

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 16, 2018 @ 7:00 p.m.

**Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028**

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call Bridgit Baker at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Planning Commission agendas are also available on our website at www.kenmorewa.gov.

- 1. CALL TO ORDER**
- 2. CITIZEN COMMENTS**
- 3. APPROVAL OF MINUTES**

[August 7, 2018 Planning Commission Meeting Minutes](#)

4. AGENDA ITEMS

- A. 2018 Comprehensive Plan Amendments Memo
 - Attachment 1a - Land Use Element
 - Attachment 1b - Downtown Sub-Element
 - Attachment 1c - Housing Element
 - Attachment 1d - Comp Plan Map
 - Attachment 2 - Natural Enviro Element
 - Attachment 2a - Draft LU-11 Geologic Hazards
 - Attachment 2b - Draft LU-11a Streams and Wetlands
- B. Critical Areas & Shoreline Master Program Amendments Memo
 - Attachment 1 - Summary of Public Facility_Utility Forum
 - Attachment 2 - Summary of Sammamish River Forum
 - Attachment 3 - Summary of Open House
 - Attachment 4 - Summary SMPCAR Outreach 2018
 - Attachment 5 - Recommended Critical Areas Chapter 18
- C. Correspondence

5. ADJOURNMENT

- 6. UPCOMING MEETINGS:**
November 6, 2018, 7:00 p.m. - Public Hearing
November 20, 2018

**City of Kenmore
Planning Commission Meeting
August 7, 2018 @ 7:00 p.m.**

Planning Commission Members – In Attendance

Douglas Nugent, Chair
Mark Ohrenschall, Vice Chair
Carol Baker
Scott McDonald
Mike Mulcare
Dennis Olson
Mike Vanderlinde

Consultants & Staff

Debbie Bent, Community Development Director
Lauri Anderson, Senior Planner
Bridgit Baker, Admin Assistant
Amy Summe, Shannon & Wilson

1. CALL TO ORDER

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

2. CITIZEN COMMENTS

Keith Hunter, 7022 NE 170th St, Kenmore, WA 98028. Keith feels that the changes the City of Kenmore did on Simonds Road were a big improvement, however, the parking on Simonds Road continues to be a problem and prohibits safe access in and out of his driveway, especially on the weekends. He stated that the overflow from events and boaters are main contributors to this problem.

3. APPROVAL OF MINUTES

Commissioner McDonald motioned to approve the July 24, 2018 minutes which was seconded by Commissioner Baker. The motion passed 6-0 with 1 abstention.

4. AGENDA ITEMS:

Chair Nugent motioned to amend the agenda to discuss the article published in the Bothell-Kenmore Reporter which was seconded by Vice Chair Ohrenschall. After the discussion of the inaccuracy of the published article, Commissioner Vanderlinde motioned to send the draft correction response presented by Chair Nugent to the Public Information Officer. The Public Information Officer can then review and respond back to the Commission so they can take it up at the next meeting to decide on how to proceed from there. The motion was seconded by Commissioner McDonald and passed 7-0.

Amy Summe presented the potential consent items based on the Gap Analysis, Recommendations report and prior Planning Commission discussions. The purpose was to confirm the staff recommendations and/or clarify any questions. The Planning Commission unanimously agreed on Part 1 of the recommendations.

For Part 2, the Planning Commission asked that, for Question 1, a good definition of public agency be prepared. Would that include a church or private school?

For Question 2, the Commission discussed bullet point #5, as well as the additional bullet points, and agreed that all incentives should be considered.

The Planning Commission reviewed Question 3 which was rolled into Table 2 on "Assessment of State Requirements for Consideration of Fish and Wildlife Habitats of Importance". For 2(a), Amy Summe will investigate information on the public benefit conservation organizations through the county, as well as Lake Forest Park and Kirkland. The Planning Commission agreed on 2(b), except for adding language so property owners are not unduly burdened. Additionally, Amy and Lauri will provide more information on the pileated woodpecker, biodiversity areas/corridors and different options of using mapped areas, etc., as well as WDFW standards. The Planning Commission unanimously agreed on the "do not add" lists on Table 2(b) – (h).

Question 4 clarifies who can nominate fish and wildlife habitats of importance. The Commission requested that only Kenmore residents or property-owners be allowed to nominate.

Questions 5 and 6 address groundwater protection. The Commission asked that only certain uses be subject to groundwater regulations and that facility maintenance agreements be required.

Questions 7-9 will be looked at the next meeting and Amy Summe will bring back the requested information.

5. ADJOURNMENT

Chair Nugent adjourned the meeting at 9:30 p.m.

Planning Commission

Approved by Planning Commission on: _____



18120 68TH AVENUE NE
KENMORE, WASHINGTON 98028

MEMO

TO: Planning Commission

FROM: Debbie Bent, Community Development Director *DB*
Lauri Anderson, Senior Planner *WAK*

DATE: October 9, 2018

SUBJECT: 2018 Comprehensive Plan Amendments

At your October 16 meeting, staff will introduce the 2018 Comprehensive Plan amendments for your consideration. A formal public hearing would follow on November 6.

As you know, the City can amend the Comprehensive Plan only once a year, except for a limited number of exceptions. The Capital Facilities Element amendments you considered earlier this year are an exception to the general once per year rule, as are the Shoreline Sub-Element amendments that will accompany recommended amendments to the Shoreline Master Program.

Following is an explanation of the proposed 2018 amendments.

Mobile Home Parks

At their meeting on September 17, the City Council provided policy direction on treatment of the six mobile home parks in the City. Consistent with the Planning Commission's recommendation, the Council directed that the two mobile home parks on NE 175th Street (Inglewood East and Lakewood Villa) be assigned protective zoning. The remaining four mobile home parks (Lakewood, Lake Terrace, the unnamed park on NE 181st Street, and Kenmore Village) would have protective zoning for a period of 10 years, at which point an upzoning, with affordability requirements, would be applied.

The proposed Comprehensive Plan amendments to the Land Use Element, Downtown Sub-Element and Housing Element (see Attachment 1) provide additional background information on the mobile home parks and address preservation. The amendment to the Comprehensive Plan map would put a new "MHC" (Mobile Home Community) designation over the two parks on NE 175th Street.

Natural Environment

Recommended amendments to the Natural Environment Sub-Element (see Attachment 2) update background information on critical areas and make minor revisions to associated policies. It is anticipated that future amendments to the Shoreline Sub-Element will be more extensive.

Attachments

Attachment 1: Comprehensive Plan Amendments related to the mobile home parks

Attachment 2: Comprehensive Plan Natural Environment Sub-Element amendments

LAND USE ELEMENT

INTRODUCTION

Purpose

The Land Use Element plays the central role of directing land use patterns and guiding land use decision-making. It provides the basis for housing, transportation, public service, utility, and capital facility plans. The Land Use Element is divided into sub-elements due to the variety and complexity of issues:

- Land Use
- Downtown
- Community Design
- Natural Environment
- Shorelines
- Economic Development.

Growth Management Act

The land use element is the central requirement in the Growth Management Act (GMA). It provides the basis for all the other required elements including housing, transportation, capital facilities, and utilities elements. These other elements rely on the future land use pattern and the population and housing accommodated by the land use pattern in determining needed improvements and strategies. The specific GMA requirements for the land use element include addressing:

- Distribution/location/extent of land uses: Agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, other
- Population densities, building intensities, and estimates of future population growth
- Protection of the quality and quantity of ground water used for public water supplies
- Urban planning approaches that promote physical activity
- Drainage, flooding, and stormwater runoff within and nearby the jurisdiction as well as guidance for corrective actions to mitigate or clean discharges to waters of the state.

Although the GMA directs growth at urban densities to the Urban Growth Area (including Kenmore), lower development densities may be used as a strategy to protect critical areas.

Vision 2040

Vision 2040 is a regional growth strategy prepared by the Puget Sound Regional Council (PSRC) addressing King, Kitsap, Pierce, and Snohomish Counties. Vision 2040 directs future development into the urban growth area, while focusing new housing and jobs in cities and within a limited number of designated regional growth centers. In Vision 2040, Kenmore is identified as a “Larger City,” which is described below:

Larger City A Larger City has a combined population and employment total over 22,500, but is smaller than a Metropolitan or Core City. Many of these 18 cities (which include Edmonds, Kenmore, Mountlake Terrace, Shoreline, and Woodinville) are home to important local and regional transit stations, ferry terminals, park-and-ride facilities, and other transportation connections. Central places within this group of cities are expected to become the more important subregional job, service, cultural, and housing centers over time. The Regional Growth Strategy envisions an expanding role for these cities in accommodating growth.

Vision 2040 contains the Multi-County Planning Policies required by the Growth Management Act and provides a common regionwide framework for countywide and local planning in the central Puget Sound region. Policies address the environment, development patterns, housing, economy, transportation, and public services. The policies reflect the commitment in the Vision 2040 vision statement to, “protect the environment, support and create vibrant, livable, and healthy communities, offer economic opportunities for all, provide for safe and efficient mobility, and use the region’s resources wisely and efficiently.”

Countywide Planning Policies

The 2012 King County Countywide Planning Policies define an Urban Growth Area within which urban development should occur. The City of Kenmore is included within the Urban Growth Area. Residential, commercial, and industrial development should occur in an urban context and be sufficiently dense to efficiently support urban services.

The policies establish a “centers” strategy. Growth is to be focused within cities with a countywide designated Urban or Manufacturing/Industrial Center such as Seattle’s Northgate and Kirkland’s Totem Lake areas. Local centers, including Kenmore, accommodate housing, employment and services in a compact form and at sufficient densities to support transit service and to make efficient use of urban land. As in Vision 2040, Kenmore is identified as a “Larger City.”

EXISTING CONDITIONS

History of Kenmore

Kenmore’s beginnings and cultural features help provide a context for understanding Kenmore today. This section addresses archaeological and historic resources in the City of Kenmore.

Native Americans

The Native Americans who lived in the Sammamish River Valley Area were known as the Simump Tribe. Local settlers called them the Squaks, a corruption of the word “Squowh.” According to historical accounts, not more than 200 Native Americans lived along Lake Sammamish or the Sammamish River Valley when white settlers arrived in the 1860s. Numerous arrowheads were found by early settlers at the mouth of the Sammamish River along Lake Washington.

According to the King County Office of Cultural Resources, there are no registered archaeological sites in Kenmore. However, the 1975 Washington Environmental Atlas, prepared by the US Army Corps of Engineers, indicates that along Lake Washington and the mouth of the Sammamish River are “areas known to contain large numbers of sites.” It is therefore possible that there are unknown archaeological sites in Kenmore due to its lake and river frontage and low elevations.

Kenmore Founders

Abundant timber lured settlers to the Kenmore area in the 1860s. The forest-covered hills were owned by investors in Washington timber lands. Philo Remington, gun inventor, purchased vast land holdings including some in Kenmore. His son-in-law Watson C. Squire moved west, settling in the Seattle area, and purchased most of Remington’s land holdings in Kenmore in 1880. Squire owned most of what is the northwest quadrant of Kenmore, from 62nd Avenue NE to 68th Avenue NE and from the waterfront to the top of the hill at NE 190th Street. He platted this land in 1892. Squire later became Territorial Governor in 1884, and then the first U.S. Senator from the State of Washington in 1889.

John McMasters leased property from Squire and operated McMasters’ Shingle Mill from 1900 to 1920, the first commercial business in Kenmore. The mill was located just east of the current Kenmore Pre-Mix site. It was McMasters who named the community Kenmore because it reminded him of his birthplace Kenmore, 40 miles south of Ottawa, in Canada. This in turn had been named after Kenmore, Scotland, which is similar to the study area with its large lake and surrounding mountains.

Kenmore was considered rural and was connected to the region via railroads and logging roads as far back as 1876. In 1887, Seattle’s Lake Shore and Eastern train went around Lake Washington along the route of today’s Burke-Gilman trail and was a major regional line serving Puget Sound logging areas.

Seattle residents would take Sunday train rides rather than risk primitive roads to visit Kenmore and its “wilderness.” There were early wagon roads between Seattle and Kenmore and by 1909 a road had been paved as far as Lake Forest Park. During 1913-1914, the brick road between Lake Forest Park and Bothell was opened and followed the original wagon trail. Other than travel by train or wagon, the area was accessible by steamboats that would stop at various landings on the lake.

After completion of the brick road (now Bothell Way) in 1913-1914, restaurants sprang up in the Kenmore portion of the road and it became a custom to drive out to Kenmore for Sunday dinner. A piece of the original brick road is still visible just north of the Wayne Golf Course clubhouse.

About the time of the completion of the brick road, Kenmore School District built its first school in 1914 on McMasters Street, now NE 181st Street. Classes ranged from eight to 12 students in one class, with a class for each age. When no longer used as a school, the Kenmore Community Club used the building from 1925 to 1930. The Kenmore School District joined with Bothell School District in 1916.

After the end of logging and in the days after World War I, Kenmore’s population increased when Puget Mill sold a number of small tracts for residential use. The mill owners held much of the land in what is now Kenmore and when lots were put on the market, many homes were built north of what would be Bothell Way. Even with this boost in residents, the town was still a small community of about 150 persons and a few businesses.

The area began to develop and increase its population in the early 1930s. This growth and development included restaurants, dance halls, and roadhouses along Bothell Way, and earned Kenmore a questionable reputation. The area was known as “Roadhouse Strip.”

In contrast to the development of the roadhouses, St. Edward Seminary was built in 1931 on 300 acres of Archdiocese property. Neighboring St. Thomas Seminary was built in 1959. Due to the lack of enrollment, St. Edward was closed in 1976 and St. Thomas was closed in 1977. A citizen campaign resulted in the State's purchase of the St. Edward portion of the property while the former St. Thomas seminary was leased to and eventually purchased by Bastyr University.

In the 1940s several businesses, many still operating, were established and provided local employment. Continuing Kenmore's connection to Lake Washington, in 1946 Bob Munro established Kenmore Air Harbor with one hangar and one two-seater aircraft.

Historic Structures and Places

The King County Historic Preservation Program maintains an inventory of over 1,000 historic resources located throughout the County. Development proposals for resources listed on the inventory are circulated to the King County Historic Preservation Officer for review and comment. The approximately 100 sites in Kenmore which are included in the 2010-2011 Historic Reconnaissance-Level Survey conducted by the King County Historic Preservation Program include:

- Kenmore Bridge over the Sammamish River
- Kenmore Community Clubhouse
- Aqua Club
- Inglewood Golf Course Clubhouse
- St. Edward Seminary
- St. Thomas Seminary (Bastyr University)
- Kenmore Air Harbor House
- Arnston-Hartlove Grocery
- Northlake Lutheran Church
- Church of the Redeemer
- Charles Thomsen House.

The above sites are located on **Figure LU-1**. Most are potentially eligible for local landmark status. The Kenmore Community Clubhouse was designated as a local landmark in 2015. The Thomsen House was designated as a King County Landmark prior to Kenmore's incorporation. Both of these local landmark properties are described more fully below.

According to the State of Washington Office of Archaeology and Historic Preservation, the St. Edward Seminary is listed on the State of Washington Heritage Register and in the National Register of Historic Places. The Charles Thomsen House may also be eligible for the Washington Heritage Register or the National Register.

The 2010-2011 reconnaissance survey also identified many homes in the Uplake Terrace neighborhood that may be eligible for local landmark status as representative of Mid-Century Modern architecture. Additional historic surveys would identify potential landmarks in other neighborhoods of the City.

Charles Thomsen House

The Charles M. Thomsen House was built in 1927 in the French Provincial Style. While the vast majority of Period Revival style residences in King County are located in Seattle, the handful of Period Revival homes in rural, unincorporated areas of the County consist of variations of the English Cottage and Colonial Revival Styles. The Thomsen Estate is notable as it is the only known example of a rural residence constructed in the French Provincial Style and it is considered to be in good condition with many original features.

Kenmore Community Club

The Kenmore Community Clubhouse was constructed in 1929-1930 for the Kenmore Community Club. The Landmarks Commission's landmark designation report states that the Clubhouse is a rare surviving building that exemplifies the importance of clubs and civic organizations in early to mid-20th century King County. The Clubhouse has served as a meeting space for a wide variety of organizations and activities, especially during the 1930s, 40s and 50s, and is still being used for its original purpose.

Figure LU-1

Historic Sites

Land Use Patterns

This section analyzes existing land use patterns in the City of Kenmore. Both existing and planned land uses are addressed.

Existing Land Uses

The City of Kenmore boundaries encompass approximately 6.1 square miles of land. The City contains primarily single-family residential land uses, but also includes a variety of other uses as shown in **Table LU-A and Figure LU-2**. Kenmore is largely a built-out community with a limited amount of unconstrained vacant land suitable for development, but significant opportunities for redevelopment.

TABLE LU-A
2015 LAND USE BY PARCELS - CITY OF KENMORE

CATEGORY	ACRES	PERCENT
Single-family	1,944	55.02%
Multi-Family	182	5.14%
Commercial	278	7.87%
Industrial	144	4.07%
Public	27	.77%
Schools	147	4.17%
Utility	10	0.27%
Parks	455	12.88%
Golf Course	135	3.82%
Open Space/ Greenbelt/Tract	42	1.19%
Vacant	166	4.70%
TOTAL	3,530	100%
Note: Acreage figures have been rounded.		

Source: King County Department of Assessments

Figure LU-2
Existing Land Use

Most of the Kenmore's single-family residential growth will occur on remaining vacant parcels, estimated at 102 acres net available in 2007, or as a result of infill development of partially developed properties. However, most of Kenmore's commercial growth would occur as redevelopment of developed lands.

Kenmore Air Harbor

Founded in 1946, Kenmore Air Harbor is a unique land use in the City. The seaplane base is located on a 5-acre property on the Lake Washington waterfront. The airline provides daily service to downtown Seattle, the San Juan Islands and Canada, and includes customs services for international flights.

The seaplane fleet has an average size of 20 single-engine planes. In 2015, about half of the fleet was made up of de Havilland Otters (the largest planes, accommodating up to 10 passengers). The other half was smaller de Havilland Beavers and two Cessna 180s. Given dock space constraints, the airport estimates that no more than 25 seaplanes will be based at Kenmore Air Harbor in the future, although the mix of planes may change to accommodate more of the larger aircraft. The Air Harbor also provides space for approximately 25 private airplanes.

During the summer season, approximately 110 "operations" per day (single takeoffs or landings) occur at Kenmore Air Harbor. On a typical winter day, 10 operations could be expected. In 2014, approximately 61,000 passengers were served. July and August are the Air Harbor's busiest months.

The seaplanes are able to fly from dawn to dusk, however, the airport has a voluntary curfew in place, restricting operations in Kenmore before 7:30 a.m. on weekdays and before 8:30 a.m. on weekends.

Although all Kenmore Air seaplanes are based and maintained in Kenmore, half of them travel to Kenmore Air's Lake Union passenger terminal before traveling north to Canada and the San Juan Islands. The balance of the fleet travels directly from Kenmore to northern Canada.

Along with passenger services, the Air Harbor does seaplane restoration and maintenance on its property. Annual inspections may involve engine testing or other noise. Kenmore Air has a full parts department for de Havillands and Cessnas. They are, in fact, one of the largest seaplane parts supplier in North America. They also provide parts and technical support for Edo floats, although float manufacturing is done off-site.

During its summer peak, the Air Harbor employs approximately 250 people.

Two runways on Lake Washington are used: Waterway 16-34 is 10,000' long and 1,000' wide; Waterway 18-36 is 3,000' long and 1,000' wide. Most of the time, the seaplanes take off to the southwest. If the north wind is strong, the planes taxi farther down the lake and take off to the north near the Air Harbor.

Landing patterns at Kenmore Air Harbor are determined by wind direction, as aircraft normally land into the prevailing wind. If the wind is from the north, as it is during a typical summer day, aircraft fly northbound up the middle of the lake from the Sand Point area, then land to the north at Kenmore and taxi in to the dock. If the wind is from the south, which is more common during the winter months, aircraft fly a standard left rectangular traffic pattern and land to the south on the lake. The downwind leg of this pattern is flown over the golf course, the base leg just east of 68th Avenue NE, and the final approach leg approximately over the CalPortland property. On an annual basis, approximately 75% of all landings are northbound and 25% southbound.

There is a speed limit to reduce boat speeds in the seaplane waterway area that is monitored by the King County Harbor Patrol.

FUTURE LAND USE

When comparing **Figure LU-2**, Existing Land Use, and **Figure LU-3**, the Kenmore Land Use Plan (provided later in this Chapter), the future development pattern would show:

- **Protection/maintenance of single-family residential areas.** This is a key concept of the Vision Statement to protect single-family areas and concentrate most multi-family in Downtown.
- **Concentration of commercial and business uses locations where they are currently located or in areas targeted for conversion.** New commercial development would primarily occur in the form of redevelopment in Downtown to minimize intrusion into single-family areas and to effectively concentrate these uses where alternative transportation modes are or will be available. The Community Business district provides additional opportunities for mixed use development to support Downtown and the local community.
- **Phasing out of heavy manufacturing and industrial uses in favor of mixed uses (commercial and residential) and clean light manufacturing.** Heavy manufacturing and industrial uses would be phased out over time through market and regulatory forces, and mixed uses and clean light manufacturing would replace them.
- **Creation of a central place in Kenmore.** Creating a Downtown is central to the Vision Statement provisions including a central place for the community, promotion of centrally located multi-family and mixed-use development with access to alternative modes of transportation, and other provisions. The northwest quadrant of the 68th Avenue and SR-522 intersection is identified as an area for a concentration of smaller-scale civic and mixed uses, while the southeast quadrant of the same intersection would be developed with larger-scale private mixed-use master planned developments. Lakepointe would develop as planned in the southwest quadrant of the intersection.
- **Retention of institutional uses including government, schools, and public park properties.** The purpose of this classification is to identify and retain key public and private institutional uses in the City, to promote master planning of facilities, and to prevent conversion of significant properties to other residential or commercial uses without benefit of the rezone process.

Development Capacity

Development capacity considers vacant, underdeveloped and redevelopable property. A relatively small portion (about 5 percent) of the City's land is vacant. Although some land is vacant due to property owner preferences, some is likely vacant due to environmental constraints such as wetlands, flood hazards, or steep slopes.

Partially vacant land, where perhaps one home is located on a large parcel that, according to zoning, could be further subdivided, is considered to be underdeveloped. Much of the City's platting activity is now occurring on such larger, partially developed residential lots.

As evidenced by the Kenmore Village project, redevelopment of developed properties also can occur in the future. However, it is usually difficult to achieve redevelopment of properties, particularly in a downtown context. Often parcels are small and under multiple ownerships. In order to create a viable project in the market, consolidation of properties is needed.

To determine future development capacity, vacant and partially developed lands were reviewed as part of the King County Buildable Lands project. The methodology for the jobs and housing capacity estimates is provided in the King County Buildable Lands Report 2014.

Assuming development in accordance with the Kenmore Land Use Plan and using 2012 as the base year, the City could accommodate an additional 4,503 housing units and an additional 3,945 jobs.

The City's 2012-2031 housing unit growth target established by the King County Countywide Planning Policies is 2,980 housing units. The adopted Land Use Plan would provide enough zoned capacity, and a more than sufficient market cushion, to exceed the 2031 housing unit target.

Jobs capacity also is greater than the City's 3,897 jobs target, although not by much.

PLAN AMENDMENTS

The Growth Management Act recognizes that Comprehensive Plans are dynamic rather than static, and should be evaluated regularly to ensure that they respond to changing needs of the community and respond to new Federal or State law. In accordance with the Growth Management Act, and Policy LU-2.1.5 of this Element, the City will allow for an amendment process to consider changes to the essential components of the Comprehensive Plan, including Goals, Objectives, and Policies.

The City is required to institute a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the City Council no more frequently than once every year, except that amendments may be considered more frequently under the following circumstances:

- The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea
- The adoption or amendment of a Shoreline Master Program under the procedures set forth in chapter 90.58 RCW
- The amendment of the Capital Facilities Element that occurs concurrently with the adoption or amendment of the City budget
- Amendments or revisions to the City's comprehensive plan when an emergency exists or to resolve, if appropriate, an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board or with the court.

Aside from the exceptions above, all proposals are to be considered by the City Council concurrently so the cumulative effect of the various proposals can be ascertained.

GOALS, OBJECTIVES, AND POLICIES

Following are the general land use goals, objectives and policies. In some cases, policies are cross-referenced in more than one Element or Sub-Element and this is noted by a policy reference in italics (e.g., *H-26.1.2*).

GOAL 1. *ENHANCE KENMORE'S QUALITY OF LIFE AS A PLACE TO LIVE, RAISE CHILDREN, RECREATE, WORK, SHOP, AND SOCIALIZE.*

OBJECTIVE 1.1	Provide a community atmosphere that is inclusive and family-friendly, with a small town feeling that fosters a sense of belonging and pride.
Policy LU-1.1.1	Encourage development within Kenmore that creates and supports a healthy and diverse community. Kenmore should contain affordable housing and employment opportunities and should protect the natural environment and significant cultural resources.
Policy LU-1.1.2	Through land use policies and development regulations that are consistent with state and federal laws, limit land uses and activities that may result in harmful secondary effects to the community, such as crime, vandalism, or neighborhood deterioration. Consider spacing requirements, buffers, landscaping, access, signage controls, business license and operating requirements, as well as other mechanisms to control secondary impacts.
Policy LU-1.1.3	Use incentives, regulations and programs to support land use patterns and development standards that encourage physical activity through walking and bicycling.
Policy LU-1.1.4:	Encourage businesses to locate in Kenmore so that residents have more opportunities to walk or bicycle to work.
OBJECTIVE 1.2	Endeavor to provide a complete community, compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services.
Policy LU-1.2.1	Ensure that Kenmore's plans consider all the issues, resources and needs that make a community whole, including land use, civic, cultural, recreation, transit, health, human services, natural environment, and the provision of infrastructure and other services.
Policy LU-1.2.2	Provide adequate land capacity for residential growth, and for a full range of commercial uses in Kenmore. This land capacity should include both redevelopment opportunities as well as opportunities for development on vacant lands.
Policy LU-1.2.3	Integrate non-residential uses such as governmental, utility, religious, social, and other institutional uses, where appropriate, into residential neighborhoods to create quality communities which have a full range of public facilities and services. These uses should be sited, designed, and scaled to be compatible with existing residential character.
OBJECTIVE 1.3	Maintain and enhance the character of existing single-family neighborhoods by allowing compatible housing, improving infrastructure, and establishing appropriate site development standards.
Policy LU-1.3.1	Ensure that zoning regulations emphasize single-family dwellings as the principal use in the City's established single-family neighborhoods.
Policy LU-1.3.2	Provide development standards that create a consistent and compatible pattern of development within residential neighborhoods. Development standards should

address housing densities, lot dimensions, building setbacks and height, impervious surface limitations, access, parking, and other standards.

Policy LU-1.3.3 Provide regular and appropriate levels of investment in transportation, surface water and parks maintenance and improvements within residential neighborhoods, consistent with the City's capital improvement priorities. Encourage special districts to provide services and maintain infrastructure within residential neighborhoods consistent with adopted service and capital improvement plans. (see Policy H-26.1.2)

OBJECTIVE 1.4 Create a climate that fosters business creation and retention that positively contributes to the City's quality of life.

Policy LU-1.4.1 Provide adequate land for commercial development of a character which enhances the community's goals, augments the tax base, and does not adversely affect the natural environment.

Policy LU-1.4.2 Ensure zoning regulations accommodate a range of allowable business and commercial uses in appropriate locations at the neighborhood, community, and regional levels.

OBJECTIVE 1.5 Identify and prioritize properties for public acquisition and use.

Policy LU-1.5.1 During the 20-year planning period, identify community needs and site the following facilities or uses in accordance with the Downtown Sub-Element and the Parks, Recreation and Open Space Element:

- Town Green and Community Building
- Parkland, particularly on the waterfront or in under-served areas
- Environmentally sensitive areas, where regulatory measures alone are insufficient.

Policy LU-1.5.2 Encourage public and private community service providers, including the City of Kenmore, to share or reuse facilities when appropriate, to reduce costs, conserve land and provide convenience and amenity for the public. Joint siting and shared use of facilities should be encouraged for schools, community centers, health facilities, cultural facilities, libraries, swimming pools, institutional properties, and other social and recreational facilities.

Policy LU-1.5.3 Promote site development which provides utilities and infrastructure that are maintainable, aesthetically pleasing, and have several functions, such as surface water facilities designed as accessible open spaces for a development.

GOAL 1.1. DEVELOP AND MAINTAIN A SUSTAINABILITY ACTION PLAN, OUTLINING STEPS THE COMMUNITY (INCLUDING CITIZENS, BUSINESSES, CITY ADMINISTRATION AND THE CITY COUNCIL) CAN TAKE TO SUPPORT SUSTAINABLE ECONOMIC PROSPERITY, SOCIAL EQUITY AND ENVIRONMENTAL HEALTH IN KENMORE.

OBJECTIVE 1.1.1 Encourage the availability of healthy, affordable, culturally acceptable food for all community residents.

Policy LU-1.1.1.1 Through land use regulations and economic development, encourage locally-based food production, distribution and choice.

Policy LU-1.1.1.2 Where appropriate, encourage the development of community gardens and farmers' markets as a means to encourage community-building, support local agriculture and promote economic development.

GOAL 2. PROVIDE FOR ORDERLY DEVELOPMENT.

OBJECTIVE 2.1 Implement the Comprehensive Plan Land Use Map.

Policy LU-2.1.1 Designate the proposed general distribution, general location and extent of the uses of land, where appropriate, for housing, commerce, recreation, open spaces, public utilities, public facilities, and other land uses. The official Comprehensive Plan Land Use Map is included as **Figure LU-3**.

Policy LU-2.1.2 Implement a range of residential, commercial, and public land use classifications:

- a. Table of Districts and Densities. Utilize the following table to establish land use districts and basic and maximum densities allowed in the City.

LAND USE/ZONE DISTRICT	BASE DENSITY/ MAXIMUM DENSITY WITH BONUS ¹
Residential 1 Dwelling Unit Per Acre (R-1)	1 (4) ^{1/2}
Residential 4 Dwelling Units Per Acre (R-4)	4 (6)
Residential 6 Dwelling Units Per Acre (R-6)	6 (9)
Residential 8 Dwelling Units Per Acre (R-8)	8 (12)
Residential 12 Dwelling Units Per Acre (R-12)	12 (18)
Residential 18 Dwelling Units Per Acre (R-18)	18 (27)
Residential 24 Dwelling Units Per Acre (R-24)	24 (36)
Manufactured Housing Community (MHC)	12 to 20
Downtown Residential	48 to 72 (72)
Neighborhood Business (NB)	8 (24)

¹Maximum density may be exceeded when a significant public benefit is provided. Examples include transit-oriented development, MHC preservation, or an approved development agreement.

