jiffy Lube building):** While not owned by the city, this parcel could serve as a crucial connection point to the south side of 522 or function as a front door for downtown development. With Sound Transit’s ongoing work, there may be opportunities for the city to negotiate short-term or long-term uses of this site, turning it into an economic resource.
- Parcel C:** Currently utilized by the public works team, this parcel could become another important gateway to downtown, linking parcel A to 97 and facilitating access to the city core. It presents both short-term and long-term developmental potential.

Strategies for Leveraging the Sites:

- 1. **Parking Management:** The need for better-organized parking is emphasized, especially as density increases and more development occurs. The city can play an active role in managing parking, which could also generate revenue. Effective parking management is crucial during peak times, such as weekends, to mitigate conflicts between residents and businesses.
- 2. **Public Use Encouragement:** By playing a leadership role in encouraging public use of these spaces, the city can create a framework that supports increased density and development. This includes promoting public-private partnerships to develop the parcels in ways that align with the city’s long-term vision.
- 3. **Catalyst for Development:** Parcel A, in particular, can act as a catalyst for discussions with private property owners about their future plans. Engaging owners who might consider selling their properties, the city can facilitate development that supports its broader goals. This involves understanding owners’ needs, such as replacing income and managing tax implications, and integrating these considerations into the development strategy.
- 4. **Public-Private Partnerships:** These partnerships can be highly beneficial, with private developers potentially taking ownership of certain parcels to bring in the necessary resources and expertise. This can lead to developments that are in line with the city’s vision while providing financial and logistical support from the private sector.

Overall, the strategy involves a mix of proactive parking management, leveraging public spaces, engaging in strategic negotiations, and fostering public-private partnerships to drive cohesive and sustainable development in the city. The goal is to create a vibrant, connected, and economically robust downtown area that can attract both residents and visitors.

Project A – Post Office Parking and Development Opportunity

Opportunity for subgrade public parking to:

- Anchor a public parking management strategy
- Mitigate peak parking conflicts
- Generate parking revenue
- Create pad for future PPP development to complete the western edge of the public square



Project B - Sound Transit Stride Bus Rapid Transit Station - Front Door to Downtown

Opportunity to leverage Sound Transit’s land investment to:

- Enhance the “front door” to Downtown
- Potential non-motorized crossing to Burke Gilman and existing 68th pedestrian and bike investments

People want to corridor to be a safe place to walk and bike:

- Reinforce safety message
- Leadership in negotiation about how safety happens at this intersection
- Asset opens up a conversation and potentially opens up resources and grants from state



Station locations in Kenmore on SR-522 at 68th Ave NE. Stations are noted in blue. (Sound Transit)

The second site leverages the forthcoming bus rapid transit connection, emphasizing the community’s desire for safe walking and biking corridors. Recent city investments in safety are seen as essential. The bus rapid transit stop is an opportunity to enhance safety and negotiate with Sound Transit for resources. This could attract grants from state and federal sources to protect residents from the impacts of heavy traffic. This site can initiate important discussions and potentially secure additional funding.

Project C – Public Works Lot Pedestrian/Bike Gateway

Opportunity to:

- Connect across SR-522 to provide safe pedestrian and bike connection to Downtown from Burke Gilman Trail
- Connect to the big vision for Lakepointe site
- Short-Term WSDOT funding available (Applications due 5/31/24)

The community is captivated by the waterfront’s potential, but there are barriers to development. Parcel C is seen as crucial for connecting investments on both sides of SR-522 and downtown. Linking it to the Burke Gilman Trail will attract customers to nearby businesses. There is a short-term funding opportunity with \$29 million from the state for pedestrian and bike infrastructure, which could finance initial studies for using Parcel C and improving connectivity over SR-522.



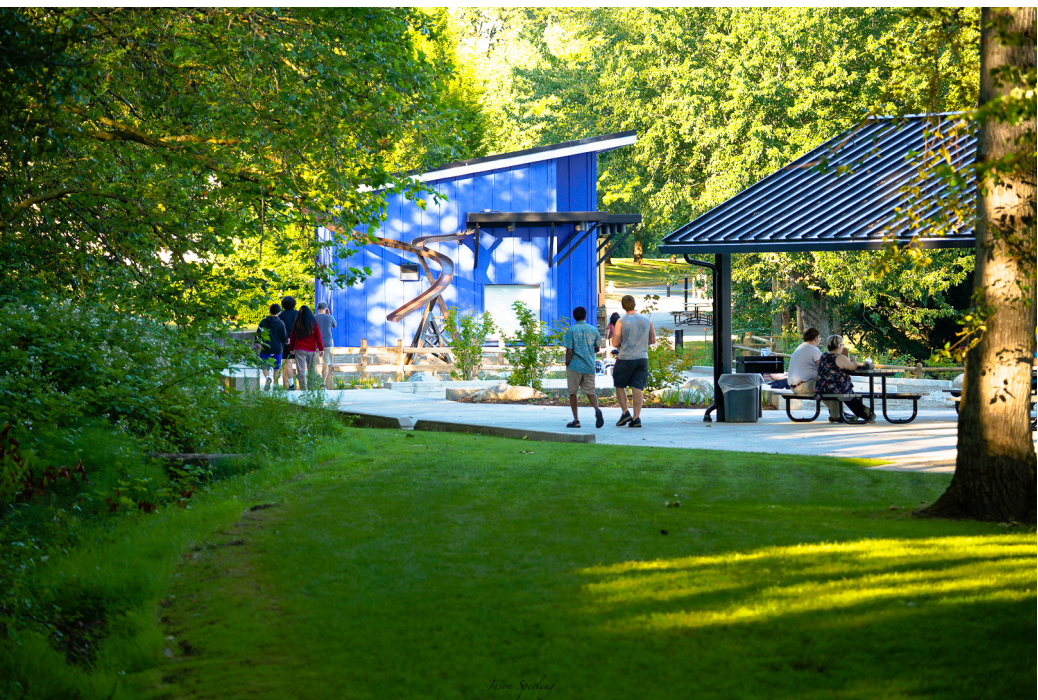
Resources

- [ULI/HDC Affordable Housing Toolkit – A guide for Cities, Counties and Advocates in Washington State](#)
- [WSDOT Pedestrian & Bicycle Program](#)
- Smart Growth America: “(Re)Building Downtown: A Guidebook for Revitalization”
 - <https://smartgrowthamerica.org/resources/rebuilding-downtown/>
- National Complete Streets Coalition: “Model Complete Streets Policy Framework”
 - <https://smartgrowthamerica.org/resources/elements-complete-streets-policy/>
- Center for Community Progress: “Creative Placemaking on Vacant Lots.”
 - <https://communityprogress.org/publications/creative-placemaking-on-vacant-properties/>

CONCLUSION

Kenmore’s fundamentals are based on the balance of price relative to risk and include employment and housing density. Over the past 20 years, Kenmore has overcome initial low density and infrastructural challenges to develop significantly. Its strategic location between major job centers, urban growth, and public-private investments have led to impressive development, including a destination hotel, fine dining, dense housing, and thriving street-level retail. Despite a decrease in employment density, Kenmore has achieved substantial urban density and vibrancy, making it a model of successful urban growth.

Kenmore is not lagging its neighbors in terms of development - Kenmore’s efforts have actually surpassed expectations, driving considerable development activity. Kenmore has been proactive in creating a thriving community hub and is motivated to build on this progress. Continued strategic investment, partnerships, and programs can leverage and expand Kenmore’s unique identity and sense of place.



X:\R. Urban Land Institute (ULI) Technical Assistance Panel (TAP) Final...



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CITY OF KENMORE

Community Development

Final Kenmore TAP Report

ULI Northwest

City Council
July 15, 2024



What is ULI? What is a TAP?

- Urban Land Institute (ULI) Northwest is a non-profit real estate and land development organization
- Over 1,100 members in Washington and Oregon that support, connect, and build communities through local programs, educational activities, and research
- ULI Technical Advisor Panel (TAP) provides comprehensive and strategic advice in response to a specific land use or development assignment
- TAPs are made up of 10-15 members from a variety of development and real estate



Kenmore TAP



Leslie Bain, Framework



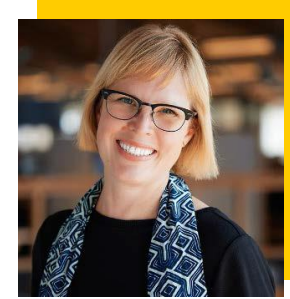
Bill Ellis, City of Kent



Jeff Foster, GGLO



**Mark Huppert,
Development Consultant**



Erin Ishizaki, Mithun



**Donna Moodie,
Urban League of Metro Seattle**



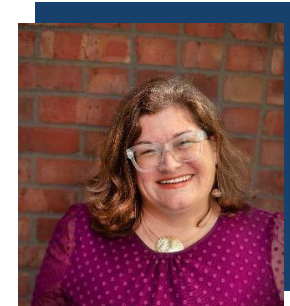
**Evan Schneider,
Heartland**



**Morgan Shook,
ECONorthwest**



**Cary Westerbeck,
Architect**



**Jess Zimbabwe
Environmental Works**

Community Partners

ULI experts interviewed 14 community partners representing downtown

Various backgrounds – business owners, property owners, community organizations



Key Questions

How can the City attract investment to make Kenmore residents proud, as well as draw others to Kenmore to share in what it has to offer?

How can the City be made a destination, a place that give the Kenmore community a reason to stay and spend time?



Focus Questions about Downtown

1. How does the City 'jump-start' the next phase of the Downtown Plan?
2. Why is the City of Kenmore being left behind with regards to development investment compared to our neighbors (i.e., Bothell/Woodinville)?
3. What tools and partnership opportunities may the City consider to leverage public/private investment in Downtown?
4. How does the City incentivize and inspire long-time property owners in seeing the vision for Downtown Kenmore and allow for redevelopment?



Vision for Downtown

*“In downtown Kenmore, we envision a bustling hub where small businesses thrive and residents flourish. We dream of vibrant, safe streets alive with diverse shops and activities for young and old, fostering a strong sense of community for all who call it home, and a memorable experience for visitors.”**

** Based on TAP Stakeholder Interviews*



Kenmore SWOT

KENMORE SWOT ANALYSIS	
STRENGTHS • Superior quality of life • Family-friendly nature • Vibrant, connected community • Small businesses with local and regional appeal. • Residents value art, entertainment, services, nature, recreation. • Influx of projects shows Kenmore's willingness to evolve and provide for growth and change. • Multi-family housing in and near the downtown looks attractive and well-maintained. • Public realm improvements such as pedestrian and bike trails on 68th Avenue NE proved successful.	WEAKNESSES • Parking, parking management • Walkability • Aesthetics • Connecting the city, cohesion; The current visual of the Downtown does not parallel the beauty of the natural surroundings
OPPORTUNITIES • Considerable growth in housing capacity with projects under construction or in the planning stages • SR-522 remains an opportunity for increased visibility and attention to Kenmore. • Public acquisition of land for leverage and development	THREATS • Downtown core's auto-oriented nature detracts from the walkability. • Shifting to walkability poses a challenge as parking downtown is a source of strife for the community. • Small parcels pose a challenge to assemble anything meaningful. • SR-522 threatens walkability, and Kenmore's sense of place

Strengths

- Family-friendly
- Vibrant, connected community
- Public realm improvements

Weaknesses

- Parking
- Walkability
- Aesthetics



Kenmore SWOT

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Opportunities

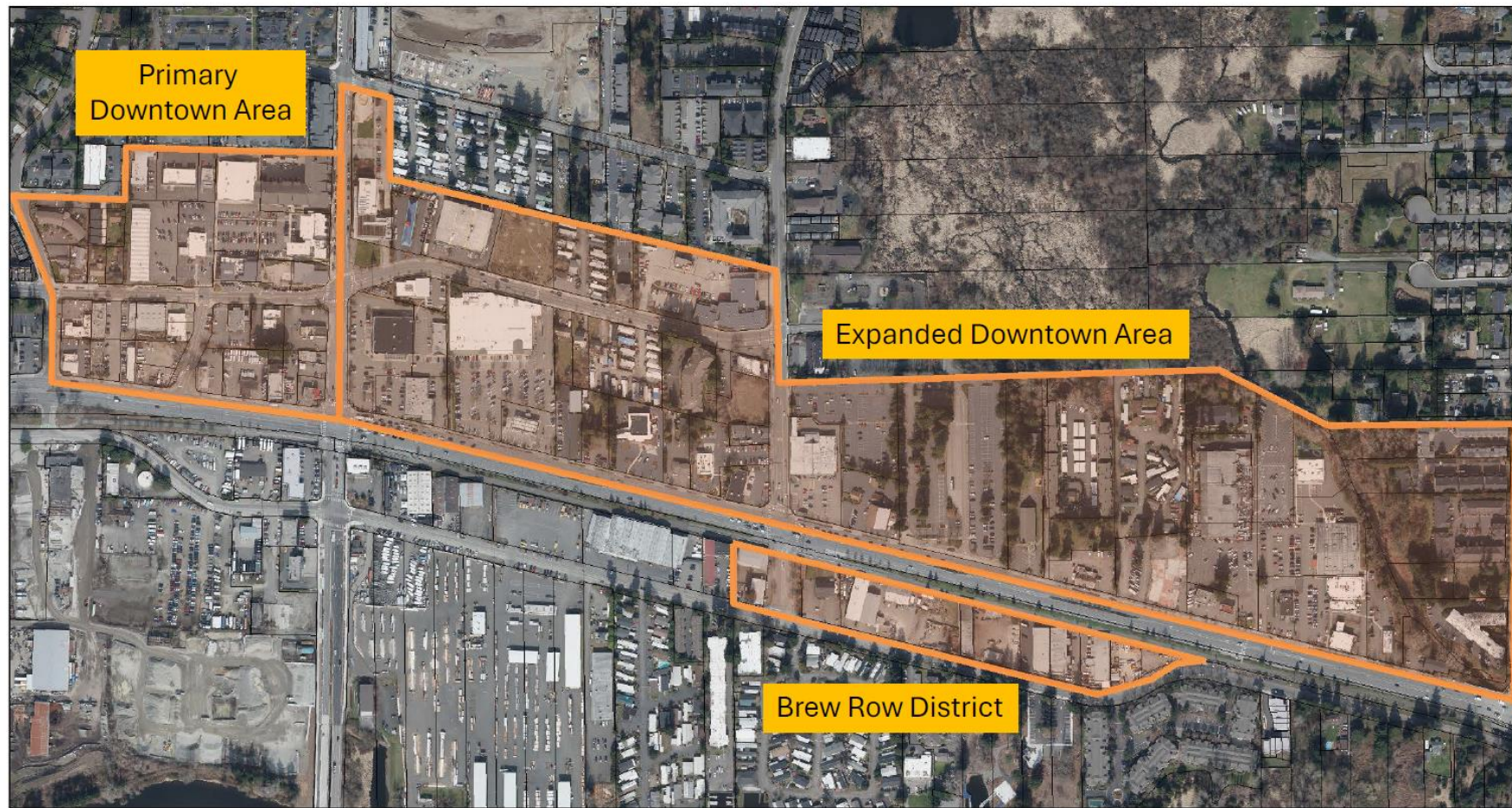
- Housing capacity/projects
- SR-522 corridor
- Public acquisition of land

Threats

- Auto-oriented nature
- Small parcels difficult to redevelop
- SR-522 threatens walkability/sense of place



