City of Kenmore

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

City of Kenmore
Planning Commission Meeting Agenda

Tuesday, August 16, 2022 @ 7:00 p.m. via Zoom

Log-in Information for the Commission Meeting:
Please click the link below to join the webinar or copy and put this link in your address bar in your web browser:
https://kenmorewa-gov.zoom.us/j/81688928310
Or One tap mobile :
US: +12532158782,,81688928310# or +16699009128,,81688928310#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 253 215 8782 or +1 669 900 9128 or +1 719 359 4580 or +1 346 248 7799 or +1 669 444 9171 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053
Webinar ID: 816 8892 8310

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please email Rita Moreno at rmoreno@kenmorewa.gov

1. CALL TO ORDER

2. PUBLIC COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please email comments to Rita Moreno at rmoreno@kenmorewa.gov by 5:00 p.m. on Tuesday, August 16, 2022. All comments received will be forwarded to the Planning Commission for consideration. In a hybrid meeting we will hear from our onsite guests first, followed by our virtual guests. You also may use the "raise hand" feature in Zoom during the Public Comment portion of the meeting or call in at the number listed above. A 3-minute comment limit applies.

3. APPROVAL OF MINUTES

- August 2, 2022 Planning Commission Meeting Minutes

4. AGENDA ITEMS

Transit-Oriented Development (TOD) Regulations
081622 ARCH Memo on Affordable Housing
Staff Memo
Attachment 1 - Heron rookery rules
Attachment 2 - Heron Rookery Location
Attachment 3 - Underutilized_and_Vacant_Map_v3 (003)
Attachment 4a - Aerial photo
Attachment 4b - Photo of area
Attachment 5 - Example building heights

5. ADJOURNMENT

6. UPCOMING MEETINGS:

September 6, 2022
September 20, 2022

City of Kenmore
Planning Commission Meeting
August 2, 2022, @ 7:00 p.m.

Planning Commission Members – In Attendance (the meeting was held onsite and virtually using the Zoom online platform)

Dwight Thompson, Chair
Mike Vanderlinde, Vice Chair
Tracy Banaszynski
Nathan Loutsis
Christiana Mathews
Mariel Torres Mehdipour
Derek Wyckoff

Staff

Debbie Bent, Community Development Director
John Vicente, City Engineer
Alicia McIntire, Senior Consultant, Parametrix
Rachel Durham, Planner, Parametrix
Rita Moreno, Recreation Coordinator/ Administrative Assistant
Anastasiya Warhol, City Clerk

1. CALL TO ORDER

The meeting was called to order by Chair Thompson at 7:02 p.m.

2. PUBLIC COMMENTS

Stacey Valenzuela expressed traffic safety concerns relating to bulb corners.

3. APPROVAL OF MINUTES

Commissioners approved the July 19, 2022, Planning Commission Meeting Minutes by unanimous consent.

4. AGENDA ITEMS

- Transportation Element

City Engineer John Vicente introduced Alicia McIntire, Senior Consultant for Parametrix. Ms. McIntire gave a PowerPoint presentation highlighting the major

changes to the Transportation Element including included two new goals; goal 7 – promoting equity in the planning and implementation of transportation services and infrastructure; and goal 8 – Investments to minimize, mitigate and respond to the effects of climate change. The consultant also gave an overview of the Public Engagement Plan, which includes a website launch, an online open house scheduled for January, and an In-Person drop-in scheduled for January as well.

Commissioner Loutsis asked if adding a new goal related to a water taxi or water transportation was appropriate. Chair Thompson asked how the transportation element addressed environmental issues including water, quality, and tree retention.

The Commission were asked to provide additional comments/questions to directly to City Engineer John Vicente. Comments and responses would be brought back to the September 6, 2022, Planning Commission meeting for further discussion.

Staff gave a brief update on the Comprehensive Plan progress at the Council. The city received a grant from the Department of Commerce to look at “Missing Middle” housing in Kenmore. A Request for Proposal for this work will be issued soon. Staff noted that further community education and engagement will be needed to help the community understand what “Missing Middle” is and what the city is doing to support it.

5. ADJOURNMENT

Chair Thompson adjourned the meeting at 8:03 PM

_____
Planning Commission
Approved by Planning Commission on: _____

A Regional Coalition for Housing
A Partnership of Local Governments Since 1993

Together Center
16225 NE 87th St, Suite A-3 | Redmond, WA 98052
425-861-3677
info@archhousing.org

To: Chair and Members of the Kenmore Planning Commission

Through: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner

From: Mike Stanger, Senior Planner

Subject: TOD Regulations – Affordable Housing

Date: August 10, 2022

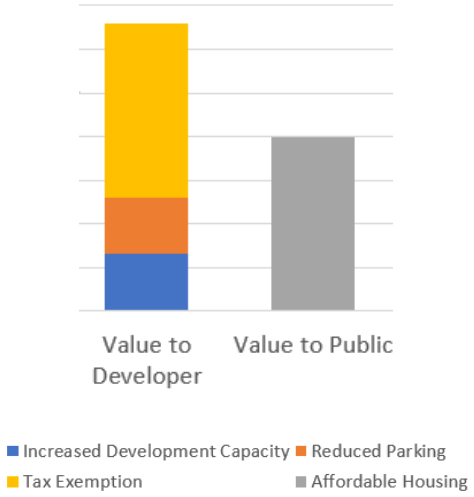
The Commission's agenda on August 16th includes consideration of land use and development regulations that would support affordable housing in transit-oriented development. Staff will present analysis showing that combining density and height increases, parking reductions, and multifamily property tax exemptions have potential to achieve the City Council's desire for new development in the Transit-Oriented Development (TOD) overlay to set aside 25% of dwelling units for affordability at 50% of Area Median Income (AMI).

The Commission's objective, essentially, has been to "convert" the TOD incentives provided in the existing code – increased height and density, reduced parking minimums, etc. – to allowed "as of right." Correspondingly, the affordable housing conditions for those incentives would become requirements (regardless of whether project actually maximized their height and density potential).

Commissioners may recall, from the meeting of June 30th, that state law authorizes cities to require residential development to provide affordable housing when the city increases development capacity or reduces development costs (RCW 36.70A.540). "Affordable housing" in this context means price-restricted housing for income-qualified renters or buyers. Mandatory affordability, often called "inclusionary zoning," has created close to 1,200 homes with long-term affordability, including rental and homeownership units, in Bellevue, Kirkland, Newcastle, Redmond, and Sammamish. (ARCH administers the affordable housing programs of these cities and other member jurisdictions. Please see Attachment A for a summary of these programs.)