^{1/2} In the R-1 zone, the base density of 1 unit per acre may be transferred onsite to less constrained property. The bonus indicated in parentheses may only be transferred off-site to a density receiving area such as the Downtown. Bonus criteria are subject to requirements of the Kenmore Municipal Code.

LAND USE/ZONE DISTRICT	BASE DENSITY/ MAXIMUM DENSITY WITH BONUS ¹
Community Business (CB)	24 (36)
Waterfront Commercial (WC)	48 (72)
Urban Corridor (UC)	48 (72)
Regional Business (RB)	48 (72)
Downtown Commercial	48 to 72 (72)
Public and Private Facilities (PPF)	n/a
Special Study Area	Special District

b. District Descriptions. Utilize the following purpose statements to distinguish the land use districts.

- Residential: The purposes of the Residential Districts are to implement Comprehensive Plan policies for housing quality, diversity, and affordability, and to efficiently use land, public services, and energy. In the R-1 district, the primary uses are single detached dwellings clustered as appropriate in relation to environmental constraints. In the R-4 through R-8 districts, Residential District purposes are accomplished by providing for predominantly single detached dwelling units on lot sizes that vary according to district. In the R-12 through R-24 districts, Residential District purposes are accomplished by allowing for a mix of predominantly apartment and townhouse dwelling units with a variety of densities according to district. In the Residential Districts, accessory uses and complementary nonresidential uses that are compatible with residential communities may be allowed.

- Manufactured Housing Community: The Manufactured Housing Community District is intended to ensure consistency with RCW 36.70A.070(2)(c) which requires that sufficient land be available for all types of housing including manufactured housing. The Manufactured Housing Community District promotes residential development that is higher density but single-family in character. The land use designation is assigned to existing manufactured housing communities.

- Downtown Residential: The Downtown Residential District provides higher density residential development in support of the Downtown Commercial District. Limited retail and office uses are also allowed as part of mixed-use developments. The District represents an opportunity to provide a range of housing types in the community with attention to appearance and scale. The Downtown Residential land use plan classification is implemented by the Downtown Residential zone.

Some limited existing uses requiring vehicle storage that continue to contribute to the economic vitality of downtown are permitted to continue their business on existing properties, but are encouraged to

transition the use of their properties to those more in keeping with the first paragraph of this intent statement.

- **Neighborhood Business:** The purposes of the Neighborhood Business District are to provide convenient daily retail and personal services for a limited service area, to minimize the impacts of commercial activities on nearby properties, and to provide for limited residential development.
- **Community Business:** The purpose of the Community Business District is to provide pedestrian-friendly, mixed-use development that both supports larger mixed-use and commercial areas with its residential development, and provides small-scale retail, educational, and personal service uses, and offices, for the local community. Allowable uses include office uses and mixed-use (housing and retail/service) developments. Commercial uses with extensive outdoor storage and industrial uses would be discouraged in the Community Business District.
- **Waterfront Commercial:** The purpose of the Waterfront Commercial District is to focus on existing water-dependent uses, but also to allow eating and drinking places, temporary lodging and other uses to support marina and airport development. Compatible light manufacturing would be appropriate. Office and mixed use multifamily development are desirable for the future.
- **Urban Corridor:** The Urban Corridor District is located along SR-522. The overall vision is to convert the area on the south side of the highway from a commercial strip corridor to an area of primarily office and multifamily development, taking advantage of lake views and proximity to transit.

On the north side of the highway, west of downtown, the area would continue to be a mix of restaurant, retail and service uses, with additional opportunities for office and mixed use multifamily development.

East of downtown, portions of the district (nearest the transit center) would be an enterprise zone, allowing for a wide range of commercial uses, including bulk retail, as well as standalone multifamily development. Farther to the east, near the city limits, office and multifamily uses are envisioned.

New auto-oriented businesses would be prohibited throughout the district.

- **Regional Business:** The purposes of the Regional Business District include to provide for the broadest mix of retail, office, wholesale, and service uses, with compatible storage and light manufacturing uses, serving regional market areas and offering significant employment opportunities. These purposes are accomplished by supporting existing businesses, while encouraging compact and mixed-use development that

is supportive of transit and pedestrian travel for the future. Industrial and heavy manufacturing uses are no longer appropriate in this district.

- **Downtown Commercial:** The Downtown Commercial District features a mix of private and public uses designed to create a small-town feel, and pedestrian-friendly environment. Public places, sidewalks, extensive landscaping, transit-orientation, shared or structured parking, protection of environmentally sensitive areas, and high quality design and signage are key features. Permitted uses emphasize mixed or multiple use developments, and include high-density housing, civic and governmental, offices, small-scale commercial and retail, and locally oriented professional and personal services.

Uses not compatible with the Downtown Commercial intent such as those which require vehicle or materials storage, service bays, wide curb cuts, expanses of exterior product display or storage, or produce little customer or visitor activity are discouraged. Park-and-Ride/Transit Centers are promoted along SR-522, particularly in the Northwest Quadrant of the 68th Avenue NE/SR-522 intersection.

Some limited existing uses that require vehicle storage and continue to contribute to the economic vitality of downtown Kenmore are permitted as existing uses on existing properties, though the use is encouraged to transition use of the property to those more in keeping with the first paragraph of this purpose statement. The Downtown Commercial land use plan classification is implemented by the Downtown Commercial zone.

- **Public and Private Facilities:** The purpose of the Public and Private Facilities District is to identify and retain public and private lands primarily utilized for parks, recreation, schools, medical facilities (e.g. hospitals, clinics, medical districts etc.), non-profit service uses and organizations, utilities, government buildings, and other administrative or institutional uses. Master plans would be encouraged to determine the type and extent of these primary uses as well as compatible accessory uses. Development regulations include a process to reclassify smaller properties to the zone most prevalent immediately surrounding the site subject to the provision of information by the institution about the need to convert to a different use.
- **Special Study Area – Bastyr University:** The City has designated the St. Thomas Seminary property, owned by Bastyr University as a Special Study Area recognizing the Bastyr University Master Plan approved in December 2009 that will guide the development of the property. The land use designation for the Campus is Public and Private Facilities and development activities on the Campus will be limited to activities and levels of use as specified in the approved Master Plan and implementing zone of Public and Semi-Public.

The Bastyr University Campus Master Plan is adopted for the approximately 50-acre property in the City and is illustrated in **Figure**

LU-3A. The Bastyr University Master Plan and the applied zoning provide for a coordinated multi-use higher education center meeting the vision of the University and the City to support diverse and continuing education opportunities, strengthen the City's economic base, and protect natural features. **Figure LU-3A** is considered a conceptual graphic, and minor modifications (KMC 19.23.050.A) to site development consistent with City master plan and zoning regulations are considered consistent with the Comprehensive Plan. The City's long term interest in the property is to have continued use of the site by Bastyr University or a similar institution with public access/use maintained through the use of a purchase of development rights, out-right purchase of portions of the property, off-site density transfers or joint use agreements.

- **Special Study Area – Plywood Supply:** The City has designated the Plywood Supply property south of NE 175th Street as a Special Study Area while the City works with property owners to complete a master plan that will guide the development of the property. In order to allow the master planning process to proceed, the property will retain its underlying RB designation for comprehensive planning purposes while development of that master plan is proceeding.
- **Lakepointe Mixed Use Master Plan:** A site development permit and Master Plan are approved for the Lakepointe site specifying permitted uses and development consistent with the Property-Specific (P-suffix) Development Standards. Northshore Comprehensive Plan Policies K-11 and K-12, adopted in Exhibit "C" to Ordinance 98-0027 that was reaffirmed in Ordinance 03-0177, continue to be in effect for this property.

- Policy LU-2.1.3 Multi-family classifications should be applied as follows:
- a. Primarily located in the Downtown area in mixed-use developments and in neighboring areas already containing multi-family uses;
 - b. In or next to Regional, Community, or Neighborhood Business Centers; and,
 - c. Existing or planned transportation capacity should be adequate to accommodate projected travel demand.
- Policy LU-2.1.4 Commercial classifications should be:
- a. Located along Principal or Minor arterials or on collector streets that intersect with arterials within 1/2 mile. Existing or planned transportation capacity should be adequate to accommodate projected travel demand;
 - b. Located to provide convenient shopping or other services for nearby neighborhoods;

- c. Strategically located to maximize the potential success of the hierarchy of commercial classifications. The priority area for commercial development should be the Downtown;
- d. Sized appropriately to accommodate sufficient land to accommodate community business and services needs;
- e. Located in areas with current or planned pedestrian access; and
- f. Commercial designations should be expanded only when it can be demonstrated that conditions have changed since the original commercial classification boundaries were determined, and there is a demonstrated community need.

Policy LU-2.1.5 Consider proposed Comprehensive Plan Amendments each calendar year concurrently so that the cumulative effect of the proposals can be determined. The City may consider some amendments outside of the normal review cycle such as amendments to the Capital Facilities Element, Shoreline Master Program, adoption of a subarea plan, emergency amendments, or others as authorized in the Growth Management Act. All proposed Comprehensive Plan Amendments should include the following elements:

- a. A detailed statement of what is proposed to be changed and why;
- b. A statement of anticipated impacts of the change, including geographic area affected and issues presented;
- c. A demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;
- d. A statement of how the amendment complies with the Growth Management Act's goals and specific requirements;
- e. A statement of how the amendment complies with the Kenmore Vision Statement;
- f. A statement of how functional plans and capital improvement programs support the change; and
- g. Public review of the recommended change, necessary implementation (including area zoning if appropriate) and alternatives.

Policy LU-2.1.6 Ensure proposed Comprehensive Plan policy amendments are accompanied by any changes to development regulations, modifications to capital improvement programs, subarea, neighborhood, and functional plans required for implementation so that regulations will be consistent with the Plan.

OBJECTIVE 2.2 Prepare clear development regulations consistent with the Comprehensive Plan.

- Policy LU-2.2.1 Prepare zoning maps, classifications, and development standards that are consistent with the Comprehensive Plan and functional plans.
- Policy LU-2.2.2 To provide flexibility as times and development conditions change, address possible amendments to the P-suffix and special district overlay requirements through the development agreement process. If development standards are modified or eliminated, offsetting public benefits must be provided.
- Policy LU-2.2.3 Kenmore’s regulation of land use should:
- a. Protect public health, safety, and general welfare;
 - b. Implement and be consistent with the Comprehensive Plan and other adopted land use goals, policies, and plans;
 - c. Be expeditious, predictable, clear, straightforward, and internally consistent;
 - d. Provide clear direction for resolution of regulatory conflict;
 - e. Be enforceable, efficiently administered, and provide appropriate incentives and penalties;
 - f. Be consistently and effectively enforced;
 - g. Create public and private benefits worth their cost;
 - h. Be coordinated with timely provision of necessary public facilities and services;
 - i. Be coordinated with special purpose districts and other public agencies to promote compatible development standards in Kenmore;
 - j. Be responsive, understandable, and accessible to the public;
 - k. Provide effective public notice and reasonable opportunities for the public (especially those directly affected) to be heard and to influence decisions;
 - l. Avoid intruding on activities involving constitutionally protected freedoms of speech, petition, expression, assembly, association and economic competition, except when essential to protect public health, safety and welfare (and then the restriction should be no broader than necessary);
 - m. Treat all members of the public equally and base regulatory decisions wholly on the applicable criteria and code requirements; and,
 - n. Provide for relief from regulations when they would deprive a property of reasonable use, and when such relief would neither endanger public health and safety nor conflict with adopted use policies.

OBJECTIVE 2.3 Establish a system of densities and development standards that allows for efficient infrastructure and service delivery while protecting environmental resources, and acknowledging neighborhood character.

- Policy LU-2.3.1 Through future planning efforts over the next twenty years, seek to achieve an average zoning density of at least seven homes per acre in the City through a mix of densities and housing types, appropriately located. Higher density classifications should be applied primarily in and around the Downtown. Lower density classifications, generally no less than four dwelling units per acre, should be applied to established single-family neighborhoods. A lower density zone may be used to recognize significant environmentally sensitive areas.
- Policy LU-2.3.2 Apply minimum density requirements to residential and mixed-use zones of twelve or more homes per acre when consistent with the vision for a given zone.
- Policy LU-2.3.3 Review Uniform Building codes and make amendments to remove barriers to achieving desired densities, such as increased stories of wood frame construction.
- Policy LU-2.3.4 Use regulations, incentives, open space acquisition, or, where these measures are not adequate, use low density zoning to protect floodplains, riparian corridors, high value wetlands, and unstable slopes from degradation, and to encourage linking these environmental features into a network of open space, fish and wildlife habitat. In sensitive areas, some density may be transferred onsite to less constrained areas, or density may be transferred off-site to specified receiving areas, such as the Downtown.
- Policy LU-2.3.5 Through density incentives, encourage development to provide innovative low-cost housing, or significant open space, public parks and public trails. Where provided, encourage public parks and public trails to be part of a network consistent with the Parks, Recreation, and Open Space Element goals, objectives, and policies. Additionally, in the Downtown, density incentives or other incentives should be provided for shared and structured parking, or consolidation of lots. Consider performance-based measures to achieve this policy. Ensure benefits, for example, significant open space, are in proximity to the development site.

OBJECTIVE 2.4 Coordinate land use, road, and utility planning.

- Policy LU-2.4.1 Establish priority areas for public facility and service improvements, especially for transportation. These priority areas should be located where public facility and service improvements would most effectively advance the City of Kenmore's growth, economic development, Downtown revitalization, energy efficiency or affordable housing objectives. Priority areas will shift over time as improvements are installed and adopted service level standards are attained.
- Policy LU-2.4.2 Implement an annual monitoring program to assess land use development trends, and service and infrastructure provision. If service deficiencies, such as city, county and state roads, public water supply and wastewater treatment, or communication infrastructure are identified, the City of Kenmore and the affected service providers should adopt Capital Improvement Programs to remedy

identified deficiencies in a timely fashion, or the City of Kenmore should reassess the land use plan.

Policy LU-2.4.3 Ensure that infrastructure and facilities are sized appropriately to community needs and are located with attention to the desired neighborhood character.

Policy LU-2.4.4 Consider the effects of improved or new infrastructure such as roads and utilities as potential barriers between neighborhoods or as stimulators of development.

Policy LU-2.4.5 Through zoning and subdivision regulations, require that residential developments, including mobile home parks, whether new developments or substantial redevelopments, provide the following improvements:

- a. Paved streets (and alleys if appropriate), curbs and sidewalks, and internal walkways when appropriate;
- b. Adequate parking consistent with local transit service levels;
- c. Street lighting and street trees;
- d. Underground utilities;
- e. Stormwater control;
- f. Public water supply;
- g. Public sewers.

Policy LU-2.4.6 Provide water, sewer, surface water, transportation, and recreational facilities at the time of development.

OBJECTIVE 2.5 Encourage development on properties with existing or planned public services and utilities.

Policy LU-2.5.1 Encourage innovative, quality development and redevelopment through a variety of regulatory, incentive, and program strategies. Possible approaches include:

- a. Special development standards for infill or redevelopment sites;
- b. Assembly and resale of sites to providers of affordable housing or mixed-use developments;
- c. Impact mitigation fee structures that favor infill or redevelopment;
- d. Expedited permit processes;
- e. Greater regulatory flexibility; and
- f. Reduced permit fees and/or delayed fees.

OBJECTIVE 2.6 Require adequate transitions between land uses of differing intensities and between development and environmentally sensitive areas.

Policy LU-2.6.1	Review and amend zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts may occur.
Policy LU-2.6.2	Ensure critical area regulations provide sufficient buffer widths consistent with the quality and class of the environmentally sensitive area.
Policy LU-2.6.3	Locate zoning districts and prepare development regulations that result in gradual transitions between different building intensities.
OBJECTIVE 2.7	Participate in joint planning of services and utilities with special districts, private service providers, neighboring municipalities, King County and Snohomish County, and the State of Washington.
Policy LU-2.7.1	Plan in partnership with special districts, private service providers, neighboring municipalities, King and Snohomish Counties, and the State of Washington. The City should strive to balance the differing needs identified by planning partners at various geographic levels, and ensure that planning partners honor Kenmore's needs.
Policy LU-2.7.2	Prepare functional plans to identify City facility and service needs and define ways to fund these needs consistent with the land use plans and service and finance strategy. Independent special districts and other public agencies should also prepare functional plans which should be considered by Kenmore. The capital facility plans and capital improvement programs prepared by all other agencies which provide services to Kenmore should be consistent with the Kenmore Comprehensive Plan.
GOAL 3.	<i>IDENTIFY, PRESERVE, AND ENHANCE THE CULTURAL RESOURCES OF KENMORE.</i>
OBJECTIVE 3.1	Promote and support visual, literary, and cultural arts and activities in the community.
PolicyLU-3.1.1	Encourage King County to continue to provide arts and culturally-based services to the City of Kenmore through its existing programs, and to provide technical assistance for locally-generated programs.
Policy LU-3.1.2	Encourage shared, multipurpose use of regional and community facilities for cultural activities to maximize their efficient use and to expand public access to cultural opportunities.
Policy LU-3.1.3	Develop a public art program that provides art in public facilities, projects and places to enhance community character and quality of life. Priority locations should include Downtown, government facilities, and municipal parks. Maintenance and conservation should be considerations in the development and management of public art.
OBJECTIVE 3.2	Promote the preservation of significant historic and archaeological sites and structures.

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| Policy LU-3.2.1 | Establish a partnership between Kenmore, King County, the Kenmore Heritage Society and citizen volunteers in order to comprehensively inventory historic and archaeological resources. Use the inventory to guide decision-making in resource planning, environmental review, and resource management. |
| Policy LU-3.2.2 | Encourage land uses and development that retain and enhance significant historic and archaeological resources and sustain historic community character. |
| Policy LU-3.2.3 | Coordinate with Native American Tribes, the King County Historic Preservation Officer, and the State Office of Archaeology and Historic Preservation, as appropriate, to review public and private projects to protect and enhance historic and archaeological resources. |
| Policy LU-3.2.4 | Seek funding from King County, the State of Washington, or other agencies to acquire and preserve significant historic resources for use by City and other public agencies. |

OBJECTIVE 3.3 Encourage local activities which promote the community's history.

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|-----------------|---|
| Policy LU-3.3.1 | Support the efforts of the Kenmore Heritage Society to document Kenmore's history, and provide educational materials and resources to all ages. |
| Policy LU-3.3.2 | Work in partnership with the Kenmore Heritage Society, other agencies and special districts to identify places or facilities where a museum or display of historic artifacts and information can be accomplished. |
| Policy LU-3.3.3 | When dedicating new civic facilities, consider naming them in honor of historical events or persons of significance to the community. |

IMPLEMENTATION STRATEGIES

The Land Use policies would require new, continuing or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, or coordinate with adjacent jurisdictions.

New programs, rules, or regulations would be needed to address:

- An annual monitoring program for assessing, development trends, services and infrastructure
- Historic resource preservation funding
- Public arts programs
- Partnerships with historic groups and agencies.

A review of existing programs, rules and regulations would be needed to ensure they meet the policies. Types of regulations and rules that should be reviewed include:

- Permitted uses in single-family zones
- Permitted uses in commercial zones

- Development standards addressing neighborhood character and compatibility with surrounding development
- Zoning categories – consistency with Comprehensive Plan
- Density bonuses, density transfer, and minimum density regulations
- Uniform Building Code review
- Infill development standards or incentives
- Permit procedures and fees.

Additional or continuing efforts would need to be made to coordinate with adjacent jurisdictions or participate in regional programs, including:

- Coordination with special districts and County regarding services
- Support of County historic resources programs
- Coordination with County/State agencies regarding historic/cultural resources during development review.

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Figure LU-3
Kenmore Land Use Plan

Figure LU-3A
Bastyr Master Plan

DOWNTOWN SUB-ELEMENT

INTRODUCTION

The Growth Management Act (GMA) does not require the creation or retention of a downtown area within communities. However, several GMA goals, as well as Countywide Planning Policies, address the containment of sprawl, and the provision of efficient services and utilities, which can be met through development of “centers” such as a downtown. Downtown areas also can function as a community-enhancing central place, particularly in a community like Kenmore dominated by regional traffic flows along SR-522.

The Vision Statement foresees Kenmore as:

- A fun, vibrant waterfront community that has its own sense of place and an identifiable, walkable downtown offering commercial, civic, cultural and park spaces, integrated with multifamily housing.

EXISTING CONDITIONS

Current Development Conditions and Trends

Most of Kenmore’s existing commercial development is concentrated along SR-522, including the Kenmore Square and Safeway complexes. Recent construction of City Hall and the Kenmore Library, and the proposed construction of the Kenmore Village mixed use project, the Town Green and the Community Building, are the first steps to creating a walkable Downtown core, surrounding the intersection of 68th Avenue NE and NE 181st Street.

There is recent residential development on the periphery of the core, with redevelopment of single-family sites east of 68th Avenue NE on NE 182nd Street and redevelopment of a former park-and-ride lot into the Spencer 68 apartment project on the west side of 68th Avenue NE near NE 182nd Street.

Existing manufactured housing communities in the Downtown provide higher density, more affordable, single-family housing.

The future Lakepointe development on Lake Washington at the southwest corner of SR-522 and 68th Avenue NE could have a dramatic impact on the City from both a physical and economic point of view. With a current permit for over 650,000 square feet of commercial/office/hotel development and 1,200 housing units in a waterfront setting, the development could represent one of only four or five waterfront mixed-use developments on Lake Washington.

Market Area

The City of Kenmore has the potential to provide retail goods and services for an area beyond its own boundaries. The market area for any commercial district is determined by several factors:

- Distance to surrounding population.
- Natural boundaries and impediments to travel.
- Transportation links.
- Competing development.
- Scope of existing development in the district.

The projected market area for Kenmore lies within an approximate 3 mile radius around the City Center. The area extends west to approximately I-5; south into Lake City; north into Snohomish County; and east

to I-405. The existence of regional commercial centers largely determines these boundaries. Kenmore currently loses a significant portion of retail spending by Kenmore residents to businesses outside of Kenmore.

Lakepointe or a similar development on that site has the potential to serve a much wider area. As noted above, it will be one of only a few mixed-use concentrations on Lake Washington. As such, it has the potential to provide a mix of restaurants, shops, office, and lodging, which could attract users from a much wider radius. This is significant because it increases the commercial potential of Lakepointe, as well as targeting a different type of commercial activity from the existing core businesses.

Opportunities for Development

The opportunities for development in Downtown Kenmore can be considered in terms of the relationship to Lakepointe, and the types of uses which are supportable:

Relationship to Lakepointe

As noted above, Lakepointe has the potential to offer a high amenity setting for various specialty retail and other commercial uses, serving a broad market area. Comparable developments include Downtown Kirkland and Carillon Point. Factors affecting its relationship to the Downtown Core are its lakefront site, and the barriers represented by SR-522. While Lakepointe may include a grocery store and other traditional neighborhood scale uses, the existing core should continue to capture the food and miscellaneous retail spending by residents north of SR-522. The role of the core should be enhanced with growth in single-family housing to the north and multi-family development to the east and west.

Demand by Development Type

The types of development likely to be supported within the area are described in a summary fashion below.

- Multi-family residential. Such development is already occurring in the area and reflects the need for increasing density throughout the urbanized area. The area to the east is particularly well suited for such development, located between the commercial core and the public service concentration on 73rd Avenue NE to the east.
- Manufactured housing communities. The existing manufactured housing communities provide more affordable, unsubsidized single-family homeownership for seniors and lower-income households.
- Neighborhood commercial development. Additional grocery, drugstore, eating/drinking, miscellaneous retail, personal and business services will be required as the local area and larger market area grow over time. These uses should be increasingly accessible to pedestrians as well as automobiles.
- Mixed-use development (residential with office and retail). Horizontal mixed-use, with residential next to commercial is favorable in the area, and conditions allowing for vertical mixed use developments are likely favorable in the near future.
- Corridor commercial. Such development along SR-522 will continue to be viable given the volume of traffic on SR-522. However, the overall vision is to convert the area from a commercial strip corridor to a mix of non-auto-oriented uses, taking advantage of lake views and proximity to transit.
- Light manufacturing. Small-scale advanced or artisanal manufacturing could offer significant new employment opportunities.

Long Term Opportunities

The large parcels like the Plywood Supply site south of SR-522 and east of 68th Avenue NE provide an important resource for large-scale planned development in the future.

Kenmore Urban Design Inventory and Analysis

The location, frequency and quality of buildings, parking lots, pole signs, sidewalks, crosswalks, landscaping and street trees are elements of urban form that individually and collectively determine visual cohesiveness, comfort, and pedestrian-orientation in urban areas. With regard to the Downtown area, issues impacting design include:

- Many of the buildings are not built to the edge of the street, and are of discontinuous size, location, and shape. These buildings do not form a consistent or recognizable urban form or a continuity of pattern. Typically buildings that are set back from the street or have parking lots separating them from the street, discourage pedestrian activity and are simply less pleasant for walking. Many such buildings are found within the Downtown area. However, new development must comply with adopted site and building design standards that address these issues.
- Pole signs are mostly found on the north side of SR-522 between 61st Avenue NE and 80th Avenue NE, where automobile-oriented retail uses predominate. Frequent use of pole signs can create visual clutter, particularly when competing with other street elements such as billboards, telecommunication towers, utility poles, streetlights, etc.
- The predominance of parking lots in the Downtown area is indicative of the overall auto-oriented nature of the region. The numerous access points to and from the parking lots of establishments along SR-522 create potentially hazardous situations as vehicles enter and exit the traffic flow from SR-522.
- There are few sidewalks in the Downtown area.
- There are little or no street trees along major arterials and along portions of SR-522, with the exception of those separating SR-522 from the Burke-Gilman trail.
- Parks and open space uses include Log Boom Park and the Burke-Gilman Trail. Nearby parks include Rhododendron Park, Squire's Landing Park, and the State Boat Launch facility.
- Several major natural features exist within the Downtown area, including Swamp Creek, the Sammamish River, and Lake Washington. Steep hillsides sloping to the north offer views to the Lake.
- In Kenmore, pedestrian destinations and generators include bus stops, grocery stores and other retail establishments, City Hall, the Burke-Gilman Trail, Kenmore Library, the Park and Ride lot, Log Boom Park, and Rhododendron Park. Nearby mobile home parks, apartments, and senior housing complexes also function as pedestrian generators. The Lakepointe mixed-use development will be a major pedestrian generator in the future.
- The high speed and volume of traffic, the lack of sidewalks, the width of the roadway, and the lack of other pedestrian amenities in some portions make SR-522 a significant barrier to pedestrian travel in Kenmore. 68th Avenue NE also functions as a barrier, though less significantly than SR-522. These road corridors essentially "divide" central Kenmore into four quadrants.

- Key pedestrian crossings exist at the intersections of SR-522 and 61st, 68th, 73rd and 80th Avenues NE, with crosswalks and pedestrian signalization in place. Additional pedestrian crossings along Bothell Way could help break up the considerable distance pedestrians must currently travel to cross SR-522.

Figures LU-4 and LU-5 portray the above conclusions.

Figure LU-4
Downtown Inventory

Figure LU-5
East Study Area Inventory

DOWNTOWN PLANS

The Kenmore Comprehensive Plan focuses upon the establishment of a Downtown core. During the development of Downtown Strategies, the following guiding principles were considered:

General

- Plan for and implement an attractive, vital, pedestrian-oriented, transit friendly, city center offering commercial, civic, cultural and park spaces, integrated with higher density housing.
- Address the different characteristics of Downtown by encouraging regional serving development south of SR-522 and local serving development north of SR-522.¹
- Support redevelopment in accordance with the Vision for the Downtown through investment in public infrastructure including transportation, utility, and civic infrastructure.
- Give priority to creating indoor and outdoor public spaces; promote community activities meeting the needs of a range of ages and interests. Outdoor spaces should include plazas, parks, and public green spaces. Encourage the efficient use of space and shared uses where appropriate.
- Give priority consideration to strong linkages between the four Downtown quadrants and the surrounding neighborhoods. Pedestrian crossings, including a grade-separated crossing of SR-522, linking the north and south quadrants, should be readily accessible, functional, visually attractive, safe, and inviting links to key destinations, and should provide a Kenmore identity.
- Create a Downtown circulation system that promotes mobility for all modes of travel, emphasizing a loop road circulation system.
- Create an interconnected system of trails, sidewalks, bikeways, and open spaces in Downtown.
- Promote the revitalization and expansion of business and retail compatible with the character of the Downtown districts. Encourage businesses that draw patrons during both the day and evening. Provide an adequate mix of on-street, surface, and structured parking, and encourage shared parking options.
- Provide high density, high amenity (includes public spaces and private facilities) pedestrian oriented residential neighborhoods meeting the housing needs of a variety of income levels, and developed at densities high enough to support transit and commercial uses. Off-street parking should be encouraged.
- Coordinate public and private investment to achieve optimal leverage of public funds.
- Create an identity for the Downtown and SR-522 by giving priority consideration to improving the appearance of the physical environment through design guidelines, sidewalks, landscaping, street trees, public art and signage.
- The Downtown should acknowledge and create a beneficial and symbiotic relationship with SR-522.

¹ Regional serving development generally refers to mixed-use compact development recognizing Kenmore's position as a regional transportation center and featuring larger scale commercial, office, and multi-family developments, attracting people from a much larger area than just Kenmore. Local serving development generally refers mixed-use developments including high-density housing, civic and governmental, offices, small-scale commercial and retail, and locally oriented professional and personal services, primarily serving the Kenmore community.

- Integrate and manage Downtown development to support sound ecological principles by responding to natural landforms, providing storm water management, improving water quality and retaining and adding green spaces.
- Identify Downtown view corridors of significant off-site features (i.e. Lake Washington, Cascades, and surrounding hillsides), giving priority consideration to provision of public physical and visual access from the Downtown quadrants to the waterfront.
- Locate new Civic Center facilities (including the Town Green and Community Building) in the northwest quadrant to provide the greatest stimulus to redevelopment. If there is a truly unique opportunity in another quadrant of the Downtown that would meet the balance of Civic Center criteria, it should not be ruled out.
- Locate a multi-modal transportation facility Downtown, linked with other public facilities and spaces, functioning as a key node within a larger regional system.
- A large, functional, open, outdoor space should be created to function as a focal point and “public square,” providing opportunities for public and private gatherings.

Given these principles, the City has developed a Downtown strategy (Kenmore Downtown Plan, April 2003) with four key components:

DOWNTOWN STRATEGY

- Component 1: Land Use Districts
- Component 2: Circulation Plan
- Component 3: Strategic Civic Investment Area
- Component 4: Implementation Strategies

Land Use Districts

Recognizing the different character of the quadrants around the 68th Avenue NE and SR-522 intersection, the City has applied ~~three~~^{four} districts in the Downtown.

