

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028

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City of Kenmore Planning Commission Meeting Agenda

Tuesday, October 6, 2020 @ 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://zoom.us/j/95371378028>

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Webinar ID: 953 7137 8028

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

1. CALL TO ORDER

2. CITIZEN COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please email comments to Maura Query at mquery@kenmorewa.gov by 5:00 p.m. on Tuesday, October 6, 2020. All comments received will be forwarded to the Planning Commission for consideration. You can also use the "raise hand" feature in Zoom during the Citizen Comment portion of the meeting or by calling in. The 3-minute limit still applies.

3. APPROVAL OF MINUTES

[August 18, 2020 Planning Commission Meeting Minutes](#)

[September 15, 2020 Planning Commission Meeting Minutes](#)

4. AGENDA ITEMS

[Staff Memo](#)

[Attachment 1: Chapter 18.77 Code Amendments](#)

[Attachment 2: Chapter 19.25 Code Amendments](#)

[Attachment 3: Site Plan Review](#)

[Attachment 4: Residential Density Incentives](#)

[Attachment 5: Private Request](#)

[Attachment 6: RCW36.70A.545](#)

[Attachment 7: KMC 18.115.040](#)

[Attachment 8: SEPA rules - categorical exemptions](#)

5. ADJOURNMENT

6. UPCOMING MEETINGS:

October 20, 2020, 7:00 p.m. – via Zoom

**City of Kenmore
Planning Commission Meeting
August 18, 2020 @ 7:00 p.m.**

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

Mark Ohrenschall, Chair
Carol Baker
Suzanne Greathouse
Nathan Loutsis
Mike Mulcare
Dennis Olson
Mike Vanderlinde

Consultants & Staff

Lauri Anderson, Principal Planner
Debbie Bent, Community Development Director
Bryan Hampson, Development Services Director
Maura Query, Administrative Assistant

1. CALL TO ORDER

The meeting was called to order by Chair Ohrenschall at 7:00 p.m.

2. CITIZEN COMMENTS

There were no citizen comments at this meeting.

3. APPROVAL OF MINUTES

A motion to approve the August 4, 2020 Planning Commission Minutes was made by Commissioner Olson and seconded by Commissioner Greathouse. The minutes were approved unanimously by a roll call vote.

4. AGENDA ITEMS

The Planning Commission continued to discuss the Affordable Housing Review Process. City Staff provided information requested from the August 4, 2020 meeting regarding the different types of permits and the Development Services process.

The three types of permits that might apply to Affordable Housing projects were reviewed. Type 1 is approved by the Development Services Director with input from the team. There is no appeal and no public noticing. Type 2 is approved by the Development Services Director. There's the possibility of an appeal to the Hearing Examiner who then makes the final decision. Type 3 goes to the Hearing Examiner

for a decision based on a recommendation from the Development Services Director. If the decision is appealed, it goes straight to court.

There was a discussion on an expedited process as it relates to the Development Services team. The Development Services team went through a LEAN streamlining process in the past that shortened the permit review process by a few weeks. There are three key team members who participate in reviews: the planner, building reviewer, and engineer. Cities with special expedited processes have larger teams, sometimes even separate departments for the three roles mentioned. Additionally, there are other agencies that participate in aspects of the review, such as the Fire District and Northshore Utility District. The City does not control the deadlines or turn around times of these outside agencies. Additional staff would need to be hired, or contractors and consultants utilized, in order to expedite the process any more than it already is. In both cases, the process would only be slightly expedited, and the developer would have to pay for expedition.

The Commissioners reviewed six scenarios shared by City Staff.

Scenario 1: Moving affordable housing project permit applications to the head of the line for review, rather than being added into the queue. A potential con to this approach is that this could prioritize affordable housing over other community related projects such as schools, parks, and new City facilities (fire station, etc). The Commissioners expressed concerns with prioritizing affordable housing over all other projects. A version of prioritization could consist of meeting criteria such as the level of affordability and number of affordable housing units being provided.

There was a question of exploring a special review process for exceptional benefit projects. The City currently has a process for exceptional benefit projects that goes to City Council. This is a Development Agreement and it currently does not extend to projects in residential zones. This was a point of interest for the Commissioners. City Staff will provide the Development Agreement chapter for the next meeting.

Scenario 2: Reducing review times specified in the Zoning Code. Staffing could be an issue with this if many projects came in at the same time. There are state mandated timeframes, and the Development Agreement could be a way around some of these timeframes; however, it was created more to deal with amendments to standards rather than to move to a quicker process.

Scenario 3: Reducing the level of process. This affects appeals and public noticing. It reduces the permit into a lesser type of permit review, automatically reducing the length of the process. While the Commissioners agreed that this could expedite the process, they felt that public noticing and allowing for public comments was an important part of the process, especially for development projects in residential areas. There was an idea for a new hybrid permit type, one where the appeal process is removed but the public noticing and comment period is kept.

Scenario 4: A developer can apply for expedited review. The developer could apply for expedited review based on their timeline; the City could determine if there was adequate staffing or if a contractor or consultant would be needed (which the developer would pay for). This scenario could be advantageous to projects with non-profit funding as it allows the development schedule to be more structured with a more specific timeline.

Scenario 5: Eliminating appeals. There is always an appeal opportunity to court, outside of the City; this scenario has to do with appeals within the City. Appeals can create delays. There would always be the option of appealing to court, which would help ensure that any appeal filed was one that had a strong case. Other options regarding appeals include raising the fee for filing an appeal. The appeal fee was reduced by a decision from City Council in recent years based on reviewing the cost to the City of appeals and low-income residents' ability to file an appeal. General feedback from the Commissioners was that raising the fee would ensure the appeals submitted were of a more serious nature, however for projects in residential neighborhoods a higher fee or elimination of City level appeals might make it too expensive or hard for residents. There was a discussion about creating restraints around the reasons for appeals. This is something that would need attorney review. Commissioners commented that removing the ability for citizens to comment and appeal a project would be a takeaway from that they currently can do. There is an interest in exploring this more with the City attorney to see if there are restraints that could be put in place to limit the reasons or basis for appeals related to affordable housing projects. One thought for a restraint is to limit appeals based on a threshold for how many people must support the appeal for it to be filed.

Scenario 6: A new, unique process for affordable housing projects that incorporates elements of scenarios 1 through 5. This would add a layer of complexity to the zoning code. City Staff felt they had enough feedback from scenarios 1 through 5 to draft a new process.

The Commissioners asked for additional information pertaining to the affordable housing incentives. City Staff will provide additional information on growth rates of affordable housing and maps of areas with zoning support for development of affordable housing.

City Staff proposed that the September 1, 2020 meeting be canceled. Commissioner Loutsis made a motion to cancel the September 1st meeting. Commissioner Vanderlinde seconded the motion. The motion passed unanimously.

6. ADJOURNMENT

Chair Ohrenschall adjourned the meeting at 8:31 p.m.

Planning Commission
Approved by Planning Commission on: _____

**City of Kenmore
Planning Commission Meeting
September 15, 2020 @ 7:00 p.m.**

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

Mark Ohrenschall, Chair
Carol Baker
Suzanne Greathouse
Nathan Loutsis
Mike Mulcare
Dennis Olson
Mike Vanderlinde

Consultants & Staff

Lauri Anderson, Principal Planner
Debbie Bent, Community Development Director
Maura Query, Administrative Assistant

1. CALL TO ORDER

The meeting was called to order by Chair Ohrenschall at 7:01 p.m.

2. CITIZEN COMMENTS

Stacey Valenzuela from Kenmore commented that the highest need for affordable housing in Kenmore is for people in the lowest income brackets.

3. APPROVAL OF MINUTES

There were no minutes to approve at this meeting.

4. AGENDA ITEMS

City Staff presented three proposed scenarios for the Special Affordable Housing Review Process for discussion. There were three questions discussed by the Planning Commission for each scenario: Question 1 – Should this apply to moderate income housing or only low and very low income housing; Question 2 – Should all housing for seniors or those with disabilities, regardless of income, be included in these processes; Question 3 – Should investment of public money be a criterion for a shortened timeframe.

Scenario 1: Reduce review process in multifamily and commercial zones to a Type 1 permit. There would be no administrative appeals or public noticing/commenting - streamlining the process to expedite projects. This would not apply if there was a

waiver to development standards requested for the project. There was general support from the Commissioners for this scenario as it makes the process for Affordable Housing Projects easier and faster. There was a comment that the size of a project might make affect the importance of a public comment period. There was support for this applying to low and very low-income housing as that is where the highest need appears to be, and it might encourage more of that type of housing to be built. The Commissioners generally agreed housing for seniors and those with disabilities will not always be affordable so extending this process to those projects does not help meet affordable housing needs or goals. Investment of public money was generally thought to be an unnecessary criterion as the source of funding is not a significant factor when the goal is to help establish affordable housing.

Scenario 2: Allow a developer to propose an expedited review process based on their timeline needs and key dates. The City could agree to the timeline if staff had capacity, or the developer could pay for a consultant to process the review. The Commissioners clarified that any consultant used would be City hired and reviewing the project to the City's standards. In general, the Commissioners felt this was a good option and would enable affordable housing projects to be constructed in a faster timeline. There was a discussion around a developer being able to pay for their project to be moved in front of other projects in the queue, however since consultants would be used there would not be an impact to City staff time and it wouldn't affect the timeline for other projects. Overall, the Commissioners had the same reaction to the three questions as they did for Scenario 1; this should apply to low or very-low income projects and there should be no requirement for the source of funding to include public money. There was a brief conversation regarding whether to include or extend this process to projects for seniors and those with disabilities. There was a question regarding whether these two types of housing projects might have more complexities that make the review more difficult. City Staff will consult with Development Services to confirm if there is a different level of complexity.

Scenario 3: Amend the Development Agreement to extend to all zones for publicly funded, 100% affordable, housing projects. Eliminate the need for a threshold decision and allow adjustments to certain standards. There would be only one public hearing and the applicant's payment of attorney's fees and public notice expenses would be eliminated. There was clarification around what publicly funded meant. This could be a partnership between the City, County, and non-profit agencies; it wouldn't have to be 100% publicly funded but would require some portion to be public funds. The Commissioners expressed concerns that residents would be upset about changes to single family and residential zones. City Staff commented that there could be additional conditions added where this would only apply if the project were being developed on land owned by a non-profit (church, etc.) that was in a residential zone. There was a concern that this could lead to nonprofits buying property in order to obtain this waiver, and concerns about density in single-family zones leading to unhappy citizens. City Staff mentioned that the process would not be an automatic approval of the project under the Development Agreement, and that

the decision would be brought to City Council for each project. Overall, the Commissioners felt it would be difficult to create boundaries on this process. Commissioner Vanderlinde made a motion to eliminate this option at this time and suggested it be revisited in the future. Commissioner Loutsis seconded the motion. The motion passed unanimously.

The next meeting will be held on October 6, 2020. City Staff will provide a rough framework for the two scenarios. The next steps will be defining the details and parameters for each.

6. ADJOURNMENT

Chair Ohrenschall adjourned the meeting at 8:39 p.m.

Planning Commission

Approved by Planning Commission on: _____



City Of Kenmore, Washington

Memorandum

Date: September 29, 2020
To: Planning Commission
From: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner
Regarding: Affordable Housing Review Process

At your meeting on September 15, you selected two scenarios that could result in a shortened timeframe for affordable housing projects. Those two scenarios are:

- Scenario 1: Reduce review process for any project including affordable housing units in multifamily and commercial zones to a lesser process. In this scenario, multifamily projects proposed in a multifamily or commercial zone would become Type 1 permits, without public notice or an administrative appeal. This would not apply if a waiver of development standards was requested. If, for example, a variance was needed, the review process would follow regular protocols.
- Scenario 2: Allow a developer of any project including affordable housing units to propose an expedited review process based on their individual timeline needs and key dates. If staffing allows, the City could agree to expedite the project or could offer expedited review if a consultant were available to review the project at the developer's expense.

Code amendments reflecting the basic framework for these two scenarios are found in Attachments 1 and 2. Note that Type 1 permits that require State Environmental Policy Act (SEPA) review do include public notice, although a local administrative SEPA appeal is not available. The threshold at which SEPA review is required presently is 20 dwelling units.

The Scenario 1 change would be most impactful for projects that require a Type 2 Site Plan Review or are proposing to use residential density incentives or the transfer of development credits. Site plan reviews are discussed in KMC 18.105 (see Attachment 3). Residential density incentives are explained in KMC 18.80 (see Attachment 4). If the Planning Commission wishes to move ahead with the Scenario 1 amendments, changes also would be needed to these two Zoning Code chapters to ensure consistency.

Policy Questions

Scenario Refinement

To finish a preliminary recommendation for the two scenarios, the Planning Commission should discuss the following policy questions. Once these questions are answered, the amendments can be finalized. As a reminder, the strategy from the Housing Strategy Plan to be addressed by this project reads:

“Allow flexible reuse of tax-exempt or publicly-owned sites through a special process to increase housing supply and enable more diverse forms of housing, if

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linked to providing some affordable housing. Consider possible opportunity at Park-and-Ride.”

As you recall, as part of this docket assignment, the Council added consideration of a special review process for private affordable housing developments--specifically a senior housing proposal--to this project. The senior housing proposal that was the basis for this request is included in Attachment 5.

Here are the questions:

1. What percentage of units in the development should be affordable to be eligible for the special review process?
 - In the past, ARCH concluded that 10% of units is an appropriate/financially feasible level of affordability for development projects in the TOD. However, a higher percentage of units for those wishing to use the special review process could be considered.
 - Restricting the process to those projects that provide only affordable housing (100%) is another alternative.
2. What size of project should be able to take advantage of the special review process? Is this for significant large projects or could even a small project including affordable housing units be considered?
3. Should senior housing or housing for those with disabilities be eligible for the review process, regardless of income level?
 - A majority of Planning Commissioners indicated that Scenario 1 should be available only to applicants for low- and very-low income housing developments. It was unclear whether this same approach was to be used for Scenario 2.

Additional Considerations

As staff developed the code amendments for scenarios 1 and 2, two additional questions surfaced related to recent changes in State law. Planning Commission discussion of these two questions is needed to round out the package of affordable housing process amendments.