Successful inclusionary zoning returns value to the public in the form of affordable housing without decreasing the financial viability of the development the city desires. The value in affordable housing comes from the number of affordable units and difference between market prices and the maximum prices the city allows. The city improves the financial viability of development by increasing the total number of housing units that can be built (development capacity) and by reducing the costs related to building them. Based on ARCH's experience and research literature (see links, below), the key to successful inclusionary zoning is to maximize the value of affordable housing without exceeding the value the city has created for the landowner/developer by increasing development capacity and reducing costs.

In the presentation of June 30th, staff depicted this relationship in this manner:



By increasing the owner's/developer's value some degree more than the value returned to the public, the city can be confident that inclusionary zoning will not deter TOD development. To maximize the public value, however, the object in this analysis is to protect or enhance the viability of development that would be feasible before increasing development capacity or reducing costs, not to help development that the market does not support become feasible.

Please note that the city presently offers MFTE only in the existing TOD overlay, not in Downtown zones outside the overlay. At this stage, the analysis does appears to support a set-aside of 25% at 60% AMI by increasing development capacity and reducing parking, but not as deep as 50% AMI without MFTE.

Staff are completing our analysis, which will present the Commission in complete detail with a number of options for creating and capturing value that would benefit private and public interests. If presentation materials are ready in advance of the Commission's meeting, staff will send them out as a preview of our discussion.

Attachments:

A. Affordable Housing Programs of ARCH-member Cities.

Reference Links:

Hickey, Sturtevant, and Thaden. 2014. *Achieving Lasting Affordability through Inclusionary Housing: Working Paper*. Lincoln Institute of Land Policy.

Jacobus. 2015. *Inclusionary Housing: Creating and Maintaining Equitable Communities*. Lincoln Institute of Land Policy.

Attachment A

Affordable Housing Programs
ARCH-member cities

7/25/2022

(Note 1: Except in Bellevue as of 2021, affordable units qualifying for MFTE also satisfy land use requirements.)

(Note 2: affordable-units-created totals do not include fee-in-lieu units or units without resale restrictions.)

Location	Land Use Program	MFTE
BELLEVUE	**139 units[1]**	**84 units[2]**
Downtown	Rental & Ownership—Voluntary 2.5 units (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI for life of the project.	Effective July 2021: Rental only— 12-year tax exemption: 20% units affordable @ 80 AMI for 12 years, at least 15% of project is 2- or more bedroom units. If not, either the studio & 1-BR units @ 70 AMI, or 25% of all units affordable @ 80 AMI for 12 years. *Affordable units used both for MFTE and land use program 15% AMI deeper.*
Bel-Red	Rental—Voluntary 4.6 sq ft bonus: 1 sq ft affordable @ 80% AMI for life of the project.	
	Ownership—Voluntary 7.2 sq ft bonus: 1 sq ft affordable @ 100% AMI for life of the project.	
Eastgate	Rental & Ownership—Voluntary 2.5 units (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI for life of the project.	
Crossroads Village and Wilburton Commercial	Rental & Ownership—Voluntary 1 unit (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI for life of the project.	

[1] Excludes about 220 units created under other programs before 2003.
[2] Includes 84) units created under previous versions of the MFTE program.

BOTHELL		
Downtown Transition Overlay	Rental—Mandatory 10% units affordable @ 60% AMI for life of project.	Rental only— 8-year exemption: 10% micro units affordable at 40 AMI, 15% other units affordable at 60 AMI; both for life of the project. 12-year exemption: 20% micro units affordable at 50 AMI, 20% other units affordable at 60 AMI; both for life of the project.
	Ownership—Mandatory 10% units affordable @ 80% AMI for 50 years.	
General Downtown Corridor (GDC) Overlay	Rental—Mandatory 10% micro units affordable at 50% AMI, 10% other units affordable @ 60% AMI for life of project.	
	Ownership—Mandatory 10% units affordable @ 70% AMI for 50 years.	
SR 522 Overlay	Rental—Mandatory 5% units affordable @ 60% AMI for life of project.	
	Ownership—Mandatory 5% units affordable @ 80% AMI for 50 years.	
Canyon Park	Rental—Mandatory 10% units affordable @ 70% AMI for life of project.	
	Ownership—Mandatory 10% units affordable @ 80% AMI for life of project.	
Other sub-areas	n/a	Rental only— 12-year exemption only: 20% micro units affordable at 50 AMI, 10% other units affordable at 60 AMI <u>plus</u> 10% affordable at 70 AMI; both for life of the project.

ISSAQUAH[3]	**11 units**	
Central Issaquah, Mixed-Use	Rental—Mandatory 7.5% units in base density affordable @ 70% AMI (or 5% @ 50% AMI) for life of the project.	n/a
	Ownership—Mandatory 7.5% units in base density affordable @ 80% AMI (or 5% @ 60% AMI) for 50 years.	n/a
Central Issaquah, Vertical Mixed-Use Overlay[i]	Rental—Mandatory 10% units in base density affordable @ 70% AMI and 5% @ 50% AMI (or 10% @ 50% AMI) for life of the project.	n/a
	Ownership—Mandatory 10% units in base density affordable @ 80% AMI and 5% @ 60% AMI (or 10% @ 60% AMI) for 50 years.	n/a
Central Issaquah, remaining Urban Core	Rental—Mandatory 12.5% units in base density affordable @ 60% AMI (or 10% @ 50% AMI) for life of the project.	n/a
	Ownership—Mandatory 12.5% units in base density affordable @ 70% AMI (or 10% @ 60% AMI) for 50 years.	n/a

[3] In addition to these programs, Issaquah's zoning code requires all development agreements to include affordable housing (creating approximately 400 affordable units to date).

KENMORE	13 units	56 units
TOD	Rental—Voluntary 3 units bonus: 1 unit affordable @ 70% AMI, not to exceed 10% of all units in a project. Change 1 affordable unit to 50% AMI, not to exceed 33% of the affordable units, for every 4 bonus units in excess of 30% of the total project. If project exceeds 120 units/acre, add affordable units @ 35% AMI to maintain 10% affordable. All affordable units for life of the project.	Rental— 12-year tax exemption: 25% units affordable @ 60% AMI for life of the project.
	Ownership—Voluntary Same as above, except affordability @ 80% AMI, 65% AMI, and 50% AMI, respectively.	n/a
CB zone, Juanita	Rental—Voluntary 4 bonus units: 1 unit affordable @ 70% AMI for life of the project, with a maximum density of 36 units per acre.	n/a
R-4 – R-24, downtown residential zones, DC, UC, WC, and RB zones.	Rental—Voluntary 2 bonus units: 1 unit affordable @ 50% AMI, (or 1:1 @ 70% AMI) for life of the project with a maximum density 1.5 times the Base Density of the underlying zone.	n/a
	Ownership—Voluntary 2 bonus units: 1 unit affordable @ 50% AMI (or 1:1 @ 80% AMI) for 30 years with a maximum density 1.5 times the Base Density of the underlying zone.	n/a
NB zones	Rental—Voluntary 2 bonus units: 1 unit affordable @ 50% AMI (or 1:1 @ 70% AMI) for life of the project with a maximum density of 24 units per acre.	n/a