Expanded Downtown Area

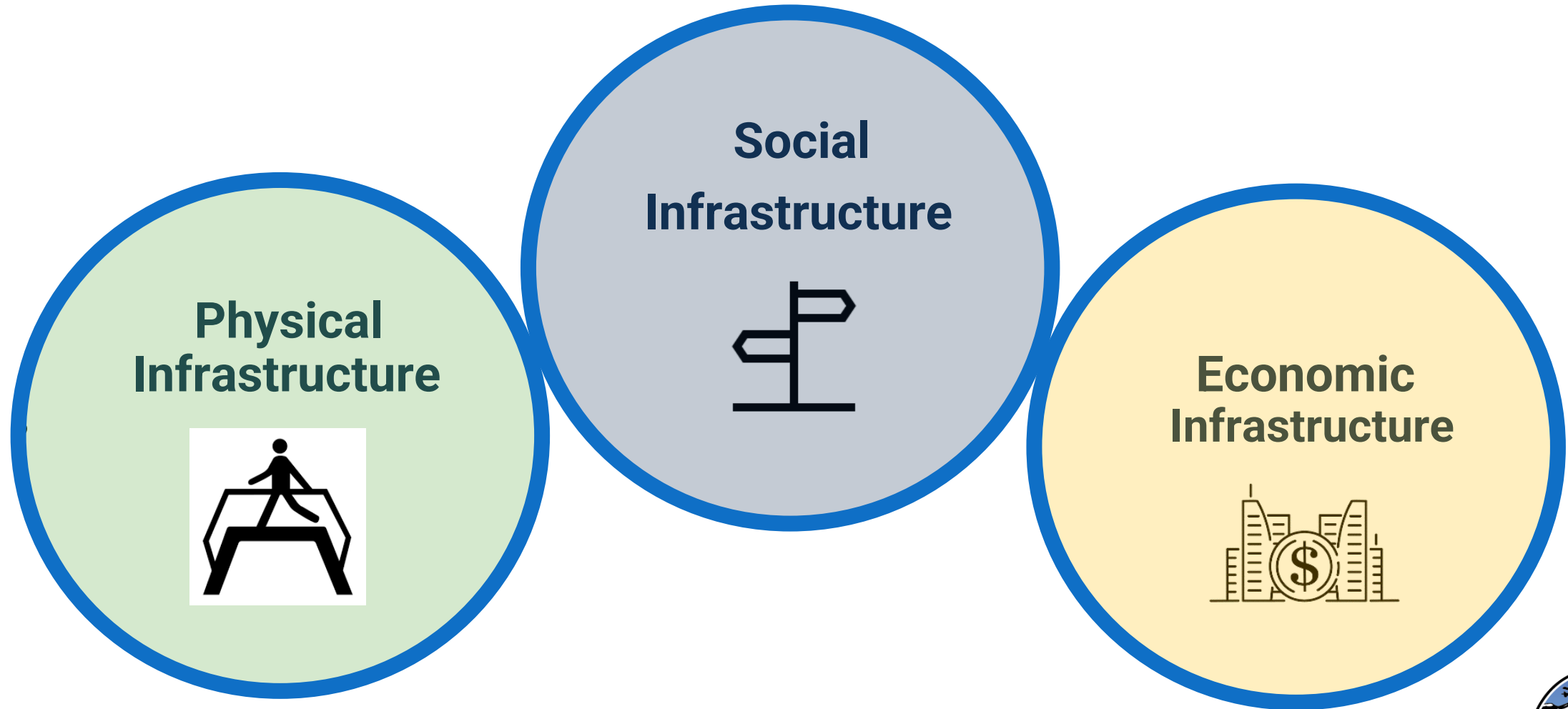


Primary Downtown Area

"The Bullseye"



Focused on Categories of Infrastructure



Social Infrastructure



Amplify, Expand & Connect Your Assets



Social Infrastructure



Wayfinding & Business Support

Social Infrastructure



Programming & Placemaking

Social Infrastructure



Clever window displays can tell a story, educate, entertain, lift spirits, and draw attention to downtowns. Photo credit: Retailworks, Inc.

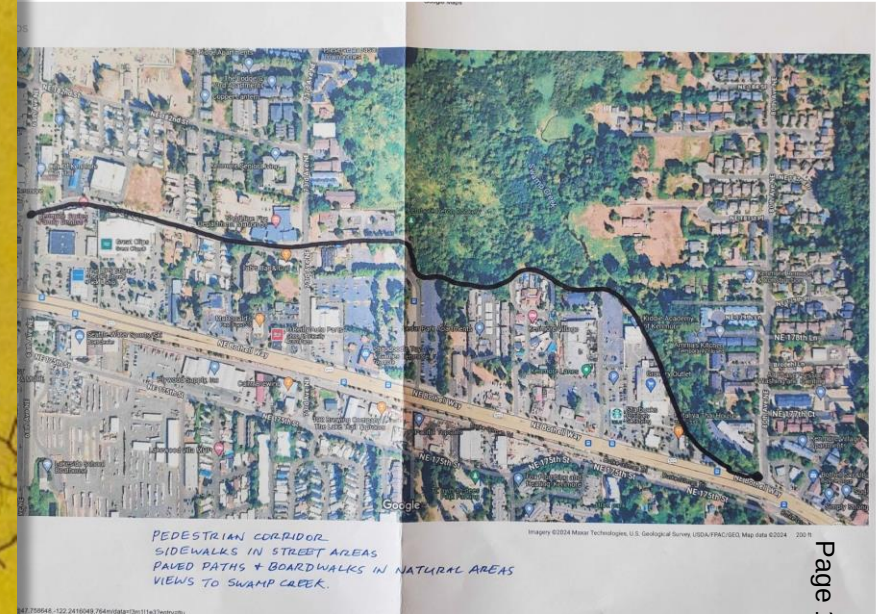
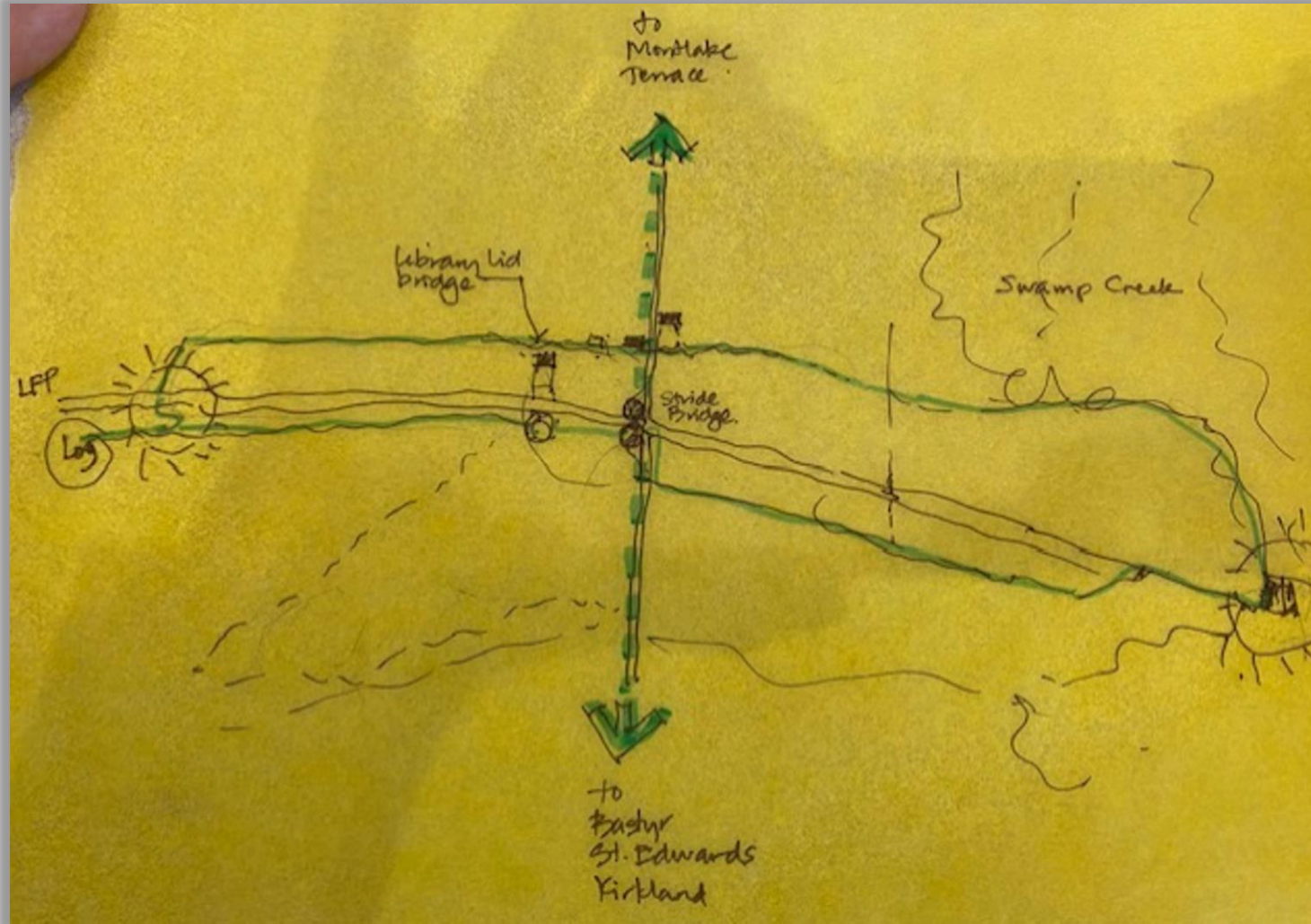
Arts & Activation Hub

Enhancing Physical Infrastructure



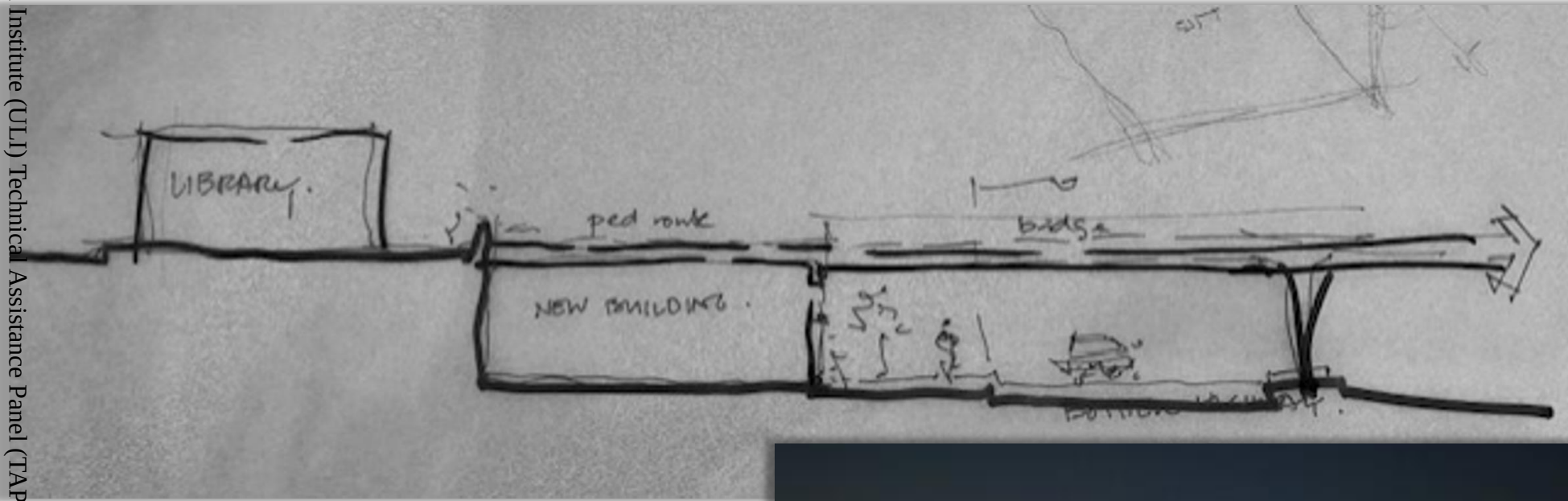
Reforest Kenmore

Enhancing Physical Infrastructure



Green Loop

Enhancing Physical Infrastructure



522 as a Gateway



Enhancing Physical Infrastructure

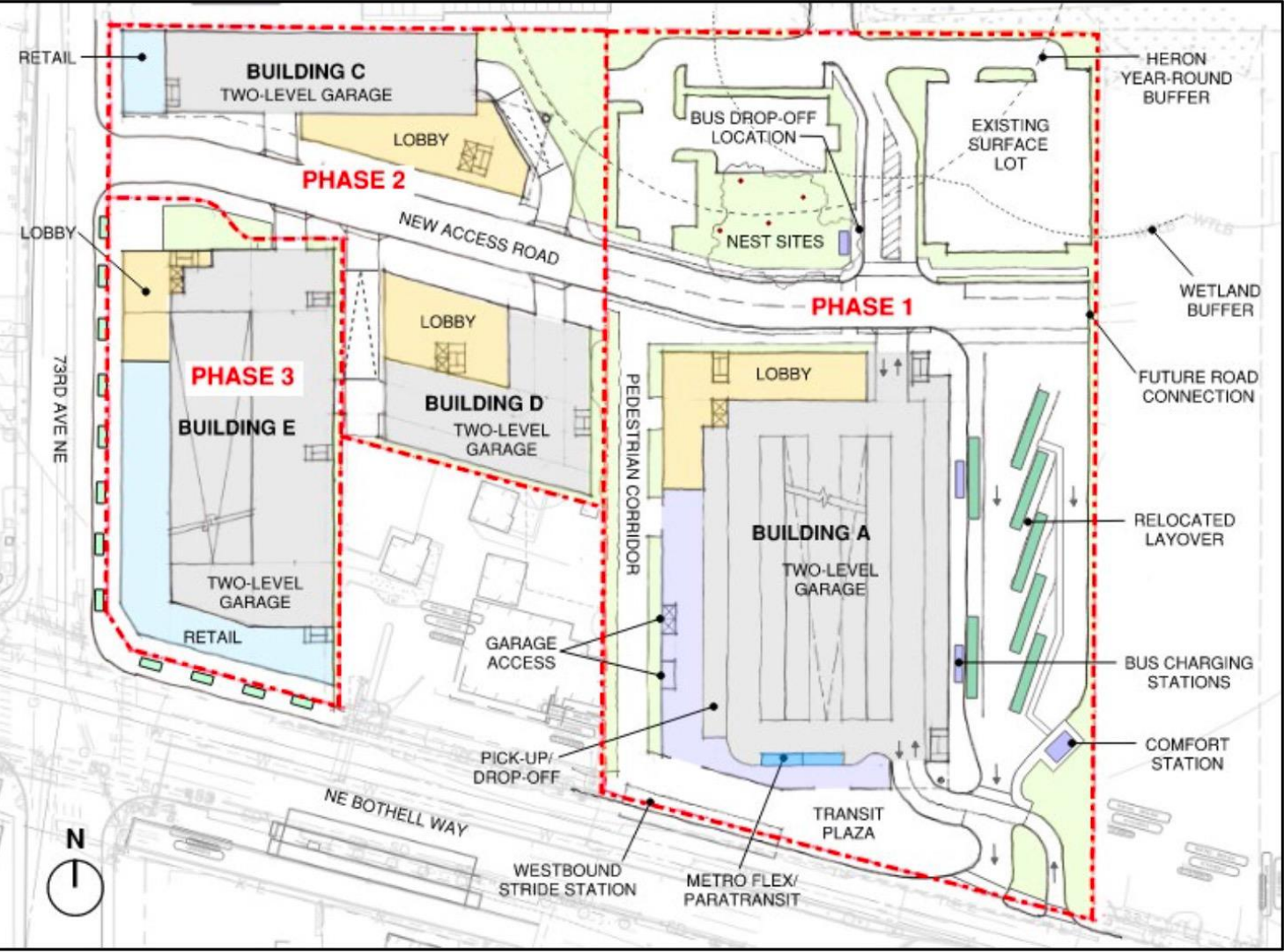
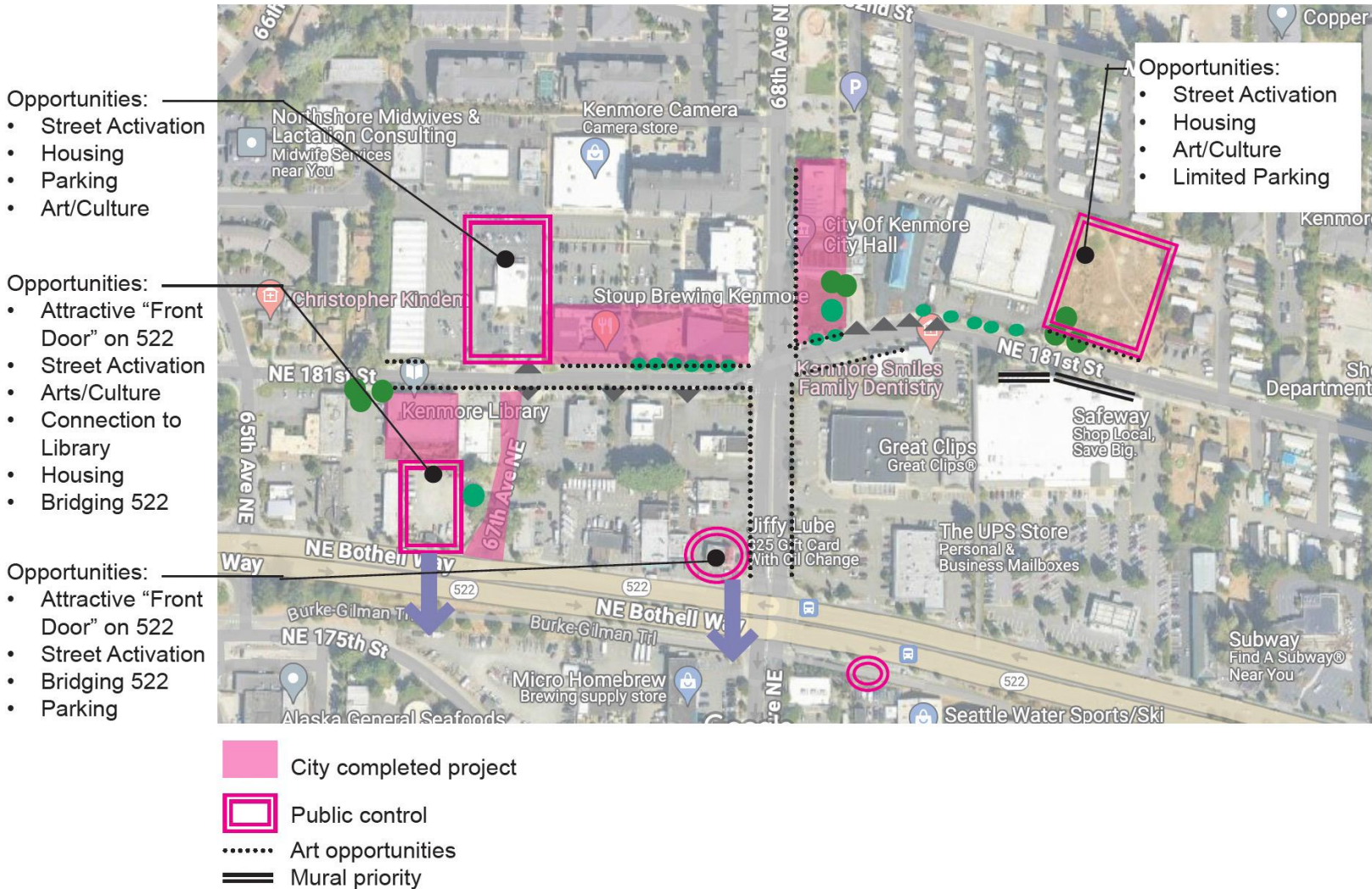