4. How should the City approach the State law (2019) that requires consideration of higher densities on properties owned by religious organizations?
 - At the last Planning Commission meeting, the Commission decided not to pursue a Development Agreement scenario that would allow modifications of development standards (density, for example) for affordable housing projects.
 - Amendments to State law (see Attachment 6) require that cities offer an increased density bonus for affordable housing on property owned by a religious organization, if requested. The City may develop policy around such a request.
 - The City has no process in place to consider such a request.
 - Options could include allowing a Development Agreement only for these properties or requiring another permit type such as a conditional use permit. The current approval criteria for a conditional use permit are described in KMC 18.115.040 (see Attachment 7).
 - Staff recommends the Development Agreement approach as it more easily addresses density increases and is a City Council decision.

5. Should the City consider increasing the SEPA review threshold for residential dwelling units?
- State law allows an increase in the SEPA review threshold up to 60 multifamily dwelling units if certain standards are met (see Attachment 8). Increasing the threshold makes projects under that threshold exempt from SEPA review.
 - The City's current threshold is 20 dwelling units.
 - This is a new scenario that would streamline multifamily housing development in general, but it would also streamline low- and very-low income affordable multifamily housing development.
 - While this option also is available for single-family development (up to 30 dwelling units), staff is not recommending that change at this time.

Attachments

Attachment 1: Chapter 18.77 Code Amendments

Attachment 2: Chapter 19.25 Code Amendments

Attachment 3: Site Plan Review

Attachment 4: Residential Density Incentives

Attachment 5: Private request for consideration

Attachment 6: RCW36.70A.545

Attachment 7: KMC 18.115.040

Attachment 8: SEPA rules – categorical exemptions

Chapter 18.77 AFFORDABLE HOUSING

Sections:

Sections:

- [18.77.010 Affordable housing – Purpose and intent.](#)
- [18.77.015 General provisions.](#)
- [18.77.020 Downtown residential and downtown commercial zones.](#)
- [18.77.030 Transit oriented development \(TOD\) district overlay.](#)
- [18.77.040 Community business zone, Juanita subarea.](#)
- [18.77.045 Alternative compliance.](#)
- [18.77.050 Affordability agreement.](#)
- [18.77.060 Expedited permit processing.](#)

18.77.010 Affordable housing – Purpose and intent.

The purpose of this chapter is to implement, through regulations, the responsibility of the *City* under the Washington State Growth Management Act to consider the housing needs of all economic segments of the community, and to assure an adequate affordable housing supply in the *City*. The *City* recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives, innovative planning techniques, and requirements will be necessary to make adequate provisions for the needs of households whose incomes are at or below median income. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.77.015 General provisions.

A. Determination of Number of Affordable Housing Units Required – Rounding. See KMC [18.30.020](#)(D) for method of rounding to determine the number of affordable housing units required.

B. Adjacent Developments. Adjacent *developments* by the same or affiliated *developer* will be considered as a single *development* for the purpose of applying the thresholds for compliance.

C. Designation of Affordable Housing Units. Prior to the issuance of any permit(s), the *City* shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

1. Location. The location of the affordable housing units shall be approved by the *City*, with the intent that they generally be intermingled with all other *dwelling units* in the *development*.

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2. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the *development*.

3. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall *development*.

4. Size (Square Footage). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the *development*, shall be approved by the *city manager*. If there is a proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.

5. Design. The exterior design of the affordable housing units shall be compatible and comparable with the rest of the *dwelling units* in the *development* and shall comply with any applicable design standards. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the *City*.

D. Duration. Housing shall serve only income-eligible households for a minimum period of 50 years from the latter of the date when the affordability agreement between the housing owner and the *City*, as described in KMC [18.77.050](#), is recorded, or the date when the affordable housing becomes available for occupancy as determined by the *City*.

E. Timing/Phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the *dwelling units* in the *development*. [Ord. 19-0481 § 2 (Exh. A).]

18.77.020 Downtown residential and downtown commercial zones.

The provisions of this section shall apply to multifamily residential *developments* proposed on property four acres or greater in size within the downtown residential or downtown commercial zones that lie west of 68th Avenue NE, and which are providing for more than 20 *multiple-family dwelling units*.

A. Twenty-five percent of the total number of units in the *development* shall be *moderate-income affordable housing units*.

B. Subject to *City* authorization, the affordable units need not be provided within the *development*, but must be provided within the downtown commercial, downtown residential, urban corridor, waterfront commercial, or regional business zone. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.77.030 Transit oriented development (TOD) district overlay.

A. Properties developed under the TOD district overlay, Chapter [18.29](#) KMC, shall include affordable housing units.

B. Cap on Total Number of Affordable Housing Units Required. Affordable housing requirements shall be capped at 10 percent of the total number of *dwelling units* being provided.

C. Number of Affordable Housing Units Required. Affordable housing units shall be provided for any *development* exceeding the base density of the underlying zone as follows:

1. Tier 1. If the number of bonus units is less than or equal to 30 percent of the total number of *dwelling units*, then for every three bonus units, one *dwelling unit* shall be a *moderate-income affordable housing unit* and two bonus *dwelling units* may be bonus market rate *dwelling units*.
2. Tier 2. If the number of bonus units is greater than 30 percent of the total number of *dwelling units* and if the overall project density is less than or equal to 120 *dwelling units* per acre, then a combination of *low-income affordable housing units* and *moderate-income affordable housing units* shall be provided as follows: For every four bonus units allowed beyond that needed to achieve the 10 percent *moderate-income affordable housing units*, one of the *moderate-income affordable housing units* shall be made into a *low-income affordable housing unit* up to a maximum of 33 percent of the affordable housing units (or 3.3 percent of the total *dwelling units* in the *development*).
3. Tier 3. If the overall development density is greater than 120 *dwelling units* per acre, a combination of *very low-income affordable housing units*, *low-income affordable housing units* and *moderate-income affordable housing units* shall be provided as follows: The required numbers of *low-income affordable housing units* and *moderate-income affordable housing units* shall be equivalent to those that would be required under Tier 2, assuming that the project were to be developed at a density of 120 *dwelling units* per acre. An amount of *very low-income affordable housing* shall be required so that the total combined amount of *very low-income*, *low-income* and *moderate-income affordable housing units* is equal to 10 percent of the total number of *dwelling units* in the *development*.
4. Affordable Housing Example. Example is a one-and-one-half-acre property with a base density of 48 *dwelling units* (du)/acre. Without the TOD district overlay, the property could achieve up to 72 *dwelling units*.

Tier 1 example: Proposed TOD *development* would achieve 93 *dwelling units* on *site* for 62 du/acre. This provides 21 "bonus" *dwelling units* above the 48 du/acre base density of the zone. Since the number of bonus units (21) is less than 30 percent of the total units (93), seven of the 21 bonus units must be affordable to moderate-income households, meeting Tier 1 affordability requirements.

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Tier 2 example: Proposed TOD *development* would achieve 113 *dwelling units on site* for 75 du/acre. This provides 41 “bonus” *dwelling units* above the 48 du/acre base density of the zone.

Since the number of bonus units (41) is greater than 30 percent of the total units (113), 11 of the 41 bonus units must be affordable, meeting the 10 percent affordability cap. Nine of these are affordable to moderate-income households and two are affordable to low-income households (33 of the bonus units used toward achieving 10 percent affordable units (11*3) plus eight of the bonus units applied toward making two of the affordable units low-income affordable units (8*.25=2).

Tier 3 example: Proposed TOD *development* would achieve 210 *dwelling units on site* for 140 du/acre. The first step is to determine how many affordable units would have been required assuming 120 du/acre using the Tier 2 formula. This calculation results in 13 *moderate-income affordable housing units* and five *low-income affordable housing units*. To achieve the requirement that 10 percent of the total units in the *development* be affordable, three additional affordable housing units would be needed (21-18=3). These three units would be required to be *very low-income affordable housing units*. In summary, the *development* would provide 13 *moderate-income affordable housing units*, five *low-income affordable housing units*, and three *very low-income affordable housing units*. [Ord. 19-0481 § 2 (Exh. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 13-0363 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.77.040 Community business zone, Juanita subarea.

A. For properties choosing to develop at higher residential densities in the CB Juanita subarea, Chapter 18.23 KMC, affordable housing units shall be provided for any *development* exceeding the base density of 24 *dwelling units* per acre as follows:

1. For every four bonus units, one bonus *dwelling unit* shall be a *moderate-income affordable housing unit* and three bonus *dwelling units* may be bonus market rate *dwelling units*.
2. Each *low-income affordable housing unit* provided counts as two *moderate-income affordable housing units* for the purpose of satisfying the affordable unit requirement under subsection (A)(1) of this section.

Example: Proposed *development* would achieve 36 *dwelling units* on a one-acre *site* for a density of 36 du/acre. This provides 12 “bonus” *dwelling units* above the 24 du/acre base density of the zone. Three of the 12 bonus units must be *moderate-income affordable housing units*. Alternatively, the project could provide two *low-income affordable housing units* (rounded). [Ord. 19-0481 § 2 (Exh. A).]

18.77.045 Alternative compliance.

Alternative Compliance. The *city manager* may approve a request for satisfying all or part of the affordable housing requirements with alternative compliance methods as follows:

A. Application. Applications for alternative compliance shall be submitted at the time of permit application, and must be approved prior to issuance of any building permit.

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B. Off-Site Provision. A project proponent may propose to satisfy all or part of affordable housing requirements off site.

1. The project proponent must demonstrate that off-site provision of new affordable housing achieves a result equal to or better than providing affordable housing on site.
2. Affordable housing units provided through this method must be the same type of units as the units in the project which gave rise to the requirement.
3. Priority is for the project to be located within the same zoning district as the *development* responsible for providing affordable housing. However, the *city manager* may approve a project located outside the zoning district if the location has access to commercial *uses* and transit, does not result in an undue concentration of affordable housing, and has adequate infrastructure.
4. The proposal must demonstrate that the affordable units provided off site will be completed before or within the same time period as the *development* generating the affordable housing requirement. For projects approved for off-site affordable housing, there will be a recorded agreement on both the "sending" property and the "receiving" property. The covenant on the sending site will be released once the affordable housing is completed on the receiving property.

C. Contribution to Preservation of Existing Affordable Housing. A project proponent may propose to satisfy all or part of affordable housing requirements through purchase and long-term preservation of existing affordable housing, particularly in the *City's manufactured housing communities*. The *applicant* shall provide information demonstrating affordability of the units to be preserved and a long-term covenant shall be placed over the preserved units, ensuring preservation and maintenance of the affordable units.

D. Fee in Lieu. Cash payments in lieu of providing actual housing units may be proposed and, if approved by the *City*, shall be used only for the subsequent preservation or provision of affordable housing units by the *City* or other housing provider approved by the *city manager*. Payments in lieu shall be based on the difference between the cost of construction for a prototype affordable housing unit on the subject property, including land costs and development fees, and the revenue generated by an affordable housing unit. The payment obligation will be established at the time of issuance of building permits for the project. [Ord. 19-0481 § 2 (Exh. A).]

18.77.050 Affordability agreement.

A. Prior to issuing any building permit, an agreement in a form approved by the *city manager* that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with King County Department of Records and Elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the *applicant*. The *City* may agree, at its sole discretion, to subordinate any affordable housing

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regulatory agreement for the purpose of enabling the owner to obtain financing for *development* of the property.

B. Monitoring and Fees. The *City* reserves the right to establish, in the affordability agreement referred to in subsection A of this section, monitoring fees for the affordable housing unit, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement. [Ord. 19-0481 § 2 (Exh. A).]

18.77.060 Expedited permit processing.

A. Projects containing *very low-income* or *low-income affordable housing units* in the R-12, R-18, R-24, NB, CB,DR, DC, UC, WC, RB, and PSP zones that require a Type 2 Land Use Decision as described in KMC 19.25.020 may have that process reduced to a Type 1 Land Use Decision unless the proposal includes any of the following:

1. Short subdivision, including revisions and alterations;
2. Zoning variance;
3. Conditional use permit;
4. Shoreline permit; or
5. Critical area exceptions, variances or modifications under Chapter 18.55 KMC.

B. Any applicant for a project containing *very low-income* or *low-income affordable housing units* may request that review of the project be expedited. The request may be made on forms provided by the *City*. In the event that *City* staffing or other permit priorities do not allow expedited permit review, the *applicant* may request that the project be reviewed by a consultant working for the *City* at the *applicant's* expense.

19.25.020 Classifications of land use decision processes.

A. Land use decisions are classified into five types, based on the amount of discretion associated with each decision. Procedures for the five different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.
2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.
3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter [36.70C](#) RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.
4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.
5. Type 5 decisions are legislative decisions made by the city council.

B. Except as provided in KMC [16.75.060](#) and [19.35.160](#) or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application. KMC [16.75.060](#) sets out the combined hearing authority for shoreline exemptions, shoreline substantial development permits, shoreline variances, and shoreline conditional use permits.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures in Chapter [19.35](#) KMC are supplemental to the procedures in this chapter.

Exhibit A

LAND USE DECISION TYPES

TYPE 1 ²	Decision by <i>city manager</i> ; no administrative appeal	Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title <u>15</u> ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter <u>13.35</u> KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change; <u>affordable housing project as described in KMC 18.77.060</u> .
TYPE 2	Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1, 5}	Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facility minor adjustment under Chapter <u>18.60</u> KMC; approval of residential density incentives under KMC <u>18.80.060</u> (A)(2) or transfer of development credits under KMC <u>18.80.090</u> (A); reuse of public schools; reasonable use exceptions under KMC <u>18.55.180</u> ; public agency and utility exceptions under KMC <u>18.55.160</u> ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter <u>18.55</u> KMC.
TYPE 3	Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior court, pursuant to Chapter <u>36.70C</u> RCW, the Land Use Petition Act, on the record	Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter <u>18.60</u> KMC.
TYPE 4	Recommendation by <i>city manager</i> ; hearing and recommendation by <i>hearing examiner</i> ; decision by city council on the record	Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i> ³ ; shoreline environment redesignation; plat vacation; short plat vacation; site plan review for uses not allowed by zone pursuant to Chapter <u>18.105</u> KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment.
TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body ⁴ ; decision by city council on the record. Appealable to Growth Management	<i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or related

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	Hearings Board pursuant to Chapter <u>36.70A</u> RCW	zoning map or text amendment pursuant to Chapter <u>18.120</u> KMC.
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¹ All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² Type 1 land use decisions that are not categorically exempt from environmental review under Chapter 43.21C RCW (State Environmental Policy Act) shall provide a notice of application per KMC 19.25.060 and a notice of decision per KMC 19.25.090. The notice of decision may be a copy of the permit.