	Ownership—Voluntary 2 bonus units: 1 unit affordable @ 50% AMI (or 1:1 @ 80% AMI) for 30 years with a maximum density of 24 units per acre.	n/a
KIRKLAND	**30 units[4]**	**182 units**
Height-limited zones (Totem Lake, North Rose Hill, CBD 5)	Rental—Mandatory 10% units affordable @ 50% AMI for life of project.	Rental—Voluntary 8-year tax exemption: 10% units affordable @ 50% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 50% AMI and 10% @ 80% AMI for life of the project.
	Ownership—Mandatory 10% units affordable @ 80% AMI for 50 years.	Ownership—Voluntary 8-year tax exemption: 10% units affordable @ 80% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 80% AMI and 10% @ 110% AMI for life of the project.
Density-limited zones	Rental—Mandatory 2 units bonus: 1 unit affordable @ 50% AMI for life of project, and at least 10% units affordable.	Rental—Voluntary 8-year tax exemption: 10% units affordable @ 50% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 50% AMI and 10% @ 80% AMI for life of the project.
	Ownership—Mandatory 2 units bonus: 1 unit affordable @ 100% AMI for 50 years, and at least 10% units affordable.	Ownership—Voluntary 8-year tax exemption: 10% units affordable @ 100% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 100% AMI and 10% @ 130% AMI for life of the project.

[4] Excludes about 28 units created through other programs before 2010.

Zones where affordable housing isn't required	n/a	Rental & Ownership—Voluntary 8-year tax exemption: 10% units affordable @ 80% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 50% AMI and 10% @ 80% AMI for life of the project.
MERCER ISLAND	**13 units**	**0 units**
Town Center	Rental—Voluntary 3rd floor bonus: 10% of all units affordable @ 70% AMI for life of the project. 4th or 5th floor bonus: 10% of all units affordable @ 60% AMI for life of the project.	n/a
	Ownership—Voluntary Same as above, except affordability @ 90% AMI for all bonus floors for 30 years.	
NEWCASTLE	**52 units**	
Commercial Business Center	Rental—Mandatory 2 sq ft bonus: 1 sq ft affordable @ 70% AMI, and 10% units affordable, for life of the project.	n/a
	Ownership—Mandatory 2 sq ft bonus: 1 sq ft affordable @ 80% AMI, and 10% units affordable, for 50 years.	n/a

REDMOND	617 units[5]	126 units
Outside Marymoor & Overlake urban center (incl Downtown)	Rental—Mandatory 1 unit (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI, and 10% units affordable, for life of the project.	8-year tax exemption: 10% units affordable @ 60% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 65% AMI and 10% @ 85% AMI for life of the project.
	Ownership—Mandatory 1 unit (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI, and 10% units affordable, for 50 years.	n/a
Overlake urban center	Rental—Mandatory 2 units (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI, and 10% units affordable, for life of the project.	8-year tax exemption: 10% units affordable @ 60% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 65% AMI and 10% @ 85% AMI for life of the project.
	Ownership—Mandatory 2 units (or sq ft) bonus: 1 unit (or sq ft) affordable @ 80% AMI, and 10% units affordable, for 50 years.	n/a
MDD3 zone	Rental—Mandatory 0.09 FAR bonus: 10% units affordable @ 80% AMI for life of the project.	n/a
	Ownership—Mandatory 0.09 FAR bonus: 10% units affordable @ 80% AMI for 50 years.	n/a
Other MDD zones	Rental—Mandatory 10% units affordable @ 50% AMI for life of the project.	8-year tax exemption: 10% units affordable @ 50% AMI for life of the project. 12-year tax exemption: 10% units affordable @ 60% AMI and 10% @ 80% AMI for life of the project.

[5] Excludes about 11 units created through other programs before 2005.

	Ownership—Mandatory 10% units affordable @ 70% AMI for 50 years.	n/a
SAMMAMISH	**55 units**	
Town Center	Rental & Ownership—Mandatory 10% units in base density affordable @ 80% AMI for 50 years.	n/a
	Rental & Ownership—Voluntary 3 units bonus: 1 unit affordable @ 80% AMI for 50 years.	n/a
WOODINVILLE		
Residential Targeted Areas A, B, and C	n/a	8-year tax exemption: Renovate and preserve facilities listed on the National Register of Historic Places, and/or Owner-occupied: 8% units affordable @ 50% AMI or 20% units affordable @ 80% AMI, for 50 years. Renter-occupied: 12% units affordable @ 50% AMI or 20% units affordable @ 70% AMI, for life of the project.

City Of Kenmore, Washington

Memorandum

Date: August 9, 2022

To: Planning Commission

From: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner

Regarding: Transit-Oriented Development (TOD) Code Amendments

At your meeting on July 19, you began discussion of the draft TOD amendments, excluding issues of affordability and parking. Those topics will be the focus of your meeting on August 16 and a separate memo from Mike Stanger at ARCH has been included in your agenda packet.

Follow-up information related to building height and development incentives is provided below. If time allows, these issues can be discussed, and potentially resolved, on the 16th. Otherwise, the next review of the TOD amendments will occur on September 20.

Staff makes the following recommendations based on the background information:

1. Specify that issues of building height and orientation must be addressed as part of any habitat management plan required for the heron rookery.
2. Increase maximum building heights to 85'.
3. Retain the height stepback rules and revise them to address the manufactured housing community (MHC) zoning in the area.
4. Defer green building considerations to the Climate Action Plan (CAP) implementation.

<u>Building Height</u>

In discussions on building height, the Planning Commission expressed concern about protecting the heron rookery, the ability of Fire Department ladders to reach upper building stories, and impacts on surrounding residential development with increased heights. The majority of Commissioners were in support, however, of increasing the maximum building height above 65'.

To help further the discussion, the following information is provided:

- Zoning Code rules about heron rookery protection (Attachment 1)
- Generalized map of the heron rookery location (Attachment 2)
- Map of vacant and redevelopable properties in the TOD area (Attachment 3)
- Aerial photos showing existing development (Attachment 4)
- Examples of actual building heights (Attachment 5)

Thank you to Commissioner Matthews for providing the following link to the Department of Fish and Wildlife (DFW) publication on great blue heron protection:

18120 68th Ave NE, Kenmore, WA 98028
Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov · www.kenmorewa.gov

https://wdfw.wa.gov/sites/default/files/publications/01371/wdfw01371.pdf

We contacted DFW and they were not able to provide general policy direction on building heights near the rookery. Their recommended approach continues to be a case-by-case analysis of impacts. Given this, staff continues to recommend the approach of requiring a habitat management plan for new development.