Figure 2-1 - Conceptual Development Plan

Park & Ride TOD



Enhancing Physical Infrastructure



Enhance Downtown Spaces



Economic Infrastructure

Infill Development Incentives & Regulations

- Expedited Permitting
- Design Review
- Examination of City Fees, Utility Costs/Capacities, and Stormwater Management
- Incentivization
- Deferral of Fee Collection
- Promotion of Development Agreements



Economic Infrastructure

Invest in Yourself

- Promote economic development through character enhancement
- Showcase the city's heritage buildings and unique character
- Business Improvement Area (BIA)
- Hire Business & Arts Services Coordinator
- Be a city on the lake, not just by the lake

“The Crown of Lake Washington”



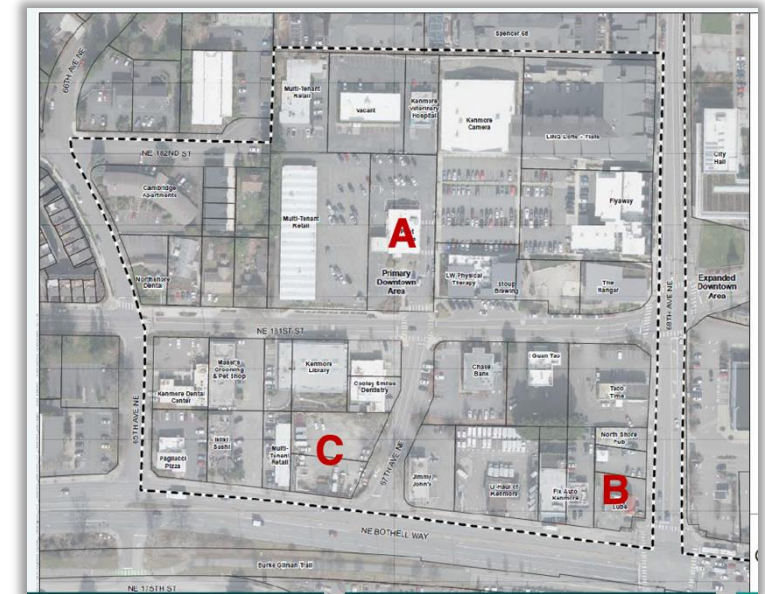
Economic Infrastructure

Development Agreements

- Collaborate with private sector to support large-scale projects

Strategic Parcel Identification & Support

- Collaborate with private sector to support large-scale projects



Next Steps

Downtown Strategy

- The findings from ULI are suggested actions, tools, and partnerships the City could consider to further the next phase of downtown planning
- An implementation measure of the “draft” updated Comprehensive Plan Downtown Element is to create a strategy for the next phase of downtown development which would be a future docket item
- The first phase of a strategy could focus on the same primary area of downtown, and its relationship to a broader downtown area similar to the ULI report







City Council Agenda Bill City of Kenmore, WA

Subject/Topic: City Council Priorities for 2025-2026 Proposed Council Action/Motion: Discuss and provide direction on “What success will look like” for the City Council’s adopted priorities in 2024.	For Council Meeting Agenda of: 07/15/2024 Department: City Manager’s Office Prepared by: Rob Karlinsey, City Manager Leadership Team <table><thead><tr><th></th><th>Initial & Date</th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td>____ NA ____</td></tr><tr><td>Approved by City Attorney:</td><td>____ NA ____</td></tr><tr><td>Approved by Finance Director:</td><td>____ NA ____</td></tr><tr><td>Approved by City Manager:</td><td>____ RGK ____</td></tr></tbody></table> Attachments/Exhibits: “What Success will Look Like for City Council Priorities in 2025 and 2026”		Initial & Date	Approved by Department Head:	____ NA ____	Approved by City Attorney:	____ NA ____	Approved by Finance Director:	____ NA ____	Approved by City Manager:	____ RGK ____
	Initial & Date										
Approved by Department Head:	____ NA ____										
Approved by City Attorney:	____ NA ____										
Approved by Finance Director:	____ NA ____										
Approved by City Manager:	____ RGK ____										
Summary: Now that the City Council has established its priorities for the upcoming 2025-2026 biennium, further discussion is requested to provide direction on “what success will look like” for each of the nine priorities. To aid in providing this direction, the attached document proposes deliverables in 2025 and 2026 for each City Council priority. Council discussion and direction is requested.											
<u>City Council Priority</u> or Budget Objective Being Addressed: All nine City Council priorities for the 2025-2026 biennium.											

What Success will Look Like for City Council Priorities in 2025 & 2026

The City's top priority will always be fulfilling its core mission, which includes city governance, ensuring public safety, maintaining the city's infrastructure, complying with state and federal mandates, and safeguarding the city's finances. In addition, achieving the City's 20-year vision, as described in the Comprehensive Plan, is of high importance. With this context, the City Council can emphasize certain initiatives or address specific problems through its priority-setting process each year.

Earlier this year, the City Council approved nine priorities, in order of priority, for the upcoming 2025-2026 biennium. What success can look like for each of these nine priorities is proposed as follows:

Priority 1: Continue to implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

Climate Action Plan

1. Update the Climate Action Plan in 2026 (the goal is to update the CAP every four years).
2. In 2026, recalculate Kenmore's greenhouse gas (GHG) emissions using 2025 values. Kenmore's GHG inventory update is currently in progress for 2023 values. This report for 2023 is expected to be completed in the fall of this year (2024).
3. Continue to staff the Climate Action Advisory Committee (CAAC) and seek their advice, expertise, and assistance (including CAAC-produced community educational workshops) in implementing the Climate Action Plan and improving city-wide environmental stewardship.
4. Create more community education and engagement to motivate residents and businesses to reduce their GHG emissions and increase their stewardship of Kenmore's natural environment. Examples include electrification programs (solar, EV, heat pumps), waste reduction, natural yard care (see NPDES requirements), and more.
5. Develop and Urban Forestry Management Plan by June 2025 (grant funded). **This plan will very likely result in projects that will need new funding and staff.**
6. Expand and fully build out added solar panels on City Hall by 2026 (we recently applied for a state Clean Energy grant via the Department of Commerce to fund this).
7. Convert old high pressure sodium cobra head streetlights on telephone poles to LED lights. This is a PSE-funded program, and the work is estimated to be completed by PSE; the estimated timeline to go to construction in late 2024/early 2025.
8. Promote the Enviro Stars Certification Program for Kenmore businesses. Additional cost is involved if we want to become a "partner" and have the

program tailored to the City of Kenmore. The fee will vary depending on the topic areas (waste management, energy, water conservation, etc.) we select. The City's level of participation will be determined as part of the budget process.

9. Develop an Electric Vehicle (EV) Infrastructure Plan by June 2025. This plan is grant-funded from climate planning funds through the Department of Commerce. **Implementation of this EV infrastructure plan will create a new body of ongoing work and budget. We will need to add this program to the CIP, and we will need additional staff resources to operate and maintain the resulting new EV infrastructure.**
10. Implement the WAEV grant, also through the Department of Commerce, to install new EV charging stations at City Hall and several on the street. City staff will need to make room in their workplans to get these EV charging stations installed. Then additional staff time will be required operate and maintain these new EV charging stations.
11. Solarize Kenmore: Continue this partnership with Olympia Community Solar and vetted solar panel contractors to bring on new homeowners—we are aiming for 30 homes per year. (Note: many potential homes for this program are being found not eligible because of too much shading from trees)
12. Plan to convert City's fleet of vehicles to EV (included in EV Infrastructure Plan). Implementation will require funding and staff time.
13. Implement the new building code and energy code. **Additional time and staff resources are needed to administer these new codes.**
14. Continue hosting residential recycling grants and events (existing ongoing program 100% grant funded).
15. Continue participating in regional coordination and partnerships (K4C, ICLEI).
16. Finalize our climate and environmental stewardship branding—the final logo will be complete and ready in the coming weeks; resulting media materials will be ordered thereafter.
17. Continue to track upcoming grants and rebate programs, including an upcoming PSE rebate program for EV chargers for residents; Other potential upcoming programs: electric bike rebates, heat pumps, King County Re+ municipal grant, and federal regional CPRG implementation. **Grants are not free.**
18. Continue to monitor and advocate for improved state requirements and programs for the climate and environmental sustainability. Examples include the phased in requirements for commercial compost recycling and the proposed "Re-Wrap Act" that would increase producer responsibility to improve "recyclability" of consumer products.
19. Execute the transportation CIP for 2025 and 2026, the overwhelming majority of which is sidewalk and bike lane projects. Sidewalk and bike lanes provide alternatives to driving a car which reduces greenhouse gas emissions.
20. Facilitate Sound Transit's Stride Bus Rapid Transit system from I-405 in Bothell through Kenmore to I-5 in Shoreline. High Capacity Transit helps reduce carbon emissions.

21. Implement the City's housing strategy plan, thereby facilitating more housing supply near major job centers and within the urban growth area; doing so prevents suburban and exurban sprawl and reduces vehicle miles traveled and carbon emissions.

Environmental Stewardship

1. The Rapid Progress+ fish-friendly culvert and habitat restoration plan is underway:
 - a. Culvert replacements:
 - Tributary 0056 Culverts downstream of SR522:
 - Partner with WSDOT to apply for funding through FHA
 - Substantial completion of design, permits and property acquisition, where applicable, by end of 2026
 - Secure remaining funding gaps by end of 2026
 - Tributary 0057 Culverts:
 - Substantial completion of design, permits and property acquisition, where applicable, by end of 2026
 - Continue applying for grants; secure remaining funding gaps by the end of 2026
 - Swamp Creek Tributary Culvert (192nd):
 - Substantial completion of design, permits and property acquisition, where applicable, by end of 2026
 - Secure remaining funding gaps (currently awarded \$1.3M, \$700K pending)
 - 169th Tributary Culvert:
 - Pending status of Tributary 0056 culvert funding, this culvert will begin design and permitting.
 - b. Surface water facility (e.g. underground vaults) retrofits:
 - Construct new upgraded stormwater facility to replace failing system on 61st Avenue in 2025 (design is nearly complete).
 - Complete design on another retrofit project in 2026.
 - c. Land conservation efforts, including the King County Conservation Futures grant program:
 - Acquire the Lakepointe shoreline by 2026 (currently have \$7.3M CFT and \$1M PSAR pending grant requests), subject to an approved financing plan, including potential voter-approval. **More resources will be needed to manage acquisition, grants, property evaluation/due-diligence, restoration design/permits/construction.**
 - Acquire the Stream 0057 property at the 16400 block of 76th Avenue (CFT grant applied for).

- Evaluate whether to acquire additional flooded property on Swamp Creek along 73rd Avenue (willing seller already interested; contingent on receiving CFT funds).
 - Try to acquire a key property for Little Swamp Creek relocation and restoration near 80th Avenue (CFT funds may be able to help with this).
 - Apply for additional Conservation Futures grant acquisitions in 2025 and 2026.
- d. Habitat restoration projects:
- Begin developing a restoration plan for the Lakepointe shoreline, subject to property acquisition and funding (currently have \$450K CWM grant for due diligence/testing pending).
 - Muck Creek restoration on the Lindenmeyer property on 73rd Avenue should be complete by 2026.
 - Work with PERC to perform restoration work on the newly acquired Chet Chatl (0056) Creek parcel on 61st Avenue.
2. National Pollutant Discharge Elimination System (NPDES) Compliance:
- a. Complete the Surface Water Masterplan update in 2025
 - b. Obtain DOE permit approval each year in 2025 and 2026 which includes:
 - Ongoing planning, education & outreach
 - Mapping
 - Illicit Discharge Detection and Elimination (IDDE)
 - Managing development & construction
 - Facility retrofits
 - Source control
 - Operations & maintenance
 - Total Maximum Daily Load (TMDL) water quality monitoring and reporting requirements.
 - **More staff and other resources are needed as the Phase II permit continues to not only add new requirements, but ongoing programs continue to grow such as the number of facilities to inspect and maintain.**
3. Regional Coordination and Partnerships:
- Sammamish River CIS Plan Completion and Implementation (King County has the lead on this)
 - WRIA 8 salmon recovery participation
 - Local stewardship groups
4. Aquatic Weed Management—implement the IAVMP.
5. Tree Code: In 2025, assess King County model and determine what aspects of the King County tree code can be adopted in Kenmore. **The stricter the tree code,**

the more staff time needs to be spent dealing with complaining property owners and developers who are not happy that they can't cut down their trees. Additional staff time will also be needed as more tree regulations are added to the development code.

6. Continue to partner with Sno-King Watershed Council on their habitat restoration volunteer work parties on City-owned park properties near Swamp Creek.
7. Continue to monitor and maintain the mitigation work for habitat restoration that resulted from the recent Walkways & Waterways park and transportation improvement projects. **The more habitat that gets restored (either through CIP projects or volunteer organizations), the more resources are needed to maintain the new habitat to make sure it gets established and survives.**
8. Complete the Public Works Operations Center (PWOC) – provide the space, equipment, tools, and resources needed to operate and maintain the City's stormwater system for clean water and flood prevention, protect and establish critical areas (e.g., wetlands) and wildlife habitat, respond to environmental emergencies, etc.

Priority 2: Preserve and increase availability of all types of housing at all income levels, including the needs of people experiencing homelessness.

1. Implement and defend prior housing policies, including tenant protections, transit-oriented development, and the mobile home park preservation.
2. Adopt and implement the state-mandated middle housing and ADU regulations on the 2024 docket (due June 2025).
3. Adopt and implement other housing regulations on the 2024 docket: Cottage housing, small houses on small lots.
4. Respond to and implement new state law housing policies and regulations (ongoing).
5. Update the Affordable Housing Strategy Plan, including regulations for PSH proposed 2025 docket. **Will need to budget consulting services for this item.**
6. Advance the Holt/Imagine Housing Development including permit process, community engagement, property sale.
7. Support the Laurus (Jay's Café) affordable housing development.
8. Continue ARCH membership and trust fund contribution. Membership costs are increasing.
9. Continue to support and coordinate with KCRHA and the North King County Coalition on Homelessness.
10. Expand the Multi-Family Tax Exemption (MFTE) to include downtown and Lakepointe; future docket item.
11. Community Engagement around all of the above. **Increased expectations for community engagement will likely result in more staff resources needed OR we will need to slow these efforts down.**

Priority 3: Finalize, adopt, and implement the Human Services Strategic Plan.