- Downtown – Commercial: To promote a community-serving mixed use area, north of SR-522, the Downtown Commercial District features a mix of private and public uses designed to create a small-town feel, and pedestrian-friendly environment. Public places, sidewalks, extensive landscaping, transit-orientation, shared or structured parking, protection of environmentally sensitive areas, and high quality design and signage are key features. Permitted uses emphasize mixed or multiple use developments, and include high-density housing, civic and governmental, offices, small-scale commercial and retail, and locally oriented professional and personal services. Uses not compatible with the Downtown Commercial intent such as those which require vehicle or materials storage, service bays, wide curb cuts, expanses of exterior product display or storage, or produce little customer or visitor activity are discouraged. Park-and-Ride/Transit Centers are promoted along SR-522.
- Downtown – Residential: The Downtown Residential District in the northeast and northwest quadrants provides higher density residential development in support of the Downtown Commercial Zone. Limited retail and office uses are also allowed as part of mixed-use developments. The District represents an opportunity to provide a range of housing types in the community with attention to appearance and scale.

- **Manufactured Housing Community:** The existing manufactured housing communities in the Downtown provide higher density single-family housing that is more affordable for seniors and lower-income residents. Some of the communities may be appropriate for long-term preservation; others may not be compatible with the future Downtown vision, particularly as high capacity transit comes to the City.
- **Regional Business with Mixed-Use Master Plan Requirements:** The Regional Business District encompasses the southwest and southeast quadrants of the 68th Avenue NE/SR-522 intersection and includes areas commonly referred to as the Lakepointe (Kenmore Pre-Mix) and the Plywood Supply areas. Property conditions and overlay districts, and in some locations, design standards, not only recognize Kenmore’s position as a regional transportation center for larger scale commercial, office, and multi-family developments, but also promote a mixed-use, compact development with coordinated internal circulation, shared or structured parking, compatible design and signage, and direct access to public transportation. Emphasis is placed on public access to the waterfront, protection of environmentally sensitive areas, building modulation and façade treatments that help create a human scale, and land use/design transitions and linkages to neighboring districts.

Circulation Plan

The three Downtown Special Districts would be linked together by a circulation system shown in **Figures LU-6 and LU-7** (provided later in this Chapter), with the following features:

- Loop road system around intersection of 68th Avenue and SR-522
- Walking paths / trail loop around Downtown
- Increased shoreline public access pedestrian links
- Pedestrian bridge(s) or underpass crossing SR-522
- Large blocks broken up with pedestrian walkways
- Existing street pattern remains with revisions of intersections at:
 - 65th Avenue NE and NE 181st Street
 - 68th Avenue NE and NE 181st Street
 - 68th Avenue NE and NE 175th Street
 - NE 181st Street and 73rd Avenue NE
- Sidewalks and street trees added throughout

Strategic Civic Investment Area

Revitalization of Downtown will involve a public/private partnership. The vast majority of property in Downtown is and will remain in private ownership. Private property owners will determine their property investment and development. City plans and regulations will guide and encourage development to meet the community vision. It is anticipated that private development will occur according to market forces in the southwest and southeast quadrants of the 68th Avenue NE and SR-522 intersection, due to the desirability of the Lake Washington and Sammamish River location, and with the spillover effects of the Lakepointe development. It is likely that incentives will be needed to stimulate development in the northwest and northeast quadrants of the intersection, due to the numerous, small, privately owned parcels. To provide a “central place” for the community and to stimulate complementary private investment, the City intends to focus its future civic investment in the northwest quadrant of 68th Avenue NE and SR-522 intersection, as shown on **Figure LU-8** (provided later in this Chapter). Strategic civic investment is planned to include a Town Green and Community Building as part of the Civic Center complex that includes City Hall and the Kenmore Library. Other civic investments proposed include street and

infrastructure improvements such as road realignment, sidewalks, and street trees. These improvements would support existing businesses and be complemented by private investment in commercial, office, and multi-family uses. While the priority location for civic investment is the northwest quadrant, City policies and the implementing Downtown Plan allow for the City to balance multiple City goals and consider unique opportunities in other Downtown locations.

Implementation Strategies

Implementation strategies are an identification of key actions or activities that, if pursued, would further the concepts found in the Comprehensive Plan and implementing plans and regulations, and may be essential to success of the overall strategies. A key implementation guide to this Downtown Element includes the separate Downtown Plan that addresses near-term and long-term activities including, Business Retention, Economic Development, Infrastructure/Services, and Regulations/Permitting. Key regulations that have been developed in response to this Downtown Element and as part of the Downtown Plan include land use/zoning districts described generally above and design standards. Implementation Strategies are summarized further at the conclusion of this Chapter.

GOALS, OBJECTIVES, AND POLICIES

Following are the Downtown goals, objectives and policies. In some cases, policies are cross-referenced in more than one Element or Sub-Element, and this is noted by a policy reference in italics (e.g., *Policy LU-2.5.1*).

GOAL 4. MAKE DOWNTOWN THE FOCAL POINT OF THE COMMUNITY.

OBJECTIVE 4.1 Identify and support Kenmore’s Downtown as a center for commercial, civic, cultural, park, and higher density housing uses and activities.

- Policy LU-4.1.1 Consistent with the districts identified in Policy LU-2.1.2, encourage a mix of uses in Downtown including several or all of the following:
- a. Government, educational, health, human service, and public safety facilities;
 - b. Retail stores and services;
 - c. Professional offices;
 - d. Business/office parks;
 - e. Multi-family housing, **manufactured housing communities** and mixed-use developments;
 - f. Underground, under-building, structured, and/or shared parking; and,
 - g. Parks and open space.
- Policy LU-4.1.2 Identify Downtown Kenmore as a Larger City pursuant to Vision 2040 and the King County Countywide Planning Policies. Larger Cities are locally defined central places providing an array of land uses with sufficient densities and intensities to encourage transit and non-motorized transportation.

Policy LU-4.1.3 Work with other organizations to promote civic and community events which foster community pride and promote the Downtown.

OBJECTIVE 4.2 Define Downtown Land Use District Character.

Policy LU-4.2.1 Provide for land use districts that address the different characteristics of downtown by encouraging regional serving development south of SR-522 and local serving development north of SR-522.

Policy LU-4.2.2 Focus public investment and civic uses, as well as mixed uses, in the northwest quadrant of the 68th Avenue NE and SR-522 intersection as conceptualized in **Figure LU-8**. If there is a truly unique opportunity in another quadrant of the Downtown that would meet multiple City goals and other City evaluation criteria, it should not be ruled out.

OBJECTIVE 4.3 Define varying development intensities and scales within the Downtown.

Policy LU-4.3.1 Create and apply different intensity or density standards that address the different characters of different areas of Downtown. Types of land uses allowed may be more intensive in regional-serving districts than in local-serving districts.

Policy LU-4.3.2 Vary design and development standards by district such as floor area ratios, building heights, ground-level and upper-story setbacks, building modulation, and façade treatments, dependent upon the regional-serving or local-serving nature of the differing areas. Development standards also should consider topography, view corridors, and compatibility with adjacent residential uses surrounding the different areas of the Downtown.

OBJECTIVE 4.4 Identify development and redevelopment incentives and infrastructure phasing in the Downtown.

Policy LU-4.4.1 Invest in transportation, surface water, civic, and park infrastructure and facility improvements in portions of the Downtown where public investment has the most potential to stimulate private reinvestment and redevelopment.

Policy LU-4.4.2 Identify Downtown as a receiving area for density transfers from properties with environmentally sensitive areas or to preserve existing affordable housing.

Policy LU-4.4.3 Give Downtown locations the highest priority when siting City and government facilities which have significant employment or destination potential.

Policy LU-4.4.4 Encourage innovative, quality development and redevelopment through a variety of regulatory, incentive, and program strategies. Possible approaches include:

- a. Special development standards for infill or redevelopment sites;
- b. Assembly and resale of sites to providers of affordable housing or mixed-use developments;
- c. Impact mitigation fee structures that favor infill or redevelopment;
- d. Expedited permit processes;

- e. Greater regulatory flexibility;
- f. Reduced permit fees and/or delayed fees; and
- g. Joint public/private loan guarantee pools.

Policy LU-4.4.5 Implement a Downtown plan to facilitate development in the Downtown that meets the community vision. Guide Downtown implementation strategies with input from key Downtown and community stakeholders.

OBJECTIVE 4.5 Beautify Downtown with attractive, functional, and enduring buildings and places.

Policy LU-4.5.1 Focus design review standards and guidelines towards Downtown as well as commercial and multi-family development Citywide. Ensure that provisions allow for creativity and flexibility while meeting common design principles. (*see Policy LU-10.1.2*)

Policy LU-4.5.2 Promote the concept of a “center” through the use of common design themes such as street and landscape materials, and building style and materials.

Policy LU-4.5.3 Enhance the aesthetic quality and compatibility among land uses through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts. Distinctive or historical local character and natural features should be reflected in development design to provide variety within Downtown.

Policy LU-4.5.4 Identify and encourage the creation of parks, plazas, and public green spaces which enhance the aesthetics and character of Kenmore.

Policy LU-4.5.5 Require screening of unsightly views, such as heavy machinery, storage areas, loading docks, and parking areas to minimize their visibility from adjacent properties and from arterials.

Policy LU-4.5.6 Provide locations for public gatherings in civic and commercial developments where appropriate. (*see Policy LU-12.1.2*)

Policy LU-4.5.7 Regulate signs to contribute to the color and character of Downtown, while reducing glare and other adverse visual impacts on nearby residents. Sign requirements may vary by the nature of regional-serving versus local-serving districts.

GOAL 5. PROMOTE DOWNTOWN AS A VITAL, PEDESTRIAN-FRIENDLY CENTER.

OBJECTIVE 5.1 Increase pedestrian activity in the city center, and encourage pedestrian-oriented uses and designs.

Policy LU-5.1.1 Encourage transit, bicycle, and pedestrian travel through compact development patterns. Multistory construction, structured parking, and other techniques to use land efficiently should be encouraged.

Policy LU-5.1.2	Through zoning regulations, master plan and site plan reviews, or other methods, group compatible uses to reduce conflicts among uses and to increase convenience for businesses, employees, users and pedestrians.
Policy LU-5.1.3	Provide routes for pedestrian, auto, bicycle, transit and truck travel with convenient access to each major destination. Buildings should be close to sidewalks to promote walking and browsing, with parking areas located on the side or rear of buildings.
Policy LU-5.1.4	Off-street parking should not disrupt pedestrian access to commercial uses. Front yard parking should be discouraged and interconnection of parking lots should be required.
Policy LU-5.1.5	Identify the most desirable placement and orientation of new buildings to improve the overall pedestrian activity and improve the aesthetics of the center.
Policy LU-5.1.6	Improve and add sidewalks in the Downtown in accordance with Transportation Element goals, objectives, and policies.
OBJECTIVE 5.2	Create a Downtown circulation system that promotes mobility for all modes of travel to and within Downtown.
Policy LU-5.2.1	Create a loop road circulation system around Downtown providing for automobile and non-motorized travel, as shown in Figure LU-6 .
Policy LU-5.2.2	Design and implement a sidewalk system in the Downtown. Ensure that crosswalks are identifiable and contribute to the design and intended character of the Downtown.
Policy LU-5.2.3	Provide trail connections to the Burke-Gilman Trail through a pedestrian bridge crossing SR-522 and at signalized intersections.
Policy LU-5.2.4	In cooperation with Metro, Sound Transit, and Community Transit, establish Downtown as an intra-community transit hub allowing for intra-community and regional transportation connections. Structured facilities with ground floor retail should be promoted.
Policy LU-5.2.5	Implement a Transportation Improvement Program that emphasizes improvements facilitating Downtown redevelopment and traffic movement consistent with the Transportation and Capital Facility Elements.
Policy LU-5.2.6	Promote pedestrian-friendly streets with street furniture and trees. Develop street trees and vegetation standards that unify the Downtown, define Downtown streets, and allow for appropriate business visibility. Incorporate street furniture and art into Downtown street standards, including benches, trash and recycling receptacles, tree grates, street lamps, and other amenities.
Policy LU-5.2.7	For safety and aesthetic purposes, promote the use of landscaped buffers between curbs and sidewalks, particularly along arterials. Ensure appropriate levels of illumination. Encourage bus stops to have shelters and benches. Provide crosswalks at key locations in Downtown, as well as on SR-522 near Park and Ride lots and transit stops.

OBJECTIVE 5.3 Encourage mixed-use development which contains a variety of uses having activity levels at different times of day.

Policy LU-5.3.1 Adopt land use and zoning regulations that encourage a mix of uses either within the same structures or within an overall site development. Incentives could include density bonuses, reduced parking rates for uses with alternate peak parking utilization, or other mechanisms.

Policy LU-5.3.2 Encourage housing development within and surrounding the Downtown to encourage evening utilization of the Downtown.

Policy LU-5.3.3 Encourage concentrations of housing and commercial and service activities with complementary activity levels such as office and entertainment complexes, housing and office uses, and other combinations.

OBJECTIVE 5.4 Provide housing and commercial development that supports transit.

Policy LU-5.4.1 Establish minimum housing densities for Downtown development districts.

Policy LU-5.4.2 Establish minimum floor area ratios or employment levels, and/or implement business retention and expansion activities, for Downtown development districts to support transit.

Policy LU-5.4.3 Allow joint parking facilities in the vicinity of the development they serve.

OBJECTIVE 5.5 Provide a range of housing opportunities within and surrounding Downtown to support commercial businesses and alternative modes of transportation.

Policy LU-5.5.1 Designate appropriate locations for multi-family land use and zoning districts accommodating a variety of housing types such as townhomes and, apartments and manufactured housing communities.

Policy LU-5.5.2 Encourage multi-family housing as part of mixed-use developments within Downtown.

Policy LU-5.5.3 Allow multi-family housing in stand-alone complexes within Downtown districts subject to locational criteria, such as sites along secondary access points or sites that would not inhibit commercial or mixed-use development in prime locations.

GOAL 6. LINK DOWNTOWN TO THE REST OF THE COMMUNITY.

OBJECTIVE 6.1 Strengthen the connections between Downtown and the neighborhoods.

Policy LU-6.1.1 Develop an integrated and hierarchical street tree, signage, and public art program to identify Downtown, government facilities, and parks throughout the community.

Policy LU-6.1.2 Ensure that appropriate development, design, and buffering techniques allow for a graduated transition between the Downtown and adjacent neighborhoods.

OBJECTIVE 6.2 Provide safe pedestrian, bicycle, and automobile connections across SR-522 and the Sammamish River.

Policy LU-6.2.1	Consider sidewalk priorities consistent with the Transportation Element, and provide a continuous sidewalk system on 68 th Avenue NE and Juanita Drive.
Policy LU-6.2.2	Establish an identifiable and safe bicycle route across SR-522 and the Sammamish River.
Policy LU-6.2.3	Endeavor to reduce traffic volumes through an intra-community transit system and a loop road around Downtown.
Policy LU-6.2.4	Consider capacity improvements cautiously to ensure that the improvements will not attract significantly greater pass-through traffic.
OBJECTIVE 6.3	Connect Downtown to the Lake Washington and Sammamish River waterfronts, and to area parks and open spaces.
Policy LU-6.3.1	Ensure the sidewalk system is improved to allow for connections to the Burke-Gilman trail and to shoreline access areas established through the Shoreline Master Program permit process.
Policy LU-6.3.2	Establish a primary and secondary path network in and around Downtown with connections to the waterfront. The primary network consists of sidewalks along streets and the Burke-Gilman Trail. The secondary network consists of off-street non-motorized paths encircling and bisecting Downtown blocks. The primary and secondary network is shown in Figure LU-6 . The circulation concept for the northwest quadrant in particular is shown in FigureLU-7 .

IMPLEMENTATION STRATEGIES

The Kenmore Downtown Plan includes implementation strategies which should be considered. Strategies are included in the areas of:

- Business Retention
- Economic Development
- Infrastructure/Services, and
- Regulations/Permitting.

REFERENCES

- Berk & Associates (June 2009). Capitalizing on Kenmore's Potential: An Economic Development Strategy. Prepared for City of Kenmore, Seattle, WA.
- Berk (September 2013). City of Kenmore Regional Business Zone Market Analysis. Prepared for City of Kenmore, Seattle, WA.
- City of Kenmore (April 2003). Kenmore Downtown Plan, Kenmore, WA.
- King County Growth Management Planning Council (December 2012). Countywide Planning Policies, Seattle, WA.

Property Counselors (October 2005). Kenmore Downtown Plan Market Study. Prepared for City of Kenmore, Seattle, WA.

Puget Sound Regional Council (December 2009). Vision 2040, Seattle, WA.

Figure LU-6
Downtown Circulation Concept

Figure LU-7

Northwest Quadrant Circulation Plan

Figure LU-8
Strategic Civic Investment Area

HOUSING ELEMENT

INTRODUCTION

Purpose

This Housing Element is intended to promote and maintain residential neighborhoods, ensure a range of densities and housing types for all incomes, address special needs housing, and protect the quality of the residential environment. When the community was first incorporated, community visioning efforts showed some trends in housing preferences, including a preference for adding single-family dwellings at about the same lot size as surrounding lots, and acceptance of accessory dwelling units. Also indicated was a desire to control the location of attached housing by placing it in Central Kenmore, and not dispersing small-scale attached dwellings in neighborhoods.

Growth Management Act Requirements

The Growth Management Act (GMA) states that Comprehensive Plans are to encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock. Housing elements are to make an inventory and analysis of existing and projected housing needs; include a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; identify sufficient land for housing, including low income, special needs, and multiple housing types; and make adequate provision for existing and projected housing needs of all economic segments of the community.

Countywide Planning Policies

The county-wide population growth forecast has been established by the Washington State Office of Financial Management (OFM), as required by the GMA. Each jurisdiction in King County agreed to a housing target (population allocations converted into households) for the years 2006-2031, in Countywide Planning Policies (CPPs). The household target for Kenmore is 3,500. The city is committed to ensuring there is capacity in the Comprehensive Plan and implementing regulations to meet this target. Actual growth would occur based upon market forces.

The CPPs identified the countywide housing needs of moderate-, low-, and very-low-income households, which are equal to 16 percent, 12 percent and 12 percent, respectively, of all housing. The CPPs also state that each city shall address the housing needs of all economic segments and strive to provide housing affordability to accommodate a proportionate amount of the countywide needs.

Beyond ensuring capacity for growth and support for affordable housing, the CPPs focus local government housing elements toward other objectives, such as:

- New housing accessible to employment, shopping, and transit.
- Neighborhoods that promote healthy human activity.
- Fair housing.
- Regional collaboration on inter-jurisdictional housing issues.

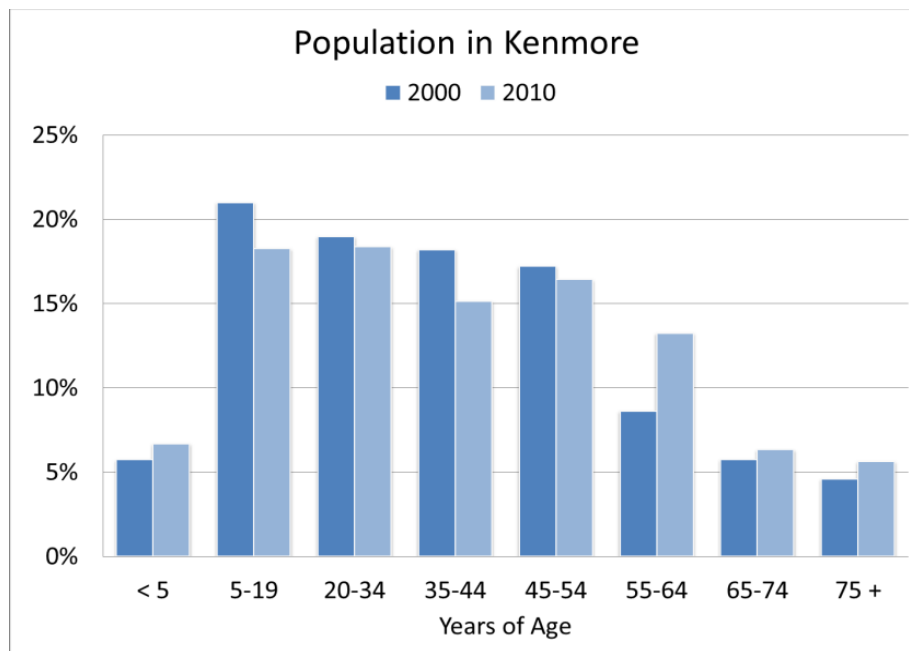
EXISTING CONDITIONS

The following discussion draws from the East King County Housing Analysis, produced for all member cities of A Regional Coalition for Housing (ARCH) and made a part of this Comprehensive Plan update.

Population and Households

Kenmore's population grew ten (10) percent in the 2000s, from 18,678 to 20,460. Population declined, however, among school-age children and adults 35 to 44 years old (Housing Analysis, Exhibit D-1; and Figure H-1, below). The city's proportion of senior citizens (65 years and older) is similar to countywide figures. As in other cities, the seniors' segment has not increased significantly as of 2010, but Baby Boomers (age 55 – 65) will increase that figure over the next decade.

FIGURE H-1



Kenmore had roughly 700 (14 percent) more households in 2011 than in 2000, but the types of households remained virtually unchanged (Housing Analysis, Exhibit B). The city has a greater percentage of married-couple families (56 percent) than King County overall (Figures H-2 and H-3, below), but is typical for east King County in that respect. ("East King County," or EKC, refers here to member cities of ARCH.) The city also maintains a somewhat lower proportion of one- and two-person households than the rest of east King County (58 percent; Housing Analysis, Exhibit C-2).

FIGURE H-2

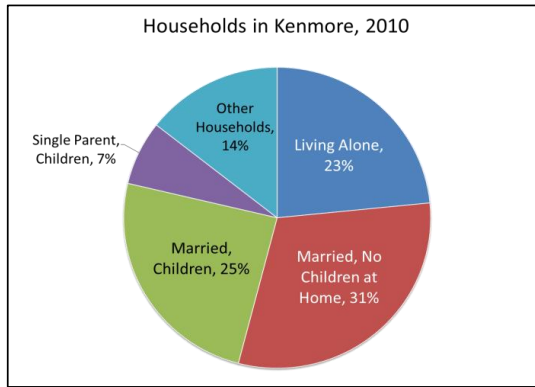
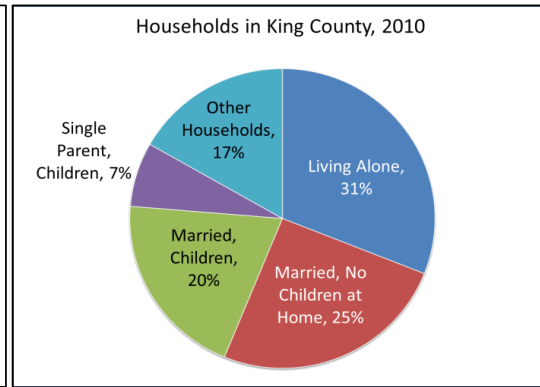


FIGURE H-3

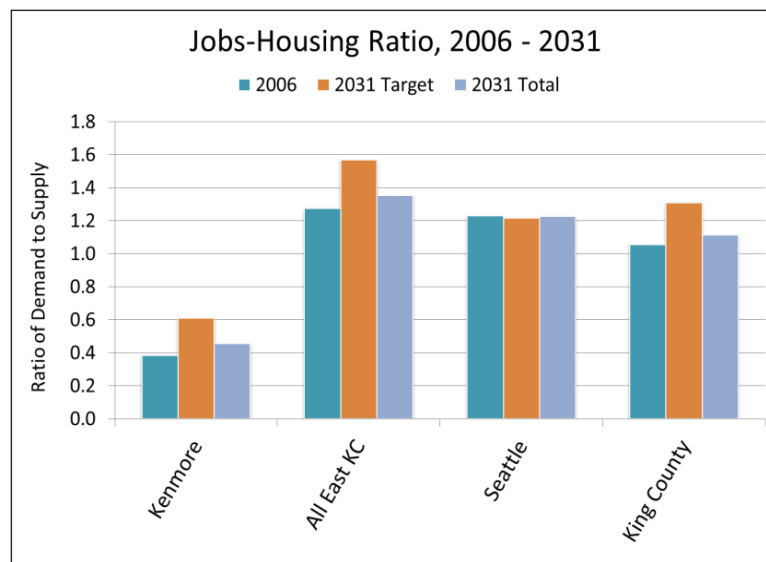


Source: 2010 Census (U.S. Census Bureau)

Kenmore Jobs and Wages

Employment can be an important contributor to housing demand within a community, both in terms of the amount and affordability of housing. Although Kenmore's employment growth during the 1990s was relatively high (24 percent), this was mostly offset by lost jobs (26 percent) between 2000 and 2010. The Jobs-Housing Ratio is a way to measure demand for housing from local employment relative to the local housing supply (a ratio less than 1.0 means less demand for housing from the local workforce than is available in the city). As of 2006, the city's jobs-housing ratio was just under 0.4 and based on growth projections would increase to just over 0.4 by 2031 (see Figure H-4). This is much lower than the countywide ratio and the ratio of most other cities in east King County. This means that most Kenmore residents work in other cities, compared to other areas, and the housing demand from existing jobs is relatively low.

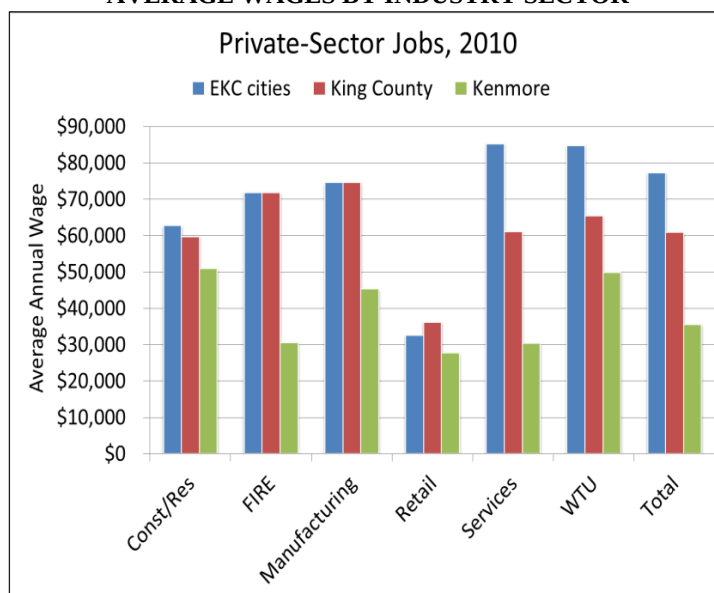
FIGURE H-4



Source: A Regional Coalition for Housing (ARCH).

While the demand for housing from local employment is lower than other nearby communities, jobs in Kenmore tend to pay less than jobs countywide in the same sector (Figure H-5, below), which implies a demand for relatively affordable housing from the local workforce.

**FIGURE H-5
AVERAGE WAGES BY INDUSTRY SECTOR**



Source: Puget Sound Regional Council.

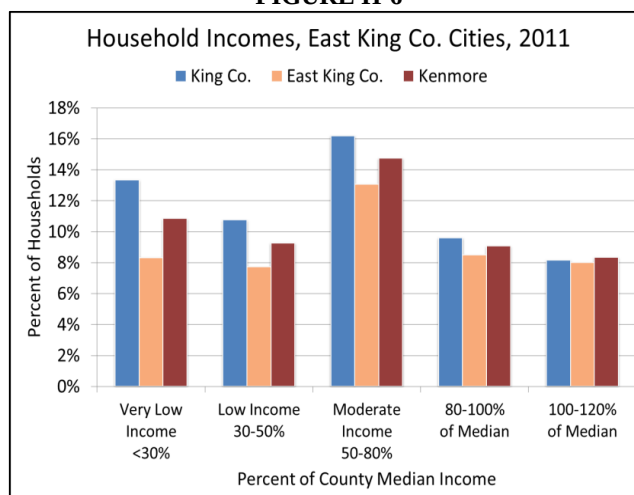
Household Incomes

Approximately 20 percent of the households in Kenmore fall within the standards defined as very low- or low-income. This is slightly lower than countywide figures, but higher than east King County (Figure H-6). The rental market is the primary source of housing for these populations.

**TABLE H-A
HOUSEHOLDS BY INCOME CATEGORY**

HOUSEHOLD INCOME CATEGORY		PERCENT OF TOTAL HOUSEHOLDS			
		KENMORE			KING CO.
		1990*	2000	2011	2011
< 30% of median:	Very Low-Income	17%	8%	11%	12%
30% to 50% of median:	Low-Income		8%	9%	12%
50% to 80% of median:	Moderate-Income		16%	15%	16%
> 80% of median:	Middle- and Higher-Income	83%	69%	65%	60%
"Median" refers to the (King County) Area Median Income. * "Kenmore Census Designated Place." The city was not incorporated until 1998, and the Kenmore CDP is a slightly different geographic area but the closest with available data. Income category break-outs not available for 1990.					

Source: 1990 and 2000 Census (U.S. Census Bureau) and 2006-2010 CHAS (Comprehensive Housing Affordability Strategy; U.S. Housing and Urban Development).

FIGURE H-6

Source: 2011 American Community Survey, 5-year Estimates (U.S. Census Bureau).

Northshore School District records show that 18 percent of the students qualify, based on income, for free or reduced lunches at school (Northshore website). Almost nine (9) percent of the students live in a household with an income below the poverty level (Housing Analysis, Exhibit G-3).

Number and Types of Housing Units

Kenmore added 12 percent more housing units during the 2000s—somewhat slower than the growth of the 1990s, but in line with projections in the 2005 Comprehensive Plan. Kenmore also grew a bit more slowly than King County and the rest of the Eastside. (See Exhibits A and L-1 of the East King County Housing Analysis.) The city's mix of housing types changed very little during that time (Table H-B, below).

**TABLE H-B
NUMBER AND TYPE OF HOUSING UNITS, KENMORE**

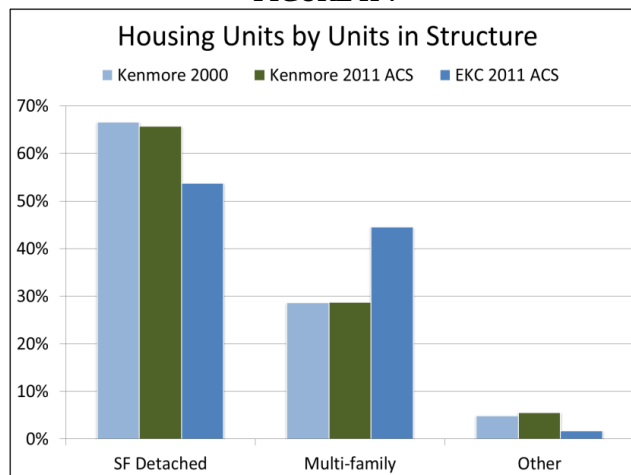
TYPE OF HOUSING	2000		2014	
	UNITS	% OF TOTAL	UNITS	% OF TOTAL
Single-family Detached	5,235	70%	6,276	71%
Multi-family	1,892	25%	2,268	26%
Mobile Homes	361	5%	291	3%
Total Units	7,488	100%	8,835	100%

Source: U.S. Census Bureau, 2000 Census, and
Washington State Office of Financial Management (OFM), 2014.