The Fire Department offered the following information on ladder height:

> "There are a lot of variables, but for starters our ladder is 105'. Of course when we set it up the reach depends on the angle we use, which varies in every scenario.
>
> We do have 85' 3A/1A (construction type) buildings in Shoreline and those buildings are not an issue for ladder truck response.
>
> If you do increase building height it shouldn't be a problem for fire response. With all projects we would evaluate fire lanes and ladder placement and ensure we have the proper access per Chapter 5 of the IFC (International Fire Code."

The vacant/redevelopable land map and aerial photos show that most of the area available for new TOD development is along SR-522 or is next to Swamp Creek and/or the Swamp Creek wetlands, with few potential impacts to surrounding low density uses. Staff continues to recommend the height stepback proposed in the current TOD rules in the UC east subarea and UR zoning districts: 35' height limit for the first 50' from a lower density residential zone. Staff also recommends revising that code section as follows to recognize the MHC zoning currently in place:

> "Portions of any property that are within 50 feet of an R-1, R-4, ~~or~~ R-6, or MHC zoning district shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses."

Note that this approach does not address potential impacts of taller buildings next to existing smaller-scale multifamily development. Staff continues to support the idea of a tall, dense area next to the transit corridor and therefore does not recommend lower building heights against these multifamily uses. Current underlying zoning already allows building heights of 60-80' in the R-12, R-18 and R-24 zones and up to 55' in the UC east subarea. Regardless of the TOD changes, taller buildings were envisioned in this location.

Attachment 5 provides images of buildings with stories and heights specified to help Commissioners visualize potential changes. At the July 19 meeting, a question was asked about the height of the new development on 68th Ave. NE, north of the church. Development Services believes this is the Balbirnie project, with a height of 40.58'.

A question also was raised about appropriate densities near Swamp Creek and its wetlands. The City's critical area and shoreline rules protect this area and provide for buffers around the critical areas along with building setbacks. Increasing development density is an important way to reduce runoff and protect the environment in a watershed. The following article explains this counter-intuitive conclusion: https://www.epa.gov/sites/default/files/2014-03/documents/protect_water_higher_density1.pdf

Development Incentives

The Planning Commission on July 19 decided that the Pioneer Project incentives were no longer needed in the area of the TOD. Green building certification was of interest, but might be more appropriate as part of the Climate Action Plan (CAP) implementation citywide. The adopted CAP can be found here: https://www.kenmorewa.gov/home/showpublisheddocument/2209/637898707618200000. The implementation measures begin on page 30.

As requested, attached is information on the two certification programs the City has reviewed:

LEED: LEED rating system | U.S. Green Building Council (usgbc.org)
Master Builders: Certification (builtgreen.net)

Given the importance of green building as a means to address climate change citywide, staff recommends deferring consideration of green building policy and implementation to follow-up actions associated with the CAP.

Attachments
Attachment 1: Zoning Code rules about heron rookery protection
Attachment 2: Generalized map of heron rookery location
Attachment 3: Map of vacant and redevelopable properties in the TOD area
Attachment 4: Aerial photos showing existing development
Attachment 5: Examples of actual building heights

Article XIII. Fish and Wildlife Habitats of Importance – Designation

18.55.500 Designation of fish and wildlife habitats of importance.

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

1. Documented presence of *species* listed by the federal government or the State of Washington as *endangered, threatened* or *sensitive*; or

2. Great blue heron rookeries or active nesting trees; or

3. Pileated woodpecker breeding habitat as mapped by the Washington Department of Fish and Wildlife in its Priority Habitats and Species Program; or

4. Biodiversity areas and corridors as mapped by the Washington Department of Fish and Wildlife in its Priority Habitats and Species Program; or

5. Bald eagle habitat, protected pursuant to the Federal Bald and Golden Eagle Protection Act; or

6. *Anadromous fish habitat*; or

7. Habitat for *species* nominated and approved by the *City* per subsection C of this section.

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

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

1. Specific geographic boundaries and list of *species* proposed, including a list of functions;

2. Rationale for nomination based on *best available science*, including the viability of the population in Kenmore and the contribution to biodiversity;

3. Causes for vulnerability, including a description of activities that compromise these areas, as well as a list of proposed management and protection measures;

4. Regulatory gaps regarding protection of the habitat or *species*; and

5. Nonenvironmental impacts affecting the habitat area and *species* (e.g., legal, cultural, recreational, and economic significance). [Ord. 19-0488 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

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

18.55.510 Critical areas report – Habitat management plan.

A. Habitat Management Plan. A habitat management plan is required when available maps, or other information, indicate the presence of fish and wildlife habitats of importance.

1. All habitat management plans shall be prepared by a *qualified professional* and are encouraged to be prepared in consultation with the Washington Department of Fish and Wildlife.

2. Habitat Management Plan Content Requirements. Requirements for habitat management plans are available from the *city manager*. Plans also shall include:

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

b. An analysis of mitigation sequencing per KMC 18.55.210, including a *mitigation* plan.

c. Consideration of the following issues:

(1) Establishment of a *buffer* around the fish and wildlife habitat of importance;

(2) Retention of certain *vegetation* or areas of *vegetation* critically important to the *species* of importance;

(3) Limitation of access to the fish and wildlife habitats of importance and *buffer*;

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

(5) Clustering of *development* on the subject property.

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

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

4. The *applicant* may combine a habitat management plan with any studies required by other laws and regulations (e.g., a biological assessment or biological evaluation). [Ord. 19-0488 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

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

18.55.520 Performance standards – General requirements.

A. *Buffers*.

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

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

B. *Alterations* Shall Not Degrade the *Functions and Values* of Habitat. Wildlife habitat areas of importance may be altered only if the proposed *alteration* of the habitat or the *mitigation* proposed does not degrade the quantitative and qualitative *functions and values* of the habitat. *Fish habitat* areas of importance may be altered only when necessary to install water-dependent developments that are mitigated consistent with this chapter and Division I of KMC Title 16 (Shoreline Management), when applicable.

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

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

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

F. Approvals Shall Be Supported by the *Best Available Science*. Any approval of *alterations* or impacts to a fish and wildlife habitat of importance shall be supported by the *best available science*. Special consideration shall be given to conservation or protection measures necessary to preserve or enhance *anadromous fish* and their habitat, such as salmon and bull trout, as required by WAC 365-195-900 through 365-195-925. [Ord. 19-0488 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.55.530 Performance standards – Specific habitats.