1. Finalize and begin implementing the HS strategic plan, including the consideration of a possible human services navigator and utility assistance. **Additional staffing and budget resources will likely be needed to implement the strategies identified in the strategic plan.**
2. The following are workplan items already supporting this priority:
 - a. Human Services Grant Program for nonprofit service providers
 - b. Partnership and relationship building with human service providers and community members in need of services
 - c. Participation in the Regional Crisis Response program. Additional funding will likely be needed as the program grows and expands.
 - d. Financially support the Community Court
 - e. Support (via staff time) the 1st year of the Connections Health regional crisis response center in Totem Lake
 - f. Support and coordinate with KCRHA and the North King County Coalition on Homelessness.
 - g. Complete two “Human Services Special Projects” contracts, which were initiated as part of the ARPA program with one-time, temporary funding: Center for Human Services Student and Family Counseling Services and Cascadia College Catch-Up Learning.
 - h. Support the Senior Center and their programs for fixed income seniors
 - i. Research and collaborate with partners to remain aware of external funding opportunities, such as grants, for both the City and human services providers that provide services to Kenmore residents. Apply when eligible and advocate for funding allocations to north King County providers at the County, State and Federal level.

Priority 4: Promote sustainable Economic Development Strategies that enhance downtown and attract residents, small businesses, and visitors.

1. Run a good city.
2. Continue to foster partnerships with businesses, including our major employers.
3. Maintain Chamber partnership and support, including KBA leadership.
4. Implement the new Kenmore business directory. New staff resources are needed to keep this going.
5. Seek the Port of Seattle Economic Development grant for such efforts as tourism promotion and events such as Octoberfest.
6. Partner with Kenmore Heritage Society and Arts of Kenmore to attract business activity.
7. Research a potential Lodging Tax to promote tourism and overnight stays. We may need to request a change in state law to make this happen.
8. Promote Brew Row.

9. Create a downtown business plan, stemming from the ULI panel report. This is a future docket item. New resources will likely needed for development (consultant costs) and potentially for implementation.
10. Conduct a restaurant market study. **New consulting resource needed to conduct this study and make recommendations for how to proceed.**
11. Support the Farmers Market, including the transition to being operated by the Woodinville Farmers Market.
12. Produce special events (movies, concerts, fireworks, etc.)
13. Continue to encourage and promote cocreator-produced Love Notes

Priority 5: Enhance multimodal transportation, including pedestrian and bicycle safety.

1. Implement the Transportation CIP:
 - a. Design/Construction: 80th Ave NE Ped/Bike, NE 181st Sidewalks (61st-63rd), Arrowhead Sidewalks, BGT Accessibility
 - b. Design only: Lower Swamp Creek Bridge, 84th Ave NE sidewalk, 61st Ave Phase II, NE 192nd Sidewalks/culvert replacement
2. Pavement management, including asphalt overlays, crack seals, and slurry seals. Need to adequately allocate resources to this.
3. Ped/Bike safety improvements – we have resources for small changes but **need additional funding with larger work noted in the Local Road Safety Plan.**
4. Implement and manage the ADA Transition Plan (continuous evaluation of existing infrastructure, update GIS to show corrected deficiencies, update plan to show improvements made). **Additional funding is needed for physical improvements.**
5. Provide right-of-way code enforcement and permitting review and inspections
6. Continue interagency coordination with transit
7. Improve Traffic Safety:
 - a. Speed and volume count program
 - b. Sight distance studies
 - c. Update local road safety plan
 - d. Traffic safety complaints – can respond but not always act
 - e. Manage KAPE program
 - f. 24/7 for school zones, add Inglemoor School Zone, increase fee
 - g. Implement Traffic Calming Program
 - h. Perform crash data management/analysis
8. Transportation Planning:
 - a. Parking study. **Additional funding needed.**
 - b. Active transportation study. **Additional funding needed.**
 - c. Update transportation planning documents
 - d. Update road standards
 - e. Update KMC Title 10
 - f. Apply for transportation grants

- g. Public education and outreach (website, open houses, mailers, flyers, etc.)
- 9. Complete the Public Works Operations Center

Priority 6: Continue to seek opportunities to activate the Lakepointe property.

- 1. Assuming an agreement with the seller, conduct due diligence on the property, including testing.
- 2. Work with a landscape architect and the community to develop a plan for the shoreline restoration and public spaces.
- 3. Partner with the property owner to seek a developer.
- 4. Apply for grants.
- 5. Go to the voters for a funding mechanism.
- 6. **Will need a budget and additional staffing for management of the whole project.**

Priority 7: Broaden community engagement and foster fun.

- 1. Develop a holistic Community Engagement Policy and Plan in 2025
- 2. Support the Farmers Market, including the transition to being operated by the Woodinville Farmers Market.
- 3. Produce special events (movies, concerts, fireworks, etc.).
- 4. Continue to encourage and promote cocreator-produced Love Notes
- 5. Continue to maintain and promote the Hangar & Town Square as our community gathering space and “living room.”
- 6. Maintain our beautiful parks.
- 7. Continue to facilitate and help grow existing recreation partnerships, including Skyhawks, Kenmore Waterfront Activities Center, Kenmore Rowing, WhatsSUP concession, etc.
- 8. Revise the Community Supported Projects Policy in 2025.
- 9. Develop new arts policy in partnership with the Arts of Kenmore in 2025.
- 10. Continue to support Kenmore Heritage Society and Arts of Kenmore.

Priority 8: Continue to implement the DEIA strategic plan, including social justice reform.

- 1. Implement the DEIA Strategic Plan and 5-Year Road Map—all departments; update these documents as needed.
- 2. Toward the end of 2026, begin the process of updating the DEIA Strategic Plan.
- 3. Report on the Strategic Plan annually in July.

4. Assistant to the City Manager/DEIA Coordinator will continue to meet quarterly with department heads to track progress on the Strategic Plan and 5-Year Road Map.
5. Continue to staff the DEIA Advisory Committee and seek their advice, expertise, and assistance (including committee-produced community activities and events) in implementing the DEIA Strategic Plan and Five-Year Road Map.
6. Continue to support DEIA-related events, such as Juneteenth and Pride flag raising.
7. Continue to coordinate and produce DEIA-related proclamations for City Council meetings.
8. Develop phase II of the ADA transition plan (parks and facilities).

Priority 9: Explore opportunities to expand Parks and Recreation.

1. Update the Parks, Recreation, and Open Space Plan (due by March 2026).
2. Implement picnic shelter rentals policy and program in 2025.
3. Extend the lease at Bastyr (current lease expires 12/31/25).
4. Continue to facilitate and help grow existing recreation partnerships, including Skyhawks, Kenmore Waterfront Activities Center, Kenmore Rowing, WhatsSUP concession, etc.
5. Facilitate the establishment of a youth rowing program in 2025, following the School District's departure from youth rowing.
6. The Recreation Supervisor will continue to seek more recreation partnerships.
7. Consider putting forward a voter-approved ballot measure in 2025 to form a Metropolitan Parks District for the purpose of funding more parks and recreation.



City of Kenmore, Washington

Memorandum

Date: 7/15/24
 To: Kenmore City Councilmembers
 Rob Karlinsey, City Manager
 From: Debbie Bent, Community Development Director
 Regarding: Twin Springs Park: Phase 1 Park Capital Improvement Project Update

Purpose: Staff will be providing the City Council a Twin Springs Park Phase 1 Capital Improvement Project (CIP) update at the 7/15/24 Council meeting. Staff recommends that work stops on the Phase 1 CIP scope (described below) due to increasing costs and challenges with permitting and obtaining permissions from King County. Staff recommends that the project scope be reduced to a maintenance/operations project for minor improvements (described below) to the southern parking lot and limited park amenities that would allow the park to officially open later this summer as a passive use, natural area.

Current Twin Springs Park Phase 1 Capital Improvement Project Description:

The proposed project includes the following improvements:

1. Construction of an approximate 2,000 sq.ft. compacted gravel area adjacent to the northern access road to accommodate up to six cars.
2. Construction of 170 linear foot compacted gravel pathway from the northern parking area to the open grass area.
3. Construction of a 5' x 5' feet concrete pad to provide for future installation of a small maintenance shed and/or porta potty.
4. Construction of a new waterline in the northern access road to provide for future irrigation and/or community garden (requires an easement from King County).
5. Construction of a new surface water line in the northern access road to address surface water requirements for proposed grading and impervious surfaces (requires an easement from King County and approval of drainage plans).
6. Refurbishing the existing parking lot and access at the southern entrance (striping, wheel stops, ADA sign).

Staff recommends proceeding with #6 only plus several other incidental changes not listed above. Staff does not recommend moving forward with #1-5 above. See discussion below.

Proposed Twin Springs Maintenance/Operations Project Description:

The Public Works Operations Director estimates that the following improvements (supplies and labor) would cost between \$15,000 to \$20,000 to refurbish the southern

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cityhall@kenmorewa.gov

www.kenmorewa.gov

parking lot only. If the State approves the reduction of scope and budget, then this cost may be reimbursed by the State Appropriation. Alternatively, the cost would be covered by the Public Works operations budget. The proposed scope would not trigger any land use/engineering permits. If Council direction is to reduce the scope, then the following improvements could be completed later this summer:

- Refurbishing the existing southern parking area (paving, striping, wheel stops, ADA sign, fence repair).
- Installing signage for a 4-way stop at the 80th Avenue/192nd Street intersection. This intersection is currently a 3-way stop.
- Park rules sign at the southern entrance.
- Small park entry sign at the southern entrance.
- Dog waste station.
- Garbage can.
- Picnic table and/or bench.

Permit Status:

In May 2022 staff submitted applications for engineering (grading permit) and SEPA review to the Development Services Department. A SEPA comment period and Notice of Application comment period has been completed. Two rounds of engineering review have occurred with the second review completed May 2024, requiring additional minor comments to be addressed before a final SEPA and permit decision can be issued. Before City permits can be issued there also needs to be agreement from King County on surface water plans as the new surface water line is being located under the northern access road, owned by the County. King County's latest review May 2024 requires additional minor comments to be addressed. In addition, an agreement is needed between the City and King County to amend the City's existing access easement agreement over the northern access road (owned by King County) to allow installation of a new surface water line and water line. A draft agreement has undergone one round of review. Several more months would theoretically be needed to complete the process, though City staff have been going back and forth with the County on these issues for at least five years.

Construction Process:

Once the City engineering permit and SEPA decision are finalized and the easement agreement is executed with King County to allow for construction of the surface water and water line under the northern access road, then bid documents need to be finalized. Following a bid process, the City Council would award a construction contract assuming a bid was acceptable. The contract process, bid award and construction would take several months.

State Appropriation Status: In June 2019, the city received a \$155,000 state appropriation. The contract for the grant is administered by the Department of Commerce who charge a 2% fee so \$151,900 would be available for the project.

In 2019 the scope described for the State Appropriation was for the following improvements:

- Design, permitting and construction of a small on-site parking area (pavement overlay, striping, wheel stops, ADA signage)
- intersection improvements to ensure safe site access (designating a 4-way stop or evaluating the feasibility of a roundabout)
- Surface water drainage improvements to improve the recreation useability of an open flat field area for park visitors

Due to location of wetlands and challenges of being able to meet drainage requirements to improve the open area for recreation, the scope was amended and approved by Commerce in 2022 as follows.

- Site survey to confirm wetland boundaries.
- Creating an 8' wide maintenance/pedestrian trail to the open grass area and to provide maintenance vehicle access to a small concrete area (future equipment shed location).
- Constructing a new gravel parking area (approximately 2,000 sq. ft.), in the northwest corner of the park.
- Improving the existing parking area in the southwest corner of the park (restriping, wheel stops, ADA signage).
- Installing 4-way stop signs at the intersection of 80th Ave NE and 192nd Ave NE
- Installing park signage at both entrances.
- Installing a permanent concrete pad for port-o-potty use.
- Installing park amenities, e.g., benches, tables, dog waste stations.
- Conducting a site feasibility assessment for a future community garden.

A contract with the State Department of Commerce for the appropriation has not yet been executed due to uncertainty with King County approval challenges, particularly related to surface water. According to Commerce, the deadline to complete improvements and receive reimbursement is June 30, 2025. Commerce will probably request reappropriations for all unexecuted contracts and extend the deadline to June 30, 2027, but there is no guarantee of reappropriation. Whether Commerce would accept further scope amendments for refurbishment of the southern parking lot only with limited park amenities as described above and significant reduction of the appropriation to \$20,000 is not known.

Status of Park Capital Improvement Project (CIP) Budget:

The 2023 park six-year CIP adopted (9/21/23) allocated \$248,800 in 2023 to complete the Twin Springs Phase 1 Project, funded by the State Appropriation and park impact fees. Based on actual 2023 expenditures, plus the 2024 engineers' construction cost estimate and estimated 2024 consultant/staff time, the new Total Project Budget estimate is \$322,626.50. This would require an additional budget allocation in 2024 of \$73,826.50 assuming the project could be completed in 2024.

Consultant/Staff/ Permit Fees	2023	2024 Estimate	Total
Permit Fees	\$8,387.24	\$0	\$8,387.24
Consultant Engineer: (permit plan revisions/bid docs/plans/specs/legal exhibits/project mgmt./inspections)	\$10,137.80	\$73,000	\$83,137.80
Bid Advertisement	\$0	\$6,000.00	\$6,000
Staff time and legal time	\$25,700.00	\$30,000.00	\$55,700.00
Total	\$44,225.04	\$109,000	\$153,225.04
Construction Estimate		2024	
Engineers Construction Estimate		\$145,910.00	
5% Contingency		\$7,295.50	
10.1% Wa Sales Tax		\$14,736.91	
1% for the Arts		\$1,459.10	
Total		\$169,401.51	\$169,401.51
Total Project Budget Estimate 2023-2024	\$44,225.04	\$278,401.51	\$322,626.55

Expenditures 2019 through May 2024

	2019	2020	2021	2022	2023	2024 May	Total
Consultant Engr.	\$11,885.18	\$0	\$20,902.43	\$6,498.37	\$10,137.8	\$22,151.17	\$71,574.95
Staff Time	\$11,350.01	\$0	\$26,989.05	\$31,943.42	\$25,700.25	\$0	\$95,982.73
Permit Fees	\$0	\$0	\$4,455.72	\$4,995.21	\$8,387.24	\$0	\$17,838.17
Total	\$23,235.19	\$0	\$52,347.20	\$43,437.00	\$44,225.29	\$22,151.77	\$185,395.85