Compared to King County and most of east King County, Kenmore has a relatively low percentage of multi-family housing. Less than 30 percent of Kenmore's housing is multi-family (Figure H-7, below; Housing Analysis, Exhibit L-1). Approximately 25 percent of the multi-family units are condominiums.

Approximately 350 multi-family units have been built or begun construction since 2006, about 25 percent of overall housing growth in this period (2014 Buildable Lands Report; not all reflected in Figure H-7). About 40 percent of these newer units are condominiums.

FIGURE H-7



Source: 2000 Census and 2011 American Community Survey, 5-Year Estimates (U.S. Census Bureau).

Kenmore is one of the few communities in east King County with any significant number of manufactured homes (close to 300; Washington State OFM). Most of Kenmore's manufactured homes are located in six parks with a small number located on individual lots. Units are a mixture of primarily owner occupied, and rental units sited on rental pads. The manufactured housing communities are an important housing resource for many Kenmore residents. More than half of the households living in manufactured homes are low-income. Two of the manufactured housing communities are reserved for seniors. In many cases, manufactured housing communities provide the opportunity of unsubsidized home ownership to households that cannot afford to purchase other types of housing. Homes are in a wide range of physical condition, including some units that are getting past their useful life. Other concerns include long-term park maintenance and replacement of aging infrastructure. Overall availability of manufactured housing has been decreasing in King County as parks are redeveloped with other uses. One of concern is that manufactured housing has offered a relatively affordable form of housing and is being when parks are closed and replaced with more expensive housing, homeowners lose most of their investment.

Several multi-family housing projects are in the planning or construction stages. The largest proposed multi-family development is Lakepointe, which would provide 1,200 new housing units; the exact mix of owner-occupied and rental units in the project is yet to be determined.

Another project, which has been approved, is the first major residential redevelopment project in the Downtown district. Located on a former Metro park-and-ride site, the property will have up to 325 apartments within walking distance of shopping and transit. Pursuant to local zoning requirements, twenty-five (25) percent of the units will be affordable to moderate-income households. The first phase of 138 apartments started construction in 2014.

Kenmore has permitted 31 accessory dwelling units as of 2011, or about one for every 167 detached single-family homes—almost exactly the same as the average for all of east King County (Housing Analysis,

Exhibit Q-1). (This compares to a rate of one for every 32 detached homes in Mercer Island, the city with the highest ratio of ADUs.)

Prices of Market Rate Housing

Homeownership

Kenmore has a homeownership rate of 74 percent, which is at the upper end of ownership rates for cities in east King County, and greater than the countywide average. Kenmore has also had a relatively significant increase in the rate of homeownership since the early 1990s, while most cities have seen homeownership rates stable or decreased in that period.

The average home sale price in the first quarter of 2014 in Kenmore was \$413,000 (Central Puget Sound Real Estate Research Committee). This is lower than the average prices in nearby communities and in King County overall (\$474,000). On average, Kenmore's home prices fell 14 percent during the recent recession, less than east King County in general (21 percent); but as seen across most of the Eastside, prices have more than recovered.

Condominium units provide a relatively affordable homeownership alternative for Kenmore residents. The average sale price for condominiums in early 2014 was \$169,000—similar to condo prices in Bothell and Woodinville, and low compared to the averages across east King County and King County overall (Central Puget Sound Real Estate Research Committee).

Rental Housing

Rental housing makes up about 25 percent of housing supply in Kenmore, a significantly smaller portion of overall housing than east King County as a whole and King County. Average rents are slightly higher in the Kenmore/Bothell market than in the Shoreline market (Table H-C, below), but low compared to the rest of east King County and the county overall.

**TABLE H-C
AVERAGE RENTS, 2014 (SPRING)
PROPERTIES WITH 20 OR MORE APARTMENTS**

LOCATION	SIZE OF UNIT (BEDROOMS/BATHROOMS)					AVERAGE
	0/1	1/1	2/1	2/2	3/2	All Units
Bothell/Kenmore	\$724	\$1,036	\$1,145	\$1,227	\$1,693	\$1,163
Shoreline/Lake Forest Park	\$815	\$946	\$1,084	\$1,230	\$1,562	\$1,070
Eastside	\$1,139	\$1,281	\$1,366	\$1,656	\$1,877	\$1,474

Source: The Apartment Vacancy Report (Dupre+Scott Apartment Advisors).

Rental vacancy data indicate that Kenmore has relatively few apartments available (Housing Analysis, Exhibit P-2; Table H-D, below).

TABLE H-D

**APARTMENT VACANCY RATES
PROPERTIES WITH 20 OR MORE APARTMENTS**

LOCATION	PERCENT OF TOTAL UNITS	
	Spring, 2013	Spring, 2014
Kenmore/Bothell	5.0%	3.6%
Shoreline/Lake Forest Park	2.3%	1.9%
Eastside	3.3%	3.7%
King County	3.3%	4.3%

Source: The Apartment Vacancy Report (Dupre+Scott Apartment Advisors).

Age of Housing

Kenmore's housing stock is somewhat older than the rest of east King County, but a bit younger than that of King County overall. Fifteen (15) percent of all homes in the community are less than 10 years old (similar to the rest of east King County), and 45 percent have been built since 1980 compared to 55 percent for the rest of east King County (Housing Analysis, Exhibit O).

Rental Housing for People Needing Supportive Services

Kenmore has a range of housing for people who need supportive services, particularly for the elderly and those individuals with physical disabilities. The housing includes adult family homes, assisted living facilities, boarding homes, group living, and nearby nursing homes.

An estimated six (6) percent of the people in Kenmore are over the age of 75 years (Housing Analysis, Exhibit D-1). Supplemental Security Income supports people with disabilities in over 200 (3 percent) Kenmore households (Housing Analysis, Exhibit K-1).

Kenmore has two licensed assisted living facilities (boarding homes) with 106 beds and 21 licensed adult family homes with 117 beds (Housing Analysis, Exhibit Q-2). Adult family home residents include elderly people, individuals with limited mobility (use of wheelchair), developmental disabilities, mental illness, diabetes, terminal illnesses, brain injury, and those recovering from strokes. The number of persons living in supported living situations (i.e., group quarters) has increased almost 50% since 2000 (Housing Analysis, Exhibit K-2). The closest nursing home to Kenmore is in Bothell. The North Creek Health and Rehab Center (10909 NE 185th) nursing home has 112 beds.

Assisted Rental Housing

A variety of publicly assisted rental housing is available in Kenmore, including the Greenleaf family housing and Northwood senior housing operated by the King County Housing Authority (KCHA), Heron Run family and Heron Landing senior housing operated by DASH, Copper Lantern (rental and ownership housing) operated by LIHI and Shadrack family shelter operated by Hopelink. In addition, the Housing Authority operates a voucher program for the rental of privately held units. This federal program currently assists approximately 20 Kenmore households with rental subsidies. (Lower income tenants in the City of Kenmore may also apply for emergency funding from King County in the event they are faced with eviction due to nonpayment of rent. This assistance is available through the Multi-Service Center of Northeast King County.)

Housing Affordability

According to policies established by the U.S. Department of Housing and Urban Development, a household should spend no more than 30 percent of its income on housing, including utilities. If they pay more than that, they are considered "housing cost burdened." Table H-E shows incomes and affordable housing costs for various income levels.

**TABLE H-E
AFFORDABLE HOUSING COSTS BASED ON KING COUNTY MEDIAN INCOME, 2014.**

	VERY LOW INCOME		LOW INCOME		MODERATE INCOME	
	30% of Area Median		50% of Area Median		80% of Area Median	
Household Size	Annual Income	Affordable Monthly Cost	Annual Income	Affordable Monthly Cost	Annual Income	Affordable Monthly Cost
1	\$18,522	\$463	\$30,870	\$772	\$49,392	\$1,235
2	\$21,168	\$529	\$35,280	\$882	\$56,448	\$1,411
3	\$23,814	\$595	\$39,690	\$992	\$63,504	\$1,588
4	\$26,460	\$662	\$44,100	\$1,103	\$70,560	\$1,764
5	\$28,577	\$714	\$47,628	\$1,191	\$76,205	\$1,905

Source (income figures): U.S. Department of Housing and Urban Development.

Using the federal affordability definition, 13% of Kenmore's housing is affordable to very low and low income households and 15% to moderate income households (Housing Analysis, Exhibit M-2). The amount of housing affordable to low- and very low-income families is similar to Bothell and slightly below King County, but higher than other cities in east King County. The amount of housing affordable at the moderate-income level is similar to the rest of east King County, but lower than Bothell and Countywide figures. Table H-G compares the housing affordability of Kenmore, east King County, and King County overall against countywide housing needs.

Most of Kenmore's housing affordable to lower incomes is rental housing. Thirty-five (35) percent of the rental units in Kenmore were affordable to very low and low-income families in 2014. This is similar to countywide figures, but a much higher rate of affordability in rental housing than other cities in east King County.

About seven (7) percent of the single-family owner-occupied housing units in Kenmore are affordable to families earning up to 80 percent of median income, and an additional 4 percent affordable to families earning 80 to 100 percent of median income (Housing Analysis, Exhibit M-2, and Table H-F, below). These figures are similar to east King County, but somewhat lower than King County. Note that Kenmore has a relatively high percentage of homes affordable to low income households, which may be partially attributable to the city's relatively high number of manufactured homes.

**TABLE H-F
AFFORDABLE HOUSING AND COUNTYWIDE HOUSING NEEDS, 2010**

HOUSEHOLD INCOME LEVEL		PCT OF TOTAL HOUSING UNITS AFFORDABLE AT INCOME LEVEL			COUNTYWIDE HOUSING NEED
		Kenmore	East King Co.	King County	
< 30% of median:	Very Low-Income	3%	2%	4%	12%
30% to 50% of median:	Low-Income	10%	5%	11%	12%
50% to 80% of median:	Moderate-Income	15%	17%	20%	16%
80% to 100% of median:	Middle-Income	7%	18%	15%	10%
> 100% of median:	Higher-Income	65%	59%	50%	50%

Source: 2006-2010 CHAS (Comprehensive Housing Affordability Strategy; U.S. Housing and Urban Development).

Cost-Burdened Households

Despite the relative affordability of Kenmore, 38 percent of the city's households, and 42 percent of the renting households, are housing cost-burdened (Housing Analysis, Exhibit H-1). Both figures are similar to countywide figures, but high for east King County. Moreover, of cities in east King County, Kenmore has the highest percentage of severely cost-burdened households (paying more than half their incomes on housing) at 17 percent.

HOUSING TARGETS AND CAPACITY

The city's 2006–2031 growth target established by the King County Countywide Planning Policies is 3,500 households. Subtracting actual development, the remaining growth target (2012–2031) is 2,980 households. On an annualized basis, this means the city should expect and plan for 149 additional units each year. The Kenmore Land Use Plan provides enough zoned capacity to exceed the 2031 household target, as shown in Table H-G. Mixed-use areas provide more than half of the city's present capacity for new housing.

**TABLE H-G
EXISTING HOUSING UNITS, CAPACITY, AND TARGETS, KENMORE**

Housing Type	2012 Existing		Remaining Capacity		Total if Built to Capacity	
	Units	Pct	Units	Pct	Units	Pct
Single-family Dwellings	6,471	74%	1,352	30%	7,823	59%
Multi-family Dwellings, total	2,264		3,151		5,415	
In residential-only zones	2,264	26%	742	16%	3,006	23%
In mixed-use zones	0	0%	2,409	53%	2,409	18%
Total	8,735		4,503		13,238	

Source: 2014 Buildable Lands Report (King County).

SUMMARY OF LOCAL HOUSING STRATEGIES

Since incorporation, the city has taken action in several areas to address local housing needs. These include:

- Updates to the Downtown area plan have increased opportunities for creating new housing in the Downtown. This has allowed the city to have sufficient capacity to meet its 2006–2013 housing growth targets.
- The city rezoned the old Park and Ride site to allow housing development, with a requirement that 25 percent address local affordable housing needs. The first phase of development of this property began in 2014. To help enhance affordability on the property, the city approved a twelve-year property tax exemption on residential improvements.
- The city adopted regulations to allow Accessory Dwelling Units, with over 30 ADUs permitted to date.
- The city has waived a portion of impact fees for a project that incorporated housing affordable to low-income households.
- The city has been an ongoing member of ARCH. Through the ARCH Trust Fund process, the city has regularly committed local funds for affordable housing projects in Kenmore and throughout the region, assisting over 170 units affordable to lower-income households.
- Through participation in the countywide CDBG Consortium, 25 local homeowners have received Housing Repair loans since 2005.
- The city, in 2017, approved a Housing Strategy Plan identifying potential strategies to address affordable housing needs and prioritizing them for future consideration.

GOALS, OBJECTIVES, AND POLICIES

RESIDENTIAL NEIGHBORHOODS SUB-ELEMENT

GOAL H-1. PROMOTE AND MAINTAIN STRONG RESIDENTIAL NEIGHBORHOODS.

OBJECTIVE H-1.1 Encourage repair and maintenance of existing housing.

Policy H-1.1.1 Encourage private reinvestment in residential neighborhoods and private rehabilitation of housing by providing information, technical assistance, and referrals to appropriate agencies and organizations.

Policy H-1.1.2 Provide regular and appropriate levels of investment in transportation, surface water, and parks maintenance and improvements within residential neighborhoods, consistent with the City's capital improvement priorities. Encourage special districts to provide services and maintain infrastructure within residential neighborhoods consistent with adopted service and capital improvement plans.

Policy H-1.1.3 In cooperation with King County, Puget Sound Energy, or other agencies, promote the use of weatherization programs in existing housing.

Objective H-1.2 Promote safe, physically accessible, well maintained, and well designed residential environments with associated open spaces.

Policy H-1.2.1 Encourage housing design and development that promotes public safety including "Crime Prevention through Environmental Design" components as described in the Land Use Element.

Policy H-1.2.2 Ensure development regulations address accessible housing and transportation services. Residential structures as well as physical improvements, such as parking, streets, and sidewalks, should allow for mobility and accessibility by all residents, including the elderly and persons with disabilities, consistent with the Transportation Element. Promote awareness of Universal Design improvements that increase housing accessibility.

Policy H-1.2.3 Prepare and implement development and design standards that acknowledge neighborhood character and address compatibility with surrounding development consistent with Land Use and Community Design Element goals and policies.

Policy H-1.2.4 Encourage energy and water efficiency in existing and new housing developments, as addressed in the Utilities Element.

Policy H-1.2.5 Ensure adequate setbacks, landscaping, and buffering are required between housing developments of significantly differing densities and between housing and commercial areas.

Policy H-1.2.6 Ensure critical area regulations provide sufficient buffer widths consistent with the quality and class of the environmentally sensitive area. Restrict intrusion into sensitive areas by nearby residents and visitors.

Policy H-1.2.7 Encourage cluster residential development along with open space, consistent with the Land Use Element.

Policy H-1.2.8	Encourage property consolidation in the Downtown, through density bonuses or other incentives, to create mixed-use and multi-family developments that offer a range of site and community benefits such as private and public open spaces and plazas, structured parking, and other amenities.
Policy H-1.2.9	Plan for residential neighborhoods that promote the health and well-being of residents by supporting active living and by reducing exposure to harmful environments.
OBJECTIVE H-1.3	Plan appropriate land use designations and zoning categories to accommodate projected household growth.
Policy H-1.3.1	Plan for an adequate supply of land to accommodate projected growth, including but not limited to, affordable housing, multifamily housing, and special needs housing.
Policy H-1.3.2	Ensure zoning regulations accommodate a range of housing styles and types in appropriate locations, such as single-family detached dwellings, townhouses, apartments, accessory dwellings, designated manufactured homes, and other types. Consider neighborhood character as well as housing needs when applying zones, land use, and development standards.
OBJECTIVE H-1.4	Identify and support Kenmore's Downtown as a center for commercial, civic, cultural, park, and higher density housing uses and activities.
Policy H-1.4.1	Develop mixed-use, higher density districts in Downtown Kenmore, meeting community goals to develop community identity, vital business and service opportunities, concentration of higher density housing, and multi-modal transportation services.
Policy H-1.4.2	Offer density bonuses and density transfers to achieve a compact, vital Downtown, as well as meet environmental and affordable housing goals.
GOAL H-2.	PROVIDE HOUSING OPPORTUNITIES IN KENMORE FOR PEOPLE WITH SPECIAL NEEDS.
OBJECTIVE H-2.1	Provide opportunities for the development of short-term and permanent housing for people with special needs.
Policy H-2.1.1	Allow opportunities for assisted housing, for people with special needs, by: a. Permitting group living situations, including those where residents receive such supportive services as counseling, foster care or medical supervision in accordance with state and federal laws; and, b. Encouraging developers and owners of assisted housing units to undertake activities to establish and maintain positive relationships with neighbors.
Policy H-2.1.2	Ensure that group home providers have received appropriate licenses from federal or state agencies where appropriate.

Policy H-2.1.3	Support housing options and services that enable seniors to stay in their homes or neighborhoods.
OBJECTIVE H-2.2	Support and promote community facilities and programs that are important to the safety, health, and social needs of families, children and persons with special needs.
Policy H-2.2.1	Increase coordination among providers of social, health, counseling, and other services to families, children, and persons with special needs including seniors citizens, persons with physical or mental disabilities, persons with terminal illness, or other special needs.
Policy H-2.2.2	Work with transit and transportation providers to increase access between special needs housing and community facilities and programs in Kenmore or the Northshore area.
Policy H-2.2.3	Support the location of social, recreational, health, safety and other services in Kenmore to serve people with special needs.
Policy H-2.2.4	Support a range of housing options and services to help homeless persons and families move to long-term financial independence.
Policy H-2.2.5	Work with other jurisdictions and health and social service organizations to develop a coordinated, regional approach to homelessness.

HOUSING AFFORDABILITY SUB-ELEMENT

GOAL H-3. MAKE ADEQUATE PROVISIONS FOR A PROPORTIONATE AMOUNT OF THE EXISTING AND PROJECTED COUNTYWIDE NEED FOR HOUSING AT ALL INCOME LEVELS.

OBJECTIVE H-3.1 Encourage retention of the existing housing stock in Kenmore as a source of affordable housing.

Policy H-3.1.1 Promote the use of housing rehabilitation assistance (from King County, for example) to lower-income homeowners and to landlords who rent to lower-income people.

Policy H-3.1.2 Consider measures to preserve and maintain existing manufactured housing communities.

Policy H-3.1.3 When displacement is unavoidable, encourage relocation assistance and replacement housing to be developed, where feasible, to help very low- and low-income households—when displacement is unavoidable. For mobile home parks in particular, consider a funding pool to assist low and moderate income residents in deteriorating and obsolete mobile homes to find alternative housing in the community, or help to establish preferences in nearby housing for persons giving up their obsolete homes.

OBJECTIVE H-3.2 Adopt programs and regulations that support housing affordable to very low, low, and moderate-income households, comparable to the countywide need.¹

Policy H-3.2.1 Support efforts of private developers, both for-profit and not-for-profit, to preserve or develop affordable housing, including housing with on site services, for very low-, low- and moderate-income families. Consider the following roles for the City's active participation:

- a. Whenever possible, integrate affordable housing plans into proposals for development of publicly-owned properties.
- b. Play a partnership role with nonprofit housing project sponsors by supporting applications for CDBG, HOME, and other Federal, State or local funding sources for the projects.
- c. Enter into a long-term partnership with one or more nonprofit housing developers to identify sites and decide on the timing of applications for public funding.
- d. Actively support affordable housing projects by expediting the permitting process, reducing development fees, or similar measures.

Policy H-3.2.2 Participate in A Regional Coalition for Housing (ARCH) to help develop and preserve affordable housing in the community and region.

Policy H-3.2.3 Identify and catalogue real property owned by the City that is no longer required for its purposes and is suitable for the development of affordable housing for very-low to moderate income households.

¹ See Countywide Planning Policies

Policy H-3.2.4	Use density bonuses, inclusionary programs, and other methods with mixed-use and multi-family developments to provide housing affordable to low- and moderate-income households.
Policy H-3.2.5	Use local resources, as available, to leverage other public and private funding for the creation or preservation of affordable housing.
Policy H-3.2.6	Ensure that affordable housing achieved through public incentives or assistance remains affordable for the longest possible term.
Policy H-3.2.7	Collaborate with other local governments directly and through membership associations (e.g. Puget Sound Regional Council) on regional housing strategies, especially related to providing low- and very-low income housing.
Policy H-3.2.8	Support legislation and funding at the county, state, and federal levels that would promote the city's housing goals and policies.
OBJECTIVE H-3.3	Provide zoning and development standards that integrate affordable housing compatibly into the community.
Policy H-3.3.1	Allow designated manufactured homes built to state standards on single-family lots.
Policy H-3.3.2	Allow and accommodate accessory dwelling units in single-family districts.
Policy H-3.3.3	Pursue land use policies and regulations that: - Result in lower development costs without loss of adequate public review, environmental quality or public safety; and, - Do not reduce design quality, inhibit infrastructure financing strategies, or increase maintenance costs for public facilities.
Policy H-3.3.4	Promote fair housing for all persons and ensure that no city policies, programs, regulations or decisions result in housing discrimination.

IMPLEMENTATION STRATEGIES

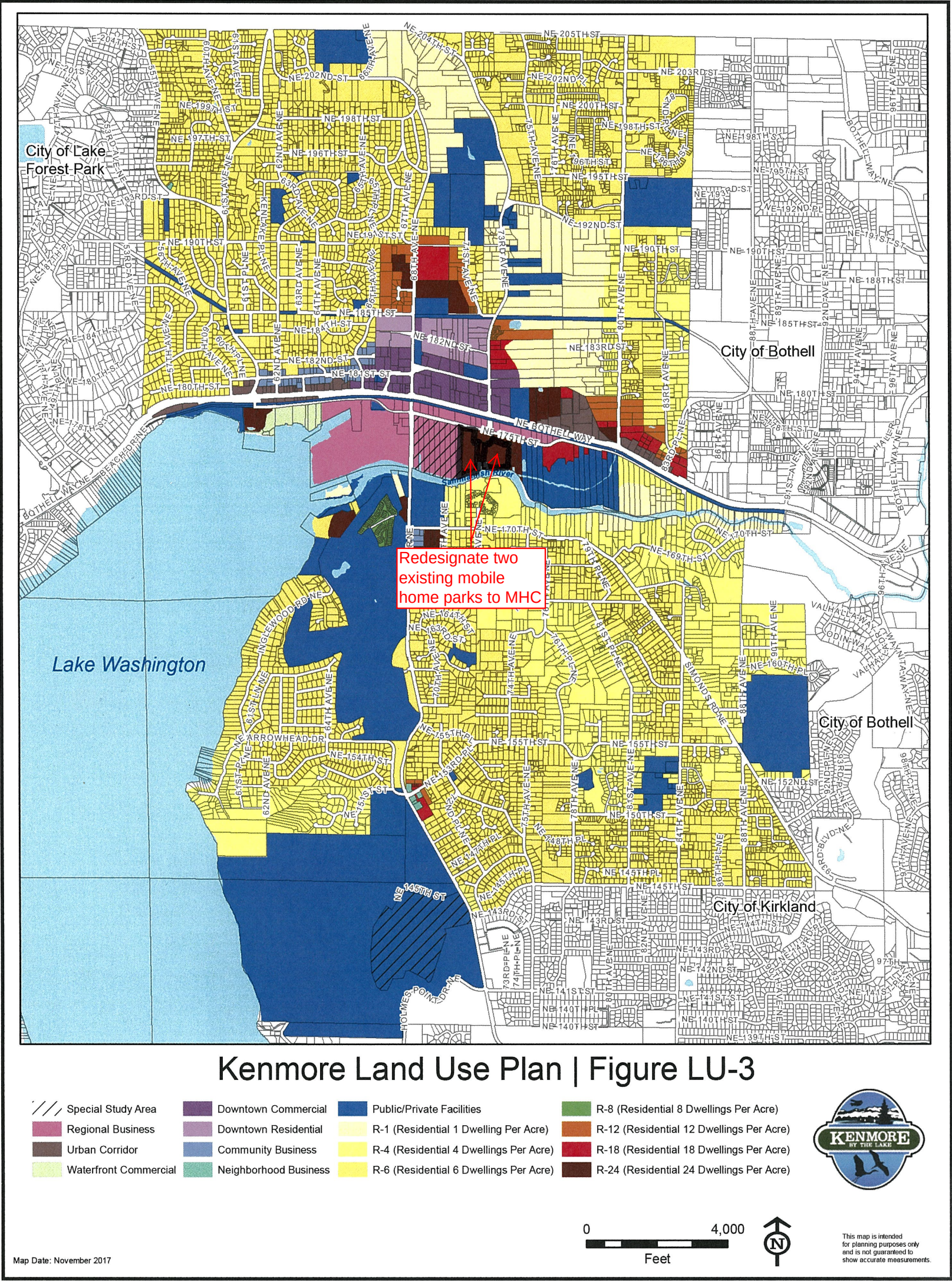
To organize and carry out these goals, objectives and policies, as well as to prepare the City for the next Comprehensive Plan update, the City will undertake the following:

- Work with neighborhoods when new policies, plans or programs are proposed to ensure that their unique issues are considered.
- ~~Adopt a~~ Continue to review the action steps and priorities from the Housing Strategy Plan that outlines action steps and priorities.
- Implement the Strategy Plan in coordination with ARCH.
- Maintain communications with, or participation in, regional agencies and projects.

- Monitor housing needs and supply over time, especially data that indicate progress toward meeting a proportionate share of the countywide needs for affordable housing.
- Evaluate and report results of the Strategy Plan and how the goals, objectives, and policies of this Housing Element have been achieved.
- Revise the Strategy Plan as needed to achieve more of the Housing Element's goals, objectives, and policies.

REFERENCES

A Regional Coalition for Housing (2014). East King County Housing Analysis, Redmond, WA.



NATURAL ENVIRONMENT SUB-ELEMENT

INTRODUCTION

Natural systems play an important part in defining the character of the City of Kenmore. The different waterways provide recreational opportunities as well as visual amenities for the community. Some of the smaller, unnamed creeks perform an important role in surface water management by channeling runoff from impervious surfaces to the Sammamish River and/or Lake Washington. Streams and wetlands provide habitat for fish and wildlife and the tree-covered hillsides protect the slopes from erosional processes while also providing habitat. Future development will impact the natural systems and should be carefully reviewed to prevent undue adverse impacts that would lead to degradation of critical areas and to property damage.

Purpose

The purpose of the Natural Environment Sub-Element is to clarify the relationship between the natural environment and the built environment and to secure a balanced approach to future development. Sensitive areas such as wetlands, open spaces, and fish and wildlife habitat contain much of the natural wealth valued by City residents. Other sensitive areas, such as land prone to flooding and geologically hazardous areas are important because of the risk to lives and property posed by developing them.

Growth Management Act State Requirements

Under the Growth Management Act (GMA) all jurisdictions are required to protect and enhance the natural ecosystems through comprehensive plans and policies, and to develop regulations that reflect natural constraints and protect sensitive features. Land use and development is to be regulated in a manner that respects fish and wildlife habitat in conjunction with natural features and functions, including air and water quality. Natural resources and the built environment are to be managed to protect, improve and sustain environmental quality.

Additionally, under the federal Clean Water Act, administered by the Washington Department of Ecology, local waterways are to be managed for multiple beneficial uses, including flood and erosion hazard reduction, fish and wildlife habitat, agriculture, open space, water supply, and hydropower. Use of water resources for one purpose should, to the fullest extent possible, preserve and promote opportunities for other uses.

Countywide Planning Policies

The King County Countywide Planning Policies (CPP) seek to restore the quality of the natural environment and to protect it for future generations. The policies require all jurisdictions to manage natural drainage systems to improve water quality and habitat functions, minimize erosion and sedimentation, protect public health, reduce flood risks, and moderate peak storm water runoff rates. Jurisdictions in shared basins are to coordinate approaches and standards. Jurisdictions also are directed to encourage low impact development approaches and to plan for land use patterns and transportation systems that minimize air pollution and greenhouse gas emissions.

All jurisdictions are to collaborate with the Puget Sound Partnership to implement the Puget Sound Action Agenda for the benefit of Puget Sound and its watersheds.

EXISTING CONDITIONS

Geology

Much of the City of Kenmore is comprised of undulating uplands formed as a result of different glacial depositional processes. Stream erosion, subsequent to glaciation, carved gullies and ravines in the uplands. Drift plains and alternating valleys create a north-south trending “ridge and valley” regional topography, with one major east-west lowland bisecting Kenmore – the Sammamish River Valley where the river empties into Lake Washington. The general topography of Kenmore is varied, ranging from hills up to 500 feet in elevation to the Lake Washington shoreline at 20 feet above sea level.

The Vashon glaciation left a layer of till and recessional sand and gravel deposits that mantle the upland plateaus north and east of Lake Washington. The till and recessional deposits overlie Vashon outwash sand and gravel, and older glacial and nonglacial deposits that overlie bedrock at great depths.

The Vashon and older deposits in the Kenmore area form a sequence of sand and gravel layers separated by finer grained layers of clay and silt or tight, well-graded soils, which are exposed in places along the steep slopes that lie between the upland plateaus and the lowland drainages. The Vashon and older deposits comprise several aquifers and aquitards ~~within the subsurface, which that~~ control subsurface water movement from the upland to the lowland as well as to ~~the locations of~~ streams and creeks that occupy former outwash channels.

Lodgment till from the Vashon glaciation mantles much of the upland area but is generally absent from the steeper slopes at the edge of uplands and in the lowland. Lodgment till is an unsorted mixture of sand, gravel, silt, and clay deposited at the base of a glacier that has been compacted to a very dense state by the great weight of the overriding ice. This type of till has very low permeability and typically acts as an aquitard, restricting the downward flow of groundwater and reducing recharge of deeper aquifers. Till occurs at or very near the ground surface in the higher elevations of the watershed ~~where north-south ridges and swales left by the passage of glacial ice cross the upland surface.~~

The ground surface along the upland margins and within former large outwash channels is underlain by a veneer of recessional outwash and ice contact deposits. Ice contact deposits were deposited during stagnation and melting of the ice sheet. These deposits consist of sand and gravel, similar to recessional outwash, but are more variable and often contain ~~lenses of very silty material layers,~~ till, and lacustrine silt and clay, which impede infiltration and groundwater flow.