³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. Zone *reclassifications* that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter 19.20 KMC.

⁴ If the proposal is being considered as part of the annual *docket* work program as described in Chapter 19.20 KMC. If the proposal is not part of the annual *docket*, the city council conducts the public participation process and makes the decision on the record.

⁵ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology.

[Ord. 19-0481 § 2 (Exh. A); Ord. 16-0426 § 8 (Att. F); Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.105 SITE PLAN REVIEW

Sections:

- [18.105.010 Purpose.](#)
- [18.105.020 Applicability.](#)
- [18.105.030 Process.](#)
- [18.105.040 Application of development standards.](#)
- [18.105.050 Approval.](#)
- [18.105.060 Limitation of permit approval.](#)
- [18.105.070 Administrative rules.](#)

18.105.010 Purpose.

The purpose of this chapter is to establish a comprehensive site plan review process for *development* proposals on certain sites in selected zones of the City based on their significant size, location, frontage on major public thoroughfares, use, or project scope. This will result in a land use decision which can combine any or all of the following:

- A. *Site* development requirements specified prior to building, grading or engineering permit applications.
- B. *Site* review and application of rules and regulations generally applied to the whole *site* without regard to existing or proposed internal lot lines.
- C. *Site development* coordination and project phasing occurring over a period of years.
- D. Evaluation against specific approval criteria.
- E. Evaluation of commercially zoned property for the creation or alteration of *lots* as part of a binding site plan application. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.020 Applicability.

- A. An application for site plan review shall be submitted for the following *development proposals*:
 - 1. *Development* on *sites* identified on the City's Site Plan Review Requirement Map as depicted in Figure 18.105.020.A.1;
 - 2. *Development* on *sites* equal to or greater than three acres in size at the time of application in the PSP zone;

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3. *Development* proposed for *classified uses* which are neither permitted, nor conditionally permitted, nor prohibited in the P, GC or PSP zones; or

4. *Development* on other *sites* as determined by the *city manager* after a preliminary review of the project's scope.

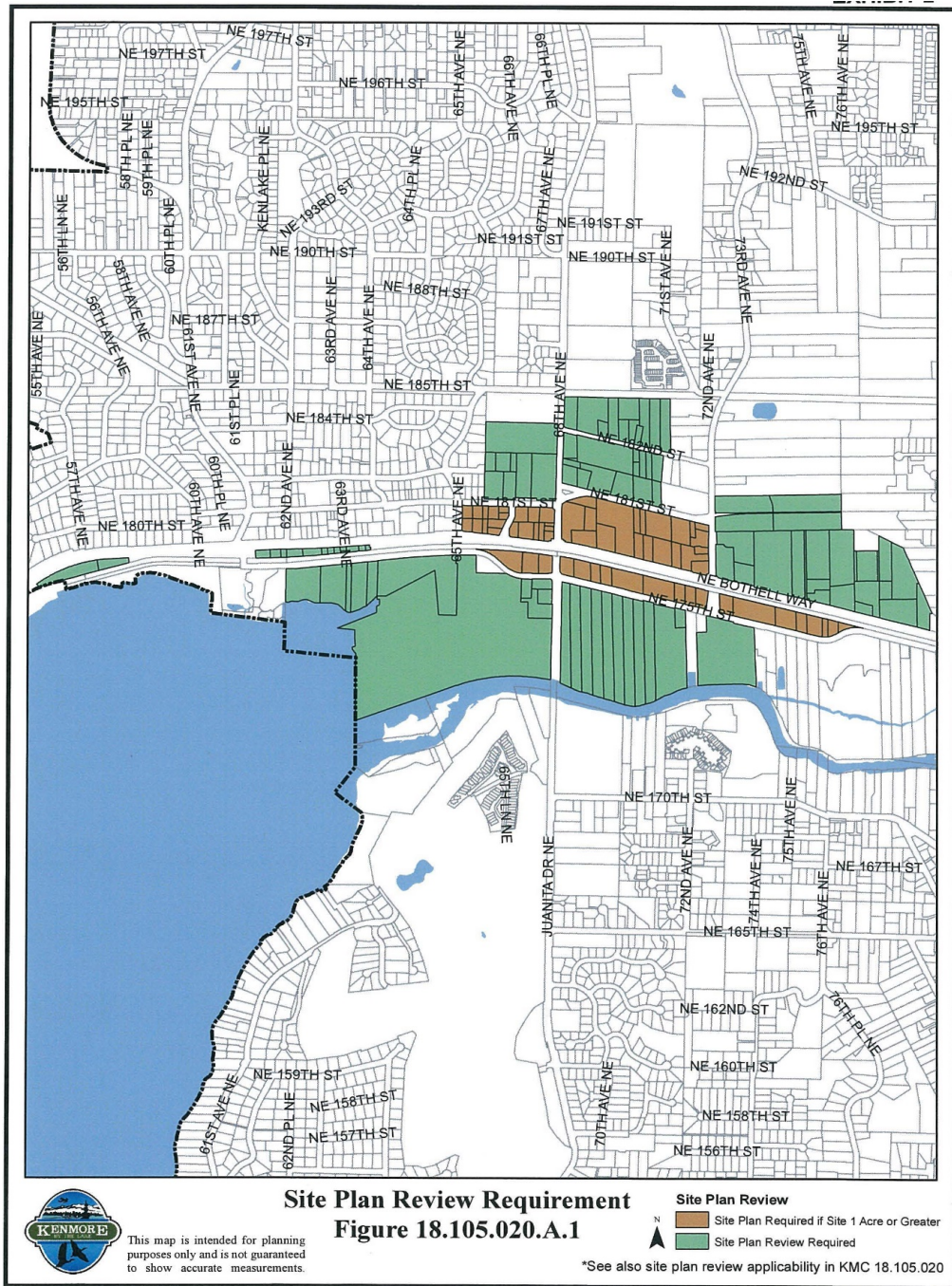
B. An application for site plan review may be submitted by an applicant for any *development proposal*.

C. A site plan review is separate from and does not replace other required land use permits. A site plan review may be combined and reviewed concurrently with other land use permits, however.

D. If required or requested under subsection A or B of this section, an applicant shall receive a site plan review prior to the issuance of building, mechanical, plumbing, electrical, clearing, grading, engineering, or other similar administrative permits.

E. Proposed expansion of existing *development* for *sites* described under subsection A of this section, with or without an approved site plan review, shall require a new site plan review when such changes are determined by the *city manager* to be a major modification. For purposes of this section, factors to be considered when determining whether an expansion is a major modification include but are not limited to relocation of access or parking, addition of a building, or incorporation of an additional lot.

F. An applicant may request a waiver of the site plan review requirement from the *city manager*. Such waiver shall be based on a preliminary review of the development proposal and a written finding that the proposal is consistent with the comprehensive plan and the requirements of this title, is minor in scope, and will have no adverse effects on neighboring properties or the City as a whole.



[Ord. 14-0391 § 2 (Exh. 1, 2); Ord. 11-0329 § 3 (Exh. 1).]

18.105.030 Process.

A site plan review shall be processed as follows:

A. For those *sites* identified under KMC [18.105.020](#)(A)(1) and (2) and (B), the site plan review shall be processed in accordance with requirements for a Type 2 land use decision as outlined in Chapter [19.25](#) KMC.

B. For those *sites* identified under KMC [18.105.020](#)(A)(3), the site plan review shall be processed in accordance with requirements for a Type 4 land use decision as outlined in Chapter [19.25](#) KMC.

C. For those *sites* identified under KMC [18.105.020](#)(A)(4), the site plan review shall be processed in accordance with requirements for a Type 2 land use decision as outlined in Chapter [19.25](#) KMC, unless otherwise determined by the city manager. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.040 Application of development standards.

An application for a site plan review shall be reviewed pursuant to all adopted *City* codes and regulations.

Lot-based standards, such as internal circulation, drainage control, landscaping, signage and setback requirements, are typically applied to each individual *lot* within the *site*. However, the *city manager* may approve an application for site plan review where such standards have been applied to the *site* as if it consisted of one parcel.

The *city manager* may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the *City*; provided, the *site* is being reviewed concurrently with a binding site plan application. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.050 Approval.

A. The *city manager* may approve, deny, or approve with conditions an application for a site plan review. The decision shall be based on the following approval criteria:

1. Conformity with adopted *City* and State rules and regulations in effect on the date the complete application was filed;
2. Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title;
3. Compatibility with the character and appearance of existing or proposed development in the vicinity of the subject property;

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4. Compatibility with plans for existing and proposed pedestrian and vehicular traffic in the vicinity of the subject property; and

5. Conformity with the *City's* comprehensive plan.

B. Subsequent permits for the subject *site* shall be issued only in compliance with the approved site plan review.

C. Approval of the site plan review shall not provide the *applicant* with a vested right to build without regard to subsequent changes in the building and fire codes listed in KMC Title [15](#) regulating construction. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.060 Limitation of permit approval.

A. A site plan review approved without a phasing plan shall be null and void if the *applicant* fails to file a complete building permit application(s) for all *buildings* within three years of the approval date, or by a date specified by the *city manager*, and fails to have all valid building permits issued within four years of the site plan review approval date; or

B. A site plan review approved with a phasing plan shall be null and void if the *applicant* fails to meet the conditions and time schedules specified in the approved phasing plan.

C. The *city manager* may grant one or more extensions of the time limits set forth in subsections A and B of this section, each of a duration determined by the *city manager*, if the following findings are made:

1. Initial building permits have not been submitted or the project has not been completed due to causes beyond the *applicant's* control, such as litigation, acts of God, unanticipated *site* conditions or adverse economic market conditions;
2. The *applicant* has shown a good faith effort to commence or complete the project within the time previously allotted;
3. Conditions identified as part of SEPA or other permit processes remain appropriate to address project impacts. The *city manager* has the authority to establish additional conditions designed to address incremental changes in project impacts arising or occurring as a result of any extension of time; and
4. The period of the extension granted is reasonable in light of the conditions warranting the extension and the incremental changes, if any, in project impacts. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.070 Administrative rules.

The *city manager* may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.80

RESIDENTIAL DENSITY INCENTIVES AND TRANSFER OF DENSITY

Sections:

[18.80.010 Purpose.](#)

[18.80.020 Permitted locations of residential density incentives.](#)

[18.80.030 Maximum densities permitted through residential density incentive review.](#)

[18.80.040 Public benefits and density incentives.](#)

[18.80.050 Rules for calculating total permitted dwelling units.](#)

[18.80.060 Review process.](#)

[18.80.070 Minor adjustments in final site plans.](#)

[18.80.080 Applicability of development standards.](#)

[18.80.090 Transfer of density credits.](#)

18.80.010 Purpose.

The purpose of this chapter is to:

A. Provide density incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, *open space* protection, and parkland acquisition by:

1. Defining in quantified terms the public benefits that can be used to earn density incentives;
2. Providing rules and formulae for computing density incentives earned by each benefit.

B. Provide a method to realize the development potential of:

1. Sites containing *critical areas* or of unique size or shape;
2. Specific *sites* preserved in order to achieve comprehensive plan goals as identified by the *city council*.

C. Provide a review process to allow evaluation of proposed density increases, using residential density incentives and the public benefits offered to earn them, and give the public opportunities to review and comment. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.020 Permitted locations of residential density incentives.

Residential density incentives (RDIs) shall be used only on *sites* served by public sewers and only in the following zones:

A. In R-4 through R-24 and downtown residential zones; and

B. In DC, NB, CB, UC, WC, and RB zones when part of a *multiple-family dwelling* or *mixed use development*. [Ord. 19-0481 § 2 (Exh. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.80.030 Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be specified in the underlying zone of the *development site*. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.040 Public benefits and density incentives.

A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection E of this section. The density incentive is expressed as additional bonus *dwelling units*, or fractions of *dwelling units*, earned per amount of public benefit provided.

B. Bonus *dwelling units* may be earned through any combination of the listed public benefits.

C. Bonus *dwelling units* may also be earned and transferred to the project *site* through the *transfer of density credit (TDC)* process from *sites* other than that of the RDI *development*.

D. Residential *development* in R-4 through R-24 and downtown residential zones with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus *dwelling units* in accordance with subsection E of this section if the public benefits provided exceed the basic development standards of this title. If a *development* is located in a special overlay district, bonus units may be earned if the *development* provides public benefits exceeding corresponding standards of the special district.

E. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	2.0 bonus units per benefit unit.

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BENEFIT	DENSITY INCENTIVE
b. Benefit units consisting of assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the <i>site</i> that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.
e. Projects in which units are reserved for moderate-income- and asset-qualified buyers (total household income at or below 50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the <i>City</i> on both buyer eligibility and housing prices.	2.0 bonus units per benefit unit.
f. Benefit units consisting of <i>manufactured housing community</i> space or pad reserved for the relocation of an insignia or noninsignia <i>mobile home</i> , that has been or will be displaced due to closure of a <i>manufactured housing community</i> located in the <i>City</i> .	1.0 bonus unit per benefit unit.
2. OPEN SPACE, TRAILS AND PARKS	
a. Dedication of <i>park</i> site or <i>trail</i> right-of-way meeting the <i>City</i> location and size standards for	0.5 bonus unit per acre of <i>park</i> area or quarter-mile of <i>trail</i> exceeding the minimum requirement of

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BENEFIT	DENSITY INCENTIVE
neighborhood, community or regional <i>park</i> , or <i>trail</i> , and accepted by the <i>department</i> .	Chapter 18.30 KMC for on-site recreation space or <i>trail</i> corridors, computed on the number of <i>dwelling units</i> permitted by the <i>site's</i> base density.
b. Improvement of dedicated <i>park</i> site to <i>City</i> standards for developed <i>parks</i> .	0.75 bonus unit per acre of <i>park</i> improvement. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated <i>trail</i> segment to <i>City</i> standards.	1.8 bonus units per quarter-mile of <i>trail</i> constructed to <i>City</i> standard for pedestrian <i>trails</i> ; or 2.5 bonus units per quarter-mile of <i>trail</i> constructed to <i>City</i> standard for multipurpose <i>trails</i> (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of <i>open space</i> , meeting <i>City</i> acquisition standards to the <i>City</i> or a qualified public or <i>private</i> organization such as a nature conservancy.	0.5 bonus unit per acre of <i>open space</i> .

[Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.050 Rules for calculating total permitted dwelling units.

A. The formula for calculating the total number of *dwelling units* permitted through RDI review is as follows:

$$\begin{array}{rclcl}
 \text{DUs allowed} & + & \text{Bonus} & + & \text{DUs} & = & \text{TOTAL} \\
 \text{by} & & \text{DUs} & & \text{allowed} & & \text{RDI} \\
 \text{RDI site base} & & & & \text{by sending} & & \text{DUs} \\
 \text{Density} & & & & \text{site density} & & \\
 & & & & \text{(if any)} & &
 \end{array}$$

B. The total *dwelling units* permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwellings permitted by the base density of the *site* in accordance with Chapter [18.30](#) KMC;
2. Calculate the total number of bonus *dwelling units* earned by providing the public benefits listed in KMC [18.80.040](#);
3. Add the number of bonus *dwelling units* earned to the number of *dwelling units* permitted by the base density;

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4. Add the number of *dwelling units* permitted by the base density of the *site* sending *TDCs*, if any;
5. Round fractional *dwelling units* to the nearest whole number; 0.49 or less *dwelling units* are rounded down; and
6. On *sites* with more than one zone or zone density, the maximum density shall be calculated for the *site area* of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.060 Review process.

A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density.

1. When the primary proposal requires a public hearing under this code or KMC Title [17](#), the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed *development* and use of RDI;
2. When the primary proposal does not require a public hearing under this code or KMC Title [17](#), the RDI proposal shall be processed as a Type 2 land use decision subject to the decision criteria for *conditional use permits* outlined in Chapter [18.115](#) KMC; and
3. The notice for the RDI proposal also shall include the *development's* proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.070 Minor adjustments in final site plans.

When issuing building permits in an approved RDI *development*, the *department* may allow minor adjustments in the approved site plan involving the location or dimensions of *buildings* or *landscaping*, provided such adjustments shall not:

- A. Increase the number of *dwelling units*;
- B. Decrease the amount of perimeter *landscaping* (if any);
- C. Decrease residential parking facilities (unless the number of *dwelling units* is decreased);

D. Locate *structures* closer to any *site* boundary line; or

E. Change the locations of any points of ingress and egress to the *site*. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.080 Applicability of development standards.

A. RDI *developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI *development*; provided, that an RDI proposal in the R-4 through R-6 zones shall conform to the height requirements of the underlying zone in which it is located.

B. RDI *developments* in the R-4 through R-6 zones shall be landscaped as follows:

1. When 75 percent or more of the units in the RDI *development* consist of *townhouses* or *apartments*, the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapters [18.35](#) and [18.57](#) KMC for *townhouse* or *apartment* projects.
2. When less than 75 percent of the units in the RDI consist of *townhouses* or *apartments*, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapters [18.35](#) and [18.57](#) KMC for *townhouses* or *apartments* on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.
3. All other portions of the RDI shall provide *landscaping* or retain *trees* in accordance with Chapters [18.35](#) and [18.57](#) KMC.

C. RDI *developments* in all other zones shall be landscaped or retain *trees* in accordance with Chapters [18.35](#) and [18.57](#) KMC.

D. RDI *developments* shall provide parking as follows:

1. Projects with 100 percent affordable housing shall provide one off-street *parking space* per unit. The *city manager* may require additional parking, up to the maximum standards for attached *dwelling units*, which may be provided in common parking areas.
2. All other RDI proposals shall provide parking for:
 - a. Market rate/bonus units at levels consistent with Chapter [18.40](#) KMC; and
 - b. Benefit units at:
 - (1) One or two bedrooms: one *parking space* per unit;

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(2) Three bedrooms: one and one-half *parking spaces* per unit;

(3) Parking may be further reduced if a parking demand analysis is provided per KMC [18.40.030](#)(B).

E. RDI *developments* shall provide on-site recreation space as follows:

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in Chapter [18.30](#) KMC.

2. All other RDI proposals shall provide recreation space for:

a. Market rate/bonus units at levels consistent with Chapter [18.30](#) KMC; and

b. Benefit units at 50 percent of the levels required for market rate/bonus units. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.80.090 Transfer of density credits.

In order to realize the development potential of *sites* containing *critical areas* or of unique size or shape, or *sites* preserved in order to attain comprehensive plan goals, an opportunity to transfer unused density from one *site* to another shall be provided. *Transfer of density credit* transactions shall be handled between the private parties, with documentation provided to the *City*, until such time as the *City* enters into a formalized transfer of development rights (TDR) process through King County or another agency.

A. Transfer of Density from *Sites* Constrained by *Critical Areas* or of Unique Size and Shape.

A *development* proponent may apply to transfer unused density from a *site* constrained by *critical areas* or of unique size or shape to another *site* through a Type 2 land use decision.

1. The number of density credits that a *sending site* is eligible to send to a *receiving site* shall be determined by applying the base density of the zone the *sending site* is located in to the total *sending site area*, less any portion of the *sending site* already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for other *development* on the *sending site*. A plot plan showing *critical areas* and *buffers*, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in Chapter [18.30](#) KMC.

2. *Sending sites* with *critical areas* that have been declared unbuildable under Chapter [18.30](#) KMC shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the *sending* and *receiving sites* shall be combined to calculate the overall *site* percentage of *critical areas* and *buffers* necessary for determining the allowable density credit as set forth in Chapter [18.55](#) KMC.

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3. When the *sending site* consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the lot pursuant to KMC Title [17](#) or deed restrictions documenting the density credit transfers shall be recorded with the title to both the *sending* and *receiving sites*. A parcel need not segregate a *sending site* from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection (A)(4) of this section.

4. Conservation easements shall be required for land contained in the *sending site*, whether or not such land is dedicated, as follows: a conservation easement shall be recorded on the *sending site* to indicate development limitations on the *sending site*.

B. Transfer of Density from Sites in Order to Attain Comprehensive Plan Goals.

A *development* proponent may apply to transfer unused density from a *sending site* to a *receiving site* to achieve comprehensive plan goals as specified by the *city council*. The *city council* shall identify by ordinance circumstances in which this code section may be applied.

1. As of April 23, 2019, the city council has determined that unused density may be transferred from a property zoned MHC to a *receiving site* if long-term preservation of the *manufactured housing community* is assured. Unused density shall be defined as the number of *dwelling units* allowable under existing zoning as of April 22, 2019, less the number of existing *dwelling units* on the property as of April 23, 2019, multiplied by two and one-half.

2. Density shall not be transferred to projects in the R-1, R-4 or R-6 zoning districts.

C. Density credits from one *sending site* may be allocated to more than one *receiving site*.

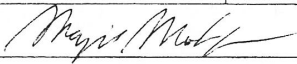
D. The transfer of density request shall be processed as part of the underlying permit for the project on the *receiving site*.

E. Upon submitting an application to develop a *receiving site* under the provisions of this section, the *applicant* shall provide evidence of ownership or full legal control of the density credits proposed to be used in calculating total density on the *receiving site*.

F. Density credits from a *sending site* shall be considered transferred to a *receiving site* when the *sending site* is permanently protected by a land dedication, conservation easement or preservation agreement submitted to and approved by the *city manager*. This document shall be recorded with King County prior to approval of the *receiving site* permit.

G. *TDC developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the *TDC development*. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

901	CITY OF KENMORE, WA	
	Comprehensive Plan & Development Regulation Amendment Application	
18120 68 th Ave NE, Kenmore, WA 98028 425-398-8900 www.kenmorewa.gov		

2020 Docket Application		Application Deadline December 2, 2019 4:30 PM RECEIVED NOV 26 2019 CITY OF KENMORE Stamp Received	
Amendments (Fee \$200):			
Comprehensive Plan Section to be Amended	Comprehensive Plan Map		
Development Regulation Section to be Amended	Zoning Map		
Site Specific Comprehensive Plan Amendment Information	Rezone from R24 to R48, increases base density from 18 to 36. With inclusion of 18 additional RDI Units, parcel potentially adds 54 housing units. Anticipated to add about 54 to 69 residents. For details see ADDITIONAL DOCUMENTS section of the ATTACHMENT TO FORM-902 .		
Applicant:	MOHAJER-JASBI, et.al.		Phone: 206-478-9119
Address:	PO BOX 82659		City, St, Zip: KENMORE, WA 98028
e-mail address:	mmjasbi@gmail.com		Fax:
Contact Person:	MAJID MOHAJER-JASBI		Phone: 206-478-9119
Address:	PO BOX 82659		City, St, Zip: KENMORE, WA 98028
e-mail address:	mmjasbi@gmail.com		Fax:
Property Owner: (for site specific comprehensive plan amendments only)			
Address:		PO BOX 82659	
e-mail address:		City, St, Zip: KENMORE, WA 98028	
Property Address:	18703 68 th AVE NE KENMORE, WA 98028		Fax:
Property Size:	33110 SF, 0.76 ACRE [215' X 154']		Parcel Number(s): 0226049026
Adjacent Land Uses:	Residential Multi Family (North), Duplex (East), Apartments & Commercial Mini Storage Across		Existing Use(s) on site: Duplex
Existing Comprehensive plan designation:	Residential Multifamily		Proposed Comprehensive Plan Designation: Residential MF
Existing Zoning Designation:	R24		Proposed Zoning Designation: R48
I certify that all of the information submitted in this application including any supplemental information is true and complete to the best of my knowledge. I have read the application in its entirety and understand that my submittal will be reviewed for completeness and if found to be complete will be processed in accordance with KMC Title 19.			
Signature:			Date: 11/21/19
Signature:			Date:

902	CITY OF KENMORE, WA COMPREHENSIVE PLAN & DEVELOPMENT REGULATION AMENDMENT CHECKLIST	
18120 68 th Ave NE, Kenmore, WA 98028 425-398-8900 www.kenmorewa.gov		

Staff Use Area	Contact Name: _____ Amendments _____ Requested: _____ _____ RECEIVED NOV 26 2019 CITY OF KENMORE Date Stamp																
1	A Docket Application needs to be completed and submitted with this checklist. This checklist identifies the minimum requirements and number of copies the applicant must submit for the City of Kenmore to accept the application. Unless one or more of the submittal requirements outlined in KMC 19.20.070 is waived by the Director of Community Development, an application that does not contain all of the submittal requirements so enumerated by December 2, 2019 by 4:30 PM shall be considered incomplete and ineligible for consideration in the annual amendment cycle. Applicant, please check each box under the applicant heading on this checklist to confirm items included in your submittal. If you think an item is not applicable, you must contact the Community Development Department, prior to your intake, to have the item(s) initialed as not required. Please submit the number of copies of each item requested below.																
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Form 902

Item#3

Parcel is a corner lot nestled in the existing mix of disparate developments, which include residential multifamily apartments, ministorage and some duplexes. The proposal is to change the Zoning of the Subject Parcel (#0226049026) from R24 to R48. Increased residential density provides for an economically viable Multifamily Project, targeted to seniors.

Form 902

Item#4

The existing comprehensive plan and zoning designation for **the immediate area of and this parcel** has not been changed since the mid 90s. This is a new proposed amendment and has not been considered before [\(19.20.080 B\)](#). The City has an active planning department and dedicated staff that have accomplished much since its inception, to review this proposal [\(19.20.080 A\)](#). The proposed amendment potentially serves the public interest by providing additional housing serving the aging population, as well as potentially bringing new employment to the City serving that population, which will also increase the tax base; all of which are elements for public benefit consistent with and supporting the goals and policies of the comprehensive plan [\(19.20.080 D1\)](#). Based on the history of the booming economy of our metro area, and escalating construction costs, any delay negatively affects the economic viability of this proposal in serving this population segment [\(19.20.080 D2\)](#).

The addition of new housing and potential for creation of new employment in the City of Kenmore, which this proposed amendment provides, is consistent with the Growth Management Act and the countywide planning policies, where City of Kenmore in the Vision 2040 is identified as a **“larger city”** [\(19.20.090 A-1\)](#). This potential development advances the current land use of the subarea towards the objectives of the comprehensive plan, is beneficial to the City as a whole, and improves public welfare and safety [\(19.20.090 A-3\)](#).