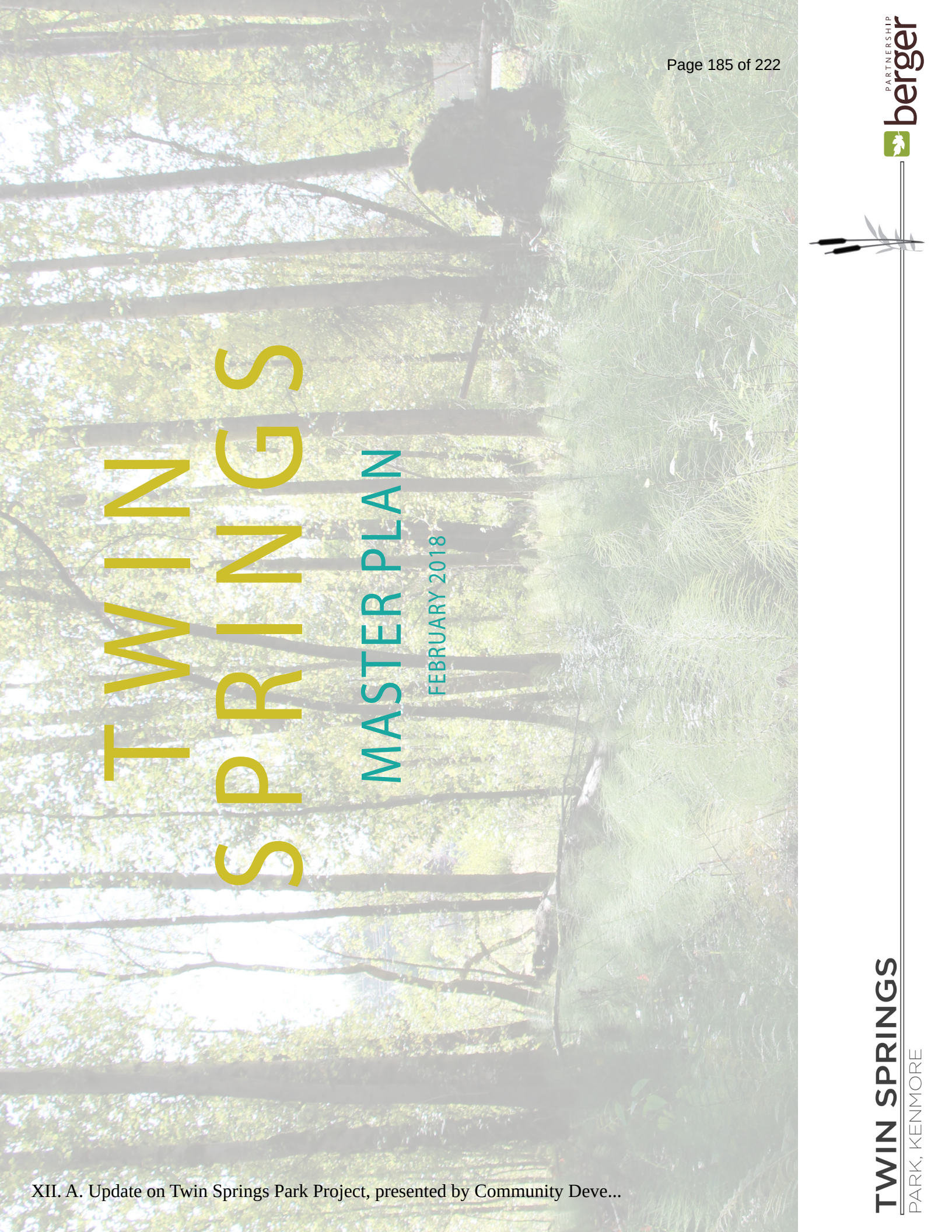
Additional Background: In 2015 King County completed the Brightwater Portal 44 project. On 5/23/16 the Twin Springs property (approx. 25 acres) was transferred to the

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City from King County. On 6/27/16 Council direction was to keep the park closed to the public pending implementation of an interim use plan. In 2017 the City hired Berger Partnership to complete a master plan and on 5/14/18 Council adopted the Twin Springs Park Master Plan. The adopted master plan is attached to this memo.

Attachments:

1. 2018 Twin Springs Master Plan



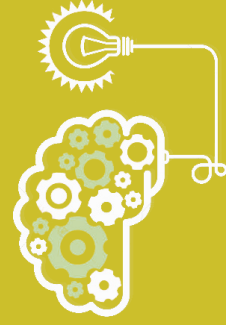
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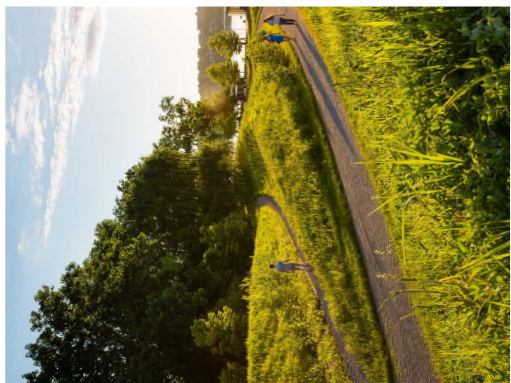
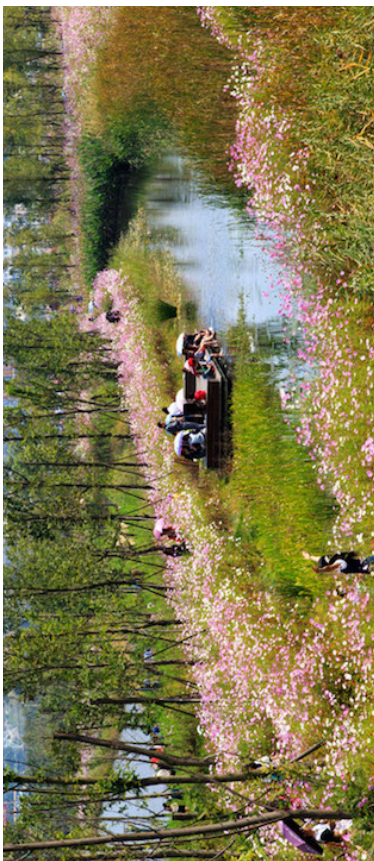
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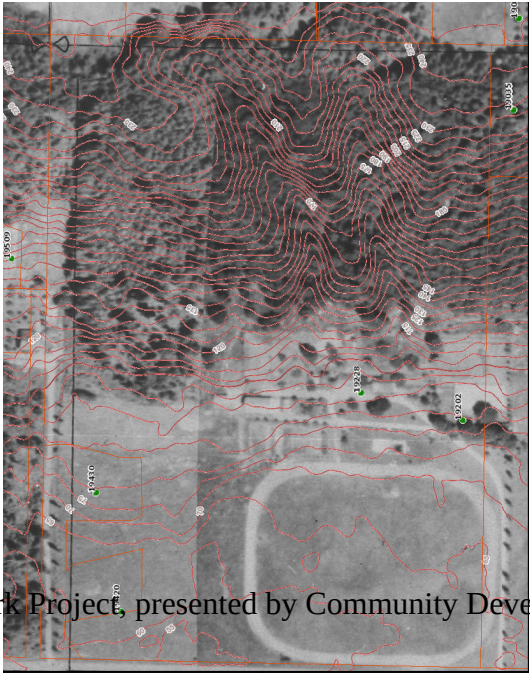


Neighborhood Values

Learning, playing and connecting to one another are at the heart of the Kenmore Community.

The exceptional opportunity of a reimagined Twin Springs Park as a community resource that becomes a place of escape and connection for Kenmore residents, a beacon that invites and strengthens the city's community and environment.

 OPPORTUNITY
Neighborhood Open Space & Connector



1936



1999



2010

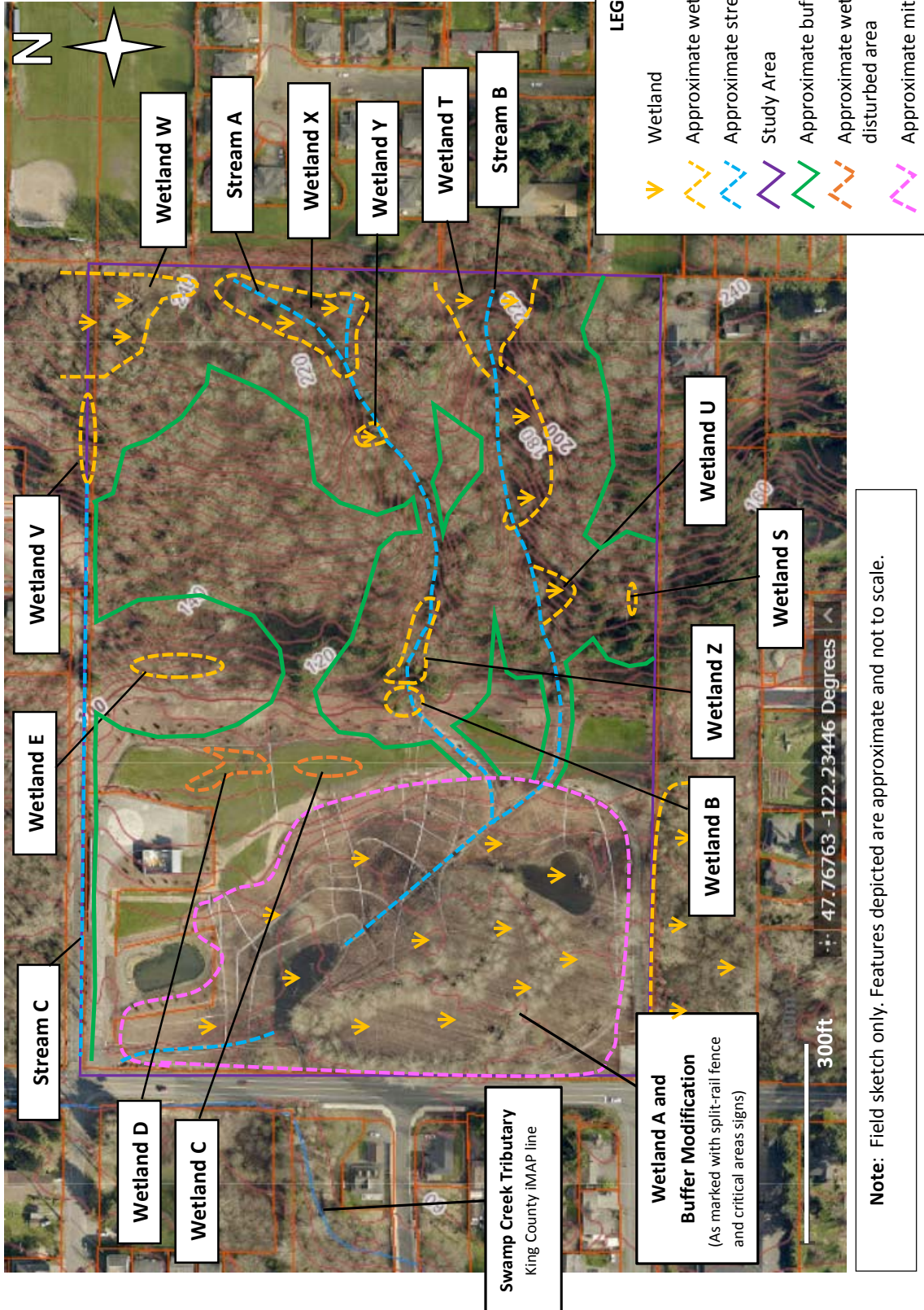




The recent past...

Prior to 2004, Twin Springs Park was a 25-acre, privately owned and operated horse ranch. From 2004 to 2015, the site was under construction as part of the Brightwater Regional Wastewater Treatment Project. Finally, in 2016, the City of Kenmore acquired the site from King County and has been devoted to developing a well-conceived master plan, relying heavily on community input. As a result of the Brightwater construction, the majority of the western edge of the park (running parallel to 80th Ave. NE) is dedicated to mitigation wetlands, capturing runoff from the steep slopes on the eastern edge of the site, which is an ecologically rich, dense forest.

Although the site has endured dramatic transitions through its recent history, there are **relics of its past** as a ranch as well as mature trees and **rich ecological treasures dotted throughout the hillside.**



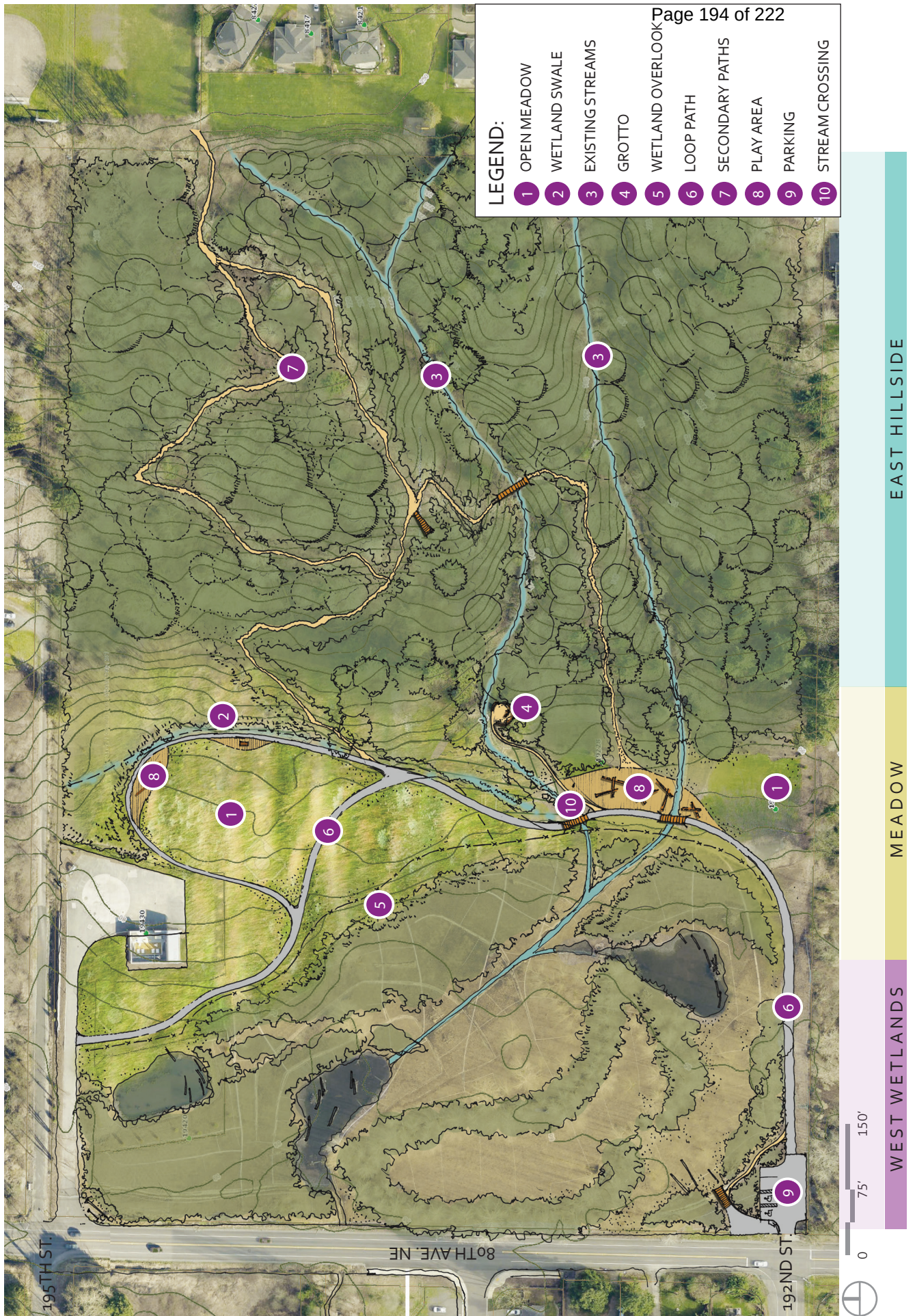


What's happening onsite?

Due to its long existing and recently enhanced mitigation wetlands along the west edge and steep topography along the east, a majority of the 25-acre site will remain undeveloped and serve as passive parkland with a naturalistic landscape. These ecologically rich zones present a unique opportunity to reveal and express natural systems as well as enhance the environment for native flora and fauna to thrive. A generous band of meadow stretches from north to south through the center of the site—this becomes the living room of the park, where visitors will **engage with the ecological edges and find opportunities to explore beyond.**

As part of this masterplan effort, a wetland reconnaissance report (including the map on the facing page) has been prepared for the site and is included in its entirety as an appendix to this document.

TWIN SPRINGS PARK MASTER PLAN



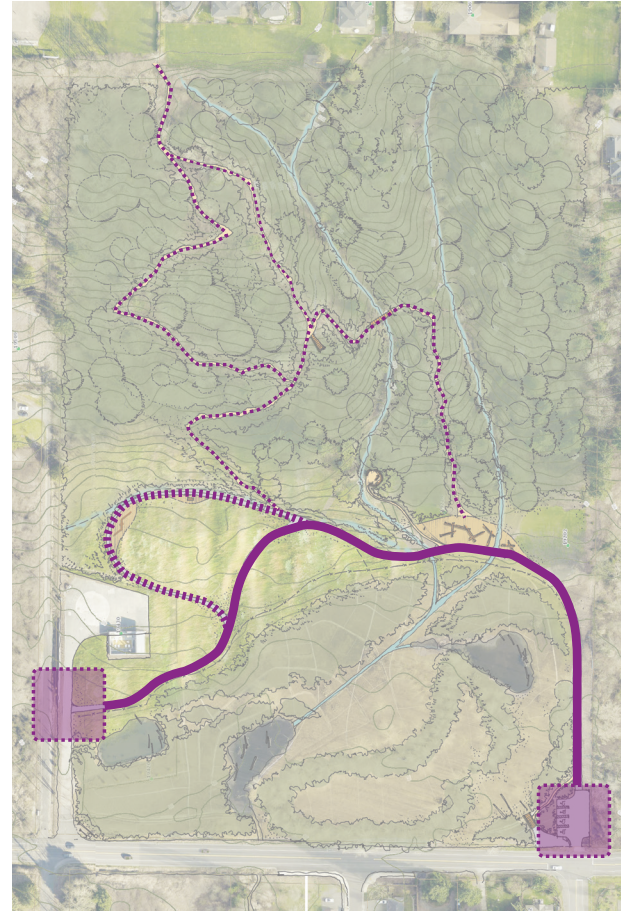
XII. A. Update on Twin Springs Park Project, presented by Community Deve...