Recent, unconsolidated deposits of alluvium, organic-rich deposits, and fill overlie the Vashon glacial soils. Recent alluvium, consisting of sand and gravel with interbeds of organic silt, peat and silty clay, exists within the floodplains of the Sammamish River and Swamp Creek. In general, the recent alluvium is poorly drained and associated with hydric soil conditions.

Geologic Hazards

Geologic hazard areas in Kenmore include lands with erosion, landslide, and seismic hazards. Erosion hazard areas, identified on the City’s Geologic Hazard Areas map, occur along the northwest City limits, along 61st Avenue NE, land south of NE 170th Street, and along the shoreline in the Inglewood neighborhood and St. Edward State Park.

The identification of areas susceptible to landsliding is necessary in the assessment of grading, building, foundation design, housing density, and other land development regulations. ~~Steeply sloping~~ ~~unconsolidated glacial deposits~~ are ~~highly~~ susceptible to landslides. Landslide hazard areas are found

along 61st Avenue NE, the area south of NE 170th Street, and the Inglewood/St. Edward State Park area along Lake Washington.

Seismic hazard areas are those areas subject to severe risk of earthquake damage as a result of seismically induced settlement, **fault displacement** or soil liquefaction. The City's Geologic Hazard Areas map identifies the region of Swamp Creek, the Sammamish River basin and the northern end of Lake Washington north of NE 166th Place as a seismic hazard area primarily due to the potential of soil liquefaction during times of seismic activity. **Seiches or tsunamis are also potential hazards for lake shoreline and river delta areas; however, susceptibility maps have not yet been produced by the Washington Department of Natural Resources.** Refer to **Figure LU-11 NEW MAP TO BE INSERTED** for the map indicating geologic hazard areas in Kenmore.

Air Quality

Air quality is generally assessed in terms of concentrations of air-borne pollutants being higher or lower than ambient air quality standards set to protect human health and welfare. To measure existing air quality, the Washington State Department of Ecology and the Puget Sound Clean Air Agency (PSCAA) maintain a network of monitoring stations throughout the Puget Sound region. Based on monitoring information collected over time, state (Ecology) and federal (**EPA U.S. Environmental Protection Agency**) agencies designate regions as being "attainment" or "nonattainment" areas for particulate air pollutants. Attainment is a measure of whether National Ambient Air Quality Standards (NAAQS) are being met.

King County was designated as a nonattainment area in 1989. This designation brought about maintenance measures to bring the area back into attainment. The county now meets air quality standards and has a long-term plan for continuing to meet and maintain these standards and other requirements of the Clean Air Act. The county presently is designated as a "maintenance area."

Future Conditions

Air quality in Kenmore is predicted to remain much as it is today or to improve slightly. This is based on continuation of the State vehicle emissions inspection and monitoring program and decreased dependence on wood as a primary heating source as newer houses replace older ones.

Additionally, implementation of zoning responsive to air quality concerns can result in air pollution benefits Countywide and regionally. Decreased air pollution can be expected from zoning and development patterns that result in a reduction in vehicle miles traveled. Concentrated development and higher density development allows transit to serve people more efficiently and generally reduces the number of cars on the road. Although regional or Countywide emissions can be reduced with efficient land use patterns, air pollutant emissions would still occur in more populated areas and may affect more people.

Figure 11. Geologic Hazards

Water and Wetlands

Predominant water features in the City include Swamp Creek as well as its tributaries and associated wetlands, the Sammamish River, and Lake Washington. In addition to these major water bodies, numerous small unnamed streams drain to these features.

Numerous wetlands also are located in the City—many within public open spaces such as Wallace Swamp Creek Park, Squire’s Landing Park, and ~~Inglemoor~~Inglewood Wetlands. Wetlands are transitional areas between aquatic and upland habitats and are identified based upon three parameters: hydrology, soils and vegetation. Wetlands are formally identified and delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements. Under normal circumstances, wetlands include the following three components:

- Presence of water (hydrology) or an indication of at least the seasonal presence of water on the surface or in the soils;
- Unique soils (hydric soils) that differ from upland soils due to anaerobic conditions resulting from prolonged or frequent saturation or flooding; and
- A dominance of plants adapted to growing in wet conditions (hydrophytic vegetation).

Wetlands provide habitat for a variety of aquatic and terrestrial plant and animal species. The extent to which a wetland will provide wildlife habitat will depend upon several features including the condition of the site, its size, presence of habitat features (e.g. open water, ~~dead~~snags, islands or perches), the variety and complexity of the different habitat types within the wetland, and the surrounding habitat in the immediate vicinity. The ability of a wetland to provide habitat can also be linked to the degree it has been fragmented by urbanization and the level of disruption of the hydrology and vegetative continuity with other wetland systems. See **Figure LU-11a** **NEW MAP TO BE INSERTED** for a map of streams and wetlands in Kenmore.

Figure 11a. Streams and Wetlands (with Typing)

Swamp Creek

The main stem of Swamp Creek is approximately 14.6 miles long, extending from headwaters wetlands in south Everett, through portions of Everett, Lynnwood, Brier, Mountlake Terrace, Bothell, unincorporated Snohomish County, and Kenmore to the Sammamish River. Within the city of Kenmore, there are 2.5 miles of shoreline along the stream.

Swamp Creek is typical of Puget Sound lowland streams. It originates in upland areas with gently sloping hillsides and eventually flows through a broad valley to the mouth. Topography along the stream course varies from 450 feet above sea level at the headwaters to 20 feet above sea level at the mouth of the creek. The stream has a low to moderate gradient of 1 to 6 percent. Site and vegetation clearing and grading, increased impervious surfaces, inadequate storm detention and other factors, particularly with development in the watershed upstream from Kenmore, have increased flood frequencies and severity. Despite these changes, the Swamp Creek floodplain contains some of the largest and highest quality wetlands and wildlife habitat in the City. Swamp Creek has actively migrated within its floodplain.

Little Swamp Creek and Muck Creek join with Swamp Creek in Kenmore, along with a third, unnamed tributary.

Water quality issues include sedimentation and pollutants associated with stormwater runoff. Temperature and dissolved oxygen exceed the water quality standards for most of the summer and early fall. There also are frequent exceedances of the fecal coliform bacteria standard. Swamp Creek at the mouth has consistently scored low on the King County Water Quality Index—rating it as a “high concern.” has been rated over time as either “moderate concern” or “high concern” since King County began monitoring water quality parameters in 2000.

To capture gravels and sediments, an in-stream sediment pond was created and is maintained in Wallace Swamp Creek Park.

Fish Habitat

Swamp Creek supports several salmonid fish species including coho salmon (federal species of concern), Chinook salmon (federally listed, threatened), coastal cutthroat trout (sea-run and resident), sockeye salmon, and steelhead trout (federally listed, threatened). Resident cutthroat trout are the dominant salmon species that spawn in the Swamp Creek basin. Swamp Creek also supports coho spawning and Little Swamp Creek is documented to support coho rearing. There is no designated critical habitat for any salmonid species in Swamp Creek or its tributaries.

Wildlife Habitat

Wildlife species are concentrated in small forested and wetland areas of the Swamp Creek watershed. The Swamp Creek Wetland #3 (Listed in the King County Sensitive Areas Map Folio; see Figure LU-11a) complex provides excellent forage and nesting habitat for birds and good forage and shelter habitat for amphibians, reptiles and small mammals. Ponded areas in the wetland provide resting sites for waterfowl. Of particular interest in Wetland #3 is the Great Blue Heron rookery, described further below.

Purple martin nest boxes (state priority species) are mapped at the Swamp Creek confluence.

Sammamish River

The Sammamish River begins at the outlet of Lake Sammamish and ends at its confluence with Lake Washington. The total length of the river mainstem is approximately 14 miles. Within the City limits, the shoreline extends approximately 1.8 miles. The river has a low gradient (approximately 0.02%), dropping only 14' in elevation over its length. The volume and rate of surface water discharge from Lake Sammamish is moderated by a weir at Marymoor Park.

The River has been altered over time to control flooding. The natural Sammamish River floodplain historically covered a very large area as the river meandered extensively across the valley floor. Prior to channelization, land use in the valley was predominately agricultural and spring flooding regularly caused extensive damage to seed crops. To reduce this damage and to help regulate the level of Lake Sammamish, the U.S. Army Corps of Engineers, with King County as a local sponsor, dredged a deeper and straighter channel in the 1960s, filling in the former meanders. Levees were typically placed on the riverbanks to maximize the flood protection area. Miles of streambank were lined with rip-rap and are devoid of vegetation. In the 1980s and 1990s, dredging at the mouth of the river was undertaken for navigational purposes.

Consequences of the flood control projects include reduced frequency of overbank flooding, reduced riparian habitat, and elimination of extensive wetland areas. In Kenmore, approximately 35.3 acres of wetlands are mapped on the Sammamish River shoreline. The City has undertaken community restoration efforts to control invasive plants and replant native species in portions of the Rhododendron Park wetlands, portions of Squire's Landing Park wetlands, and in wetlands near the Wildcliffe Shores community.

The water quality of the Sammamish River is largely influenced by the slow-moving nature of this lowland system and by the backwater effect from Lake Washington. The slow movement, while enhancing sediment deposition, also allows for development of dense stands of aquatic plants and higher algal productivity. The backwater affect means that warmer lake water with lower dissolved oxygen concentrations is significantly influencing the conditions in the lower reach of the river, especially during summer months. Temperatures are limiting for salmon. Fecal coliform bacteria and various pollutants are additional water quality issues.

The King County Water Quality Index rated the River at the Kenmore monitoring station as either of high or moderate concern with respect to water quality between 2000 and 2008.

Fish Habitat

The Sammamish River remains a major migratory pathway for salmon. The mouth of the River provides salmon rearing habitat and it is believed that outmigrating juvenile salmon may hold in the shallow beach area near the river mouth before moving into the lake. The basin supports rainbow trout, coho salmon (federal species of concern), Chinook salmon (federally listed, threatened), coastal cutthroat trout, kokanee salmon, sockeye salmon, and steelhead trout (federally listed, threatened).

Wildlife Habitat

Historically, the Sammamish River with its broad, shallow channels and numerous backwater sloughs and meanders provided prime habitat for a wide variety of animal species. This diversity of wildlife has been reduced and birds are the most visible form of wildlife along the river. Bald eagles, other raptors and cormorants have been observed flying along the River and great blue herons feed there.

Lake Washington

Lake Washington has a surface area of approximately 35 square miles. Kenmore's shoreline along the north end of Lake Washington is approximately 3.5 miles in length. The shoreline has little natural vegetation or habitat left due to urbanization. An exception is the waterfront along St. Edward State Park, which is roughly 3,000 feet in length and the longest undeveloped stretch of Lake Washington shoreline.

Construction of the Ship Canal in 1916 created the connection between Lake Washington and Puget Sound, causing the lake water surface elevation to drop approximately 9 feet. Currently the U.S. Army Corps of Engineers maintains the water level in the Lake within a 2-foot range between 20 and 22 feet. The minimum water elevation is maintained during winter to allow for annual maintenance of docks and other structures, minimize damage during winter storms, and provide flood storage volume.

Water quality in Lake Washington ~~is~~ has improved tremendously ~~improvement from just in the last~~ 50 years ~~ago~~. However, a continued concern is localized areas of eutrophication, wherein nutrients (particularly phosphorus) and bacteria from the watershed are transported to the lake, resulting in excessive plant growth including floating and attached algae and nuisance plants. Water quality concerns around increased water temperature, fecal coliform bacteria and chemical contaminants also are present.

Fish Habitat

Lake Washington supports over 30 fish species of which 12 are non-native and introduced to the lake. Native species of salmonids use the lake for migratory passage, rearing of juveniles, and foraging. No salmonid spawning typically occurs in Lake Washington. Salmonid species include Chinook (federally listed, threatened), coho (federal species of concern), sockeye salmon, steelhead trout (federally listed, threatened), resident rainbow trout, cutthroat trout, Dolly Varden/bull trout (federally listed, threatened) and kokanee salmon.

Wildlife Habitat

Mapped bald eagle nest sites are located on the east shore of Lake Washington and documented perch trees, including large black cottonwoods, are located along the lakeshore. Pileated woodpecker breeding (state candidate species) occurs in the forests of St. Edward State Park and extending onto forested portions of adjacent private and public properties. Other priority habitats associated with the lake include wetlands and riparian biodiversity areas and corridors.

Endangered, Threatened, Sensitive Species

Federally Listed Species

Several federally listed species are known to occur or could potentially occur within the City's shorelines. Federally listed species that have been documented include Chinook salmon, designated by National Oceanic and Atmospheric National Marine Fisheries Division (NOAA Fisheries) as Threatened in 1999 and re-confirmed in 2005; bull trout, designated by U.S. Fish and Wildlife Service as Threatened in 1999; and steelhead trout, designated by NOAA Fisheries as Threatened in 2007 and re-confirmed in 2014.

As defined in the Endangered Species Act, critical habitat is "specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection." In 2005, the National Oceanic and Atmospheric Administration National Marine NOAA Fisheries Division ~~designated~~ designated "critical habitat" for Chinook salmon in the region, which is

protected as essential to the conservation of listed salmon. Critical habitat for Puget Sound Chinook salmon includes the entire Kenmore's Lake Washington shoreline, including shoreline in Kenmore, and the lower portion of the Sammamish River.

In 2004, the U.S. Fish and Wildlife Service designated "critical habitat" for the Puget Sound Distinct Population Segment (DPS) of bull trout. The entire length of the, including Kenmore's Lake Washington shoreline, including areas within Kenmore, was designated as critical habitat for bull trout.

In 2007/2016, NOAA Fisheries designated "critical habitat" for the listed Puget Sound DPS steelhead as "threatened." Designation of potential critical habitat is underway which excludes all waters in the Lake Washington watershed, including in Kenmore.

State Priority Habitat and Species Program

The State of Washington Department of Fish and Wildlife has a Priority Habitat and Species (PHS) program which includes a catalog of habitats and species considered to be priorities for both conservation and management. Priority habitats are "habitat types or elements with unique or significant value to a diverse assemblage of species." In Kenmore priority habitats include wetlands, biodiversity areas and corridors, and freshwater ponds.

The State lists designate State-Endangered, Threatened, Sensitive, and Candidate Species. Priority species include those designations, as well as "animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable." Priority species documented in Kenmore include Chinook salmon, bull trout, coho salmon, sockeye salmon, kokanee salmon, steelhead trout, coastal cutthroat trout, bald eagle, pileated woodpecker, purple martin, and great blue heron. Recent information indicates that the purple martin is no longer nesting in Kenmore.

The bald eagle's population status has improved to levels that resulted in the removal of the eagle from both federal and state listing. However, the eagle is still protected by the federal Golden and Bald Eagle Protection Act.

Due to the importance and size of the Kenmore's great blue heron colony, the great blue heron species is addressed below.

Great Blue Heron

Great blue herons are a permanent resident in all of Washington except the higher Cascade and Olympic ranges. They are highly vulnerable to human disturbance, predation, and competition for nesting habitat.

More productive colonies tend to form near large areas of high quality foraging habitat. Most colonies are within 1.9 miles of key foraging grounds, although herons can nest anywhere within 6.2 miles of where they are foraging.

Ideal nesting habitat consists of mature forest. Although most colonies are found in forests free of human disturbance, some nesting occurs in areas of persistent human activity. The birds are less tolerant of disturbance in the pre-courtship and courtship periods between mid-February and mid-April.

Bald eagles are the heron's primary predator (Azerrad, 2012).

A heron rookery has been established near the north end of the Kenmore Park and Ride, within Swamp Creek wetlands. It housed approximately 40 nesting pairs in 2009.

The colony established itself after the Kenmore Park and Ride lot was developed. There is a water barrier between the lot and the colony which may create a sense of safety. Other than encroaching development, factors which may cause the birds to move in the future include bald eagle intrusion, damage to nesting trees (trees can be damaged by the nesting as well as by flooding), reduction in foraging areas, and other factors (Norman 1999).

The birds are colonial during the breeding season but are noncolonial in the winter when they stay in the immediate area but separate into smaller groups. The winter roosting areas have not been identified. In winter, the birds will switch from foraging in wetland areas to upland areas where they will feed, for example, on rodents (Norman 1999).

Colonies usually exist at the same location for many years, and productivity (the number of fledglings/nesting herons) may be positively related to the number of years colonies have been in use. The herons may relocate their colonies in response to increased predation on eggs and young by mammals and birds such as eagles, declines in food availability, or human disturbance (State of Washington Department of Fish and Wildlife 1999).

The City of Kenmore's Critical Area Regulations should require a year-round buffer of 900 feet radius around an active rookery, where unusually loud activities should be prohibited (Azerrad, 2012). Between January/February 1 and July/August 31, no clearing or grading or land disturbing activity is/should be allowed within 900 feet of the rookery/the buffer unless approved by the Washington State Department of Fish and Wildlife (the SR-522 right of way is exempt from the buffer). Permits for activities within the heron rookery buffer require approval of a habitat management plan by the State and City.

Shoreline Master Program

The Shoreline Master Program applies to “shorelines of the State.” In Kenmore, these include Lake Washington, the Sammamish River, and the main stem of Swamp Creek. In addition, wetlands considered “associated” with State Shorelines, such as Swamp Creek No. 3, also are regulated by the Shoreline Master Program. The Shoreline Master Program regulations include Environment designations of Downtown Waterfront, Shoreline Residential, Urban Conservancy, ~~and Natural~~, ~~and Aquatic~~. The Downtown Waterfront environment is more permissive in terms of uses and development standards than the other designations. The most restrictive ~~E~~environment designation is the Natural ~~E~~environment. The Shoreline Sub-Element of the Land Use Element addresses shoreline goals, objectives and policies.

GOALS, OBJECTIVES, AND POLICIES

Following are the natural environment goals, objectives and policies. In some cases, policies are cross-referenced in more than one Element or Sub-Element, and this is noted by a policy reference in italics (e.g., *Policy SW-42.3.1*).

GOAL 13. PRACTICE ENVIRONMENTAL STEWARDSHIP BY PROTECTING, ENHANCING, AND PROMOTING THE NATURAL ENVIRONMENT IN AND AROUND THE CITY OF KENMORE.

OBJECTIVE 13.1 Cooperate regionally and strive locally to improve air quality.

- Policy LU-13.1.1 Protect air quality from adverse impacts through the following measures:
- a. Encourage alternative modes of transportation to reduce reliance on the automobile as the primary method of transportation.
 - b. Promote mixed-use and compact development forms, particularly in the Downtown, to help reduce the need for automobile use.
 - c. Require air quality impact analysis for major new developments, which could adversely impact the air quality levels in the vicinity.
 - d. Work with other agencies to educate the public about air quality impacts due to vehicular travel and due to improper use of woodstoves and fireplaces.
 - e. Work with other agencies to monitor air quality within the planning area.

- Policy LU-13.1.2 Through development standards, reduce air pollution emissions from construction and land clearing activities.

OBJECTIVE 13.2 Encourage a reduction in overall noise levels throughout the community.

- Policy LU-13.2.1 Require new developments which could generate substantial levels of noise or could expose people to substantial levels of noise from existing noise generators to submit an analysis of potential noise impacts and propose mitigation.

Policy LU-13.2.2 Implement noise and nuisance ordinances to address various noise sources and require cessation or mitigation of noise.

Policy LU-13.2.3 Encourage residential or other noise-sensitive development proposed for location in noise-impacted areas to be oriented away from noise source, or to be constructed with materials that will maximize noise reductions, or to incorporate fencing, landscaping, or other noise-reducing features, appropriate to the situation. Noise impacted areas may include the vicinity of SR-522, or the vicinity of the Air Harbor, or other areas that may be determined through environmental review.

OBJECTIVE 13.3 Encourage a reduction in light and glare impacts throughout the community.

Policy LU-13.3.1 Through design standards or educational opportunities, discourage the use of building materials or signage materials that cause glare impacts to substantial numbers of motorists or surrounding neighborhoods.

Policy LU-13.3.2 Require appropriate illumination levels and light shields, ~~and direction~~ for lighting standards along streets, and in public open spaces and parks.

Policy LU-13.3.3 Encourage residents to provide exterior lighting for security purposes which does not unduly impact their neighbors.

Policy LU-13.3.4 Restrict lights pointing up, affecting the view of the night sky.

OBJECTIVE 13.4 Cooperate regionally and strive locally to protect surface and ground water quality and quantity from degradation.

Policy LU-13.4.1 Actively work with communities upstream from Kenmore to develop and implement appropriate surface water regulations to adequately retain and detain surface water so as to minimize the adverse effects upon the environment in Kenmore.

Policy LU-13.4.2 Use incentives, regulations and programs to manage Kenmore's water resources (rivers, streams, lakes, wetlands and ground water) and to protect and enhance their multiple beneficial uses including fish and wildlife habitat, flood and erosion control, water supply, energy production, transportation, recreational opportunities and scenic beauty. Use of water resources for one purpose should, to the fullest extent practicable, preserve opportunities for other uses.

Policy LU-13.4.3 Allow development that supports continued ecological and hydrologic functioning of water resources. Development should not have a significant adverse impact on water quality or water quantity.

Policy LU-13.4.4 Participate in the development of watershed plans integrating surface water, ground water, drinking water and wastewater planning to provide efficient water resource management.

Policy LU-13.4.5 Actively encourage the use of environmentally safe methods of vegetation control.

OBJECTIVE 13.5 Adopt an urban forestry strategy to encourage the preservation and planting of trees on public and private property.

Policy LU-13.5.1 Adopt an urban forestry strategy which encourages the preservation and protection of trees on public and private properties.

Policy LU-13.5.2 Through urban forestry, street design standards and parks programs, encourage the planting of street trees throughout the City.

OBJECTIVE 13.6 Protect the natural, environmental, ecological, public access, aesthetic, and economic aspects of Lake Washington, the Sammamish River, and Swamp Creek.

Policy LU-13.6.1 In the City's Shoreline Sub-Element and Shoreline Master Program, balance the need to provide for shoreline protection, and public access, with the need to allow for water-oriented uses and economic development.

Policy LU-13.6.2 Allow development within designated Shoreline Environments the shoreline jurisdiction that preserves the resources and ecology of the water and shorelines; avoids natural hazards; promotes visual and physical access to the water; and preserves archeological resources, traditional cultural resources, and navigation rights. Protection of critical areas should be balanced with visual values and physical access as long as there is no net adverse impact to regulated shoreline ecological processes and functions.

Policy LU-13.6.3 Balance private property rights with the need for public physical and visual access to shorelines.

GOAL 14. PROTECT LIFE AND PROPERTY IN AREAS OF NATURAL HAZARDS.

OBJECTIVE 14.1 Strive to protect lives and public and private property from flooding.

Policy LU-14.1.1 Implement the Surface Water Element goals, objectives and policies and the Kenmore Surface Water Management Plan to minimize flood hazards in the community.

Policy LU-14.1.2 Recognize the Swamp Creek basin as an environmentally sensitive area that has sustained repeated flooding impacts. Densities and services should reflect the environmental sensitivity of the Swamp Creek basin.

OBJECTIVE 14.2 Strive to protect slopes from erosion and landsliding.

Policy LU-14.2.1 Require land uses permitted in mapped Erosion Hazard Areas to minimize soil disturbance, control soil erosion and maximize retention and replacement of native vegetative cover.

Policy LU-14.2.2 Require new development to protect natural vegetation coverage at levels sufficient to moderate surface water runoff and erosion and to protect the integrity of stream channels. When revegetation is required, appropriate native vegetation should be used.

- Policy LU-14.2.3 Require grading and construction activities to be conducted with erosion control Best Management Practices and other development controls as necessary to ~~reduce~~~~minimize~~ sediment discharge from construction sites ~~to minimal levels~~.
- Policy LU-14.2.4 Require increased surface water ~~requirements~~~~management~~ in areas draining over steep and erosive slopes.
- Policy LU-14.2.5 Limit development on slopes with a grade of 40 percent or more ~~to be developed~~ unless the risks and adverse impacts associated with such development can be reduced to a non-significant level.
- Policy LU-14.2.6 Limit development in Landslide Hazard Areas unless the risks and adverse impacts associated with such development can be reduced to a non-significant level.

OBJECTIVE 14.3 Minimize the potential for damage due to liquefaction and seismic hazards.

- Policy LU-14.3.1 In areas with severe seismic hazards, apply Uniform Building Code, and any other necessary special building design and construction measures to minimize the risk of structural damage, fire and injury to occupants and to prevent post-seismic collapse.

GOAL 15. PROTECT AND ENHANCE UNIQUE, VALUABLE, AND CRITICAL PLANTS AND WILDLIFE.

OBJECTIVE 15.1 Protect wetlands from encroachment and degradation, and encourage wetland restoration.

- Policy LU-15.1.1 Determine wetland boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplements.
- Policy LU-15.1.2 ~~Provide~~~~Utilize~~ a ~~wetland~~ classification system ~~for wetlands~~ that ~~is based on best available science~~~~allows for the designation of both regionally and locally unique wetlands~~.
- Policy LU-15.1.3 Strive to achieve no-net-loss of wetland functions or values within each drainage basin. Acquisition, enhancement, regulations, and incentive programs may be used independently or in combination with one another to protect and enhance wetlands functions.
- Policy LU-15.1.4 Require development adjacent to wetlands to be sited such that wetland functions are protected, an adequate buffer around the wetlands is provided, and significant adverse impacts to wetlands are prevented.
- Policy LU-15.1.5 Protect areas of native vegetation that connect wetland systems. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms should be used.
- Policy LU-15.1.6 Protect the unique hydrologic cycles, soil and water chemistries, and vegetation communities of bogs, fens and other legislatively designated unique ~~wetland~~

ecosystems through the use of Best Management Practices to control and/or treat stormwater within the wetland **watershedbasin**.

- Policy LU-15.1.7 Allow public access to wetlands for scientific, recreational use, and traditional cultural use where public access trails are carefully sited, sensitive habitats and species are protected, and hydrologic continuity is maintained.
- Policy LU-15.1.8 Allow enhancement or restoration of degraded wetlands to maintain or improve wetland functions, provided that all wetland functions are evaluated in a wetland management plan, and adequate monitoring, code enforcement and evaluation is provided and assured by responsible parties. Restoration or enhancement must result in a net improvement to the functions of the wetland system. Technical assistance to small property owners should be considered.
- Policy LU-15.1.9 Alterations to wetlands may be allowed, only after all wetland functions are evaluated, the least harmful and reasonable alternatives are identified, and affected significant functions are appropriately mitigated, in order to:
- a. Accomplish a public agency or utility development;
 - b. Provide necessary utility and road crossings;
 - c. **Maintain and improve a wetlandEnhance an ecological function**; or,
 - d. Avoid a denial of all reasonable use of the property.
- Policy LU-15.1.10 Approve wetland mitigation proposals if they would result in improved overall wetland functions within a drainage basin. All wetland functions should be considered. Ensure mitigation sites replace or augment the functions that would be lost as a result of the project proposal. Further, mitigation sites should be located strategically to alleviate habitat fragmentation.
- Policy LU-15.1.11 Promote mitigation projects that contribute to an existing wetland system or restore an area that was historically a wetland. The goal for these mitigation projects is no net loss of wetland functions per drainage basin.
- Policy LU-15.1.12 Preserve land used for wetland mitigation in perpetuity. Monitoring and maintenance should be provided until the success of the site is established.
- Policy LU-15.1.13 Support a cooperative multi-jurisdictional effort to develop a plan for the establishment **and utilization** of a wetland mitigation banking program **or in lieu fee program**.
- Policy LU-15.1.14 Apply appropriate penalties for current as well as previous wetland alteration violations, such as requiring wetland restoration, through code enforcement and stricter standards for development on sites where wetlands have been illegally filled.

OBJECTIVE 15.2 Protect streams from encroachment and degradation, and encourage stream restoration.

Policy LU-15.2.1 River and stream channels should be preserved, protected and enhanced for their hydraulic, ecological and aesthetic functions.

Policy LU-15.2.2 In partnership with other jurisdictions and interested parties, continue restoring stream and river channels and surrounding riparian areas to enhance water quality and fish and wildlife habitat and to mitigate flooding and erosion.

OBJECTIVE 15.3 Maintain and promote a diversity of native species and habitat within the City.

Policy LU-15.3.1 Protect native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants. Environmentally sound methods of vegetation control, including appropriate use of approved herbicides, should be used to control noxious weeds.

~~Policy LU-15.3.2 Actively encourage the use of environmentally safe methods of vegetation control. Herbicide use should be minimized.~~

Policy LU-15.3.32 Recognize that aquatic weeds and toxic algae are a regional issue. Lobby King County to take the lead on a solution to control aquatic weeds and algae on the Sammamish River, Swamp Creek and Lake Washington. At the same time, facilitate the use of local resources, including volunteers, to reduce aquatic weeds.

Policy LU-15.3.43 Encourage the use of native plants in landscaping requirements, erosion control projects, and in the restoration of stream banks, lakes, shorelines, and wetlands. Provide incentives for using native plants, mature plantings, and higher densities of biomass.

Policy LU-15.3.54 Maintain fish and wildlife through conservation and enhancement of terrestrial, air, and aquatic habitats.

Policy LU-15.3.65 Preserve habitats for species which have been identified as endangered, threatened, or sensitive by the state or federal government.

Policy LU-15.3.76 Designate and protect the following Fish and Wildlife Habitats of Importance, including Conservation Areas found in Kenmore:

- a. Habitat for federal or state listed Endangered, or Threatened species;
- b. Habitat for State Sensitive, and Candidate species; animal aggregations considered vulnerable; and those species of recreational, commercial, or tribal importance that are vulnerable as identified and mapped by the State Priority Habitats and Species List program.
- c. Habitat for Herons of Local Importance; great blue herons;
- d. Habitat for bald eagles;
- e. Urban natural open spaces Biodiversity areas and corridors designated and mapped in the Priority Habitats and Species Project program by the State Department of Fish and Wildlife; and,

ef. Riparian corridors.

Policy LU-15.3.8 ~~Conduct a local process to determine fish, wildlife, and plant species of local importance, and address these in Policy LU 15.3.7~~Provide a mechanism for nomination and consideration of additional Fish and Wildlife Habitats of Importance.

Policy LU-15.3.9 Identify species which need protection during the development review process.

Policy LU-15.3.10 Stream and wetland buffer requirements may be increased to protect ~~Endangered, Threatened, and Priority wildlife species~~Fish and Wildlife Habitats of Importance. Whenever possible, density transfers and/or buffer averaging should be allowed.