A. Great Blue Heron Rookery.

1. A *buffer* equal to the distance of a 656-foot radius measured from the outermost nest *tree* in the rookery will be established around an active rookery. This area will be maintained in *native vegetation*. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the *buffer* excludes the area south of the north edge of the State Route 522 right-of-way and west of the east edge of the 73rd Avenue NE right-of-way.

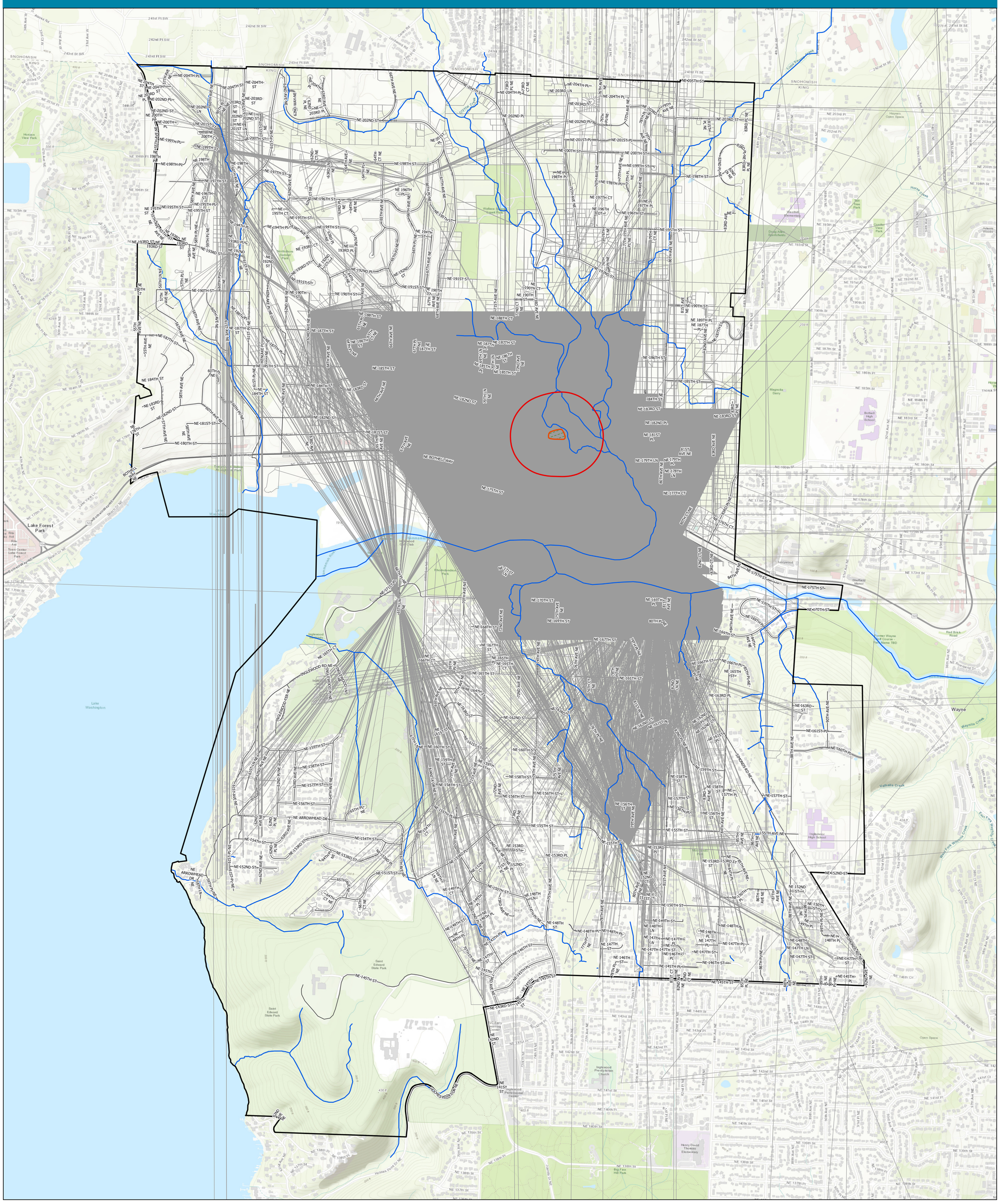
2. Between January 1st and July 31st, no *clearing*, *grading* or land-disturbing activity shall be allowed within 656 feet of the rookery unless approved by the *City*. For the Kenmore heron rookery located adjacent to the Kenmore park-and-ride lot, the area south of the north edge of the State Route 522 right-of-way and west of the east edge of 73rd Avenue NE right-of-way is excluded.

3. Approval of permits for activities within the heron rookery *buffer* shall not occur prior to the approval of a habitat management plan by the *City*.