Twin Springs Park is blessed with opportunities to increase its value to the local community and surrounding neighborhoods. This master plan utilizes four key strategies to enhance the park:

1. **Identify the journey** into and through the park with portals and pathways for all abilities.
2. Create a predominantly passive neighborhood park with limited program elements added to **enrich the park experience** for all ages.
3. Protect, enhance and reveal **natural ecological systems** onsite.
4. **Layer with richness** and interest with enhanced gathering spaces, art, and culture.

The plan is presented in parts that make up the whole, each part with its own unique challenges, opportunities, and character. The parts work together to create a place with varied experience and a diversity of areas that are contemplative, active, or perfect for gatherings.

Throughout the plan, emphasis is placed on the joy of experience for the park user. Impacts on surrounding sensitive ecological zones are considered, avoided and integrated in all design moves.



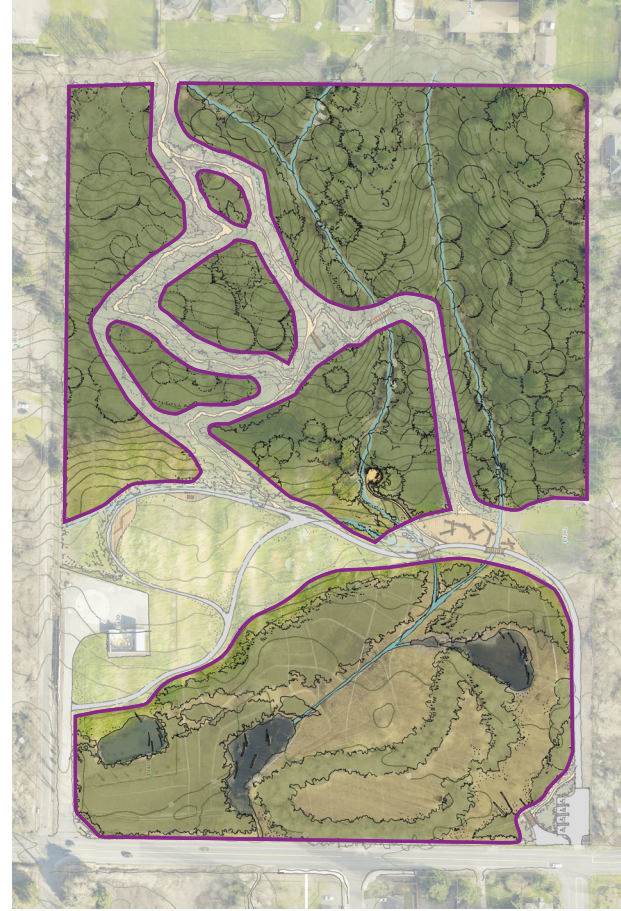
Identify the journey

The major points of arrival into the park would be along 80th Ave NE, at 192nd St. (where ADA parking would be available) and NE 195th St. At either entrance, an accessible primary path would **invite you into the heart of the site** where multiple tertiary paths would connect you throughout the site. A secondary portal would invite you into the hillside forest, provide moments of pause overlooking the lush ravine, eventually connecting to the NE corner of the site (to the Doug Allen Sportsfields and Westhill Elementary School).



Create Active and Passive Spaces

Once you arrive, a main circulation spine **connects the treasures in the park** and the entry points to the hillside climb. The large swath of open meadow would provide opportunity for **play** with disc golf courses, natural play equipment, and open space for games and gatherings. The meadow would also offer places for **pause** with seating opportunities overlooking the wetlands or amongst the many nooks and eddies, picnic benches, and large grassy spaces for tossing out a blanket and relaxing. The hillside climb would be laced with trails to **explore and discover** within the lush forest.



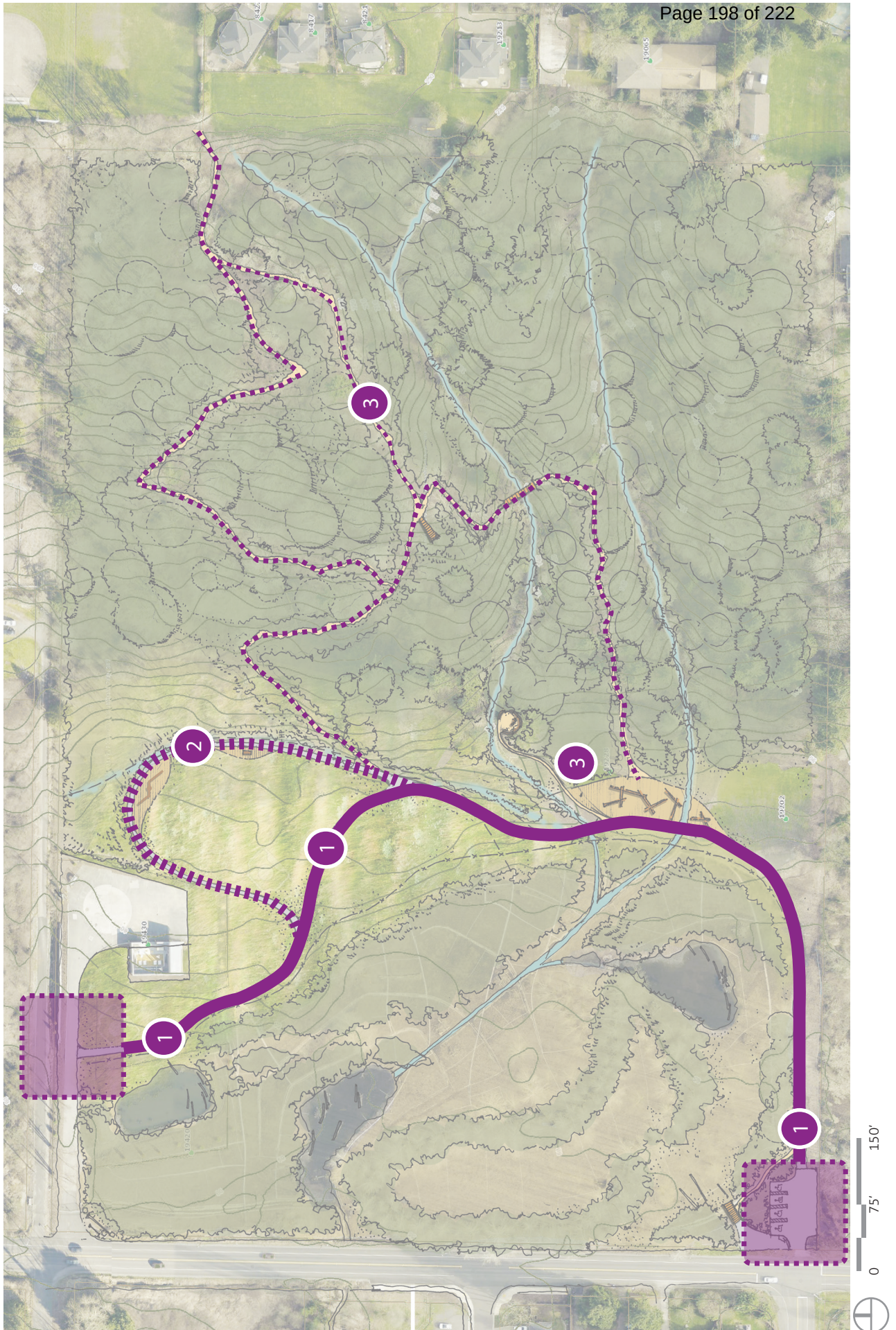
Protect, Enhance and Reveal

Twin Springs Park is akin to a critical organ in the body, **cleansing, clarifying and restoring** the abundant hydrological flows that run through the site, eventually joining Lake Washington. Both the natural and constructed wetlands will be protected from human interference, but celebrated by providing views, overlooks and educational signage for the community. The native surroundings of the wetlands and palustrine forest will continue to mature and provide **critical habitat for many plant and animal species**.

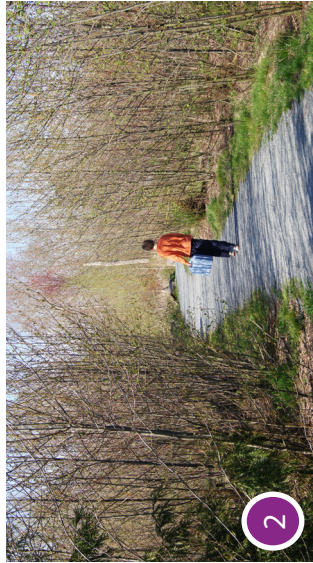


Layer with richness

Twin Springs Park contains so many interesting elements. This park can be made even richer by **layering** art, culture, and gathering opportunities everywhere, using the meadows, paths, trees, and even the ravines as a canvas. Everywhere you look, there are intriguing opportunities to invite further **exploration and discovery**.



XII. A. Update on Twin Springs Park Project, presented by Community Deve...



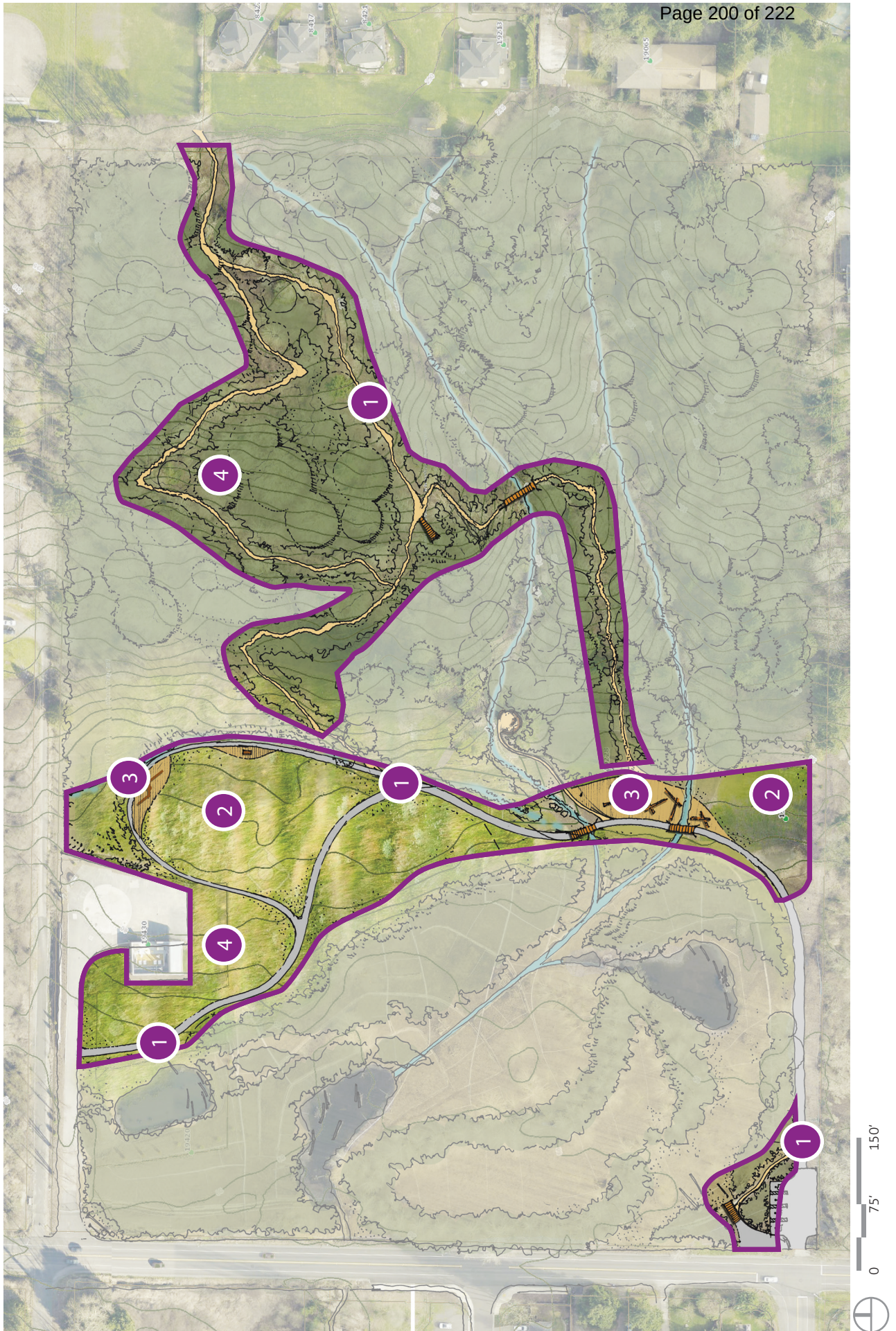
Connection

Connectivity through the site runs north-south with paved, ADA accessible pathways, and east-west with smaller scale wandering paths that may vary from crushed rock through the meadow to dirt trails running throughout the wooded hillside.

1 Direct: The primary pathway through the site would be a 6-10 foot wide trail ADA accessible materials and low, ramping bridges that cross the two creeks as they run from the hillside, through the meadow, and into the lower wetlands.

2 Wander: The secondary pathways would range from 4-foot to 7-foot wide crushed gravel (through the meadow) and dirt paths (through the forest). These tertiary trails would invite one to experience the fringe edges of the park.

3 Discover: The goat paths are intended to be found as you wander through the forest. They would be small offshoots from the Wander trails that invite one to discover moments of natural beauty among the trees and ravine.



XII. A. Update on Twin Springs Park Project, presented by Community Deve...



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3



4

Program | active & passive

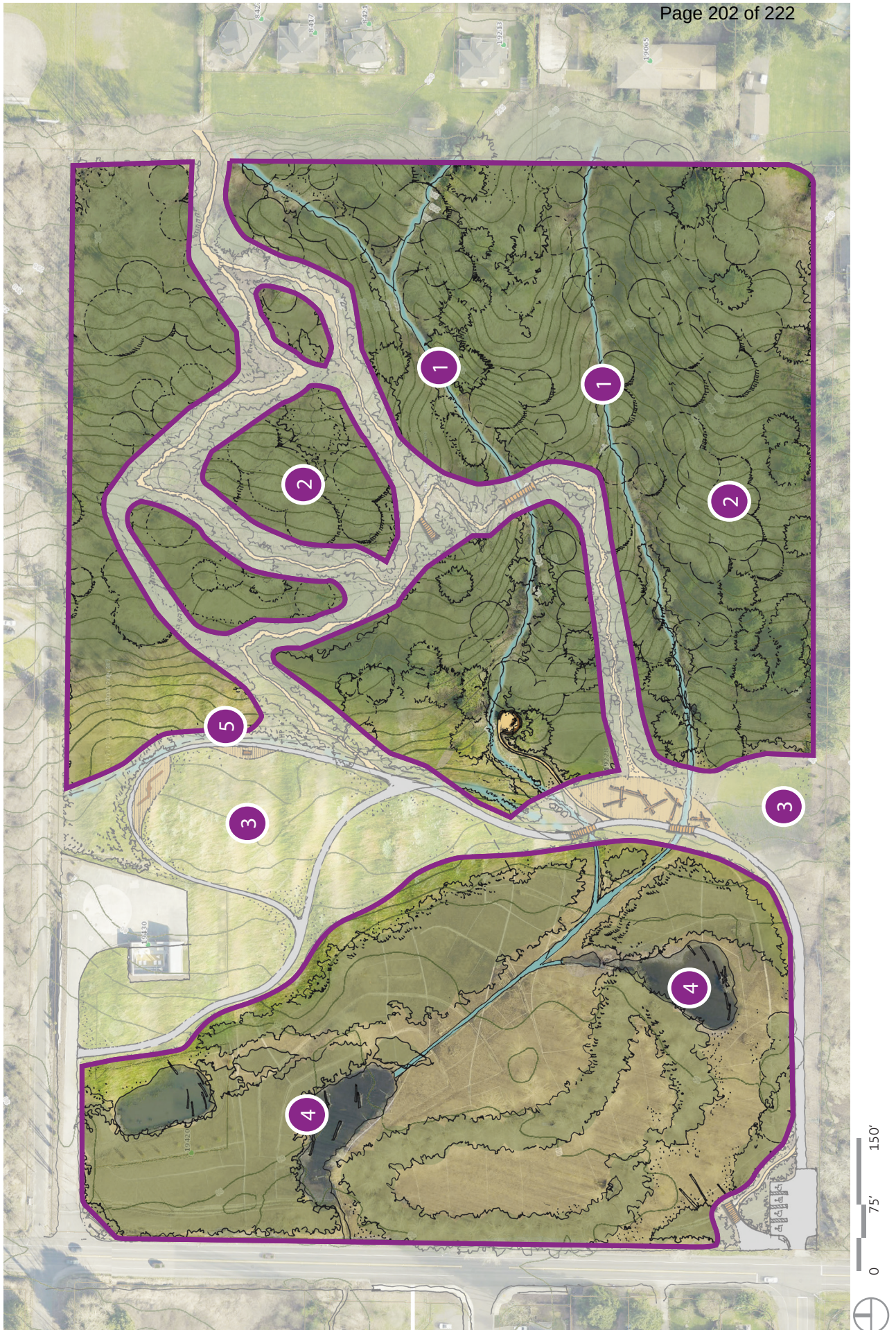
Twin Springs Park has a great variety of opportunities to create diverse programs of activity throughout the site, both physically active and passive. The open meadow running through the center of the site would provide space for games as well as small nooks for play, lounging, and gathering.