Policy LU-15.3.11 Protect salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the County, cities, tribes, service providers, and/or state and federal agencies. Development within basins that contain fish enhancement facilities should consider significant adverse impacts to those facilities.

Policy LU-15.3.12 Work with adjacent jurisdictions, state and federal governments and tribes during land use plan development and site development review to identify and protect habitat networks at jurisdictional boundaries.

~~Policy LU 15.3.13 Encourage incorporating native plant communities into development proposals.~~

Policy LU-15.3.~~14~~13 Integrate fish and wildlife habitats into capital improvement projects whenever feasible.

Policy LU-15.3.~~15~~14 Promote voluntary fish and wildlife habitat enhancement projects by private individuals and businesses through educational and incentive programs.

Policy LU-15.3.~~16~~15 Actively participate in the Watershed Resource Inventory Area (WRIA) 8 Council to ensure that the City's planning, implementation, and enforcement efforts regarding surface and groundwater, environmentally sensitive areas, and development regulations are consistent with regional efforts. A central purpose of the watershed planning and implementation should be the recovery of endangered, threatened, or sensitive species such as ~~the c~~Chinook salmon, steelhead trout and bull trout.

Policy LU-15.3.~~17~~16 Regularly review the City's capital projects, and planning and regulatory efforts to ensure consistency with the Federal 4(d) rule.

IMPLEMENTATION STRATEGIES

The Natural Environment Sub-Element policies would require new, continuing or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, or coordinate with adjacent jurisdictions.

New programs, rules, or regulations would be needed to address:

- Air quality and noise analyses for major new developments
- Urban forestry strategies
- Habitat enhancement educational, volunteer and incentive programs
- Aquatic weed and algae control.

A review of existing programs, rules and regulations would be needed to ensure they meet the policies, including:

- Control of air emissions from construction and land clearing activities
- Erosion control Best Management Practices
- Increased surface water **management** requirements on steep and erosive slopes
- Sufficiency of wetland, stream, fish and wildlife habitat, flood hazard, **steep slopes seismic hazard**, landslide hazard, and erosion hazard regulations
- Sufficiency of design standards for building materials, critical area signage and lighting
- Sufficiency of noise standards
- Sufficiency of native vegetation requirements and tree management and protection requirements
- Sufficiency of aquatic weed prevention and invasive plant prevention
- Sufficiency of protection against pollutants, including fertilizer, entering streams, the **R**iver and the **L**ake.

Additional or continuing efforts would need to be made to coordinate with adjacent jurisdictions or participate in regional programs, including:

- Working with adjacent, upstream communities on water quality and flooding issues
- Participating in the development of watershed plans
- Working with King County and the Sammamish River cities to control aquatic weeds and algae on the Sammamish River and Lake Washington
- Establishing a wetland mitigation banking program **or in lieu fee program**
- Restoring stream channels.

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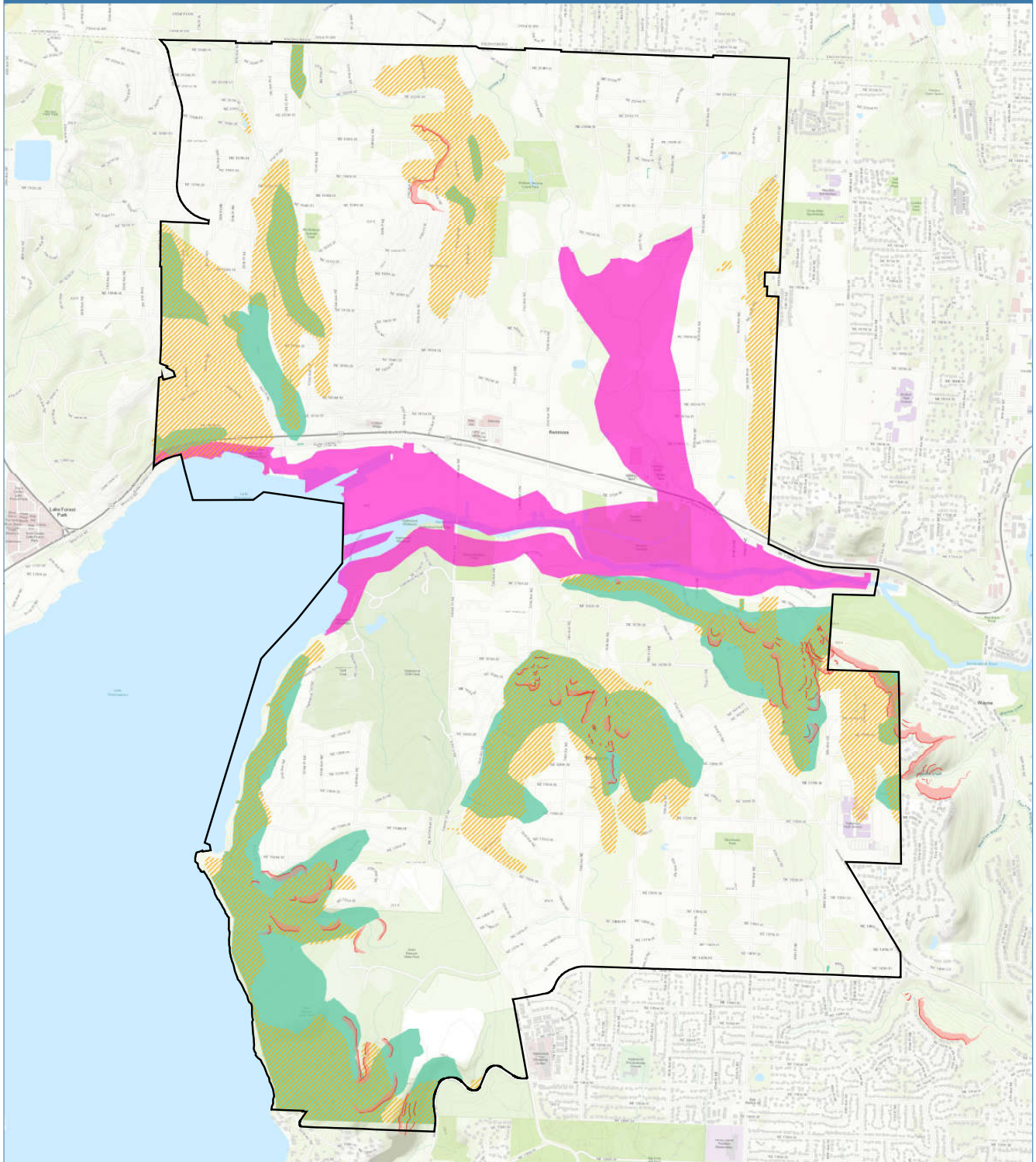
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DRAFT

Geologic Hazard Features

Kenmore Critical Areas Regulations & Shoreline Master Program Update



- Kenmore City Boundary
- Erosion Hazard Areas - Updated
- Landslide Hazard Areas - Updated
- Seismic Hazard Areas - Updated
- WA DNR - Scarps (Draft)
- WA DNR - Scarp Flanks (Draft)

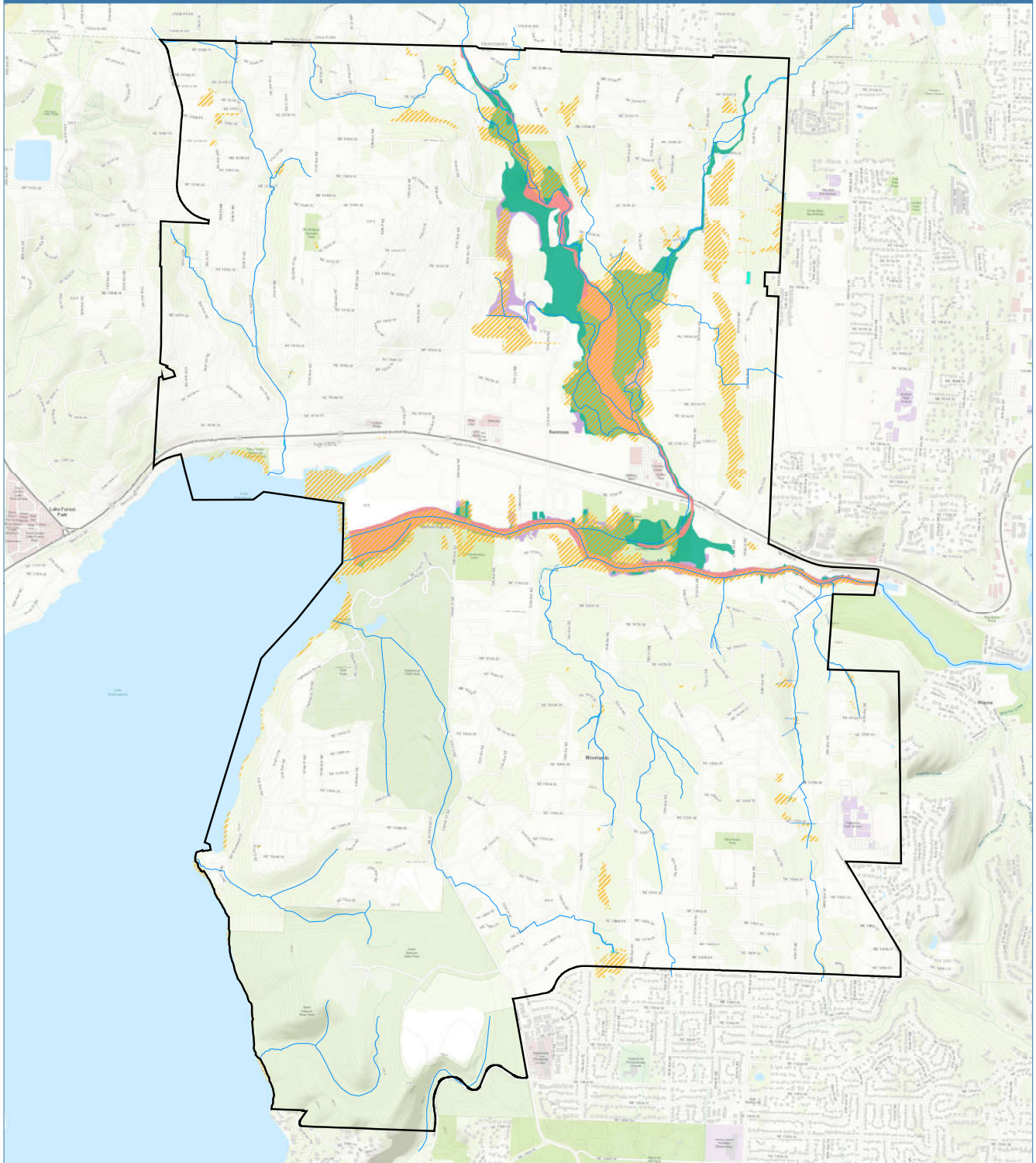
0 0.25 0.5
Miles

Sources: City of Kenmore, 2018; Washington Department of Natural Resources, 2018.
Notes: Data shown is in draft form and subject to revision, provided for planning purposes only.
Map Date: September 2018

DRAFT

Hydrologic Features

Kenmore Critical Areas Regulations & Shoreline Master Program Update



- Kenmore City Boundary
 - Streams (Adopted CAO)
 - Stream Updates
 - Wetlands
- Flood Hazard Zones**
- Floodway
 - 100-Year Flood
 - 500-Year Flood

Sources: City of Kenmore, 2018; FEMA, 2013.
Notes: Data shown is in draft form and subject to revision, provided for planning purposes only.
Map Date: September 2018



18120 68TH AVENUE NE
KENMORE, WASHINGTON 98028

MEMO

TO: Planning Commission

FROM: Debbie Bent, Community Development Director *DB*
Lauri Anderson, Senior Planner *W/K*

DATE: October 9, 2018

SUBJECT: Critical Areas and Shoreline Master Program Amendments

The agenda for your October 16 discussion on the critical areas and Shoreline Master Program amendments includes two items: (1) a recap of the two public forums and public open house, and (2) the review of the first set of critical areas amendments.

Forums and Open House

Attachments 1 and 2 include summaries of the two forums held on September 25. Staff anticipates providing draft amendments to the forum participants for their review and input prior to introducing recommended changes to the Planning Commission.

Attachment 3 includes a summary of the open house held on October 2. Commissioners who were in attendance may have additional input to this summary.

Attachment 4 is an overview of all three meetings and the issues identified.

Recommended Critical Areas Amendments

Attachment 5 is the first set of proposed critical area amendments in the traditional underline, strike-through format. The general background section and the sections on wetlands are included. A placeholder is noted for the Public Agency and Utility Exception code section (18.55.160) as input from the forum participants will be solicited before future presentation of the recommendations, as mentioned above.

Attachments

- Attachment 1: Summary of Public Facility/Utility Forum
- Attachment 2: Summary of Sammamish River Forum
- Attachment 3: Summary of Open House
- Attachment 4: Overview of meetings and issues
- Attachment 5: Recommended critical areas amendments (first set)

Public Facility / Utility Review & Performance Standards

Kenmore Critical Areas Regulations (CAR) and Shoreline Master Program (SMP) Update

Meeting Notes | September 25, 2018 1:00 pm

Overview

The City of Kenmore invited agencies who often make application for capital projects and activities and agencies who review them in terms of critical areas impacts to a discussion session covering:

- Current approach and alternative approaches to considering public agency and utility proposals in CAR and SMP.
- Issues and options of meeting community infrastructure and service delivery needs in an urban environment with environmentally sensitive areas.

Information was sent ahead to participants to help facilitate the discussion, including:

- Discussion guide, emailed September 19, 2018. See attached.
- A fact sheet and gap analysis, available by weblink:
<http://www.kenmorewa.gov/criticalareasregulations>.

The meeting was held on September 25, 2018 1:00 pm at Kenmore City Hall.

Meeting Introductions

Each participant introduced themselves, and the consultant team introduced the purpose of the meeting and background on the Kenmore Critical Areas Regulations (CAR) and Shoreline Master Program (SMP) Update.

Attendees included:

- City of Kenmore:
 - Maureen Colaizzi, Parks
 - Lauri Anderson, Senior Planner, Project Manager
 - Debbie Bent, Director of Planning and Community Development
- King County Natural Resources and Parks, Wastewater, Jacob Sheppard
- Northshore School District, Traci Rogstad
- Washington State Department of Commerce: Charlene Andrade, Valerie Smith
- Washington State Department of Ecology: Maria Sandercock

- Washington State Department of Fish and Wildlife: Casey Costello
- Consultant Team: Amy Summe (Shannon & Wilson), Lisa Grueter and Jessie Hartman (BERK Consulting)

Discussion Questions

The group discussed experiences around Public / Utility Facilities and critical areas, including:

- How should the demand and need for facilities be considered in the SMP/CAR?
- What are the difficulties in siting Public / Utility Facilities? How about Essential Public Facilities?
- What are common permitting issues and conditions of approval?
- What are potential criteria for a public agency and utility exemption process?
- What should be uniquely considered (type of information to submit, effective mitigation) for different facility types?

Results of the discussion are summarized below.

Challenges from Public Agency and Utility Providers

It can be harder for non-linear projects to reach compliance with standard critical area regulations (e.g. schools and parks) in some cases versus linear projects (e.g. utilities) that can “restore” conditions after development, even where there are proposed ecological improvements (e.g. restoration or moving facilities further from critical area or buffer).

Overlapping buffers from wetlands can limit access.

Some state/federal laws (e.g. ADA) can drive some of the changes, e.g. schools and park trails or restrooms.

For utilities and trenchless technology, crossings may be allowed but can’t build sending/receiving facilities. Think about the full scope of the intended allowed project (impacts on either end).

Where buffers “end” at the edge of a road, there can be a lack of clarity on where buffers end (lanes, gravel edge, or other).

Projects are often complex.

Suggestions from Reviewing Agencies

Document mitigation sequencing starting with the normal process/steps. Do your homework. Show how if there are existing “impacts” that the proposal can make it better.

Add language around mitigation sequencing – both prior to applying for the exception process and during the exception process.

Creatively think how impacts can be avoided and demonstrate the exception process is not a “default”.

- Kenmore staff and consultants discussed that applying critical area regulations and buffers in an already-developed urban environment is a challenge. Agencies have different mandates to

provide services based on federal, state, and local laws. The Growth Management Act does list 13 goals and the City is trying to balance them.

- To clarify, the public agency and utility exception process is not a “free pass” – it means that the standard requirements cannot be met despite best efforts, critical area reports are required, mitigation sequencing and mitigation of impacts are required, and there is a review process. It is similar to a reasonable use exception for private land owners.
- The City is trying to develop updated procedures and criteria for public agencies and utilities, including avoidance and mitigation strategies, and best management practices to protect critical areas functions and values.

Review case studies. Consider system plans or master plans and how they address alternative locations and together may result in cumulative impacts. Make this part of the record for best available science.

Address in review criteria: mitigation sequencing, feasibility, and health and safety.

Review the checklist in the old Commerce critical areas guidebook circa 2007.

In the new Commerce guidebook review some of the criteria on agency/utility exceptions, such as being consistent with other applicable regulations and standards, like WDFW, USACE, etc.

Agencies are here to help and willing to review early drafts of proposed code language. It is ideal to see it before it goes into a 60-day review process.

- Kenmore staff and consultants discussed that an early draft could be put together. The schedule allows for it. The focus group was a great way to get the conversation going and was meant to start the early input.

Next Steps

The City and consultants will summarize meeting results and send it back to the focus group participants. When a preliminary code proposal is ready, we will share it with the agencies.

Discussion Guide

Public Agency and Utility Exception Focus Group | September 2018

Prepared by: BERK Consulting and Shannon & Wilson for the City of Kenmore

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Introduction

Kenmore is convening a focus / discussion group to discuss public agency and utility exceptions (e.g. for sewer, water, power, schools, parks, roads, etc.) in critical areas. This discussion guide provides an overview of information and key issues to support the focus group discussion on September 25, 2018.

A primary discussion point includes how to meet community infrastructure and service delivery needs in an urban environment with environmentally sensitive areas. Another key discussion point includes best management practices that could mitigate impacts. The discussion will help inform Kenmore's critical area regulations (CAR) update. Potential questions include:

- How should the demand and need for facilities be considered in the CAR?
- What are the difficulties in siting Public / Utility Facilities? How about Essential Public Facilities?
- What are common permitting issues and conditions of approval?
- What are potential criteria for a public agency and utility exemption process?
- What should be uniquely considered (type of information to submit, effective mitigation) for different facility types?

Additionally, participants are encouraged to share sources of best available science (BAS) most relevant to the City's urban environment and critical area conditions, or BAS that guides performance standards or best management practices that could be integrated as code requirements.

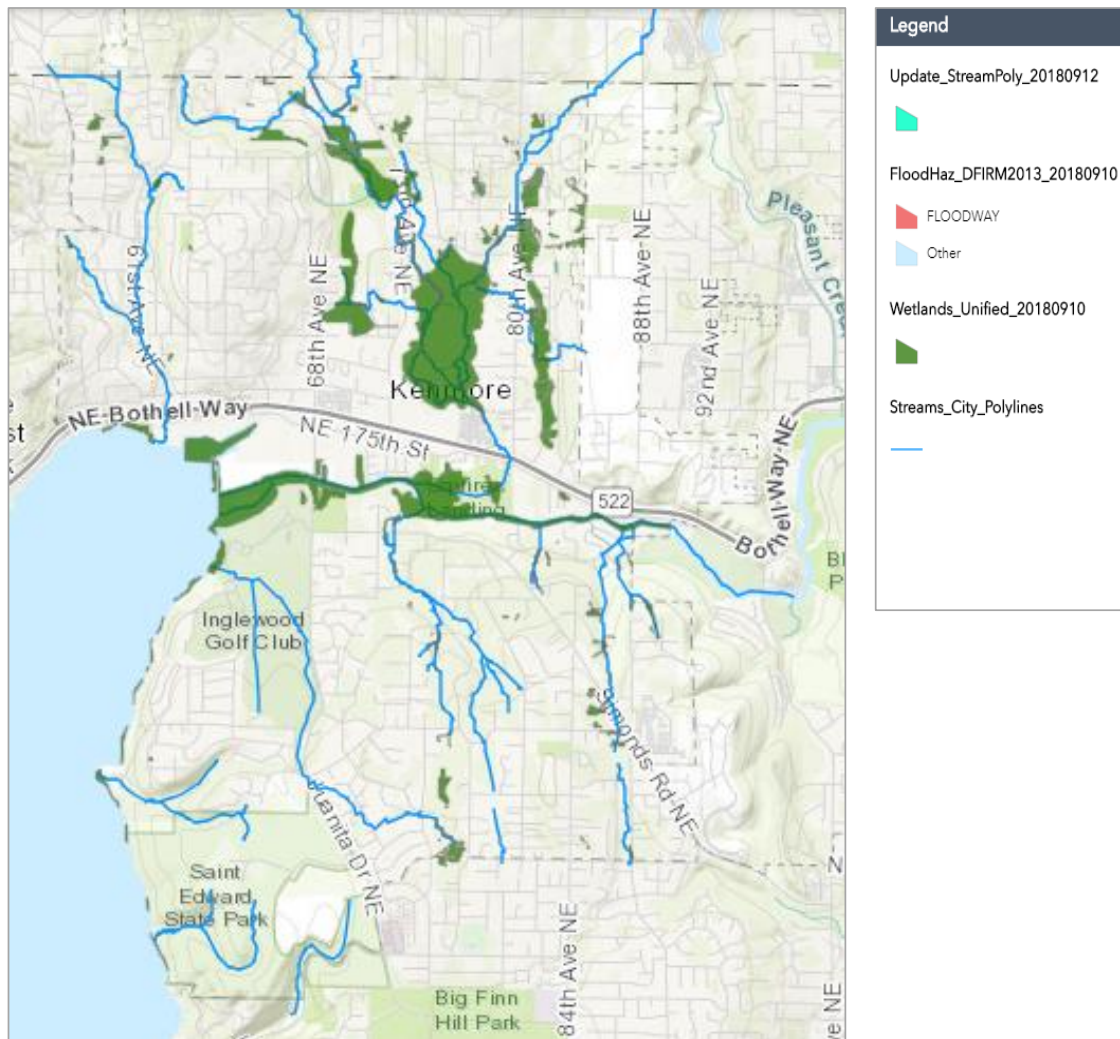
For more information please see: <http://www.kenmorewa.gov/criticalareasregulations>.

The following Discussion Guide sections provide background information on this topic.

Local Context

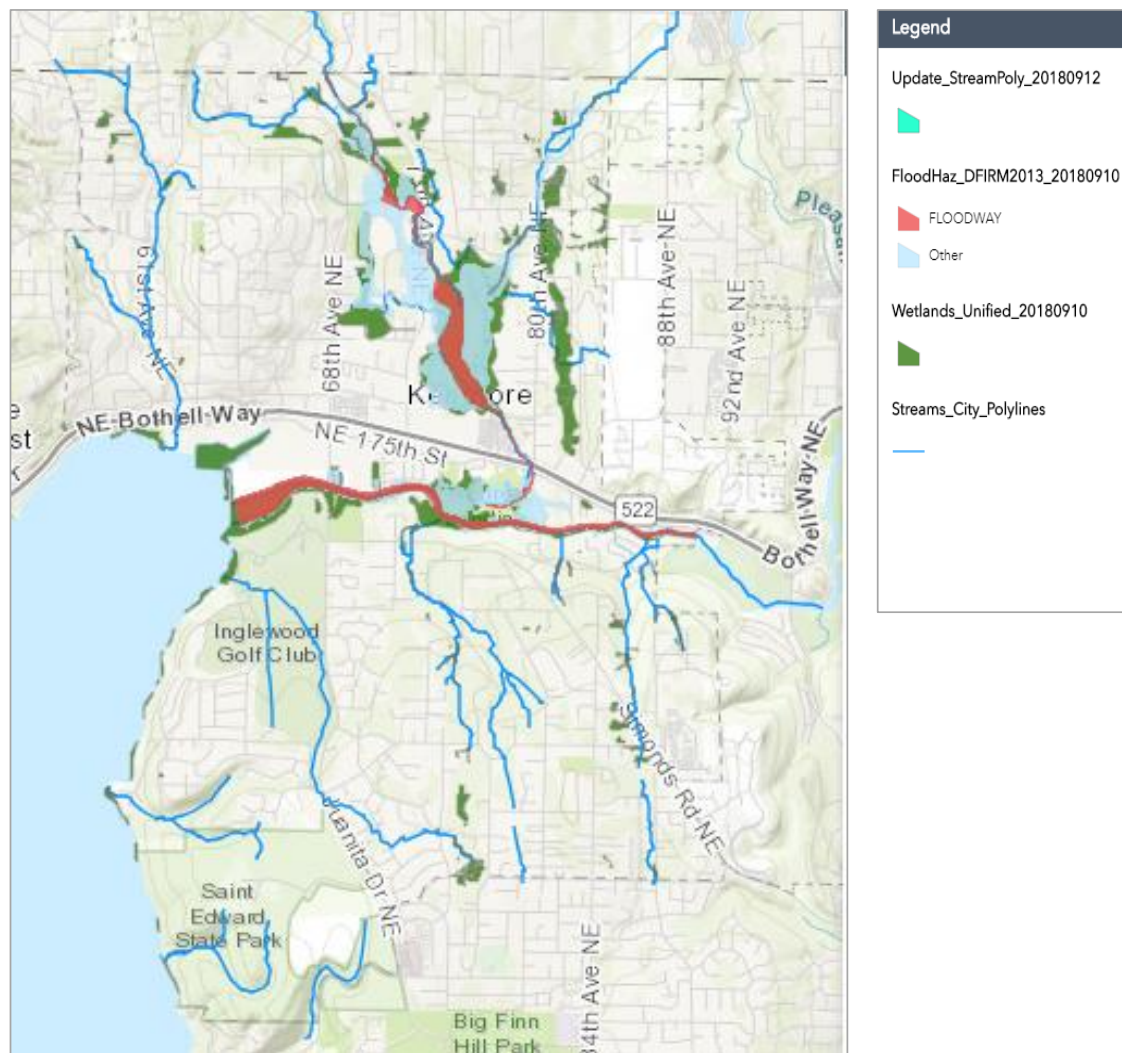
The City contains three shorelines of the state – Lake Washington, Sammamish River, and Swamp Creek. Smaller streams drain to these shorelines. See Exhibit 1. Wetlands are concentrated within the floodplains of Swamp Creek and the Sammamish River. See Exhibit 2.

Exhibit 1. Shorelines, Streams, and Wetlands



Source: City of Kenmore, WDNR, USFWS, AWC, BERK, 2018

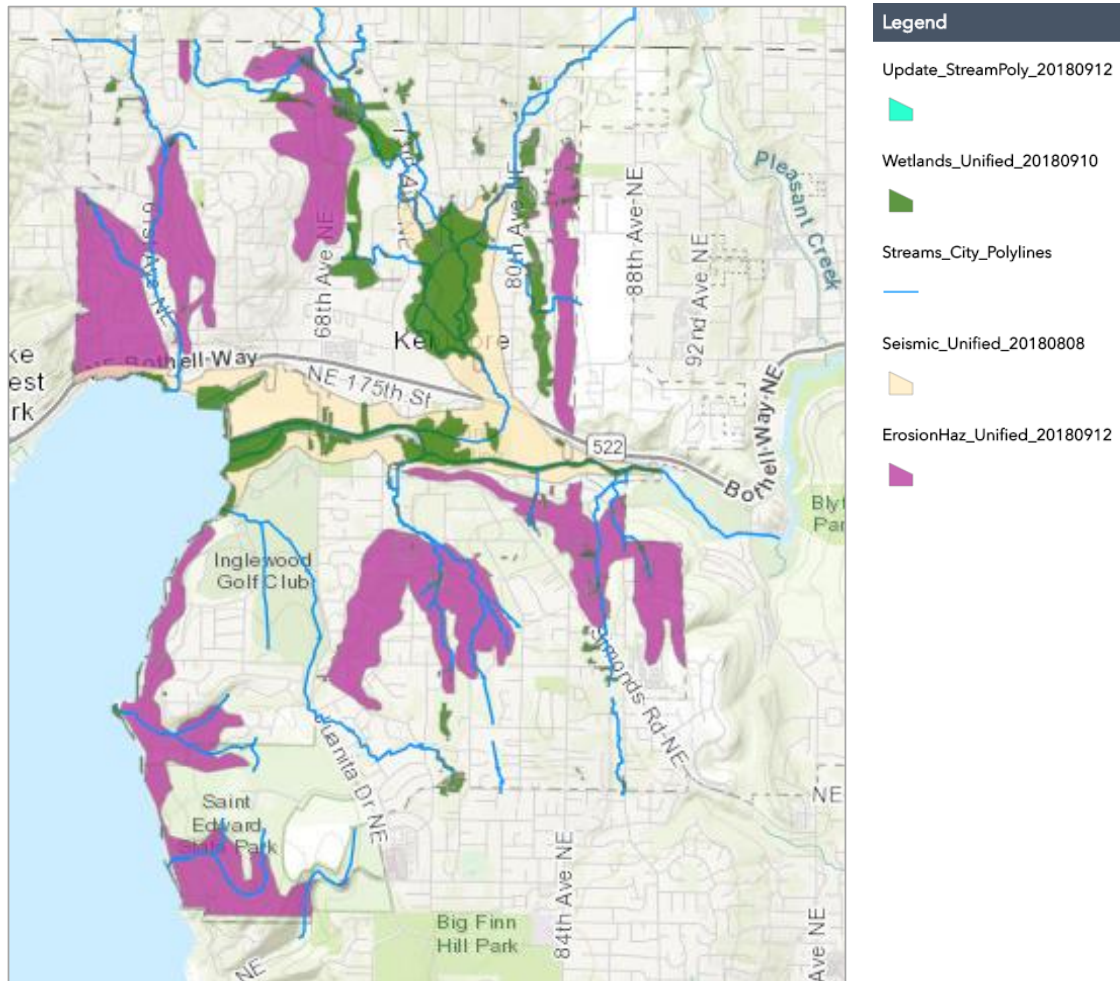
Exhibit 2. Shorelines, Streams, Floodways and Floodplains



Source: City of Kenmore, Shannon & Wilson, WDNR, USFWS, AWC, FEMA, BERK, 2018

Geologic hazard areas in Kenmore include lands with erosion, landslide, and seismic hazards. Erosion and seismic hazards are shown below in Exhibit 3. Landslide layers are under preparation but are similar in extent to erosion hazards.