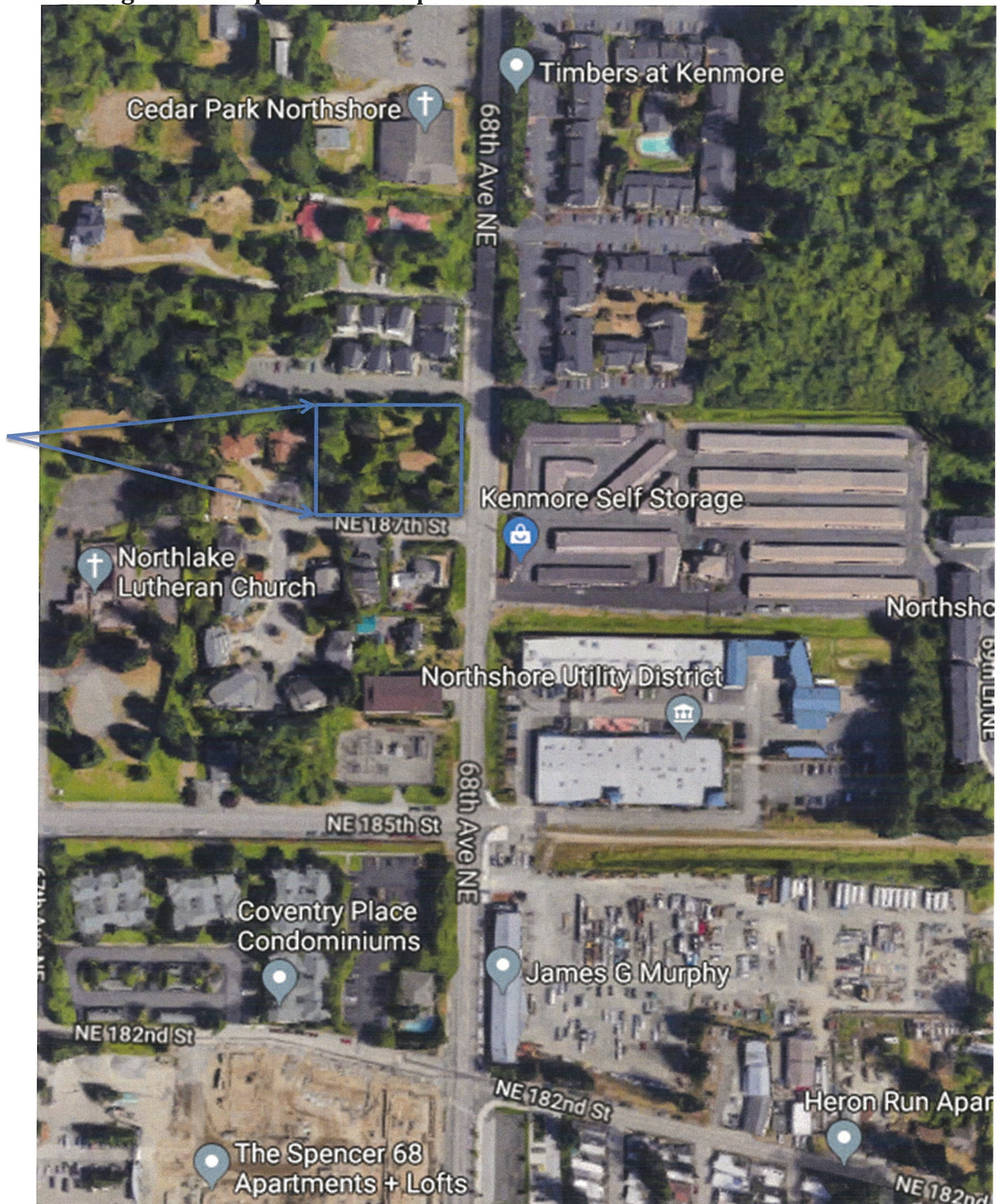
This site specific proposed amendment, as stated above also is consistent with, and meets the policy objectives and goals criteria of Growth Management Act, Comprehensive Plan & Countywide Planning & Policies [\(19.20.090 B-1\)](#). The subject property is suitable for development in conformance with the multifamily residential classification being proposed [\(19.20.090 B-2\)](#). Its land mass and unique characteristics and its proximity to the downtown core, makes it an ideal candidate for the proposed use. The subarea in the vicinity is a mix of disparate developments of apartments, mini warehouse, public utility, electric substation, vacant land, and some duplexes, including a Church further up the street, all within less than 330 feet distance from subject property. (See Page 1-1). This proposed development is more compatible with the residential multifamily characteristics of the immediate neighborhood [\(19.20.090 B-3&4\)](#) and a desirable addition to the overall mix and variety of existing uses, driving toward fulfilling the goals of the growth management act and the comprehensive plan, which guide the development in our city. The sample conceptual development proposals provided in the attached documents attempt to demonstrate that the proposed amendment can meet the zoning map decision criteria of KMC 19.30.210 and 19.30.220 / Title-18. [\(19.20.090 B-5\)](#)

Form 902

Item#5 / Additional Documents

The following information prepared in the format of FORM-212 SEPA Checklist further elucidates the value and impact of the Proposed Zoning change from R24 to R48.

Existing Mix of Disparate Developments



ADDITIONAL DOCUMENTS

A. BACKGROUND

1) Name of proposed project:

"XYZ" MULTI-DWELLING FACILITY

2) Name of applicant:

MAJID MOHAJER-JASBI

3) Address and phone number of applicant and contact person:

Majid Mohajer-Jasbi
PO BOX 82659
KENMORE, WA 98028
206-478-9119

4) Date checklist prepared:

AUGUST 05, 2019

5) Agency requesting checklist:

CITY OF KENMORE

6) Proposed timing or schedule:

Proposal is submitted to meet the required annual regulatory time window of the Comprehensive Amendment Process in 2019 – for completion in year 2020

7) Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

YES. Subject to favorable market and financing conditions – develop and establish a Multifamily Housing Project targeted to seniors.

8) List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Parcel is NOT in an Environmentally Sensitive Area and has no known environmental issue. See Attachment-01 (on Page-19) King County Development Conditions Report.

9) Do you know whether applications are pending for governmental approvals off other proposals directly affecting the property covered by your proposal? If yes, explain.

None known at this time.

10) List any government approvals or permits that will be needed for your proposal, if known.

Requires a Comprehensive Plan Amendment and Zoning Change Approval.
If approved, requires going thru the planning and permit process for development and construction.

11) Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.

The proposed uses is best viewed in light of its comparison to current uses

Proposal applies for Rezone of Subject Parcel from R24 designation to R48.

Subject Parcel is a 215' by 154' corner lot - 33,110 square feet.

- **Current** Zoning Designation R24
 - Base Density of 18-Units
 - Maximum Density of 27, with 9-Residential Density Incentive (RDI) Bonus Units
 - **Option-1:** 27-Unit multi-dwelling housing, with dedicated units for Low- & Middle-Income occupants
 - **Option-2:** 27-Unit Senior Housing Facility with Amenities, where, at least 9 units must be 600 square feet or less in size
- **Proposed** Zoning Designation R48
 - Base Density of 36-Units
 - Maximum Density of 54, with 18-Residential Density Incentive (RDI) Bonus Units
 - **Option-of-Interest Proposal:** 54-Unit Senior Housing Apartment with Amenities, where, at least 18 units must be 600 square feet or less in size, to gain the 18 additional Bonus Units.

Economic viability and units' affordability of the envisaged project as a Senior Housing Development necessitates a higher density. To this end, the proposed rezone request allows scaling the project to a maximum of 54 units.

For Details See:

<i>Attachment-02 (on Page-20)</i>	<i>Boundary & Topography,</i>
<i>Attachment-03 (on Page-21)</i>	<i>Vicinity Map</i>
<i>Attachment-04-27a (on Page-22)</i>	<i>R24Based, Conceptual Plan First Floor</i>
<i>Attachment-04-27b (on Page-23)</i>	<i>R24Based Conceptual Plan 2nd, 3rd, 4th Floors</i>
<i>Attachment-05-54a (on Page-24)</i>	<i>R48Based, Conceptual Plan First Floor</i>
<i>Attachment-05-54b (on Page-25)</i>	<i>R48Based Conceptual Plan 2nd, 3rd, 4th Floors</i>

12) Location of the proposal:

Subject Parcel: (NW) corner lot located at intersection of 68th Ave NE & NE 187 St.
Address: 18703 – 68th Ave NE. 98028
Legal Description: W 215 FT OF E 245 FT OF N 154 FT OF S 658 FT OF SE 1/4 OF SE ¼

B. ENVIRONMENTAL ELEMENTS

1) Earth

a. General description of the site

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other ____

Site's slope is moderately rolling from it's lowest point (SE corner at the intersection of NE 187th and 68th Ave NE) toward it's highest point (NW corner), upward in both directions along the NE 187th street and 68th Ave NE. The southern and eastern boundaries have more gentle slopes than the northern and western boundaries. See iMap image, Attachment-02 (Page 20).

b. What is the steepest slope on the site (approximate percent slope)?

The steepest slope of the site is close to the northwest corner of the lot, where the average slope of the last 45 feet stretch is approximately 24%. This portion of the site may most likely be kept as open space and "recreation" area with minimal to no soil disturbance. See Attachment-02 (Page 20)

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

If approved, any necessary soil study will be submitted along with geo-tech report. It is reasonable to assume the soil type is similar to the Northlake Grove Apartment Site abutting on the north boundary of the parcel, with the exception that visual inspection and walking the parcel shows no sign of any wetland on this site. Roughly 75+% area of the lot, mostly on its northerly and west side is open space with no trees.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No, not in the immediate vicinity.

To the north of the subject parcel is the parking lot of the Northlake Grove 24-unit apartment complex built back in 1999. County records indicate the western-most portion of the parcel of this apartment and another parcel to the south and west of it are in Hazard area. However, the Hazard areas of these parcels are situated at least 55 feet due west of the northwest corner of the subject parcel. Other than this, applicant knows of no other soil issue in the vicinity. See Attachment-01 (Page 19).

- e. Describe the purpose, type, total area, and approximate quantities and total affected area off any filling, excavation, and grading proposed. Indicate source of fill.**

At a general high level conceptual consideration, excavation and earth movement will be kept to a minimum by situating the building structure on the southern portion of the parcel with it's walk-in entry access facing the NE 187th street boundary, and the parking area on the northern portion at an elevated level relative to the building, with it's ingress egress from eastern boundary off of 68th Ave as it is presently. By situating the building structure as such, and using most if not all of the earth movements from the southwest section of the site as fill for the southeast section of the site, eliminates the need for new fill and minimizes export of any fill off the site.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

As described in item (a) and (b) above, this site is moderately sloped upward from southeast corner of the parcel toward the northwest corner, with its steepest slope occurring in the last 45 feet stretch of the parcel. Site has the potential for erosion as a result of clearing and construction, if soil is left exposed during heavy or lengthy rain occurrence during construction. The northwest portion of the site may most likely be kept as open space and "recreation" area with minimal to no soil disturbance. Also, appropriate measures, whether temporary (during the clearing and construction), and/or permanent (for after completion) will be incorporated into the clearing and building plans to address this potentiality and safeguard against such event.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Building structure footprint and its adjacent open parking space may potentially result in 72% to 80% covered impervious area, while the code allows up to 85%.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

Appropriate measures to reduce or control possible erosion will be incorporated into the clearing and building plans.

Such as:

- Limiting vegetation removal to the extent possible, particularly at the northwest corner section of the site, or replanting.
- Use of straw rolls, silt fence, etc. during clearing, construction
- Permanent retaining walls where necessary at possible cuts on the northern and western boundaries, as well as cut separating the parking area from the building structure.

2) Air

- a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

None, at this stage of rezone process.

At the time of future development, emission during the clearing, hauling, and construction, etc., except for the scale of project, will be no different than the type released during the present construction activity in downtown, approximately 1200 feet south of the subject parcel. Approximate quantities to be assessed at time of development.

After completion of the development, no extraordinary emissions will result from the operation and maintenance of a housing facility.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so generally describe.**

N/A. Applicant knows of no known source of off-site emissions or odor affecting the proposal.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

N/A.

3) Water

- a. **Surface Water:**

- 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

N/A. None on site or in the immediate vicinity.

- 2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

N/A

- 3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetland and indicate the area of the site that would be affected. Indicate the source of fill material.**

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

None, at this stage of rezone process.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes?

N/A

2) Describe waste material that will be discharged into ground from septic tanks or other sources, if any.

N/A

c. Water runoff (including storm-water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

None, at this stage of rezone process.

Rain and Surface water will be collected in catch basins and thru gutter and downspout and drainage tied into retention tank with tie-down before releasing to storm water system service.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No. However if by waste we include pollution or discharge from normal day to day use of transportation to and from the site, its management will be addressed thru the development drainage plan.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No. Not that is known at this time. Like any new development, with the increase in impervious area from present level to the estimated level of 72% to 80% of the site, there is likelihood for change in drainage pattern to be addressed at the time of development.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage patterns impacts, if any:

N/A. Drainage plan of any future development will address proposed measures.

4) Plants

a. Check the types of vegetation found on the site:

☒ **deciduous tree: alder, maple, aspen, other**

☒ **evergreen tree: fir, cedar, pine, other**

☒ **shrubs**

☒ **grass**

☐ **pasture**

☐ **orchards, vineyards or other permanent crops**

☐ **wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other**

☐ **water plants: water lilly, eelgrass, milfoil, other**

☒ **other types of vegetation (BERRY BUSHES)**

b. What kind and amount of vegetation will be removed or altered?

None at this stage of rezone process.

Whereas the estimated impervious area at the time of future development is estimated to be 72% to 80%, most vegetation except for the limited area to the northwest corner of the parcel need to be removed and area cleared.

The following counts are approximate quantities and no specific variety is identified:

- Line of 10 clumps of Poplar tree shoots grown from old tree stumps along the north boundary. The stumps are from early 2000's cutting of the original trees with damaged root system due to 1998-1999 parking construction activity of the adjacent parcel.
- four Birch trees in various locations
- along and close to western boundary three Evergreens and clump of Cedar trees.
- middle to south of parcel in various locations an Apple tree, Cedar, Sequoias, and other Evergreens.
- east and southeast a couple of Plumb trees, couple of Evergreens and a Birch tree
- south of the house middle of the yard, line of 5 Thuja Emerald trees
- north by the house, a couple of ornamental trees

- c. **List threatened and engendered species known to be on or near the site.**

None.

- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

None at this stage. Will address at time of actual development.

- e. **List all noxious weeds and invasive species known to be on or near the site.**

N/A.

King County iMap layer does not show any Noxious weeds at the site or vicinity.
Applicant does not have the knowhow to identify invasive plants at this time.

5) Animals

- a. **List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:**

- birds: hawk, heron, eagle, songbirds, other
- mammals: deer, bear, elk, beaver, other
- fish: bass, salmon, trout, herring, shellfish, other _____

None.

- b. **List any threatened and endangered species known to be on or near the site.**

None

- c. **Is the site part of a migration route? If so, explain**

Do not know.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

N/A.

- e. **List any invasive animal species known to be on or near the site.**

N/A

6) Energy and Natural Resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

N/A at this stage

When developed, primary source of energy will be electric and gas – also exploring solar in the mix will be an option.

b. Would your project affect the potential use of solar energy by adjacent properties?

Most area along the 68th Ave corridor and vicinity of this parcel is forested with tall trees. Any future proposal for development bound by code restricted height limit will be no more limiting factor affecting the potential use of solar by adjacent properties than the existing tall trees.

c. What kind of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A at this stage.

7) Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

None, that is known to applicant.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Present source of heating is an underground oil tank with its fuel line connected to the house.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

4) Describe special emergency services that might be required.

N/A, at this stage of rezone process.

5) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exists in the area which may affect your project (for example: traffic, equipment, operation, other)?

Ordinary noise from traffic going thru 68th Ave NE, as a Neighborhood Connection Road, which is of no consequence.

2) What type and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

In light of the potential traffic noise related to Kenmore Vision 2040 growth, the long-term noise and traffic generated by potential new development at this site is minimal to inconsequential.