1 Trails: From simply taking a scenic route on your daily walk to running the wooded trails for those who want to crank up their heart rate, there would be a range of trail experiences and levels of difficulty.

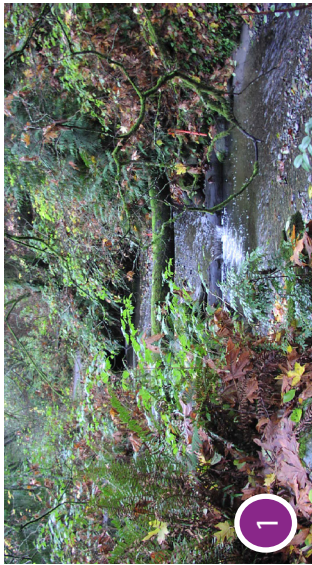
2 Play Meadow: The meadow is the heart of the park. It will host gatherings, events and games as well as provide spaces for respite and relaxation. It is the starting point for further exploration and discovery.

3 Deconstructed Play: Between the Twin Springs creeks, as they cross the meadow, a protected nook of play space would provide naturalistic play equipment (i.e., logs, boulders, sand and wood chips) for climbing, jumping, building and balancing.

4 Disc Golf: The park's long stretch of open space could host a small disc golf course that runs from the meadow up into the northern portion of the wooded hillside.



XII. A. Update on Twin Springs Park Project, presented by Community Deve...

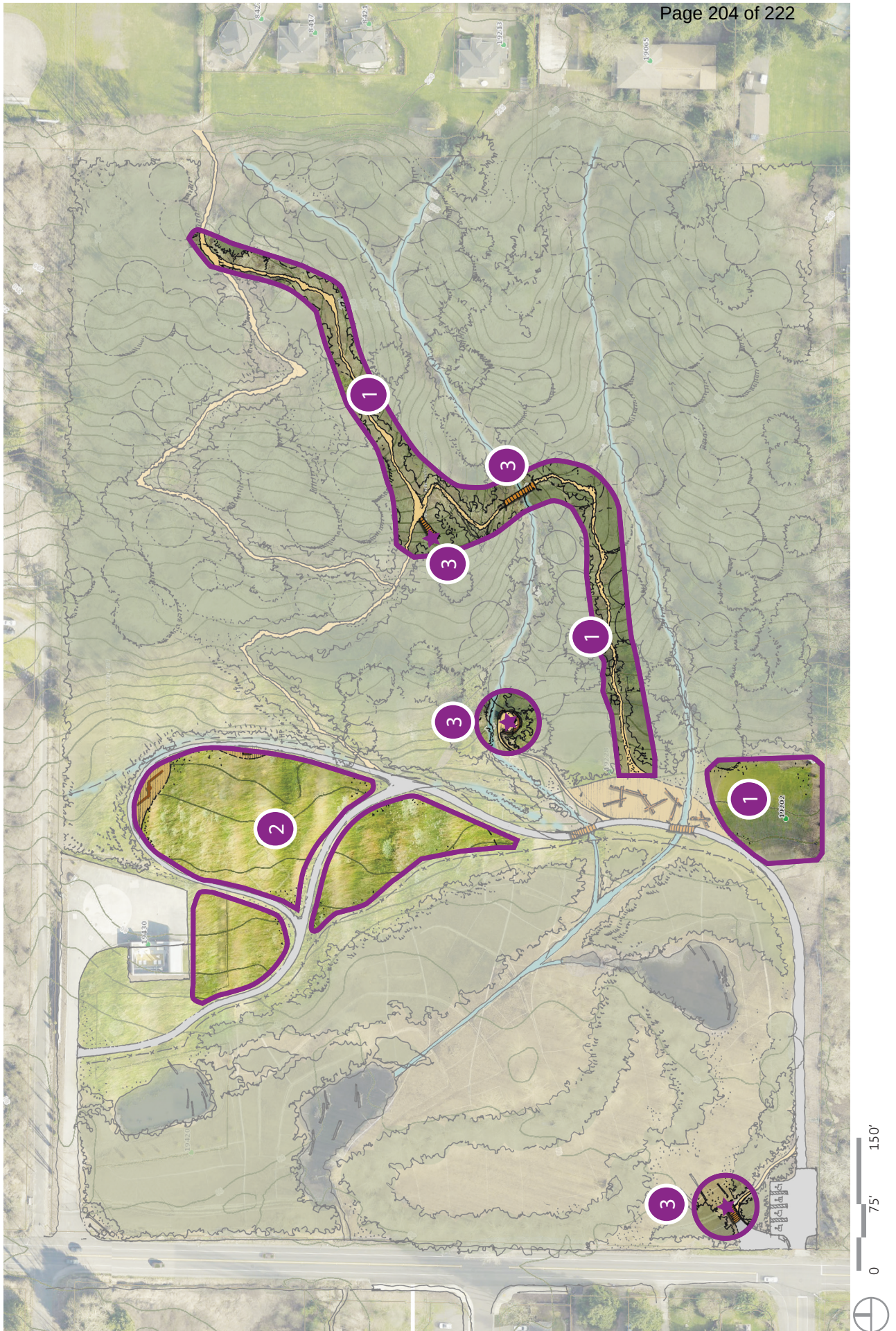


Environment

Twin Springs Park comprises three landscape typologies: upland forest, meadow, and wetland. Lacing these three typologies together are the ravines running through the upland slopes, crossing the open meadows as creeks, and integrating with the lower wetlands. These typologies are host to countless native plant and animal species that often get diminished with sprawl and major development.

Twin Springs offers 25 acres to encourage native plant species, which will in turn attract and create habitat for animals.

- 1 Twin Springs: Two ravines run from east to west, concentrating into creeks that cross the southern end of the meadow. These creeks were reinforced to slow and direct water down to the lower wetlands. The creeks should be further reinforced with native plantings and stabilized with large boulders.
- 2 Palustrine Forest: The upland forest is composed of mostly deciduous, native trees (such as big leaf maples and alderwood) with clusters of evergreen conifers (mostly douglas fir).
- 3 Meadow: The meadow needs to be restored due to its soil compaction (post construction); however, this location is prime for open lawn space and a variety of mowed and non-mowed landscape rooms and pathways.
- 4 Wetlands: The obvious wetlands are the constructed areas that are delineated with split-rail fencing along the entire western edge of the property; however, the forested hillside is dotted with upland wetlands, which the master plan has respectively designed to limit disturbance within required buffer zones.
- 5 Wetland Swale: At the toe of the east hillside, a swale will capture and control runoff and route it to the constructed wetlands to the West of the meadow.



XII. A. Update on Twin Springs Park Project, presented by Community Deve...

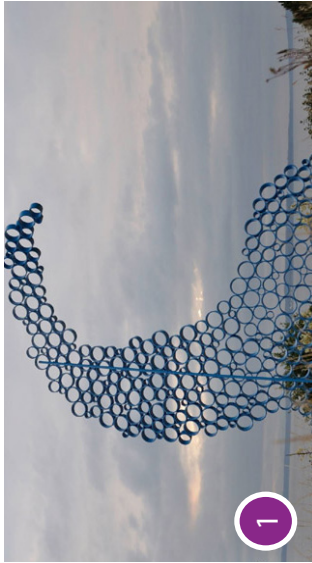
Culture

Many of the well-loved parks in our area have large expanses of open space, which create opportunity for people to come together and create their own menu of experiences within the landscape. From family picnics to informal concerts, these open spaces enable the community to share their neighborhood amenity.

- 1 Temporary art installations: These have become increasingly popular in parks and well-loved moments for visitors to view and experience.
- 2 Creating places for events and gatherings: The open meadow is flexible and informal. From a simple picnic in the lawn to an organized gathering of many, the meadow will bring people together.
- 3 Moments of awesomeness: Unique experiences await visitors among some of the more inconspicuous areas within the park. These moments would vary in scale and type.



1



1

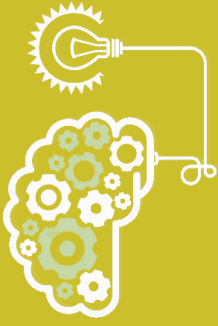


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3

Phasing the Vision



The purpose of the Twin Springs Master Plan is to get this great natural asset open to the public soon, but in a way that is responsible, safe, and can be adequately maintained by the city yet developed with an eye to the future. Most parks lend themselves to phasing, and Twin Springs is no exception. This master plan identifies near term phases and future opportunities, but with no specific time tables allowed (as there is no established funding schedule) to guide the priorities for phasing.



TWIN SPRINGS MASTER PLAN

Phase 1 | near term

Phase 1: Near Term

The near-term goal for the park is to open the Twin Springs site to the public with modest improvements to allow for appropriate access, care and maintenance. The proposed first phase of work is a set of defined improvement to allow that to happen. These improvements are likely to be taken over several years (assumed to be 3 years in this document). These improvements are targeted for completion by working with environmental service organizations and community organizations for non-traditional procurement to allow the investment in site work to be maximized and minimize soft-costs. No irrigation is planned in this phase; however, portions of the existing established system may be salvaged and reused.

Phase 1A: access from the South:

- (2) Modest park signs to convey name address and park rules. (North and South).
- Install trash cans (and possibly recycle) at park entries adjacent to 8th Ave. NE to service park
- Minimally stripe, patch and repair existing asphalt are to accommodate parking include (1-2) ADA stalls.
- Improve exiting crushed rock path to meet ADA requirements to access the south side of creeks
- Provide one paved (crushed rock or CIP concrete) amenity terrace (20'x20') with seating, tables and other valued site furnishings.

Phase 1B: Access from the North:

- Construct a new crushed rock path (6 feet min. width) to meet ADA requirements to access the North side of creeks
- Create natural stormwater features to intercept groundwater on the east side of the bench and dewater the great meadow.
- Limited soil/stormwater improvements to improve lawn meadow area(s)

Phase 1C: Crossing the creeks!

- Complete a looping path through the park's "living room" connecting the two entries. The path would be a 6-foot wide, crushed rock surface to meet ADA requirements.
- Fortify existing naturalistic creek crossings (with existing or new stones/river rock) to prevent erosion
- Limited soil/stormwater improvements to improve lawn meadow area(s).
- Create natural stormwater features to intercept groundwater on the east side of the bench and dewater the great meadow.

l o n g t e r m o p p o r t u n i t i e s

Input from stakeholders generated ideas and support for significant park elements. The amazing natural riches of the site provide an opportunity for enhanced ecology and enhanced human experience; however, working in environmentally sensitive areas requires intensive regulatory review and will require a more significant investment in time and money. (Budgets are not yet included for these features.)

Long-term improvements include:

- Deconstructed play elements
 - North play spot (tire swing or other)
 - Twin Springs play spot (log jam)
- Secondary paths
- Trail and bridge crossing ravine
- Ravine promontory
- Lower wetlands trail loop

TWIN SPRINGS MASTER PLAN

REALIZATION_{Phasing}

- Phase 1 A, B, C
- Long Term Opportunities
- Long Term Opportunities

XII. A. Update on Twin Springs Park Project, presented by Community Deve...

Appendix Cost Estimate

phase 1a

Probable Cost of Construction

Project: Twin Springs Park MasterPlan
Description:

Date: 4.25.2018

	Quantity	Unit	Unit Cost	Total
PHASE 1A (access from the South):				
02200 Earthwork				
Rough grading (amentiy pad 20x20')	400	SF	5.00	2,000.00
Fine grading (path from parking to south creek)	3,968	SF	0.50	1,984.00
Import crushed rock 1/4" minus	3,968	SF	4.00	15,872.00
Imported crushed rock 5/8 graded washed	3,968	SF	3.00	11,904.00
Earthwork Subtotal				31,760.00
32 90 00 Plant Materials				
Meadow seed mix	3,000	SF	0.30	900.00
Plant Materials Subtotal				\$900.00
32 33 00 Site Furnishings				
Tables	1	EA	3500.00	3,500.00
Benches	2	EA	2000.00	4,000.00
Trash receptacles	1	EA	1250.00	1,250.00
Site Furnishings Subtotal				\$8,750.00
ADA Parking Area Paint				
	1	Allow	10,000	\$10,000.00
Pakring Area Paint Subtotal				\$10,000.00
Park Signage (North and South off 80th)				
	2	Allow	2,000	\$4,000.00
Signage Subtotal				\$4,000.00
Project Subtotal				\$55,410.00
*Design Contingency (0%)				\$0.00
Project Subtotal				\$55,410.00
**General Conditions (12%)				\$6,649.20
Subtotal				\$62,059.20
**Contractor Overhead (8%)				\$4,964.74
Subtotal				\$67,023.94
**Contractor Profit (11%)				\$7,372.63
TOTAL Construction Contract Amount				\$74,396.57
Escalation (undetermined %)				\$0.00

THESE COSTS ARE ASSUMING ALL WORK TO BE CONTRACTED THROUGH ENVIRONMENTAL SERVICE ORGANIZATIONS

*Alternate procurement with site based layout should eliminate design contingency risk

**Noted soft costs and pecentages are indicative of traditional design bid/build contracting. Alternate procurement, as intended for this project, may significantly reduce these soft costs.