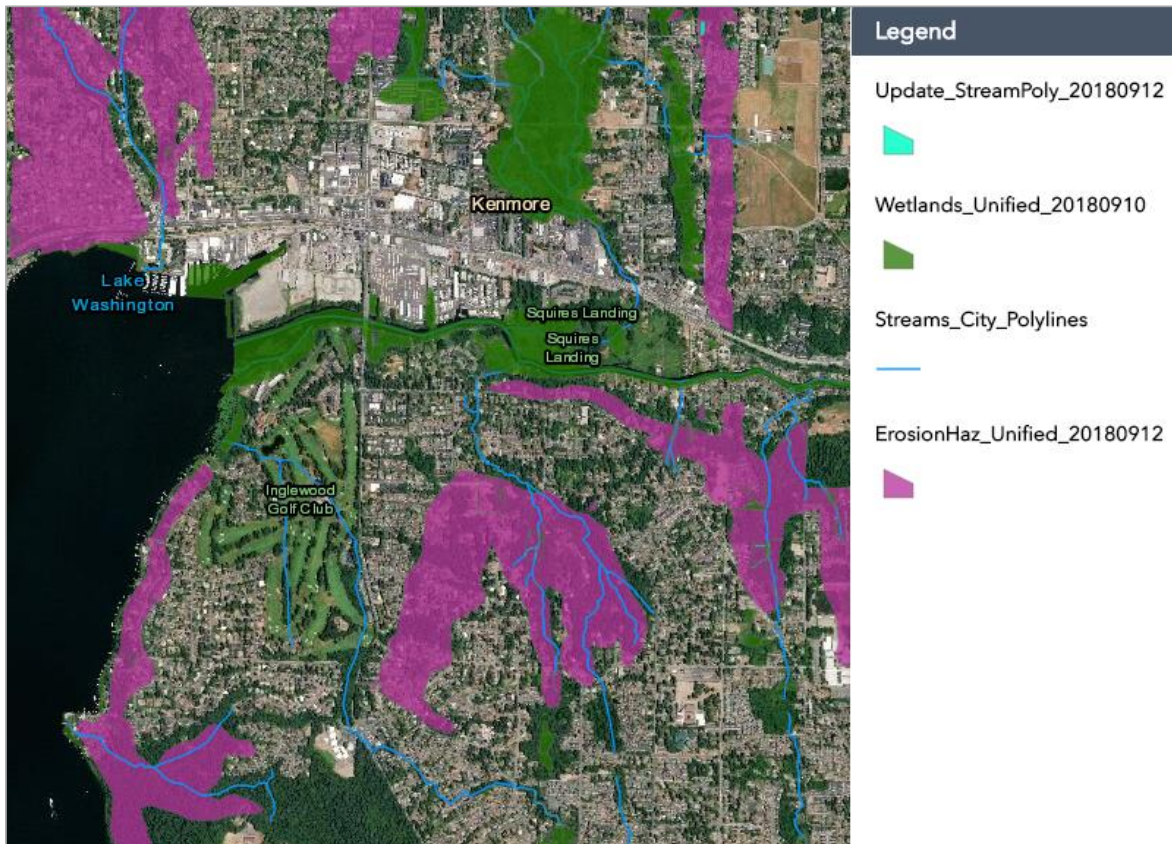
Exhibit 3. Seismic and Erosion Hazards



Note: Landslide layers are under preparation but are similar in extent to erosion hazards.
Source: City of Kenmore, Shannon & Wilson, WDNR, AWC, BERK, 2018

Kenmore incorporated in 1998 but was a growing urban place since at least the 1930s. The City provides parks and recreation, stormwater, and transportation services. SR-522 traverses Kenmore. Northshore Utility District provides water and sewer service, and King County provides wastewater treatment. Northshore School District provides elementary, middle, and high schools. PSE provides power and gas service. Several parks contain extensive critical areas (e.g. Squires Landing and Saint Edward State Park), schools often abut critical areas, and roads and utilities cross them. See the development pattern and selected critical areas in Exhibit 4.

Exhibit 4. Urban Kenmore and Selected Critical Areas



Source: City of Kenmore, Shannon & Wilson, BERK, 2018

Critical Areas Functions and Values Summary

Critical areas in Kenmore provide the following functions and values:

- **Wetlands** – assist in reducing erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats.
- **Streams** – provide physical habitat for aquatic life and support terrestrial species, convey surface water; includes riparian areas that reduce erosion, store flood waters, and promote water quality
- **Fish and wildlife habitats of importance** – contribute to biodiversity and provide open space corridors.
- **Frequently flooded areas** – perform important hydrologic functions and may present a risk to persons and property.

- **Geologically hazardous areas** – include areas susceptible to erosion, sliding, earthquake, or other geological events, and pose a threat to public health and safety when incompatible development is sited in areas of significant hazard.

Critical Aquifer Recharge Areas, as defined under the Growth Management Act, are not designated in Kenmore.

Critical area functions and values are described more fully in several BAS sources developed by Washington State agencies (See Attachment A).

A summary of common critical area functions and values is provided in Exhibit 5 below. Critical areas are listed in rows, and typical functions and values are listed in columns. Where functions and values are typically associated with that critical area an “X” appears in the intersecting cell.

For example, in terms of water quantity, wetlands can store surface water, alter flood flows, or recharge or discharge groundwater. They can improve water quality by removing sediments and decreasing downstream erosion, moderating water temperatures, and removing nutrients. They provide habitat for aquatic species, birds, and other wildlife. (Washington Department of Ecology 2005)

However, in an urban environment, not all functions and values are fully present. For example, habitat quality and structure may markedly differ in an urban environment, and species dependent on the habitat and associated buffers may differ in their responses to abutting urban uses, roads, etc.

Recent research is emphasizing that relatively undisturbed uplands between wetlands are important for maintaining the populations of many wetland dependent species. A narrow undisturbed buffer can provide the first stage of a connection between wetlands, or it alone can provide that connection if wetlands are close together. A buffer, however, that is not part of a system of connected upland and wetland habitats may not provide adequate protection for populations of amphibians. (Washington Department of Ecology 2013)

Exhibit 5. Critical Area Functions and Values Summary

Critical Area	Water Quantity		Water Quality				Habitat	Safety
	Flow	Storage	Sediment	Nutrients	Temperature	Contaminants	Quality & Structure	Persons & Property
Streams (Water) and Buffers	X		X	X	X	X	X	
Fish and Wildlife Habitats of Importance	X	X	X	X	X	X	X	
Wetlands and Buffers	X	X	X	X	X	X	X	
Frequently Flooded Areas	X	X						X
Geologic Hazards			X					X

Sources: See Attachment A; Shannon & Wilson, 2018

Regulations and Permitting - Public Facilities and Utilities

If a public agency or utility cannot meet the City's critical areas standards such as buffers, an exception process is allowed subject to a study and demonstration that impact minimization and other criteria are met. Attachment B summarizes the City's current code for Public Agency and Utility Exceptions. Several years ago, it was determined that this exception only could be applied to utility projects. Attachment B also shows a 2016 proposal, which extended the exception to public agency projects, as well as utilities, and added more stringent review criteria. This proposal was challenged and not upheld by the Growth Management Hearings Board due to the Board's finding that the City needed to better demonstrate how the code proposal incorporated BAS or the basis for departures in its record. Commerce recommendations about Public Agency and Utility Exceptions are also provided in Attachment C.

In the shoreline, roads, whether new or expansion of existing, require a shoreline conditional use permit. Currently, upland utility proposals are allowed by substantial development permit if there is no feasible alternate location, the alternative would result in unreasonable and disproportionate cost, or the facility is necessary to serve adjacent shoreline uses. In-water utilities require a shoreline conditional use permit. Parks are permitted for the most part, though the shoreline buffer provisions are very limiting. While the Public Agency and Utility Exception process is not applicable in the shoreline, mitigation measures or other BAS approaches from the critical area rules could become performance standards for allowing these projects in the shoreline without requiring a shoreline conditional use permit.

The following ten example public agency projects required authorization under the CAR or the SMP, and provided needed studies and complied with appropriate conditions of approval:

- Brightwater portal (2005)
- Log Boom Park play area (2006)
- Log Boom Park regulator (facility for odor control) (2007)
- Log Boom Park restroom (2007)
- Sewer main extension 163rd/90th (2015)
- SR-522 Phase II (2005)
- Swamp Creek flood reduction (2003)
- Tributary 0057 storm drainage and box culvert (2011)
- Wallace Swamp Creek Park sediment pond improvements (habitat channel) (2004)

Best Management Practices / Mitigation

Linear facilities such as road expansions and pipelines can result in loss of riparian habitat, alteration of protective buffer area, changes to surface water flow or water quality, or other effects. Nodal facilities such as parks and schools, when expanded or newly developed, may result in loss or change of vegetation quality and habitat, or increase in impervious area and changes to water recharge or water quality. Best management practices or performance standards seek to minimize impacts to critical areas and mitigate for impacts to functions and values. Some example practices or standards that can be integrated with public agency or utility proposals and serve as requirements within the CAR include:

- The width of the expansion or crossing is minimized.
- Proposal avoids location in or over habitat used for salmonid rearing or spawning.
- Additional critical area buffer, equal in area to the disturbed critical area buffer area, is provided.
- Green infrastructure (e.g. biofiltration) is provided.
- Changes to stream hydrology are avoided and flood storage capacity is not diminished.
- Significant tree removal is avoided, or trees are replaced at more than a 1:1 ratio.

These performance standards might also be applied to public agency and utility projects in the shoreline.

Though broad, the Washington State Department of Ecology's [watershed characterization analysis](#) could inform performance standards in the code. The study and map tool identify at a subbasin scale areas of protection, restoration, or development. The assessment has been prepared for the whole Puget Sound including Kenmore. The analysis describes what water process, water quality, and habitat conditions are relatively more or less degraded and more or less important to protect or restore.

Other Considerations

As part of its BAS review, the City can consider non-BAS factors – e.g. legal, social, economic, and political information. Some considerations related to public agency and utility proposals include:

- **Duty to Serve:** Some public agencies or utilities have a duty to serve the public (e.g. education, water supply, landline phone use, etc.). They may have federal or state requirements regarding service reliability, redundancy, expansion, proximity to population served, or other factors.
- **Feasibility:** Under SMP Guidelines at WAC 173-26, SMP requirements should be feasible, and an agency may weigh public costs and public benefits:
 - “Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.” WAC 173-26-201(c)
 - 173-26-020 (15) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - (b) The action provides a reasonable likelihood of achieving its intended purpose; and
 - (c) The action does not physically preclude achieving the project's primary intended legal use.
 In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.
 In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

- **Essential Public Facilities:** Under the Growth Management Act some public facilities are considered essential such as highways of regional significance like SR 522 or difficult to site facilities such as solid waste, airports, etc. and cannot be precluded, though mitigation can be required. (RCW 36.70A.200)
- **System Plans:** Public agencies or utilities often prepare system plans to meet state laws (e.g. water or wastewater) or to qualify for grant funding (e.g. parks). Through the system plans, the need and demand for the facilities is addressed, alternative alignments or locations are considered, and the public is engaged in the policy choices. The agency or utility can use that process to help demonstrate that the least impactful and most appropriate locations have been selected, or there are no other feasible alternatives.

Schedule and Next Steps

The City intends to address its CAR and SMP updates before the required Shoreline Management Act deadline of June 30, 2019. There are generally three stages in the proposed project schedule: 1) initial evaluation and outreach in Spring-Summer 2018; 2) preparation of amendments, focus groups, comment periods, and public meetings in Summer-Fall 2018; 3) and final legislative adoption in Winter 2019.

April-July 2018	August-December 2018	January-March 2019
• Technical Work • Gap Analysis & Recommendations • Mapping • Public Participation • Public Participation Plan • Project Website & Information • Planning Commission Introduction & Workshops	• Technical Work • Policy Amendments (if needed) • Code Amendments • State Environmental Policy Act Review • Public Participation • Focus Groups • Comment Periods with Legislative Process • Planning Commission Hearing and Recommendations on Policies (if needed) and Code Amendments • City Council Hearing and Deliberations on Policies (if needed)	• City Council Hearing and Deliberations on Code Amendments

Focus/discussion group input is part of stage 2 and will inform the development of code amendment proposals in fall 2018. Proposals for amendments will be reviewed by the Planning Commission at meetings and a hearing. Their recommendations will be transmitted to Council for their own deliberations and action in early 2019. We will keep focus/discussion group participants informed of opportunities to comment on the draft code, and the date of hearings.

Attachment A: State Sources of Science

Washington State Department of Ecology's sources of science for **wetlands** include, but are not limited to:

- *Wetlands in Washington State - [Volume 1: A Synthesis of the Science](#)*, March 2005
Synthesis of the science regarding freshwater wetlands
- *Wetlands in Washington State - [Volume 2: Guidance for Protecting and Managing Wetlands](#)*, April 2005
- [Update on Wetland Buffers: The State of the Science](#), October 2013
- [Washington State Wetland Rating System for Western Washington](#), 2014 Update

The Washington State Department of Fish and Wildlife's sources of science for **fish and wildlife habitat conservation areas** include, but are not limited to:

- *Management Recommendations for Washington's Priority Habitats: [Riparian](#)*, 1997 (currently being updated and open for public comment)
- *Riparian Ecosystems, [Volume 1: Science Synthesis and Management Implications](#)*, 2018
- *Riparian Ecosystems, [Volume 2: Management Recommendations](#)*, 2018
- [Stream Habitat Restoration Guidelines](#), 2012
- [Water Crossing Design Guidelines](#), 2013

The Washington State Department of Ecology describes sources of best available science and effective regulation in **frequently flooded areas** at a website:

- [Frequently flooded areas: Critical Areas Ordinance](#), accessed September 19, 2018

A description of **geologic hazards**, mapping, and resources is found at the Washington Department of Natural Resources website:

- [Geologic Hazards and the Environment](#), accessed September 19, 2018.

The Washington State Department of Commerce Growth Management Services has also been updating guidance on how jurisdictions consider BAS in **critical areas regulations**, with several chapters completed in June 2018, and the final chapters ready in fall 2018:

- [Critical Areas Handbook](#), 2018

Attachment B: CAR Exception Language – Kenmore

KENMORE MUNICIPAL CODE CRITICAL AREAS REGULATIONS EXCERPT

18.55.160 Exception – Public agency and utility.

A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section, unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter 16.75 KMC.

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

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

D. Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions follow:

1. There is no other practical alternative to the proposed development with less impact on the critical areas; and
2. The application of this chapter would unreasonably restrict the ability to provide utility services to the public.

KENMORE 2016 PROPOSAL

Amend Kenmore Municipal Code (KMC) Section 18.20.2102 as follows:

18.20.2102 Practical alternative.

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

Amend Kenmore Municipal Code (KMC) Section 18.55.160 as follows:

18.55.160 Exception – Public agency and/or private utility.

A. If the strict application of this chapter would prohibit a development proposal by:

1. a public agency or
2. public utility a private entity delivering water, sewer, stormwater, electrical, or gas services (private utility),

then the agency or private utility may apply for relief from strict application of this chapter through an exception pursuant to this section, unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter 16.75 KMC.

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

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

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

1. There is no other *practical alternative* to the *proposed development proposal* with less impact on the *critical areas or buffer*; and
2. The *development proposal* benefits the public; and
3. Strict application of this chapter would *unreasonably restrict or prohibit the ability to provide utility services to the public development proposal*; and
4. The *development proposal* minimizes impacts to the *critical area or buffer* to the maximum extent practical, for example, through placement of facilities on previously disturbed areas, boring rather than trenching for utilities, use of pervious or other low impact materials, etc.; and
5. The *development proposal* mitigates impacts to the *critical area functions and values* to the maximum extent practical, consistent with the *best available science* and with the objective of no net loss of *critical area functions and values*. For impacts to wetlands, the *development proposal* should strive to meet the mitigation performance standards outlined in KMC Sections 18.55.330(G) and 18.55.330(H).

Attachment C: Commerce Critical Areas Handbook, 2018

The Commerce Critical Areas Handbook 2018 gives example language on agency/utility exceptions:

If the application of the critical areas regulations would prohibit a development proposal by a public agency or utility, the regulations may allow the agency or utility to apply for an exception. Criteria for review and approval may include:

- There is no other practical alternative to the proposed development with less impact on the critical areas;
- The application of the critical area regulations would unreasonably restrict the ability to provide utility services to the public;
- The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
- The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
- The proposal is consistent with other applicable regulations and standards.

The Handbook also provides guidance on allowed activities in critical areas or buffers such as some roadway expansion or minor utility proposals:

- Utility projects with minor or short-duration impacts to critical areas and no significant impact on the function or values of a critical area, provided such projects are constructed with best management practices and additional restoration measures. Criteria for minor utility projects can include: (1) No practical alternative with less impact on the critical area; (2) The activity involves the placement of a small utility facility (e.g., pole, street sign, etc.); and (3) The activity involves disturbance of an area less than a certain number of square feet.
- Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a county/city authorized private roadway. Provisions to address activities that alter a wetland or watercourse or result in the transport of sediment or increased stormwater runoff may include: (1) Increasing buffer widths equal to the width of the right-of-way improvement, including disturbed areas; and (2) Retention and replanting of native vegetation along the right-of-way and resulting disturbance.

Sammamish River Docks and Buffers

Kenmore Critical Areas Regulations (CAR) and Shoreline Master Program (SMP) Update

Meeting Notes | September 25, 2018 3:00 pm

Overview

The City of Kenmore is proposing potential changes to its Sammamish River shoreline regulations regarding docks and buffers to be more responsive to river and shoreline conditions. The City invited agencies who have expertise in fish and wildlife science or who regulate in-water structures or uses as well as a designer/permitter of in-water structures to attend a discussion group.

Information was sent ahead to participants to help facilitate the discussion, including:

- Discussion guide, emailed September 19, 2018. See attached.
- A fact sheet and gap analysis, available by weblink:
<http://www.kenmorewa.gov/criticalareasregulations>.

The meeting was held on September 25, 2018 at 3:00 pm at Kenmore City Hall.

Meeting Introductions

Each participant introduced themselves, and the consultant team introduced the purpose of the meeting and background on the Kenmore Critical Areas Regulations (CAR) and Shoreline Master Program (SMP) Update.

Attendees included:

- City of Kenmore:
 - Ann Stanton, Parks
 - Samantha Loyuk, Development Services
 - Lauri Anderson, Senior Planner, Project Manager
 - Debbie Bent, Director of Planning and Community Development
- Greg Ashley, Consultant, Ashley Shoreline Design and Permitting
- US Army Corps of Engineers: Juliana Houghton and Brandon Clinton (by phone)
- Washington State Department of Ecology: Maria Sandercock
- Washington State Department of Fish and Wildlife: Casey Costello

- Washington State Department of Natural Resources: Cailan Nealer
- Consultant Team: Amy Summe (Shannon & Wilson), Lisa Grueter and Jessie Hartman (BERK)

Discussion Questions

For both docks and buffers, the City was proposing to make regulations more unique to river conditions. The questions included:

- What do you see as the pros and cons of the current approach?
- What do you see as the pros and cons of the alternative approach?
- What other issues and options should be considered?
- Which approach(es) do you think makes the most sense for Kenmore?

Results

General

- There is support for separating out the Lake Washington and Sammamish River standards.
- Make sure a permit application comes to DNR if the dock is on state-owned land; applicants should find out early in the design process if their project is in DNR jurisdiction.
- Add a definition section for planning (permit counter) to easily reference.
- Sammamish River is a migratory corridor. It is different than Lake Washington. Implement standards from an Endangered Species Act perspective and from a navigability perspective.
- Review canal approach in Hunts Point. There are some conditions that may be applicable, but it is a different environment certainly than the Sammamish River.

Docks

- In the shoreline modifications table, clarify that all replacements of existing structures should be permitted (e.g., any conditional use permit requirements should only apply to new structures).
- Define water access structure in definitions chapter.
- Canopy standards:
 - A.6.a. A translucent boatlift canopy should be allowed on the Sammamish River
 - A.6.a(6). The canopy area should not be included in any maximum overwater coverage of the allowed access structures.
- Repair of docks (A.7) – the 75% standard for overall structural disturbance is unusual, and isn't applicable to some access structures like launches or floats. Should be refined with different percentages for deck replacement or pile replacement before structure must meet new code standards. Distinguish minor and major repairs.

- Address that DNR has different standards and limitations within their jurisdiction (which can only be determined by calling DNR or carefully reviewing the property title), e.g. treated wood. DNR would like a stated prohibition regarding use of tires in the water.
- Maximum width of overwater structures:
 - On Lake Washington, increase ramp width to 6 feet to meet ADA requirements for public or commercial facilities, and increase walkway width to 8 feet for public/commercial/multi-family facilities.
 - Add process for increasing width beyond the standard if justification is provided.
- Maximum length of overwater structures – adjust to accommodate lengths for public use facilities.
 - E.g. is 70 feet possible on Sammamish River to address recreation (crew) needs?
 - Add process for increasing length beyond the standard if justification is provided.
 - Navigation concern is given a hard look by the Corps.
- Piles – suggest desired diameter and list max (e.g., “8 inches and up to 12 inches with supporting engineering reports” instead of “no greater than 12 inches”).
- Boatlifts – allow a translucent canopy on the Sammamish River (repeat of above). Consider requiring that boatlifts be installed perpendicular to the shoreline.
- Mooring buoys – Reference DNR design standards, particularly related to anchor methods and other design features that minimize potential impacts.
- Clarify that the number of buoys per acre applies to surface of the water, not the upland area.
- Page 14, discussion guide, the stricken subsections in “D” were negotiated during SMP adoption with Ecology. Investigate whether they should remain or can be deleted.

Buffers

- Recognizing local conditions appears appropriate. Doing buffers by zone could be a challenge. Consider a more reach-specific set of buffers. Review the shoreline cumulative impacts analysis or analysis report for potential reach breaks, and provide a map that identifies the boundaries of the areas with their buffers.
- What park facilities are “Non-water-oriented parks and recreation” in the shoreline buffer?
- Urban conservancy and parks – consider a performance standard based approach, instead of providing a fixed number with allowances for activities that can occur in that buffer. Examples in Lake Chelan were discussed briefly. Show some examples to City and Ecology.
- The “Z” notation is confusing in the table. Underlying zoning applies to all. Work with City to understand history of that notation which is in the current SMP, and develop clear alternative.
- For all reduced setbacks from the buffer, reference the underlying zoning to make sure there is no conflict or inconsistency.
- Address Swamp Creek public access/parks in 2f too.

Discussion Guide

Sammamish River Focus Group | September 2018

Prepared by: Shannon & Wilson and BERK Consulting for the City of Kenmore

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Introduction

The City of Kenmore (City) completed a major update of its Shoreline Master Program (SMP) in 2012, which included a review of critical areas regulations in shoreline jurisdiction and a comprehensive update of its critical areas regulations in 2006. The City is now preparing to conduct what is anticipated to be a minor, “periodic” update of its SMP as required by the Washington State Department of Ecology (Ecology). In tandem with the SMP update, the City desires to update its critical area (Chapter 18.55 KMC) and flood damage prevention (Title 16, Division II) rules.

Kenmore is convening a focus/discussion group to discuss special topics specific to the Sammamish River: (1) dock and other in-water improvements standards and (2) buffers.

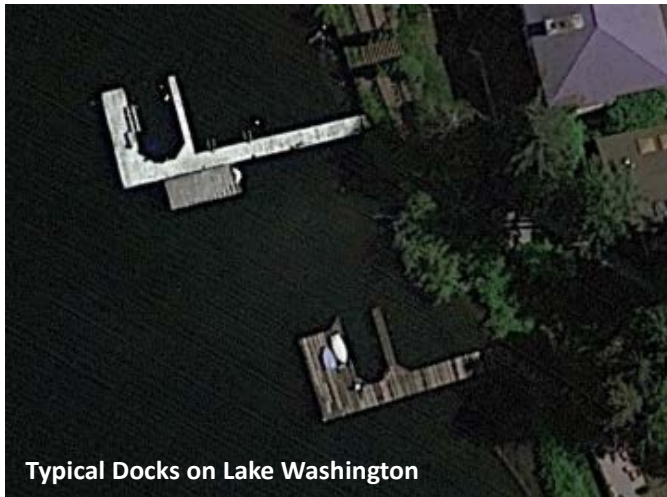
For more information please see: <http://www.cityofkenmore.com/criticalareasregulations>.

Water Access Structures

The existing SMP contains regulations governing docks, launches, and other in-water or over-water structures in KMC 16.50.050 (Public boat launching facilities and marinas) and 16.55.050 (Docks, piers, moorage, buoys, floats or launching facilities). The former section contains a few very general guidelines, and the latter section contains dimensional standards for docks that are only appropriate in Lake Washington and are focused on residential design. The Sammamish River is a unique environment that requires an entirely different design strategy than Lake Washington. For example, the river is a more dynamic environment, with flowing water and less predictable water elevations than the lake. These two factors drive decisions about whether to use a ramp and float design (typically on the river) or pile-supported design (typically on the lake), and how far waterward of the shoreline a dock should extend. The narrow width of the river, and the need to prevent interference with public navigation on the water, also guides the waterward limit of a dock on the river. Water depth, salmonid habitat considerations, and other factors also influence design.

The working draft of the proposed regulations (see Attachment A) uses a table format to clearly delineate standards that are specific to each waterbody and also provides some design standards for non-residential docks and piers, boat launches (distinguishing between motorized and nonmotorized), and mitigation. The intent is to provide appropriate and flexible standards that minimize the need for

shoreline variances. The allowed use and modification matrices, which identify what permit process is required for different actions in different designations, is also extensively revised to minimize the need for Shoreline Conditional Use Permits and to appropriately recognize different degrees of impact and desirability associated with the various modifications.



Typical Docks on Lake Washington



Typical Dock on Sammamish River

Potential questions regarding the proposed development of Sammamish River-specific water access structure standards and detailed design standards for non-residential types of water access structures are:

- What do you see as the pros and cons of the current approach?
- What do you see as the pros and cons of the alternative approach?
- What other issues and options should be considered?
- Which approach(es) do you think make(s) the most sense for Kenmore?

Buffers

The existing SMP provides buffers for Lake Washington that differentiate between environment designations and consider the current condition. As noted in Washington Department of Ecology's Shoreline Master Program Handbook, "buffers must be based on shoreline ecological functions, development patterns and anticipated preferred uses discussed in the SMP and supporting documents." This is different from the typical assignment of critical area buffers under the Growth Management Act, which relies almost solely on "best available science" with less consideration of existing conditions and no recognition of preferred uses. However, the existing SMP provides a uniform 150-foot buffer for the Sammamish River, regardless of designation and current conditions (see photos of residential areas on the Sammamish River below). This effectively creates a large number of legal non-conforming structures and makes property modifications very difficult. The working draft of the proposed regulations (below) mimics the Lake Washington format but includes some buffer widths that are designation- and zone-specific and that reflect the current patterns of modification and development.



High-Density Residential Area on the Sammamish River



Low-Density Residential Area on the Sammamish River

Existing SMP:

- Lake Washington has use- and designation-specific buffers ranging from 20 to 150 feet
- Sammamish River/Swamp Creek have fixed 150-foot buffer

Proposed SMP:

- Reviewed aerial photographs, designation map, and zoning maps
- Suggested specific buffers for Sammamish River and Swamp Creek where/when appropriate
- Focused on residential buffers

Proposed new code sections follow:

Use	Downtown Waterfront	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Shoreline Buffers from OHWM on Sammamish River					
Residential development – R12 and denser	Z	20 (2d)	150	150	Z
Residential development – R6 and less dense	Z	35 (2e)	150	150	Z
Water-oriented parks and recreation	Z	50	50	50	0
Non-water-oriented parks and recreation	Z	75	100	150	Z
All other uses	150	150	150	150	Z
Shoreline Buffers from OHWM on Swamp Creek					
Residential development	NA	50 (2f)	150	Z	NA
All other uses	NA	150	150	150	NA

OHWM = ordinary high water mark

Z = No specific buffer requirement on that use, although the standards for the underlying zoning apply. In some cases, no standard is provided because the use is prohibited under Chapter 16.50 KMC.

2d. On the Sammamish River in high-density Shoreline Residential areas (R12 and denser):

- (1) A minimum shoreline buffer of 20 feet from the ordinary high water mark (OHWM) shall be provided as a vegetation conservation area.
- (2) The minimum building setback of 25 feet from the shoreline buffer may be reduced to 5 feet if vegetation in the required buffer is reestablished or enhanced, according to the standards in KMC 16.60.010(G).

2e. On the Sammamish River in low-density Shoreline Residential areas (R6 and less dense):

- (1) A minimum shoreline buffer of 35 feet from the OHWM shall be provided as a vegetation conservation area.
- (2) The minimum building setback of 25 feet from the shoreline buffer may be reduced to 5 feet if vegetation in the required buffer is reestablished or enhanced, according to the standards in KMC 16.60.010(G).

2f. On Swamp Creek in Shoreline Residential areas:

- (1) A minimum shoreline buffer of 50 feet from the OHWM shall be provided as a vegetation conservation area.
- (2) The minimum building setback of 25 feet from the shoreline buffer may be reduced to 5 feet if vegetation in the required buffer is reestablished or enhanced, according to the standards in KMC 16.60.010(G).

Potential questions regarding the pros/cons of current buffer approach versus alternative custom approach based on current riparian area and incentives for enhancement are::

- What do you see as the pros and cons of the current approach?
- What do you see as the pros and cons of the alternative approach?
- What other issues and options should be considered?
- Which approach do you think makes the most sense for Kenmore?

Attachment A: Kenmore Municipal Code Shoreline Master Program Excerpts

16.55.030.A SHORELINE MODIFICATIONS TABLE AND CONDITIONS

KEY P – Permitted Modification C – Shoreline Conditional Use Required X – Prohibited	Downtown Waterfront	Shoreline Residential	Urban Conservancy	Natural	Aquatic
<u>Piers and Docks Water Access Structures</u>					
Docks, piers, moorage, buoys, floats or launching facilities	P4	P4	C4	C4	C4, P4
Dock or Pier – Residential (including community)	P	P	C	X	4
Dock or Pier – Public	P	P	P	C	4
Dock or Pier – Commercial	P	X	X	X	4
Public or Commercial Boat Launch - nonmotorized	P	X	P	C	4
Public or Commercial Boat Launch - motorized	P	X	C	X	4
Private Boat Launch	C	C	X	X	4
Watercraft Lifts	P	P	X	X	4
Other floats and moorage buoys	P	P	P	X	4
Minor repair of existing water access structures	P	P	P	P	P

'4' is a reference to a KMC 16.55.030.B.4, which lists circumstances when these listed structures are allowed (e.g., public access, water-dependent use, etc.) and refers to KMC 16.55.050 for design standards.

16.55.050 DOCKS, PIERS, MOORAGE, BUOYS, FLOATS OR LAUNCHING FACILITIES WATER ACCESS STRUCTURES

- A. All water access structures, including docks, piers, moorage buoys, floats or launching facilities, authorized by this chapter shall comply with the following general standards:
- ~~1A.~~ Any water access structure ~~dock, pier, moorage, buoy, float or launching facility~~ authorized by this chapter shall not interfere with navigation.
 - ~~210.~~ Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be retained and new or expanded water access structures ~~moorage facilities and boat launches~~ placed to avoid disturbance of such features.
 - ~~311.~~ Invasive aquatic weeds may be removed with nonchemical means only, except that milfoil may be removed using chemicals, provided that the chemicals are applied by a licensed applicator and approved for aquatic use.