3) Proposed measures to reduce or control impacts, if any:

N/A

8) Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Site is currently used as a duplex.

On the north side is "Northlake Grove" Apartments-(subsidized) with 24 units in 8, 3 story buildings consisting of (2-4BdRm, 5-1BdRm, 3-3BdRm, and 14-2BdRm Townhouse Units)

On the West side there is a side-by-side Duplex, one of 11 Duplexes and one Single Family home of the adjacent cul-de-sac, accessed from NE 187 Street, on the south boundary of this site.

Across from this site on the east side of the 68th Ave is a mini-storage, to the **north of which** is The TIMBERS AT KENMORE Apartments with 163 units in 12, 3-story buildings, and to the south of which is the Northshore Utility District's complex.

The proposal should not affect the current land uses of the nearby or adjacent properties beyond bringing more residents to the neighborhood.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. No.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access the application of pesticides, tilling, and harvesting? If so, how

N/A

c. Describe any structures on the site.

Presently there is a two story, 1820 square feet duplex with an attached garage on site.

d. Will any structures be demolished? If so, what?

Not at this stage of rezone process.
Yes, when developed. The entire building and its attached garage will be demolished.

e. What is the current zoning classification of the site?

R24

f. What is the current comprehensive plan classification of the site?

R24

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? if so, specify.

NO

i. Approximately how many people would reside or work in the completed project?

When fully developed, under R48 designation about 54 to 69 people will reside depending on unit occupancy, and potentially about 10 or 11 full time equivalent workers, work at the site

j. Approximately how many people would the completed project displace?

2 or 3, which is outweighed by the considerable number of housing units created. The present 1 and 2 bedroom units accommodate 3 residents.

k. Proposed measures to avoid or reduce displacement impact, if any:

Present occupying tenants will be given considerable advance notice to relocate to ensure minimal disruption.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Proposed future development will follow the letter of the regulatory requirements of the land use code to ensure compatibility.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

N/A

9) Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Based on the proposed R48 zoning designation approximately 54 Market Rate units.

b. Approximately how many units, if any, will be eliminated? Indicate whether, high, middle, or low-income housing.

Two units will be eliminated. Units are rented at market rate, and applicant has no way of knowing its attribution as to high, middle or low-income.

c. Proposed measures to reduce or control housing impacts, if any:

Net housing impact is increase of approximately 52 units of housing stock in Kenmore, serving senior demographic. $[52 = 54 - 2]$.

10) Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Potential minimum height from average base elevation of the site, not including antennas, will be 42 feet but not to exceed the code allowed 60 feet height. Principal exterior building material(s) is not known at this time.

b. What views in the vicinity would be altered or obstructed?

The present view of tall trees will be changed to view of aesthetically pleasing building, which is much shorter in height than the existing trees. As depicted in ***Attachment-04 & Attachment-05***, (Pages 22, 23, 24, 25) under either R24 or Proposed R48 Zonings the building footprint and expected height of the presented potential conceptual plans are the same. The building envelope of both conceptual plans from the "view" perspective of surrounding parcels is also the same. Also since the northern half of the parcel is used for parking, the conceptual plans, leave the east-&-west directional view of the northern half of the parcel practically unobstructed. Therefore, scaling of the proposed project should not be an imposing element.

c. Proposed measures to reduce or control aesthetic impacts, if any:

Proposed future development will follow the letter of the regulatory requirements of the Kenmore Building Standards and ensure it aesthetically fits and/or improve the character of the neighborhood.

11) Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measure to reduce or control light and glare impacts if any:

N/A

12) Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

- Wallace Swamp Creek Park is 1850 feet to the north of the site.
- The Hangar at Town Square 1600 feet to the south

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Per Code requirement a total of 45 square feet per unit or 2430 SF area of the open space in the northwest corner of the site could be designated as on site recreation area.

13) Historic and Cultural Preservation

a. Are there any buildings, structures, or sites, located on or bear the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

NO.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

NO.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archeological surveys, historic maps, GIS data, etc.

N/A

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14) Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Site is a corner lot and presently has two driveway access points onto 68th Ave NE and is situated about 2000 feet north of Bothell Highway (522). Access regulations allow the proposal to continue vehicular access from 68th Ave. See Attachment-0427a & Attachment-0554a (Pages 22 & 24).

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No. Approximate distance to the nearest transit stop is 1650 feet to the south at NE 181st Street and shy of 2000 feet on Bothell Highway (522)

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Add at least 34, or more per code requirements and eliminate 2

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The approved City of Kenmore "68 AVENUE PROJECT" addresses the necessary required improvements.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NO.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non passenger vehicles). What data or transportation models were used to make these estimates?

Necessary Transportation Analysis will be provided at the time of actual development as needed. At this stage, it may suffice to address the question of “vehicular trip generation” and “peak volumes” in light of the **relative intensity** of these “measures” or “indicators” under the two alternative zoning designations of R24 and R48 for various development options/scenarios. Throughout the discussion advanced below we are reminded that the size of the site and other code requirements such as setback, height limitations, parking, impervious area, etc. are at play to ensure development that is Comprehensive Plan and Code compliant.

Current Zoning Designation R24:

Under this **AS IS** designation, site may be developed as:

- a. 18 Townhomes
- b. **27-Unit Multifamily Dwellings, which includes 9 additional “income driven” RDI Bonus Units**
- c. 27-Unit Senior Housing with amenities, which includes 9 additional “600 SF-or-less-driven” RDI Bonus Units.

Proposed Zoning Designation R48:

Under this **PROPOSED** designation, given land size, economic analysis, zoning code requirements, etc., this site may **ONLY** be developed as **OPTION(i)** defined below:

- d. 18 Townhomes - NOT possible unless downzoned
- e. 24 Townhomes? – at minimum density (65% of Base Density $0.65 \times 36 = 24$) NOT possible, land size and required setbacks are limiting factors
- f. 24-Unit Multifamily Dwellings (at minimum density) - market rate - even though possible may NOT be economical - land size, setbacks and parking requirements are limiting factors
- g. Above-24-to-36-Unit Multifamily Dwellings (up to base density of 36), at market rate - NOT possible – land size, setbacks and specially parking requirements are limiting factors.
- h. Above-36-to-54-Unit Multifamily Dwellings, which includes up-to-18 additional “income-driven” RDI Bonus Units – NOT possible - land size, setbacks and specially parking requirements are limiting factors.
- i. **54-Unit Senior Housing with amenities, which includes 18 additional “600 SF-or-less-driven” RDI Bonus Units.**

“Vehicular trip generation” and “peak volumes” of the Senior Housing occupancy in scenarios/options (c) and (i), are categorically *different* from *and* with all likelihood significantly *lower* than the population/demographic group(s) occupancy under other developmental scenarios/options. The target population under scenarios (c) and (i) are older, their activities are more confined to their place of residence, their trips for extended family and friends’ visits to and from the site, and other off-site trips, are most likely during off-peak hours, while population and demographics under other scenarios, are much younger, include families with children, young mobile professionals, where more of their activities (work/life/family/school/shopping/other) are externally and off-site oriented, with relatively more peak-hours than off-peak hours of the Senior group..

The following analysis demonstrates, that Development Option (i) occupants under R48 generate less number of trips than the (b) occupants under R24, the existing zoning designation.

Average Family Size in Kenmore is 3.1. (See *Attachment-06*)(Page 26). Under scenario (b), total occupants on the average amount to 84 (27Units X 3.1=83.7) people. As noted in *Land Use item 8-(i)* above (Page -13), depending on occupancy mix, the maximum number of people residing at the facility at “full occupancy”, is between 54 to 69. Even at the maximum upper limit occupancy level of 69, (i) will on average have 15 occupants less than (b) over time. Occupants, that **each one** on the average, as discussed above, generate lesser total and peak hour trips than occupants of (b). Therefore both in the aggregate [comparing 54 or 69 to 84 occupants] and at the margin [15 extra people], choice of *Senior Housing under Proposed Zoning R48* is projected to generate less demand on the system than choice of Multifamily Dwelling under the present zoning of R24. Some of this lower trip generation advantage is offset by the trip generation of the 10 or 11 employees who will be potentially working at the site attending to the needs of the seniors. Yet, the net effect is expected to be in favor of the Proposed R48 Zoning.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

N/A

- h. Proposed measures to reduce or control transportation impacts, if any:**

See discussion advanced in item (f) above.

15) Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

Yes.

More number of people living in Kenmore, i.e. 69 at full occupancy, versus the current occupancy of 3 people at the site presently used as Duplex, increases the need for such public services, excluding schools and public transit.

b. Proposed measures to reduce or control direct impacts on public service, if any.

A well managed, operation with a well secured, facility should minimize the incremental impacts on the need for such services.

16) Utilities

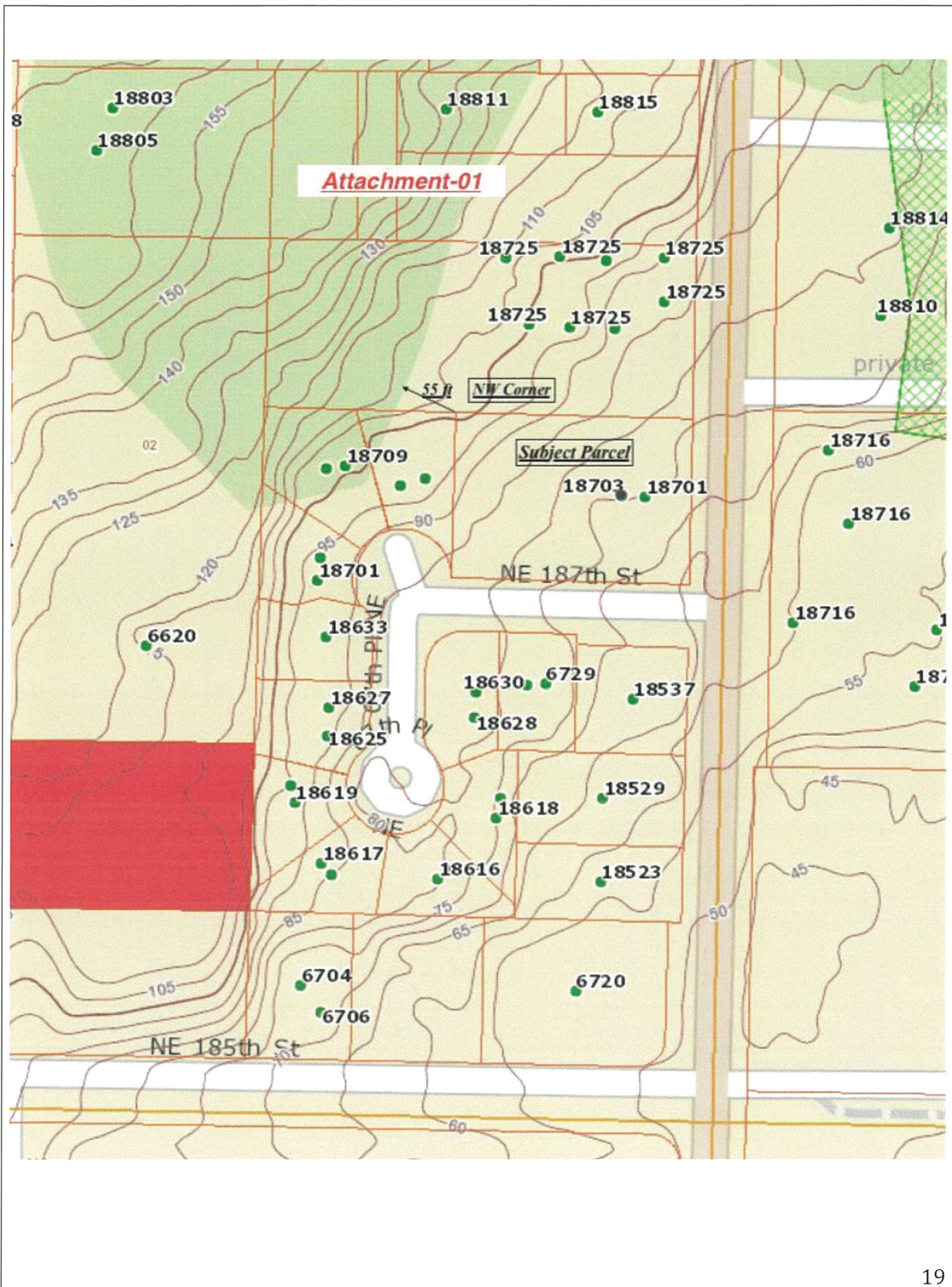
a. Circle utilities currently available at the site:

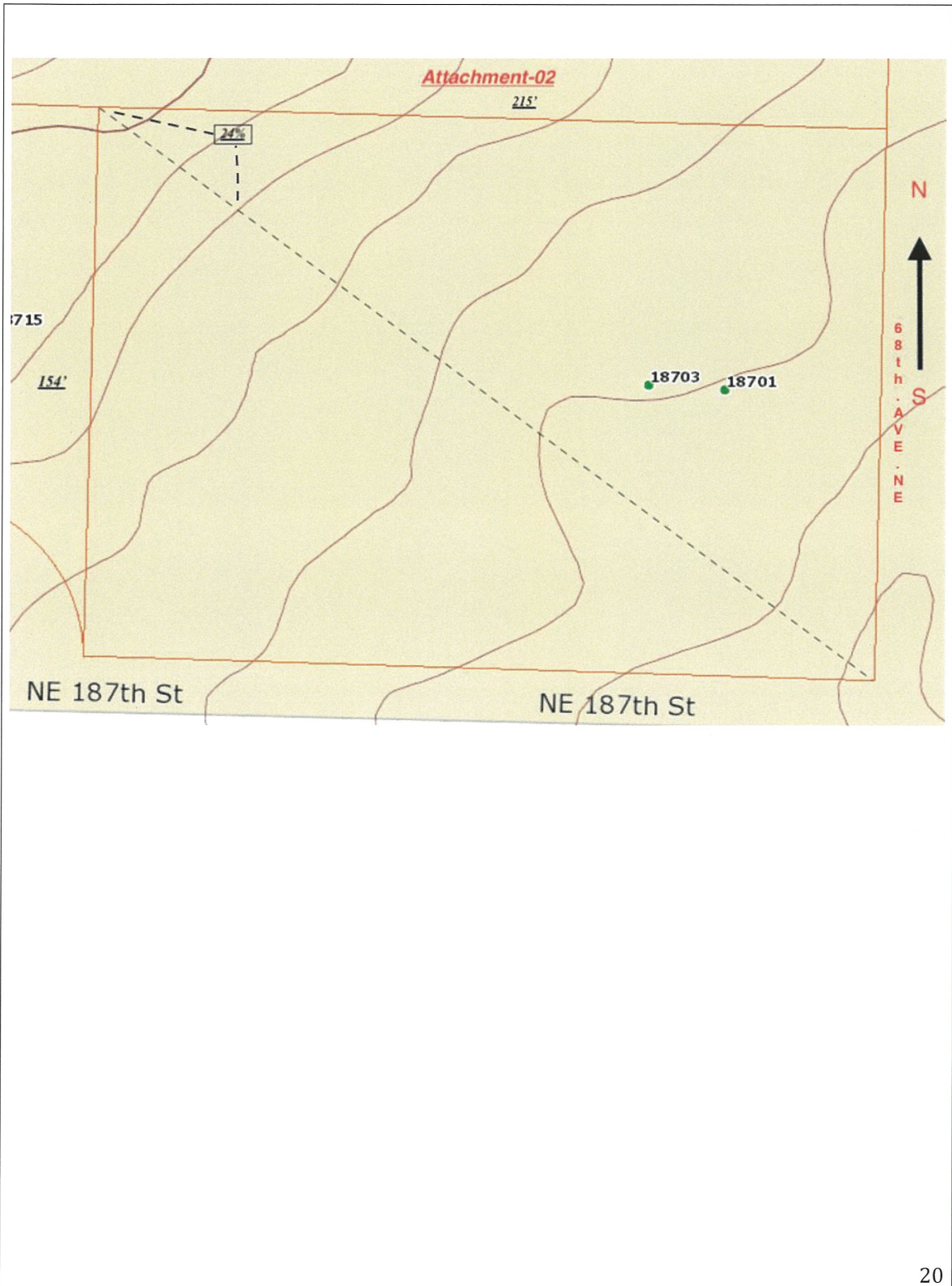
Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

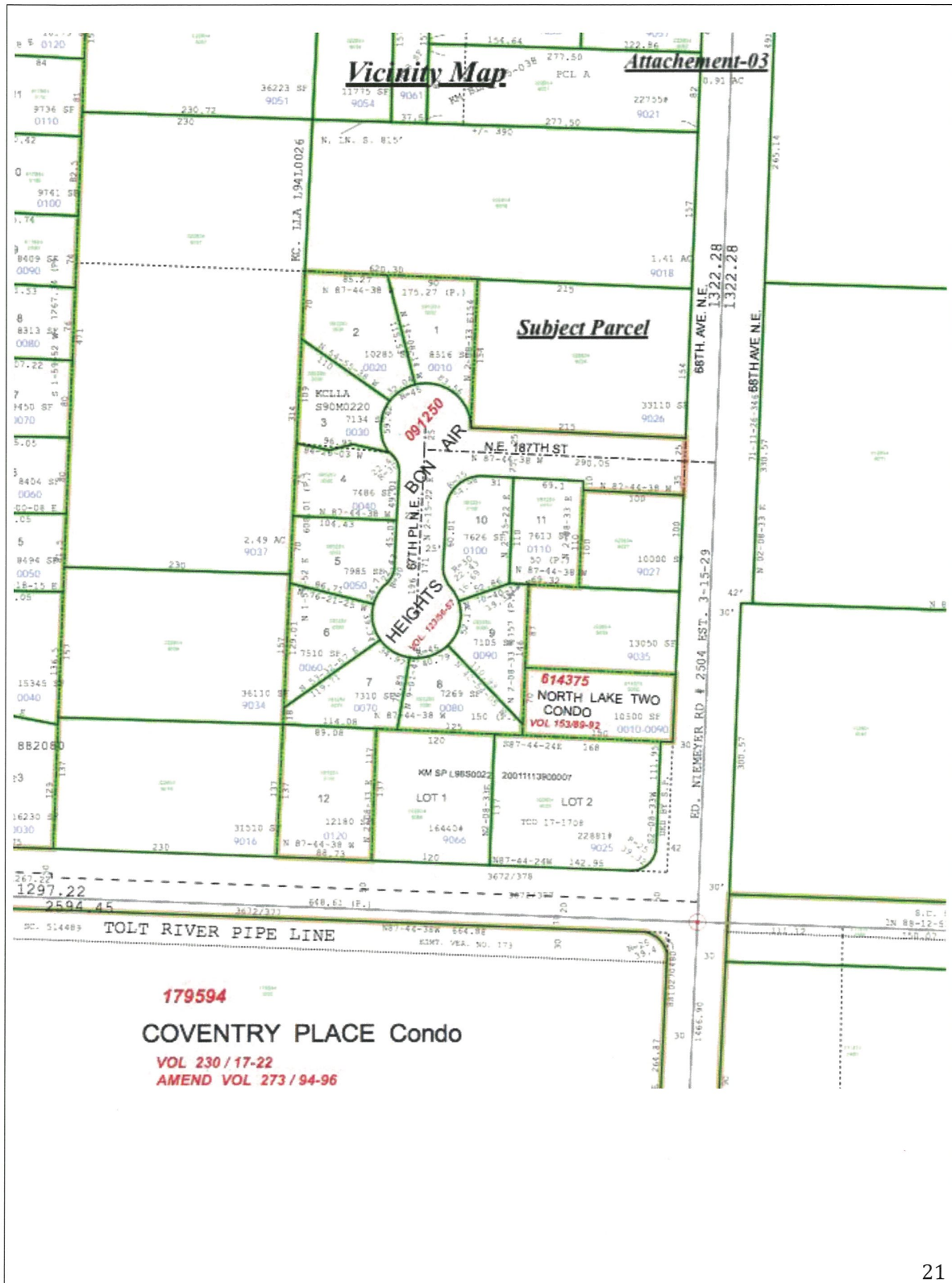
The above underlined items are currently available at this site.

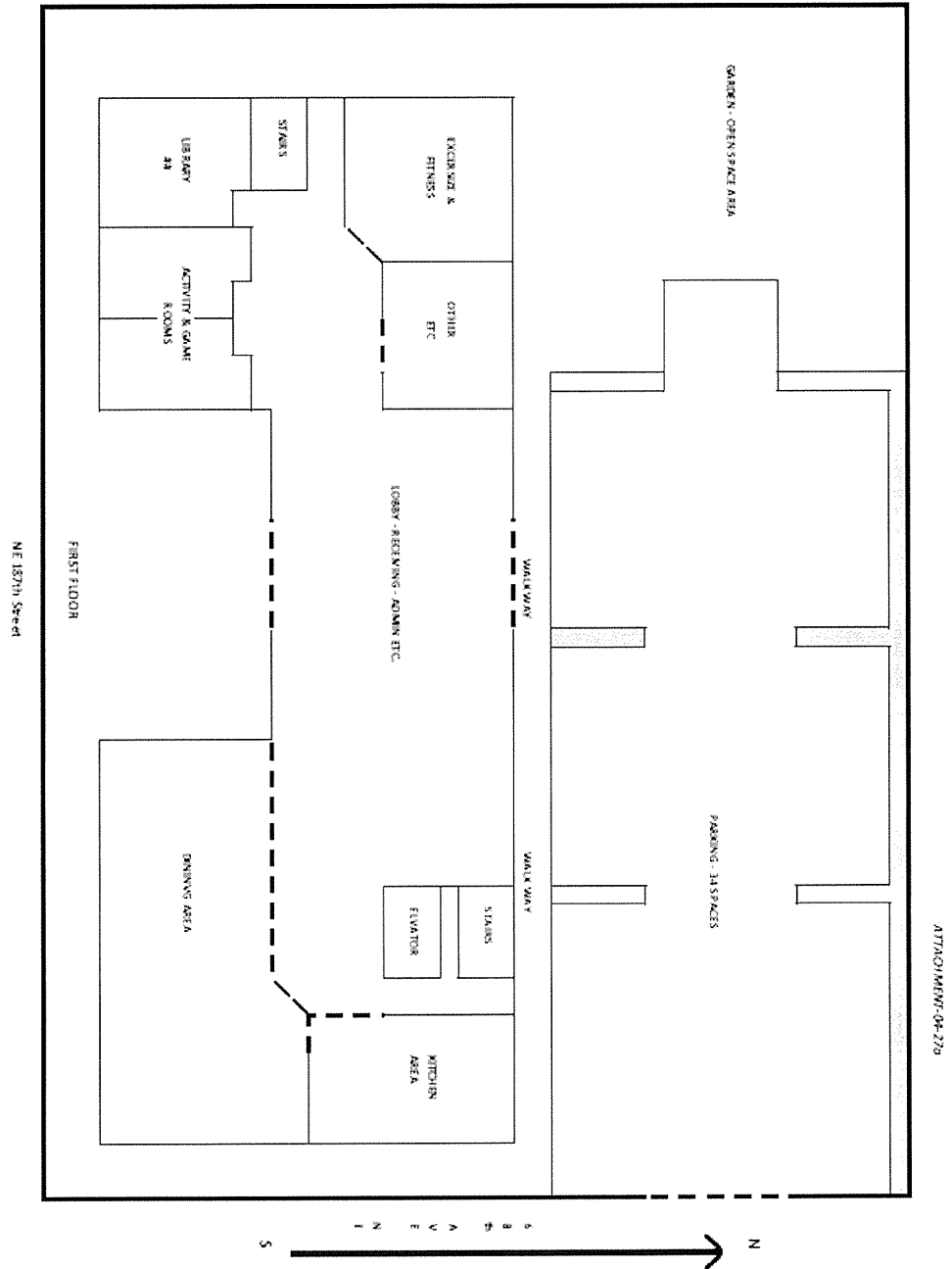
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.

N/A at this stage of rezone process.