Not including W.S.S.T., design fees, permits, taxes (INCLUDE ALL ASSUMPTIONS HERE)

phase 1 b

Probable Cost of Construction

Project: Twin Springs Park MasterPlan	Date: 4.25.2018			
Description:	Quantity	Unit	Unit Cost	Total
PHASE 1B (access from the North):				
02200 Earthwork				
Rough grading (swale along E edge of meadow)	2,800	SF	5.00	14,000.00
Fine grading (grading using hand tools) (ada path)	5,648	SF	0.50	2,824.00
Imported crushed rock 5/8 minus (ada path)	5,648	SF	3.00	16,944.00
Earthwork Subtotal				33,768.00
32 90 00 Plant Materials				
Amended soil (roto w/imported mulch)	30,000	SF	2.00	60,000.00
Meadow seed mix	30,000	SF	0.30	9,000.00
Plant Materials Subtotal				\$69,000.00
Project Subtotal				102,768.00
*Design Contingency (0%)				\$0.00
Project Subtotal				\$102,768.00
**General Conditions (12%)				\$12,332.16
Subtotal				\$115,100.16
**Contractor Overhead (8%)				\$9,208.01
Subtotal				\$124,308.17
**Contractor Profit (11%)				\$13,673.90
TOTAL Construction Contract Amount				\$137,982.07
Escalation (undetermined %)				\$0.00

THESE COSTS ARE ASSUMING ALL WORK TO BE CONTRACTED THROUGH ENVIRONMENTAL SERVICE ORGANIZATIONS
*Alternate procurement with site based layout should eliminate design contingency risk
**Noted soft costs and pecentages are indicative of traditional design bid/build contracting. Alternate procurement, as intended for this project, may significantly reduce these soft costs.
Not including W.S.S.T., design fees, permits, taxes (INCLUDE ALL ASSUMPTIONS HERE)

phase 1 c

Probable Cost of Construction

Project: Twin Springs Park MasterPlan	Date: 4.25.2018			
Description:	Quantity	Unit	Unit Cost	Total
PHASE 1C (crossing the creeks):				
02200 Earthwork				
Fine grading (grading using hand tools)	6,144	SF	0.50	3,072.00
Imported crushed rock 5/8 graded washed	6,144	SF	3.00	18,432.00
Earthwork Subtotal				\$21,504.00
32 90 00 Plant Materials				
Amended soil (roto w/imported mulch)	55	CY	50.00	2,750.00
Meadow seed mix	9,000	SF	0.30	2,700.00
Plant Materials Subtotal				\$5,450.00
Boulders / river rock (creek enhancement)	1	Allow	10,000	\$10,000.00
Project Subtotal				\$36,954.00
*Design Contingency (0%)				\$0.00
Project Subtotal				\$36,954.00
**General Conditions (12%)				\$4,434.48
Subtotal				\$41,388.48
**Contractor Overhead (8%)				\$3,311.08
Subtotal				\$44,699.56
**Contractor Profit (11%)				\$4,916.95
TOTAL Construction Contract Amount				\$49,616.51
Escalation (undetermined %)				\$0.00

THESE COSTS ARE ASSUMING ALL WORK TO BE CONTRACTED THROUGH ENVIRONMENTAL SERVICE ORGANIZATIONS
*Alternate procurement with site based layout should eliminate design contingency risk
**Noted soft costs and pecentages are indicative of traditional design bid/build contracting. Alternate procurement, as intended for this project, may significantly reduce these soft costs.
Not including W.S.S.T., design fees, permits, taxes (INCLUDE ALL ASSUMPTIONS HERE)

February 21, 2018

Guy Michaelsen
The Berger Partnership
Via email: guym@bergerpartnership.com
Cc: Shannon Leslie
Via email: shannonl@bergerpartnership.com

Re: Twin Springs Park, Wetland and Stream Reconnaissance Report

The Watershed Company Reference Number: 170403

Dear Guy:

A wetland and stream reconnaissance study was conducted by Ecologists from The Watershed Company in July 2017 and February 2018 at the Twin Springs Park property located at 19202 80th Ave NE in Kenmore, Washington (parcel #0126049013). A reconnaissance field sketch is attached to this letter. The identified wetland and streams were classified per the City of Kenmore Municipal Code (KMC) 18.55. In summary, twelve wetlands and two streams were found within the subject parcel. One wetland and stream were found offsite. The buffers for each of these features extend onto the subject parcel. A summary of wetland and stream classification and buffer widths are provided in Table 2 below.

Methods

Public-domain information on the subject properties was reviewed for this reconnaissance study and include the following:

- USDA Natural Resources Conservation Service, Web Soil Survey (WSS) application
- U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps
- Washington Department of Fish and Wildlife interactive mapping programs (PHS on the Web, SalmonScape)
- Washington Department of Natural Resources, Forest Practices Application Mapping Tool (FPARS)
- Washington Department of Natural Resources, Wetlands of High Conservation Value Map Viewer
- King County's GIS mapping website (iMAP)
- City of Kenmore (COK) critical area maps

Characterization of climatic conditions for precipitation was determined using the WETS table methodology from the *USDA NRCS document Part 650 Engineering Field Handbook, National Engineering Handbook, Hydrology Tools for Wetland Identification and Analysis, Chapter 19* (September 2015). The Seattle-Tacoma International AP station as recorded by NOAA from 1981-2010 (<http://agacis.rcc-acis.org/>) was used as a source for precipitation data. The WETS table methodology uses climate data from the three months prior to the site visit month to determine if normal conditions are present.

Wetlands

The study area was evaluated for wetlands using methodology from the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (Regional Supplement) (US Army Corps of Engineers [Corps] May 2010). Wetland boundaries were determined on the basis of an examination of vegetation, soils, and hydrology. Areas meeting the criteria set forth in the Regional Supplement were determined to be wetland. Soil, vegetation, and hydrologic parameters were sampled at several locations along wetland boundaries to make the determination. Identified wetlands within and adjacent to the property were rated using the wetland classification system as outlined in KMC 18.55.300 (B)(1).

Streams

The study area was evaluated for streams based on the presence or absence of an ordinary high water mark (OHWM) as defined by the Revised Code of Washington (RCW) 90.58.030 and the Washington Administrative Code (WAC) 220-660-030. The OHWM edge was located by examining the bed and bank physical characteristics and vegetation, using recent guidance from the Department of Ecology, *Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State* (Publication no. 16-06-029). Onsite streams were classified using the stream typing system as outlined in KMC 18.55.400 (A)(1).

Findings

A summary of public-domain information on the subject property is provided in Table 1 below.

Table 1. Summary of online mapping and inventory resources.

Resource	Summary
USDA Natural Resources Conservation Service, Web Soil Survey (WSS) application	Alderwood gravelly sandy loam, 8 to 15 percent slopes, Alderwood gravelly sandy loam, 15 to 30 percent slopes, Everett gravelly sandy loam, 8 to 15 percent slopes, and Bellingham silt loam
U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps	PEM1C (Palustrine, emergent, persistent, seasonally flooded)
Washington Department of Fish and Wildlife, Priority Habitats and Species (PHS on the Web)	Coho (<i>Oncorhynchus kisutch</i>), sockeye (<i>O. nerka</i>) in the mitigation easement area (Wetland A and associated stream), west side of property Wetland polygons covering western edge of property
Washington Department of Fish and Wildlife, SalmonScape	Modeled presence of salmonids, in northwestern corner of the property.
Washington Department of Natural Resources, Forest Practices Application Mapping Tool (FPARS)	Type F stream mapped in northwestern corner of property
King County's GIS mapping website (iMAP)	Mapped stream just offsite to the west of the property
City of Kenmore maps	Mapped offsite stream to the west of the property, mapped wetland on west edge of property
WETS weather conditions based on precipitation from the prior three months	Wetter than normal

The west side of the park contains a large recently enhanced wetland and buffer area, Wetland A. The modified buffer is marked with split-rail fencing and critical area signs; it is a designated mitigation easement. Streams A and B join within Wetland A (see enclosed sketch). Two other areas within the 2012 active construction area exhibited

wetland characteristics; they are noted as Wetlands C and D, on the enclosed sketch. These features are within an area that was disturbed by construction in 2012 and hydroseeded (source: King County iMap). The channels of Streams A and B within the clearing were graded and the buffers were planted in association with mitigation completed by King County wastewater treatment division.

Several of the identified wetlands are in the forested portion of the site. Six wetlands are associated with the on-site streams. Wetlands B, X, Y and Z are wetlands associated with Stream A. Wetlands T and U are slope wetlands associated with Stream B. Wetland B is on the edge of the clearing and is characterized by emergent plants. All other wetlands along Streams A and B are comprised of palustrine forested and scrub-shrub vegetation classes. Wetlands E and S are also forested. Dominant forest vegetation includes red alder, western red cedar, and black cottonwood. Dominant scrub/shrub vegetation includes salmonberry and vine maple.

Wetland W, in the northeast corner, contains forested, scrub/shrub, and emergent vegetation classes, including a large patch of cattails. Dominant vegetation includes red alder, salmonberry, broadleaf cattail, giant horsetail, and lady fern. Off-site, Wetland V is on a relatively steep slope within the transmission line corridor to the north. Dominant emergent vegetation within Wetland V includes small-fruited bulrush, creeping buttercup, and hardhack.

Wetland soils throughout the study area showed hydric conditions and observed hydric indicators included redox dark surface, depleted matrix, and hydrogen sulfide. Surface seeps and standing water were often seen throughout many of the wetlands. Hydrology indicators included saturation, high water table, and the presence of surface water.

One stream, Stream C, originates from groundwater seeps in Wetland V. Stream C is ditched along the north edge of the park. The stream was approximated to have a bank-full width of less than 2 feet. At the time of the site visit, Stream C was flowing with high-gradient riffles.

Streams A and B had clear incised channels with bank-full widths estimated at an average greater than 2 feet wide. At the time of the site visit, both streams were flowing and habitat types included high-gradient and low-gradient riffles.

Local Regulations

Streams and wetlands in the City of Kenmore are regulated under the Kenmore Municipal Code (KMC), Chapter 18.55 – Critical Areas.

According to KMC 18.55.400 (A)(4), Streams A, B, and C are classified as Type 4 waters (not used by fish) with buffer widths of 25 feet [KMC 18.55.420(B)(1)]. Streams A and B

are estimated to have gradients of 19 and 17 percent, respectively, which are both above the 16 percent gradient threshold as outlined by WAC 222-16-031 for fish habitat criteria. Furthermore, both Streams A and B have estimated contributing basins less than 50 acres. As such, both Streams A and B are classified as Type 4 streams (not used by fish). Stream C has an estimated average bank-full width of less than 2 feet and an estimated gradient of 17 percent over 600 feet. These attributes are outside the fish habitat criteria as outlined in WAC 222-16-031.

Wetlands B and V are estimated to be larger than 1,000 square feet and do not have any characteristics of Class 1 or 2 wetlands as outlined in KMC 18.55.300(B)(1). Therefore, wetlands B and V are classified as Class 3 wetlands. Wetlands E, S, T, U, W, X, Y, and Z all have forested classes within each wetland and therefore are classified as Class 2 wetlands per KMC 18.55.300(B)(1).

Wetlands C and D appear to have been incidentally created during recent construction and associated soil compaction. They do not appear to appear to meet the City's definition of a regulatory wetland (KMC 18.20.3280).

Table 2. Summary of wetland and stream classification, and standard buffer widths per KMC 18.55.320 (F)(1) and 18.55.420 (B)(1).

Feature Name	Class/Type	Standard Buffer Width (ft)
Stream A	Type 4	25
Stream B	Type 4	25
Stream C (offsite)	Type 4	25
Wetland A*	N/A	See Mitigation Easement
Wetland B	Class 3	60
Wetland C**	--	--
Wetland D**	--	--
Wetland E	Class 2	100
Wetland S	Class 2	100
Wetland T	Class 2	100
Wetland U	Class 2	100
Wetland V (offsite)	Class 3	60
Wetland W	Class 2	100
Wetland X	Class 2	100
Wetland Y	Class 2	100
Wetland Z	Class 2	100

* Wetland A and its buffer were modified for construction of the King County waste water treatment facility. The split-rail fence marks the modified buffer area. The recent

modification and recorded Easement Agreement and/or Native Growth Protection Area (NGPA) are presumed to apply (City of Kenmore Contract No. 16-C1508).

**** Wetlands C and D are within the 2012 active construction area associated with King County waste water treatment improvements. These features appear to have formed incidentally over compacted soil; they may not be jurisdictional wetlands.**

Wetland A is within the Brightwater Wetland Area covered under the Brightwater Transfer Interagency Agreement between Brightwater and the City of Kenmore. The agreement states in part that, *"At the end of the Sensitive Area Monitoring Period and pursuant to the Deed and Land Transfer Agreement, the City shall maintain the Brightwater Wetland Area of the Transferred Property in perpetuity as wetland habitat. At the end of the Sensitive Area Monitoring Period the City shall continue to prohibit both active recreation and motorized recreation in the Brightwater Wetland Area unless the requirement for such prohibition is removed or modified by the written agreement of the Corps, the State of Washington and the City."*

Park improvements, including trails and stream crossings may be permitted within wetland and stream buffers pursuant to KMC 18.55.320 (F)(6)(b) and KMC 18.55.420 (B)(6)(b). Provisions for walkways and trails within wetland buffers are outlined below and similar language is provided in KMC 18.55.420 for uses in stream buffers.

"6. Buffer Uses. The following uses may be permitted within a 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:

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 wetland shall be located in the outer 25 percent of the buffer area;

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

(3) Wildlife viewing structures; and

(4) Fishing access areas;

c. Stormwater Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the buffer area of Class 2 and 3 wetlands only. All other surface water management facilities are not allowed within the buffer area."

Stream crossings may be permitted pursuant to KMC 18.55.420:

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

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

Permitted uses within critical area buffers require an approved critical areas report and mitigation plan to demonstrate how the project meets avoidance and minimization requirements outlined in KMC 18.55.210 and provides compensatory mitigation.

Any proposed trail segments that do not meet the code criteria above after considering critical area impact avoidance and minimization options may be considered through a variance pursuant to KMC 18.55.170.

Mitigation Opportunities

Wetland and stream buffers within the forest are characterized by a predominately deciduous forest with an understory of native shrub and groundcover vegetation. Locally dominant patches of non-native blackberry vines are also common. The largest invasive blackberry patch is in the northeast quadrant of the site between Wetlands X and W. Mitigation for trails may include invasive blackberry removal and re-establishment of native vegetation. The forest would also benefit from in-fill planting with native conifers. Additionally, Wetland W contains invasive reed canarygrass and it could be enhanced with native plants. The west side of the site was recently enhanced and unless existing mitigation areas are expanded, there are fewer opportunities for mitigation on that side of the park.

State and Federal Regulations

Wetlands and streams are regulated by the Corps under section 404 of the Clean Water Act. Any proposed filling or other direct impacts to Waters of the U.S., including wetlands (except isolated wetlands), would require notification and permits from the Corps. Unavoidable impacts are typically required to be compensated through implementation of an approved mitigation plan.

Federally permitted actions that could affect endangered species may also require a biological assessment study and consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service. Compliance with the Endangered Species Act must be demonstrated for activities within jurisdictional wetlands and the 100-year floodplain. Application for Corps permits may also require an individual 401 Water Quality Certification and Coastal Zone Management Consistency determination from Ecology and a cultural resource study in accordance with Section 106 of the National Historic Preservation Act.

Washington Department of Ecology

Similar to the Corps, Ecology, under Section 401 of the Clean Water Act, is charged with reviewing, conditioning, and approving or denying certain federally permitted actions that result in discharges to state waters. However, Ecology review would only become necessary if a Section 404 permit from the Corps was issued. Therefore, if filling activities are avoided, authorization from Ecology would not be needed.

If filling is proposed, a JARPA could be submitted to Ecology in order to obtain a Section 401 Water Quality Certification (WQC) and Coastal Zone Management Consistency Determination. Ecology permits are either issued concurrently with the Corps permit or within 90 days following the Corps permit.

Washington Department of Fish and Wildlife (WDFW)

Chapter 77.55 RCW (the Hydraulic Code) gives WDFW the authority to review, condition, and approve or deny “any construction activity that will use, divert, obstruct, or change the bed or flow of state waters.” This provision includes any in-water work, the crossing or bridging of any state waters and can sometimes include stormwater discharge to state waters. If a project meets regulatory requirements, WDFW will issue a Hydraulic Project Approval (HPA).

Through issuance of an HPA, WDFW can also restrict activities to a particular timeframe. Work is typically restricted to late summer and early fall. However, WDFW has in the past allowed crossings that don’t involve in-stream work to occur at any time during the year.

In general, neither the Corps nor Ecology or WDFW regulates wetland and stream buffers, unless direct impacts are proposed. When direct impacts are proposed, mitigated wetlands and streams may be required to employ buffers based on Corps and Ecology joint regulatory guidance.

Disclaimer

The information contained in this letter is based on the application of technical guidelines currently accepted as the best available science and in conjunction with the manuals and criteria outlined in the methods section. All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available to us at the time the study was conducted. All work was completed in good faith, within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local, State and Federal regulatory authorities. No warranty, expressed or implied, is made.

Should you have any questions or concerns regarding our findings, please feel free to contact us.

Sincerely,



Peter Heltzel, MSc, CFP
Fisheries Biologist

And



Nell Lund, PWS
Senior Ecologist

Enclosures

- 1) Stream, Wetland and Buffer field sketch
- 2) City of Kenmore Contract No. 16-C1508: Interagency agreement between King County and City of Kenmore relating to the Brightwater property and the transferred property.

Wetland and Stream Reconnaissance Sketch

Site Address: 19202 80th Ave NE, Kenmore, WA 98028
Parcel Number: 0126049013
Site Visit Date: February 8, 2018

Prepared for: Guy Michaelson, Berger Partnership
TWC Ref. No.: 170403