ATTACHMENT 2

Kenmore Critical Areas

Heron Rookery



Sources: City of Kenmore, 2019.
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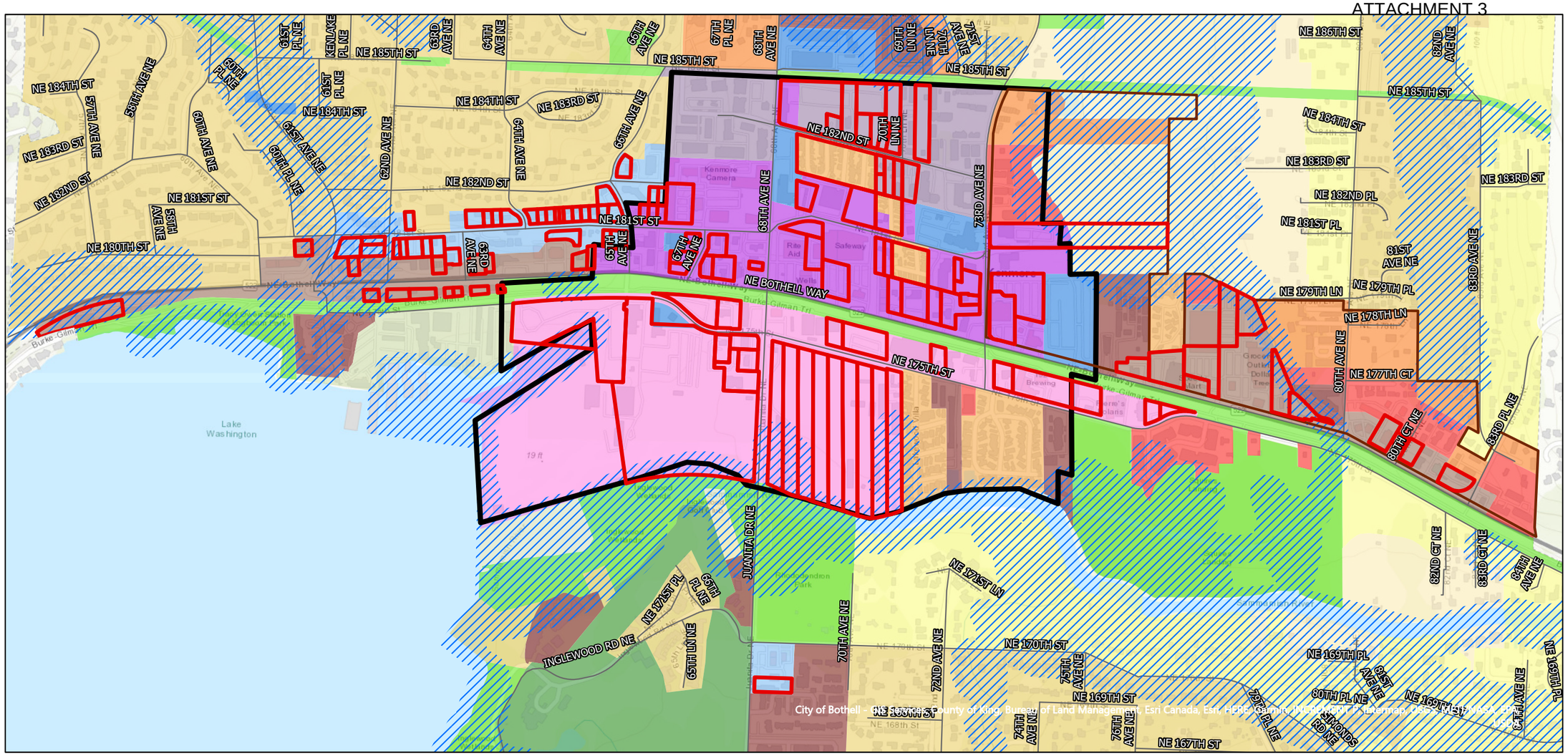
Map Date: November 2019

ATTACHMENT 3



Redevelopable Lands
TOD_Boundary
Downtown Center
Critical areas/buffers

Zoning

- Regional Business
- Urban Corridor
- Waterfront Commercial
- Downtown Commercial
- Downtown Residential
- Community Business
- Neighborhood Business
- Public/Semi-Public
- Parks*
- Golf Course
- R-1 (Residential 1 Dwelling Per Acre)
- R-4 (Residential 4 Dwellings Per Acre)
- R-6 (Residential 6 Dwellings Per Acre)
- Manufactured Housing Community
- R-12 (Residential 12 Dwellings Per Acre)
- R-18 (Residential 18 Dwellings Per Acre)
- R-24 (Residential 24 Dwellings Per Acre)