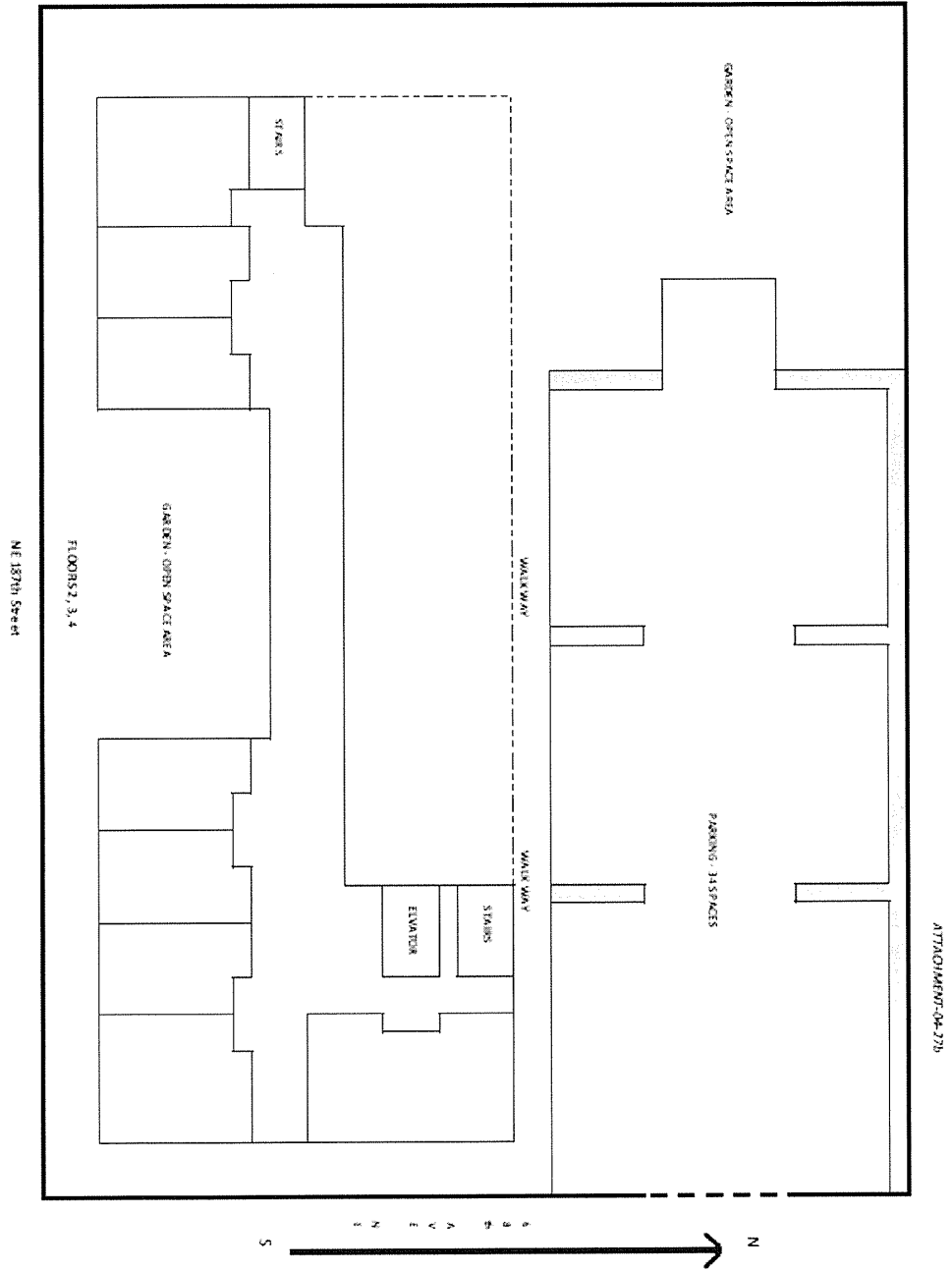


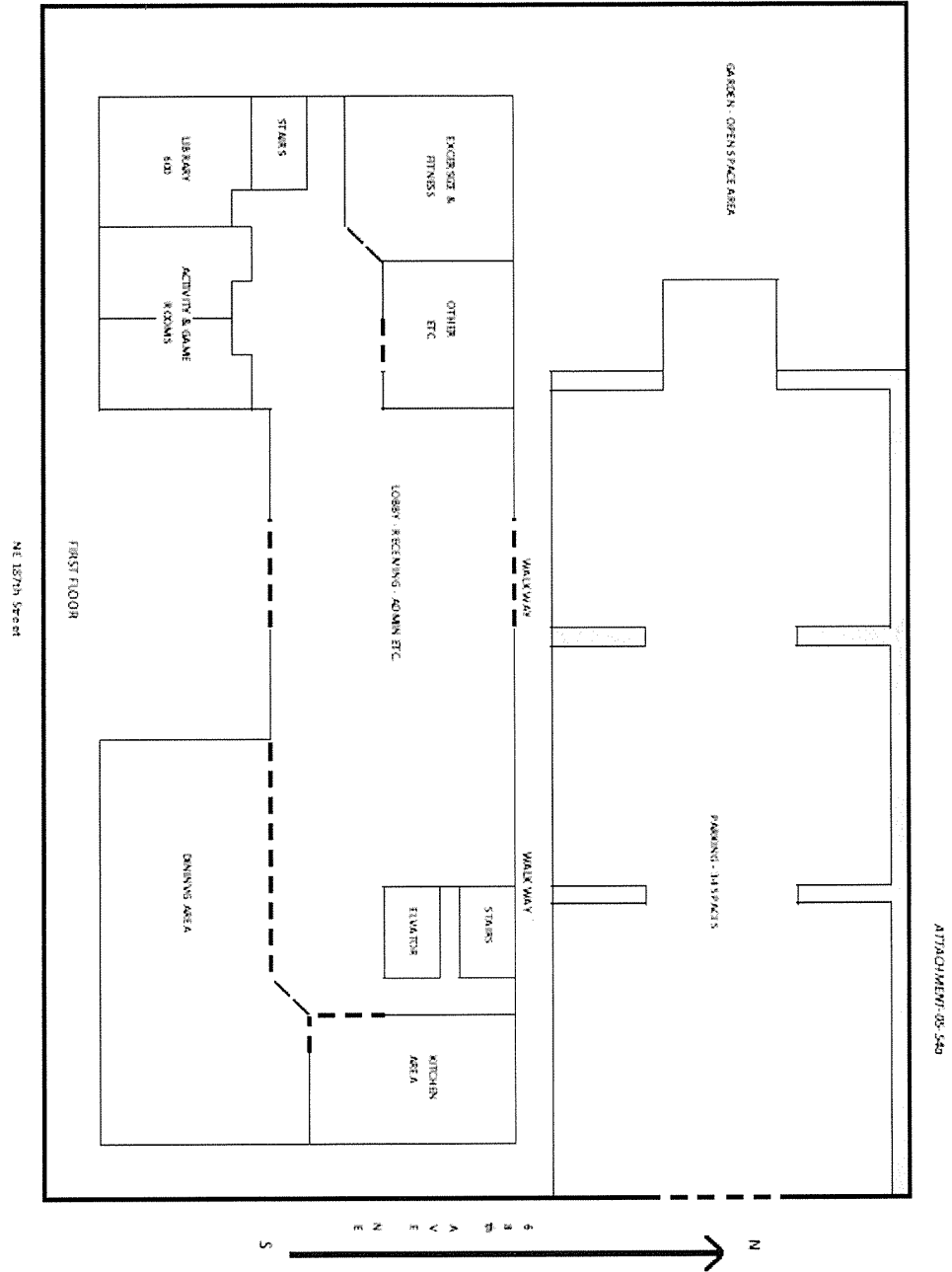






ATTACHMENT-04-27a





ATTACHMENT-05-54b

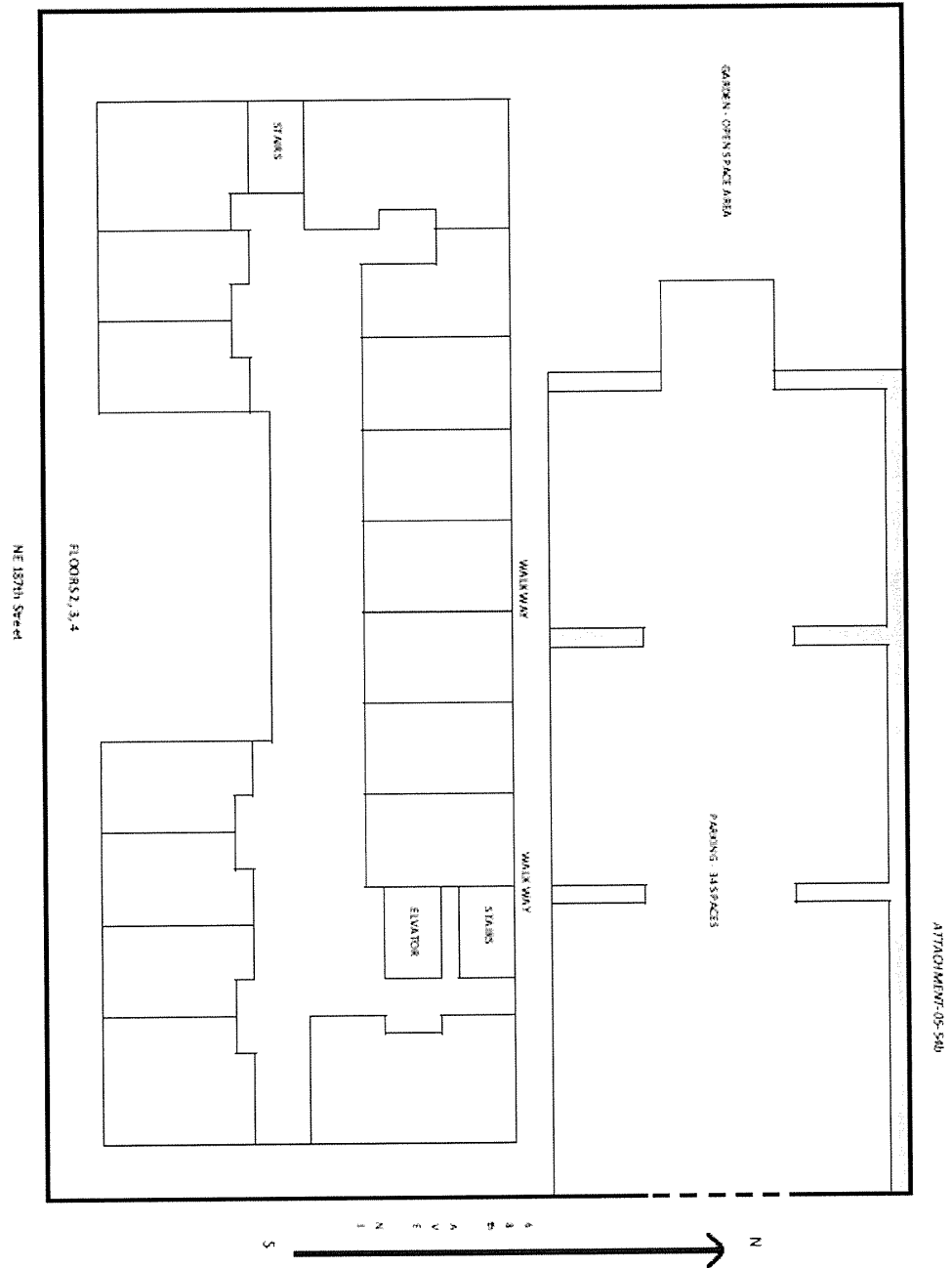
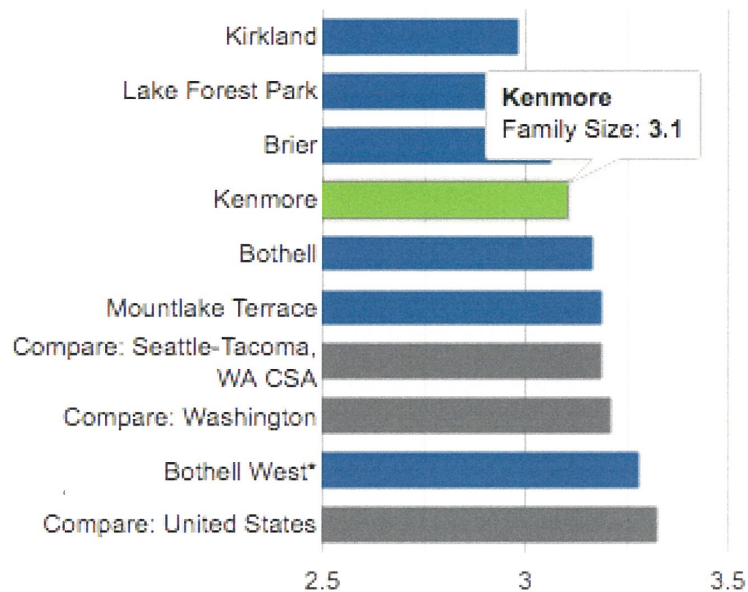


Figure 14 is the average size of a typical family. Kenmore shows it has 3.1 average family size which is the 4th in average family size out of 10 total in the area. The city with the highest average family size in the area is [Bothell](#) [West](#) with a size of 3.3 is only about 5.9% larger.

Figure 14: Kenmore, WA Average Family Size



RCW 36.70A.545

Increased density bonus for affordable housing located on property owned by a religious organization.

(1) Any city or county fully planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) The affordable housing development is set aside for or occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city or county may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) An affordable housing development created by a religious institution within a city or county fully planning under RCW 36.70A.040 must be located within an urban growth area as defined in RCW 36.70A.110.

(4) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(5) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(6) This section applies to any religious organization rehabilitating an existing affordable housing development.

(7) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 36.01.290.

[2019 c 218 § 3.]

18.115.040 Conditional use permit.

A *conditional use permit* shall be granted by the *City* only if the *applicant* demonstrates that:

- A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing or proposed *development* in the vicinity of the subject property;
- B. The location, size and height of *buildings, structures, walls and fences*, and screening *vegetation* for the conditional use shall not hinder neighborhood circulation or discourage the permitted *development* or *use* of neighboring properties;
- C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- E. The conditional use is not in conflict with the health and safety of the community;
- F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. [Ord. 11-0329 § 3 (Exh. 1).]

WAC 197-11-800 Categorical exemptions. The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

- (i) Is undertaken wholly or partly on lands covered by water;
- (ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- (iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or
- (iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The following types of construction shall be exempt:

- (i) The construction or location of four detached single family residential units.
- (ii) The construction or location of four multifamily residential units.
- (iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.
- (iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.
- (v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels, such as different levels for different geographic areas, and mixed use projects.

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.

- Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44, 27.53, 68.50, and 68.60 RCW.

- Local development regulations that include at minimum preproject cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.

(d) The maximum exemption levels applicable to (c) of this subsection are:

Project types	Fully planning GMA counties		All other counties
	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

(2) Other minor new construction.

(a) The exemptions in this subsection apply to all licenses required to undertake the following types of proposals except when the project:

- (i) Is undertaken wholly or partly on lands covered by water;
- (ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- (iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or
- (iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).
- (b) The construction or designation of bus stops, loading zones, shelters, access facilities, pull-out lanes for taxicabs, transit and school vehicles, and designation of transit only lanes.
- (c) The construction or installation of commercial on-premise signs, and public signs and signals, including those for traffic control and wayfinding.
- (d) The construction or installation of minor road and street improvements by any agency or private party that include the following:
 - (i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;
 - (ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality;
 - (iii) Temporary traffic controls and detours;
 - (iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;
 - (v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;
 - (vi) Channelization, rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;
 - (vii) Installation of catch basins and culverts for the purposes of road and street improvements;
 - (viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;
 - (ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths including sidewalk extensions, but not including additional automobile lanes.
- (e) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.
- (f) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.
- (g) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance such as listing in a historic register.

(h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

(i) The vacation of streets or roads, converting public right of way, and other changes in motor vehicle access.

(j) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(k) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(l) The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging of over fifty cubic yards of material;

(b) Reconstruction or maintenance of groins and similar shoreline protection structures;

(c) Replacement of utility cables that must be buried under the surface of the bedlands; or

(d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.

(c) Leasing, granting an easement for, or otherwise authorizing the use of real property when the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this chapter.

(6) **Land use decisions.** The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

(b) Other land use decisions not qualified for exemption under subsection (a) (such as a home occupation or change of use) are exempt provided:

(i) The authorized activities will be conducted within an existing building or facility qualifying for exemption under WAC 197-11-800 (1) and (2); and

(ii) The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

(c) Where an exempt project requires a rezone, the rezone is exempt only if:

(i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;

(ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

(iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

(d) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the same number of lots allowed by the jurisdiction as a short subdivision.

(e) Granting of variance based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(f) Alteration of property lines as authorized by RCW 58.17.040(6).

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted.

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities including, but not limited to, peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services including, but not limited to, detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution including, but not limited to, restaurants, liquor, and meat.

(h) All animal control licenses including, but not limited to, pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(k) Classification of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(15) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) **Local improvement districts and special purpose districts.** The formation of local improvement districts and special purpose districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880. A special district or special purpose district is a local government entity designated by the Revised Code of Washington (RCW) and is not a city, town, township, or county.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

(c) Agency SEPA procedures.

(20) **Reserved.**

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations, SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station vault, pipe, or well: Additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, the chemicals used are approved by Washington state and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality.

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) Wireless service facilities.

(a) The siting of wireless service facilities are exempt if:

(i) The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or

(ii) The siting project involves constructing a wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Wireless service facilities" means facilities for the provision of wireless services.

(iii) "Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.

(iv) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

(v) "Substantially change the physical dimensions" means:

(A) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or

(B) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

(26) **State transportation project.** The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

(27) **Structurally deficient city, town and county bridges.** The repair, reconstruction, restoration, retrofitting, or replacement of a structurally deficient city, town or county bridge shall be exempt as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

"Structurally deficient" means a bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency.

[Statutory Authority: RCW 43.21C.110. WSR 16-13-012 (Order 15-09), § 197-11-800, filed 6/2/16, effective 7/3/16. Statutory Authority: RCW 43.21C.110 and 43.21C.100 [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-800, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW 43.21C.110. WSR 13-02-065 (Order 12-01), § 197-11-800, filed 12/28/12, effective 1/28/13. Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. WSR 03-16-067 (Order 02-12), § 197-11-800, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. WSR 97-21-030 (Order 95-16), § 197-11-800, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. WSR 84-05-020 (Order DE 83-39), § 197-11-800, filed 2/10/84, effective 4/4/84.]