Underutilized and Vacant Properties

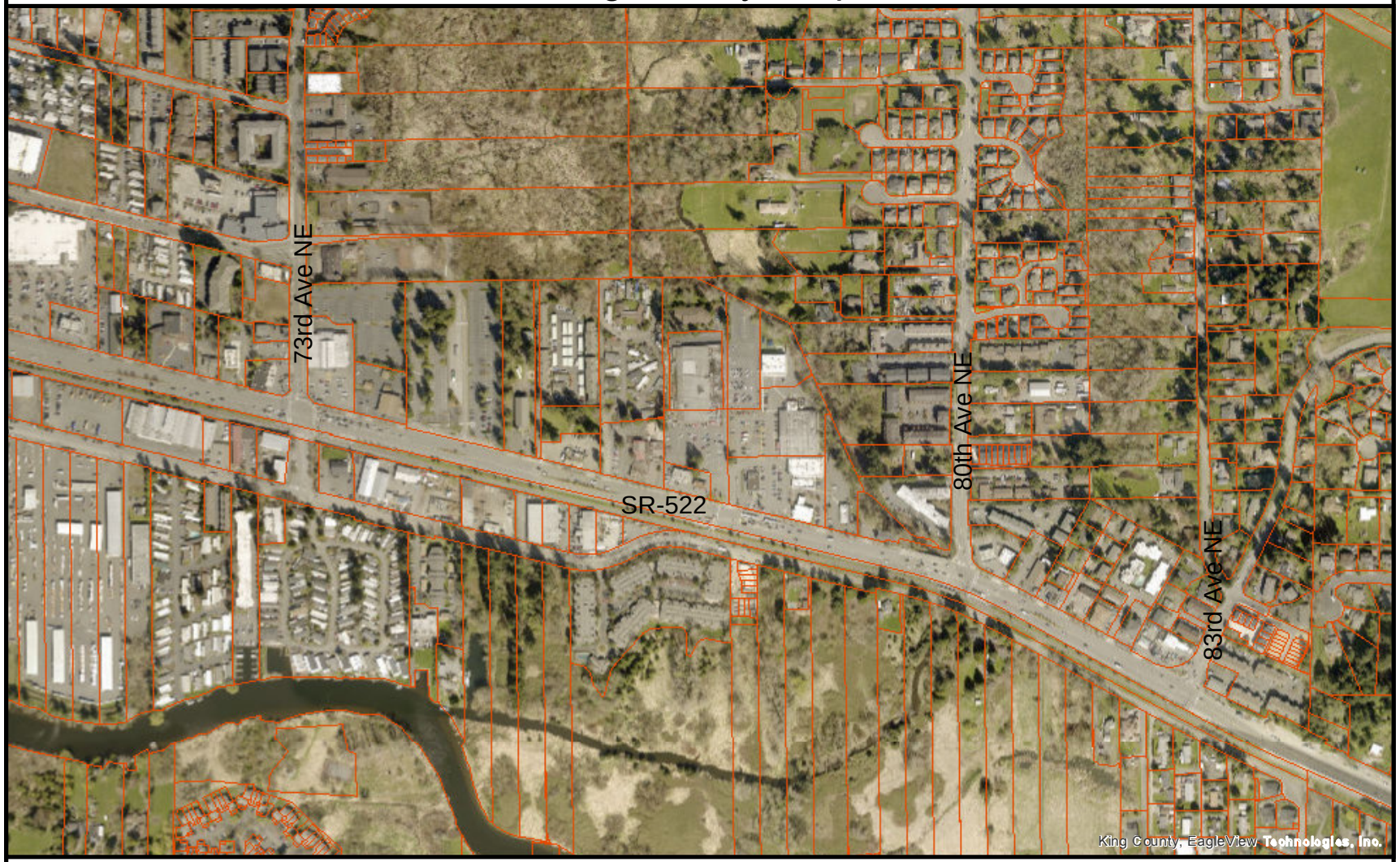
Downtown Kenmore

N

0 0.125 0.25 0.5 Miles

ATTACHMENT 4a

King County iMap



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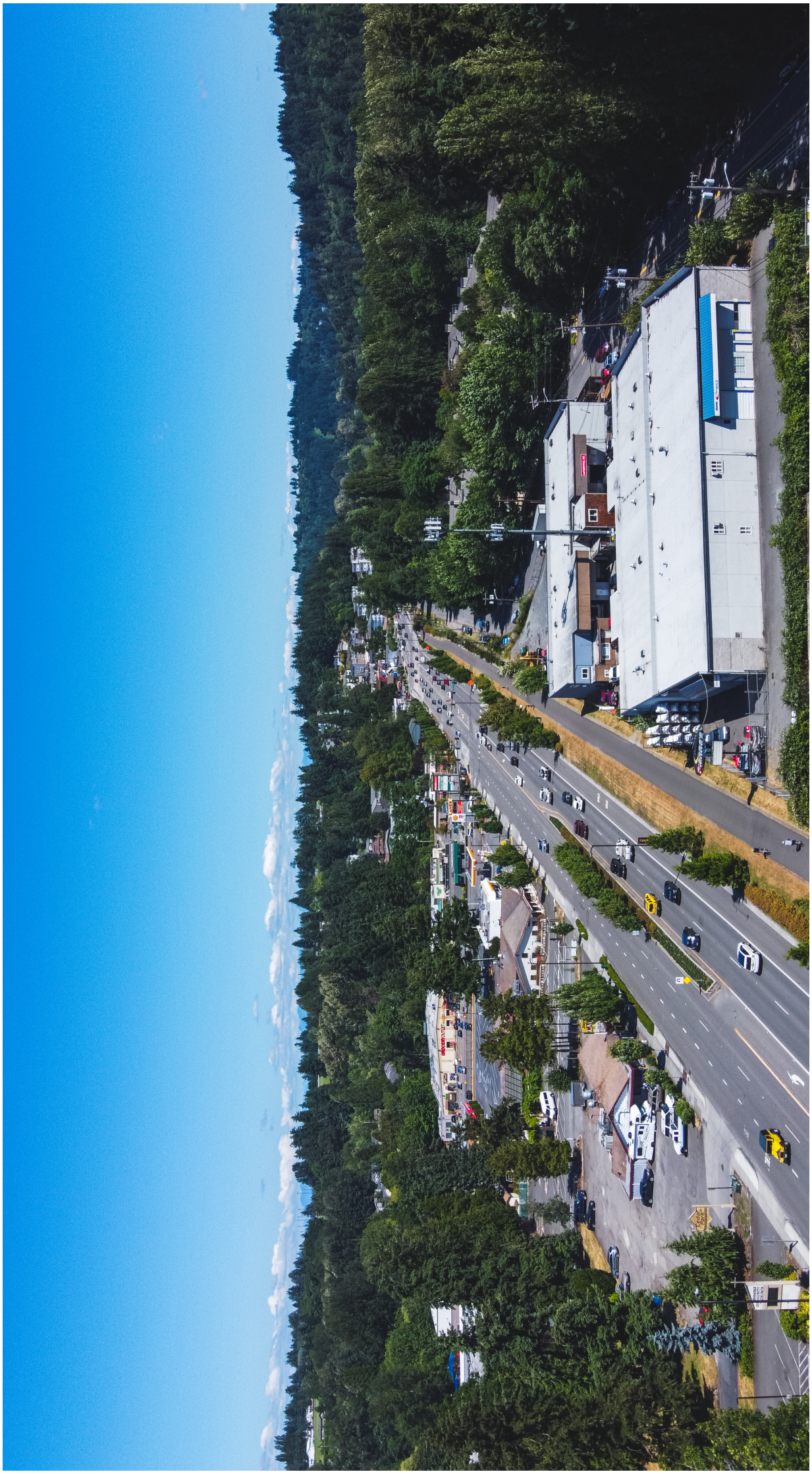
Date: 8/1/2022 Notes:

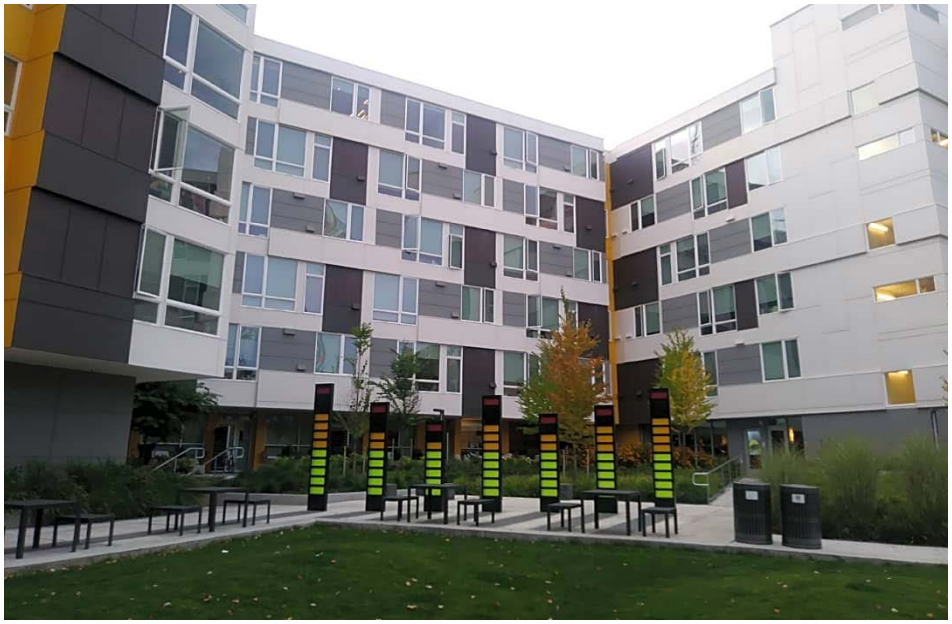
N

King County



4. Transit-Oriented Development (TOD) Regulations

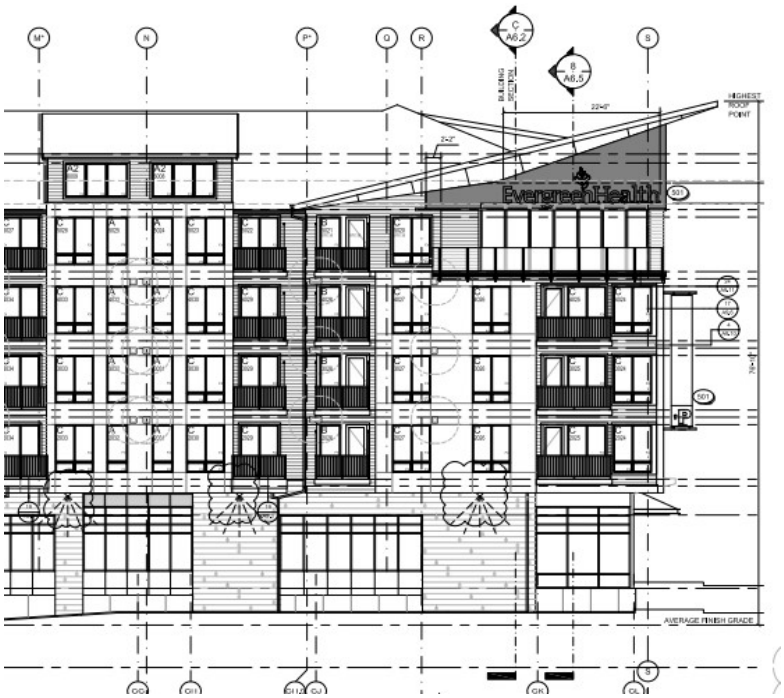
ATTACHMENT 5



2026 E. Madison, 6 stories, 65’

4. Transit-Oriented Development (TOD) Regulations

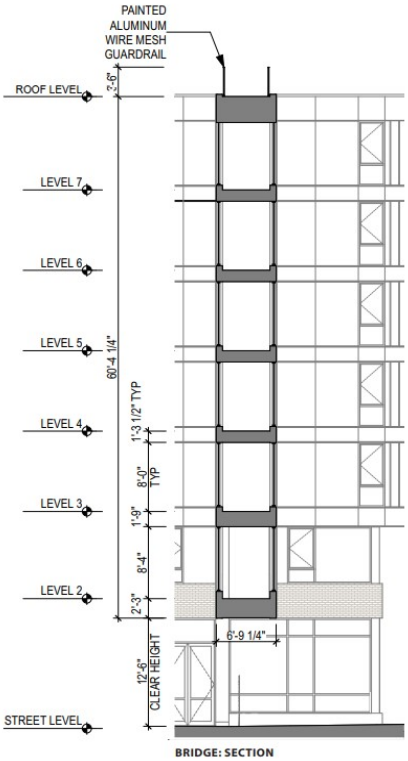
ATTACHMENT 5



LINQ Lofts and Flats, 5+ stories, 76’ 10”

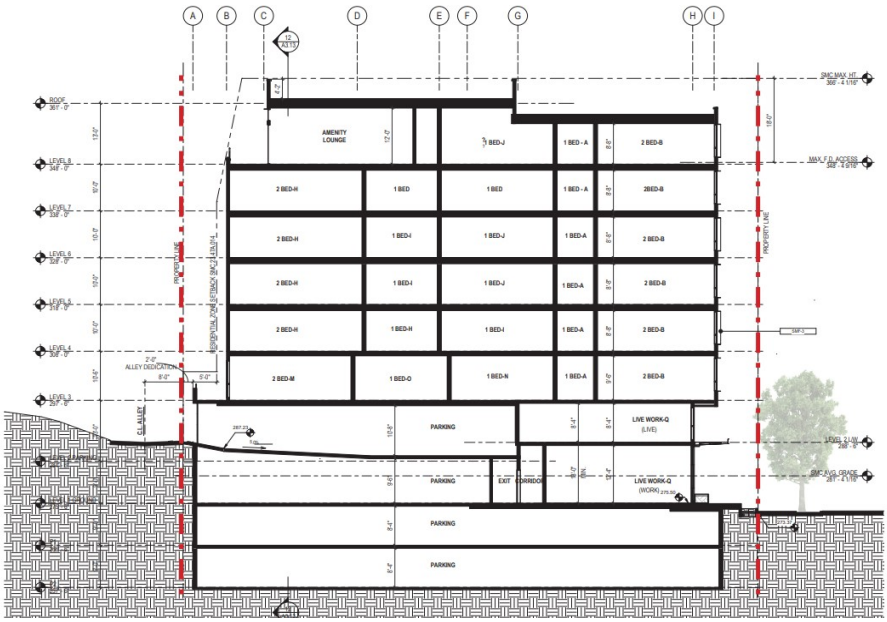
4. Transit-Oriented Development (TOD) Regulations

ATTACHMENT 5



Midtown Square, 7 stories, 76’ 4”

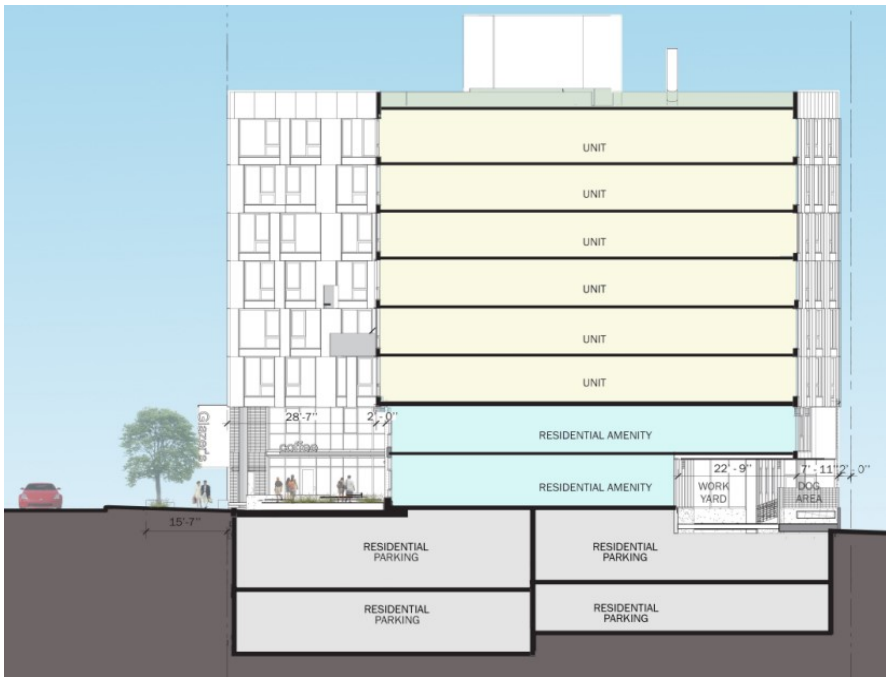
ATTACHMENT 5



The Huxley, 8 stories, 85’

4. Transit-Oriented Development (TOD) Regulations

ATTACHMENT 5



8th and Republican, 8 stories, 85’

4. Transit-Oriented Development (TOD) Regulations