~~412.~~ In order to mitigate the impacts of new or expanded water access structures ~~commercial moorage facilities~~, the applicant shall develop a mitigation plan that contains one or more of the following measures as necessary to demonstrate no net loss of ecological functions:

- ~~a.~~ Removal of any additional existing over-water and/or in-water structures that are not the subject of the application or are not otherwise required to be removed because they are not legal.
- ~~b.~~ Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of trees and/or shrubs native to Puget Sound lowlands.
- ~~c.~~ Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel, and/or cobbles and incorporating vegetation or large woody debris.
- ~~d.~~ Removal of manmade debris or other material waterward of the OHWM that is detrimental to ecological functions and ecosystem-wide processes.
- ~~e.~~ Participation in an approved mitigation banking or in-lieu fee program.

~~may contain plant emergent vegetation (if site appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of the ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species) per every 100 lineal feet of shoreline. Such planting shall be monitored for a period of five years according to an approved monitoring plan. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent recreational use of the shoreline critical area. This requirement may be waived or reduced for water dependent transportation uses where it is demonstrated that vegetation could result in safety or navigation hazards.~~

~~513.~~ No private or public moorage facility or other water access structure waterward of the OHWM, including structures attached thereto, shall be closer than 12 feet on Lake Washington or 10 feet on the Sammamish River to any adjacent property line, except when there is a mutual agreement of adjoining property owners. Excepted from the requirements of this section are boat lifts or portions of boat lifts that do not exceed 30 inches in height measured from the OHWM.

~~615.~~ No ~~boat lift, dock, pier, covered moorage, covered float, or other~~ covered water access structure is permitted waterward of the OHWM, except as provided below:

- ~~a.~~ Submerged, free-standing mechanical boat lifts associated with single detached residential docks or piers and recreational watercraft may be covered with a canopy on Lake Washington, provided:
 - (1) No canopy shall be more than 25 feet in length or wider than 15 feet;
 - (2) No portion of the canopy shall exceed a height of 12 feet above the OHWM;
 - (3) The canopy shall at no time have any side partly or wholly enclosed;
 - (4) The highest portion of the canopy shall be located below the lowest grade point on the waterward side of the existing homes on surrounding properties;
 - (5) Canopies shall be made out of ~~canvas or other such~~ nontoxic materials that allow light transmission;
 - ~~(6) Canopies shall be of a translucent material to;~~
 - ~~(6Z)~~ The total overwater coverage of the piers, floats, ramps, ells, and canopy for a single-family residence with a single-use moorage shall not exceed 600 square feet; and

- (Z8) Only one boat lift canopy per single detached residence shall be allowed.
- b. Covered moorage may be provided for commercial boat repair facilities.

~~Z14.~~ Proposals to repair existing legally established ~~moorage facilities~~ water access structures that disturb less than 75 percent of the structure where the nature of the repair is not described in KMC 16.55.030 shall be considered minor repairs and are permitted, consistent with any applicable standards of this title, KMC Title 18, and any other applicable codes or regulations. Proposals to repair existing legally established water access structures that disturb 75 percent or more of the structure shall be reviewed as a new structure that must comply with all standards in this chapter.

~~816.~~ No dwelling unit may be constructed on a dock or pier.

- B. Any ~~dock, pier, moorage, buoy, float or launching moorage~~ facility authorized by this chapter shall be subject to the following requirements:

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
General	- No skirting is allowed on any structure. - When steel piles are installed, approved sound attenuation measures must be used. - Only one boat lift, dock, or pier, moorage, buoy, float and launching facility may be permitted for each parcel developed with a single detached residential unit and only if the applicant demonstrates there is no other feasible option for shared use facilities. - Only joint-use docks or piers are allowed on lots with less than 50 feet of waterfront, except when lots abutting both sides of the subject lot already have a dock or pier. - Only joint-use boat lift, dock, pier, moorage, buoys, float, or launching facilities may be permitted for multiple-family dwelling unit development proposals. - Docks, or piers, moorage, buoy, float or launching facility serving more than four single-family residences must also meet the standards in KMC 16.50.050. - Docks, or piers, moorage, buoy, float or launching facility shall not exceed the minimum size necessary to serve the use for which they are designed. <u>An alternative design in lieu of meeting these requirements may be allowed without a Shoreline Variance if approved by other state and federal agencies, provided any impacts are appropriately mitigated and the facility does not interfere with public use of the shoreline.</u>	
Maximum Area: surface coverage of over-water structures, not including the ramp	- Docks, or piers, moorage, buoy, float or launching facility shall not exceed the minimum size necessary to serve the use for which they are designed 480 sq. ft. for single residential unit 700 sq. ft. for joint-use facility used by 2 residential units 1,000 sq. ft. for joint-use facility used by 3 or more residential units	- Docks, or piers, moorage, buoy, float or launching facility shall not exceed the minimum size necessary to serve the use for which they are designed <u>120 sq. ft. for single residential unit</u> <u>240 sq. ft. for joint-use facility used by 2 residential units</u> <u>360 sq. ft. for joint-use facility used by 3 residential units</u> <u>480 sq. ft. for joint-use facility used by 4 residential units</u>

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
Maximum Width	<u>Residential up to 4 Units</u> • 4 ft. for pier • <u>4.3 ft. for ramp</u> • 6 ft. for ell and float <u>Public, Commercial or More than 4 Units</u> • <u>6 ft. for main walkway, 4 ft. for perpendicular fingers</u> • <u>5 ft. for ramp</u> • <u>8 ft. for ell and float.</u>	<u>Residential up to 4 Units</u> • <u>4 ft. for ramp</u> • <u>6 ft. for float</u> <u>Public, Commercial or More than 4 Units</u> • <u>4 ft. for ramp</u> • <u>6 ft. for float</u>
Maximum Length	• 20 ft. for ells with a 2-foot-wide strip of grating down the center, or 26 ft. for ells with grating over the entire ell • 20 ft. for floats with a 2-foot-wide strip of grating down the center. • In no case may any moorage facility extend more than 150 feet waterward of the OHWM.	• <u>20 ft. per float per residential unit and laid end-to-end. The maximum length is thus 20 ft., 40 ft., 60 ft., and 80 ft. for facilities serving 1, 2, 3, and 4 residential units, respectively. Floats may be perpendicular to shore only within existing embayments off of the main river channel.</u> • <u>Minimum length necessary for ramp to provide safe access to the float. The length of the ramp and the distance between the float and the OHWM are determined by the height of the bank above the OHWM and the distance waterward of the OHWM needed to place the float and a boat at a depth that does not result in grounding of the float or boat on the substrate or disturbance of the substrate by boat propeller action.</u>
Decking and Material Standards	• Ramps shall be fully grated. • Piers and docks, <u>including ells and perpendicular fingers</u>, shall be fully grated.	• <u>Floats shall be fully grated on all deck surfaces not underlain by float tubs, with a maximum area of float tub of 70 percent of the total float area. The number and area of float tubs shall be minimized to the amount necessary based on design and engineering considerations.</u> • <u>Ramps shall be fully grated.</u> • <u>All float tubs shall be fully encapsulated.</u>
	• <u>The grating must be either multi-directional grating with a minimum of 40% open space or square grating with a minimum of 60% open space. Provide documentation to show amount of % open area.</u> • <u>Grating openings should be oriented lengthwise in the east-west direction to the maximum extent practicable.</u>	

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
Location	- The only structures permitted in the first 30 feet waterward of the OHWM are piers and ramps. - All floats and ellis must be at least 30 feet waterward of the OHWM.	- Floats shall be located no less than <u>5 feet and no more than 10 feet from the OHWM measured from the landward edge of the float. To avoid interfering with river navigation and public use of the water, private moorage facilities may extend no farther waterward than one-third the width of the river in the location of the proposed structure.</u> - The city manager may allow floats to be positioned up to an additional 10 feet waterward from the OHWM as needed to reach a sufficient boat moorage depth (greater than 3 feet). - Floats shall be located at least 50 feet from the mouth of any named or numbered tributary entering the Sammamish River.
Piles	- The first (nearest shore) piling shall be steel, 4-inch-diameter piling, or the smallest diameter necessary to serve the specific structure as demonstrated by an engineer, and at least 18 feet waterward of the OHWM. - Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart, and shall not be greater than 12 inches in diameter unless required per project-specific engineering analysis.	- No more than two anchor piles shall be allowed per private moorage facility (joint-use, public, or commercial facilities may have two piles per 20 feet of float length, but the number of pilings for such facilities shall be the minimum number given site-specific engineering and design considerations). - Anchor piles shall be the minimum size feasible given site-specific engineering and design considerations, but in no case shall anchor piles be greater than 12 inches in diameter.
Materials	- Any paint, stain, or preservative applied to components of the overwater structure must be leach-resistant and completely dried or cured prior to installation. - Materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA), or comparably toxic compounds as outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in Aquatic and Sensitive Areas. - If ammoniacal copper zinc arsenate (ACZA)-treated piling are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers.	
Boatlifts	- One free-standing or floating boatlift with a canopy is allowed per detached dwelling unit. - Additional watercraft lifts, without a canopy, at a single residential use	<u>One free-standing or floating boatlift is allowed per detached dwelling unit OR</u>

Element	Overwater Structure Dimensional and Design Standards	
	Lake Washington	Sammamish River
	waterfront structure is allowed, not to exceed three and only two can be ground-based; all other lift(s) must be floating or suspended lift(s).	• <u>2 jet ski lifts or 1 fully grated platform lift is allowed per detached dwelling unit</u> • <u>Boatlift-mounted canopies are prohibited.</u> • <u>Boatlifts shall be located on the waterward side of the dock.</u> • <u>A maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:</u> – <u>May only be used if the substrate prevents the use of anchoring devices that can be embedded into the substrate</u> – <u>Must be clean</u> – <u>Must consist of rock or pre-cast concrete blocks</u> – <u>Must only be used to anchor the boatlift</u> – <u>Minimum amount of fill is utilized to anchor the boatlift</u>
Mooring Buoys	• No more than one mooring buoy is permitted per detached dwelling unit in lieu of a dock. • Mooring buoys may not interfere with navigation. • The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or float structures. • Buoys shall be located and managed in a manner that minimizes impacts to aquatic habitat. • No more than four buoys per acre are allowed.	

C. Any boat launch authorized by this chapter shall be subject to the following requirements:

1. Location Standards

- a. Boat launches shall be sited so that they do not significantly damage fish or wildlife habitat and shall not occur in areas with native emergent vegetation. Removal of native upland vegetation shall be minimized to the greatest extent feasible.
- b. Boat launches shall not be approved in cases when it can be reasonably foreseen that the development or use would require maintenance dredging during the life of the development or use.
- c. Motorized boat launches shall be separated from existing designated swimming areas and other water access structures on adjacent properties by a minimum of 25 feet.
- d. Motorized boat launches shall be located only at sites with suitable transportation access. The applicant must demonstrate that the streets serving the boat launch can safely handle traffic generated by such a facility and that parking for vehicles and attached trails is sufficient.
- e. Motorized boat launches shall be located farther than 50 feet from the outlet of a stream, including piped streams.

2. Size – The applicant shall demonstrate that the proposed size of the boat launch is the minimum necessary to safely launch the intended craft.

3. Design Standards

- a. Nonmotorized boat launches shall be constructed of gravel or other similar natural material.
- b. Motorized boat launch designs, in order of preference, are:
 - (1) Open grid with minimum coverage of substrate.
 - (2) Seasonal ramps that can be removed and stored upland.
 - (3) Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.

4. Boat launches shall provide trailer spaces, at least 10 feet by 40 feet, commensurate with projected demand.

(NOTE: the following text 1 – 9 and 17, with amendments, incorporated into new table above. 10-16 is incorporated, with amendments, into 16.55.050 above.)

- ~~1. Docks, piers, moorage, buoys, floats or launching facilities shall not exceed the minimum size necessary to serve the use for which they are designed (see KMC 16.55.030(B)(4)).~~
- ~~2. Docks, piers, moorage, buoys, floats or launching facilities serving more than four single-family residences must also meet the standards in KMC 16.50.050.~~
- ~~3. Only joint use boat lift, dock, pier, moorage, buoys, float or launching facilities may be permitted for multiple family dwelling unit development proposals.~~
- ~~4. Only one boat lift, dock, pier, moorage, buoy, float and launching facility may be permitted for each parcel developed with a single detached residential unit and only if the applicant demonstrates there is no other feasible option for shared use facilities. However, installation or retention of additional watercraft lifts beyond one, without a canopy, at a single residential use waterfront structure is allowed. A maximum of three lifts are allowed at a single residential use overwater structure. However, only two lifts can be ground-based; all other lift(s) must be floating or suspended lift(s).~~
- ~~5. Only joint use docks or piers are allowed on lots with less than 50 feet of waterfront except when lots abutting both sides of the subject lot already have a dock or pier.~~
- ~~6. The only structures permitted in the first 30 feet waterward of the ordinary high water mark are piers and ramps. All floats and ells must be at least 30 feet waterward of the ordinary high water mark.~~
- ~~7. No skirting is allowed on any structure.~~
- ~~8. Surface coverage (includes all overwater portions of the floats, ramps, and ells) shall be limited as follows:~~
 - ~~a. Moorage facilities serving only one residential waterfront lot shall not exceed 480 square feet;~~
 - ~~b. Moorage facilities serving two residential waterfront lots shall not exceed 700 square feet; and~~
 - ~~c. Moorage facilities serving three or more residential waterfront lots shall not exceed 1,000 square feet.~~
- ~~9. To protect anadromous salmon habitat, the following shall apply:~~
 - ~~a. Docks with configurations that do not include any or all of the following elements shall be subject to the overall length and square footage limitations of this section and no portion of the dock shall exceed four feet in width, unless allowed in this subsection;~~
 - ~~b. Piers shall not exceed four feet wide and shall be fully grated;~~
 - ~~c. Ramps shall not exceed three feet wide and shall be fully grated;~~

- d. ~~Ells are allowed only over water with depths of nine feet or greater at the landward end of the ell; ells may be up to six feet wide by 20 feet long with a two-foot wide strip of grating down the center; or ells may be up to six feet wide by 26 feet long with grating over the entire ell;~~
- e. ~~Floats are allowed only over water with depths of 10 feet or greater at the landward end of the float; and floats may be up to six feet wide by 20 feet long with a two-foot wide strip of grating down the center;~~
- f. ~~In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark;~~
- g. ~~The first (nearest shore) piling shall be steel, four-inch piling and at least 18 feet waterward of the ordinary high water mark. Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter;~~
- h. ~~Piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate or comparably toxic compounds. If ammoniacal copper zinc arsenate pilings are proposed, the applicant will meet all of the best management practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers; and~~
- i. ~~When steel piles are installed, approved sound attenuation measures must be used.~~
- 10. ~~Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be retained and new or expanded moorage facilities and boat launches placed to avoid disturbance of such features.~~
- 11. ~~Invasive aquatic weeds may be removed with nonchemical means only, except that milfoil may be removed using chemicals; provided, that the chemicals are applied by a licensed applicator and approved for aquatic use.~~
- 12. ~~In order to mitigate the impacts of new or expanded commercial moorage facilities, the applicant shall plant emergent vegetation (if site appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of the ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species) per every 100 lineal feet of shoreline. Such planting shall be monitored for a period of five years according to an approved monitoring plan. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent recreational use of the shoreline critical area. This requirement may be waived or reduced for water dependent transportation uses where it is demonstrated that vegetation could result in safety or navigation hazards.~~
- 13. ~~No private or public moorage facility or other structure waterward of the ordinary high water mark, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when there is a mutual agreement of adjoining property owners. Excepted from the requirements of this section are boat lifts or portions of boat lifts that do not exceed 30 inches in height measured from the ordinary high water mark.~~
- 14. ~~Proposals to repair existing legally established moorage facilities where the nature of the repair is not described in KMC 16.55.030 shall be considered minor repairs and are permitted, consistent with any applicable standards of this title, KMC Title 18 and any other applicable codes or regulations.~~
- 15. ~~No covered boat lift, dock, pier, covered moorage, covered float, or other covered structure is permitted waterward of the ordinary high water mark, except as provided below:~~
 - a. ~~Submerged, free-standing mechanical boat lifts associated with single detached residential docks or piers and recreational watercraft may be covered with a canopy; provided:~~
 - (1) ~~No canopy shall be more than 25 feet in length or wider than 15 feet;~~

- ~~(2) No portion of the canopy shall exceed a height of 12 feet above the ordinary high water mark;~~
- ~~(3) The canopy shall at no time have any side partly or wholly enclosed;~~
- ~~(4) The highest portion of the canopy shall be located below the lowest grade point on the waterward side of the existing homes on surrounding properties;~~
- ~~(5) Canopies shall be made out of canvas or other such nontoxic materials;~~
- ~~(6) Canopies shall be of a translucent material to allow light transmission;~~
- ~~(7) The total overwater coverage of the piers, floats, ramps, Ellis, and canopy for a single family residence with a single use moorage shall not exceed 600 square feet; and~~
- ~~(8) Only one boat lift canopy per single detached residence shall be allowed.~~
- ~~b. Covered moorage may be provided for commercial boat repair facilities.~~
- ~~16. No dwelling unit may be constructed on a dock or pier.~~
- ~~17. Buoys shall meet the following conditions:~~
 - ~~a. Buoys shall not impede navigation;~~
 - ~~b. The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or float structures;~~
 - ~~c. Buoys shall be located and managed in a manner that minimizes impacts to aquatic habitat;~~
 - ~~d. No more than four buoys per acre are allowed. [this text incorporated into new table above]~~

DC. Proposals that do not meet the requirements of ~~subsection (B)(6), (B)(8), (B)(9) or (B)(15)~~ of this section and that are designed to support a commercial or manufacturing water-dependent use, ~~or to~~ provide public access, or to serve residential uses, may be considered by the ~~director~~city manager. For any alternative proposal, the applicant must demonstrate that the proposed deviation is the minimum necessary to meet the needs of the specific use proposed and provides an equal or greater degree of protection of ecological functions and anadromous species habitat than would strict adherence to the standards. For purposes of meeting this requirement, the director will review the required habitat management plan to determine whether the project is adequately protective.

Community Open House Summary

October 2, 2018 | Kenmore Critical Areas Regulations and Shoreline Master Program Update

Introduction

The City of Kenmore is updating its Critical Areas Regulations (CAR) and conducting a periodic review of its Shoreline Master Program (SMP) to meet state deadlines. The City held a public open house to share preliminary policy and code amendments and map updates and listen to early community questions and thoughts.

The meeting was held at Kenmore City Hall in the Council Chambers from 6:30 pm to 8:00 pm. The meeting was advertised in the Kenmore Reporter with a display ad and article, on social media, and through a flier posted at public places. Information was emailed to a list of persons who signed up for Planning Commission and City Council agendas and contacts were made with the local high school. The flier is attached.

About 30 members of the public attended the meeting with about 23 signing in, excluding Planning Commissioners and City staff. Several Inglesmoor High School students and their teacher attended.

City staff attending included: Rob Karlinsey, City Manager; Debbie Bent, Community Development Director; and Lauri Anderson, Senior Planner, and City project manager. Planning Commission members included Mark Ohrenschall, Vice Chair, Carol Baker, Scott McDonald, Mike Mulcare, and Dennis Olson. Consultants included Amy Summe, Shannon & Wilson, consultant project manager; Bill Laprade, geologist, Shannon & Wilson; Sarah Corbin, senior biologist; Lisa Grueter, principal planner, BERK Consulting; and Jessie Hartmann associate planner, BERK Consulting.



Open House | October 2, 2018

Summary

The meeting included an open house with one on one discussions at stations addressing:

- Welcome and Introduction
- Wetlands
- Fish and Wildlife and Streams
- Sammamish River
- Geologic Hazards
- Public Agency and Utility Proposals

Boards summarized proposed approaches to policy and code updates and preliminary maps. Copies of boards are included in the attachment.

A brief presentation was given by consultant Amy Summe, Shannon & Wilson, followed by a question and answer session facilitated by Debbie Bent, Community Development Director. The presentation is included in the attachment.

General Questions and Answers

Comments made at the open house during the general question and answer session are noted below.

- Question: Code says “City Manager decides” – what does that mean? Concern about the process.
 - Answer: City Manager or their designee decides. (The code contains criteria for the decision process.)
- Comment: Fish and wildlife and streams, and public art. The heron rookery is important. Need 1% for the arts. Trees are dying – need preservation.
- Question: If there’s a range of facilitating development versus protecting the environment – where do the proposed regulations fall? Is it balanced.



- Answer: Protecting the environment is the purpose of the regulations. Development should be designed to avoid critical areas or mitigate impacts the best way possible. Regulations are designed to reflect science.

Other comments made to the city staff and consultant team one-on-one include:

- Need to follow-through on enforcement of conditions if a Public Agency and Utility Exception (PAUE) is approved.
- Is it possible to allow a very small amount of vegetation removal in a wetland for kayak access?
- Japanese knotweed is invasive. It's at Wallace Swamp Creek and Bridge at 180th and is out of control.

Comments made on individual boards include:

- Wetlands: The mapped City wetlands may be to north of Inglewood Condos shores.
- Fish and Wildlife and Streams:
 - On the chart comparing current and proposed buffers, how does the 50-100 feet range work for proposed buffers? Answer: salmonid bearing stream is 100 feet and non-salmonid fish bearing stream is 50 feet.
 - On the potential reduction of a buffer at a road edge, what is the road size? Answer: that is to be determined still in the code proposal. Typically, at least 20 feet of pavement would present enough of a barrier to the function of the buffer originating from a critical area on the opposite site of the road.
- Sammamish River: Would it be possible to remove land vegetation adjoining a dock (roughly 3 feet) to access the water with kayaks? (Participant contact information provided).

One comment sheet was provided with the following questions/notes:

- How are jet ski lifts classified? What permits would be required. Would fees change? (Currently \$800+). (Contact information provided.)
- Useful to have specific spacings for grating, etc.

The code draft will consider the comments (note: boat lifts and in-water structures are addressed in the preliminary proposal).

Next Steps

The City's schedule is to complete a draft code in 2018 and to have it reviewed and authorized by the Planning Commission and City Council by June 2019. Meetings and hearing dates and additional information can be found at the project website: <http://www.kenmorewa.gov/criticalareasregulations>.

Attachments

- Open House Flier (same text in Kenmore Reporter Display Ad)
- Open House Boards
- Open House Presentation
- Project Fact Sheet

Kenmore Critical Areas Regulations (CAR)
and Shoreline Master Program (SMP) Update

OPEN HOUSE

OCTOBER 2, 2018 | 6:30 – 8 P.M.

Kenmore City Hall
18120 68th Ave NE

Brief presentation with Q&A at 7 p.m.

JOIN US!

Do you have a favorite natural area in Kenmore, or a stream or wetland near your property? Do you wonder about floodplains or landslide hazards and how regulations can help reduce impacts of natural events?

The City of Kenmore is updating its critical areas regulations and conducting a periodic review of its Shoreline Master Program to meet state deadlines. The City has a solid set of regulations tested over 10 years, and now it's time to incorporate new science and changes to state laws.

Come learn about Kenmore's environmentally critical areas and shorelines, and provide early feedback on our map inventories, gap analysis, and ideas to adjust regulations to better match local conditions and meet changes in state rules.



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WHERE CAN I FIND MORE INFORMATION?

Please see the project
website: [kenmorewa.gov/
criticalareasregulations](http://kenmorewa.gov/criticalareasregulations)

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Senior Planner | City of Kenmore
18120 68th Ave NE
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Tel: 425.398.8900 | Fax: 425.481.3236
landerson@kenmorewa.gov
www.kenmorewa.gov

Kenmore Critical Areas Regulations (CAR)
and Shoreline Master Program (SMP) Update

OPEN HOUSE

OCTOBER 2, 2018 | 6:30 – 8 P.M.

Welcome!

Please sign-in and fill out a name tag at the table.

Brief presentation with Q&A at 7 p.m.

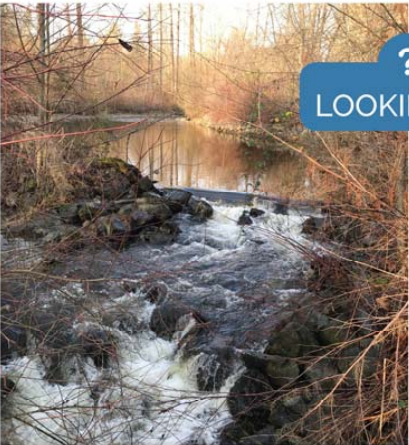
What is this all about?

The City of Kenmore is updating its critical areas regulations and conducting a periodic review of its Shoreline Master Program to meet state deadlines. The City has a solid set of regulations tested over 10 years, and now it's time to incorporate new science and changes to state laws.

Learn about Kenmore's environmentally critical areas and shorelines and this project and give us your early feedback.

Meeting Agenda

- 6:30–7 p.m.
Open House
- 7–7:30 p.m.
Presentation & Q&A
- 7:30–8 p.m.
Open House



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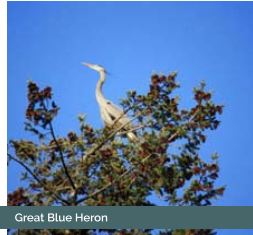
LOOKING FOR MORE INFORMATION?

Please see the project website:
kenmorewa.gov/criticalareasregulations

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FISH & WILDLIFE & STREAMS

KENMORE CRITICAL AREAS REGULATIONS & SHORELINE MASTER PROGRAM UPDATE



Great Blue Heron



Salmon Artwork



Pileated Woodpecker Habitat

Current and Proposed Fish & Wildlife Habitats of Importance

Existing

- Presence of species listed by the federal government or the State of Washington as endangered or threatened
- Great blue heron rookeries or active nesting trees
- Class 1 wetlands *(REMOVED)*
- Type 1 streams *(REMOVED)*
- Bald eagle habitat

Proposed

- Presence of species listed by the federal government or the State of Washington as endangered, threatened, or sensitive (Chinook salmon, bull trout, steelhead trout)
- Great blue heron rookeries or active nesting trees
- Pileated woodpecker breeding habitat mapped by Washington Department of Fish and Wildlife (WDFW) *(NEW)*
- Biodiversity areas and corridor mapped by WDFW *(NEW)*
- Bald eagle habitat
- Anadromous fish habitat (e.g., coho salmon, sockeye salmon, coastal cutthroat trout) *(NEW)*
- Other species nominated and approved by the City

Current and Proposed Stream Typing and Buffers

CURRENT TYPE	KEY FEATURES	CURRENT BUFFER (FT)	PROPOSED TYPE	KEY FEATURES	PROPOSED BUFFER (FT)
1	Shorelines of the State	150	S	Shorelines of the State	See SMP
2	Salmonid-bearing, perennial or intermittent	100	F	Fish habitat	100
3	Non-salmonid-bearing, perennial or intermittent	50			50
4	Non-fish, perennial or intermittent	25	Np	Non-fish habitat, perennial	25
			Ns	Non-fish habitat, seasonal	

Proposed Revisions to Buffers

Reduced buffer widths if:

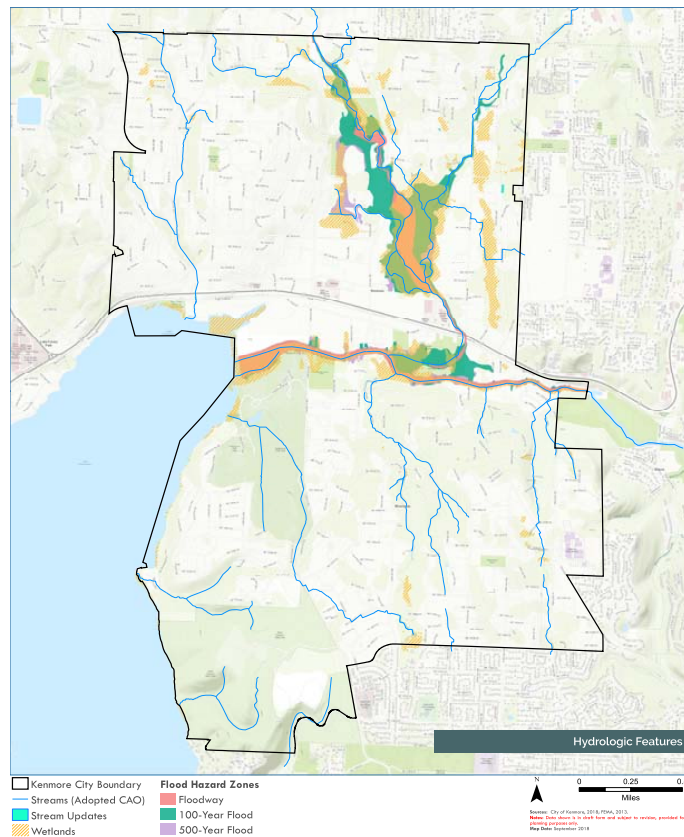
- buffer is bisected from waterbody by: road or other development (e.g., buildings, parking lots)
- *AND* study shows the feature is a barrier to function, among other criteria

WETLANDS

KENMORE CRITICAL AREAS REGULATIONS & SHORELINE MASTER PROGRAM UPDATE

Current & Proposed Wetland Typing & Buffers (Approximate Conversion Between Types)

CURRENT CLASS	KEY FEATURES	CURRENT BUFFER (FT)	PROPOSED CATEGORY	KEY FEATURES	PROPOSED BUFFER (FT)
1	Contain listed species, irreplaceable ecological function, associated with Lake WA/Samm R/Swamp Creek	150	I	High conservation value, bogs, mature and old-growth forested wetlands larger than 1 acre; and wetlands with a high level of function.	150
			II <i>(high habitat points)</i>	Larger than 1 acre or those found in a mosaic of wetlands, or wetlands with a moderately high level of functions.	150
2	Significant functions difficult to replicate, associated with Type 2 or 3 streams, larger than 1 acre or smaller than 1 acre but with three or more classes of vegetation	100	II <i>(lower habitat points)</i>		100
3	Not Class 1 or 2, but greater than 1,000 sq ft.	60	III	Moderate level of functions and can often be adequately replaced with a well-planned mitigation project, some disturbance, less diverse	100 <i>(high habitat points)</i> 60 <i>(low habitat points)</i>
			IV	Lowest levels of functions and are often heavily disturbed. Can often be adequately replaced with a well-planned mitigation project, or in some cases to improve.	40



Proposed Revisions to Buffers

Reduced buffer widths if:

- buffer is bisected from wetland by road or other development (e.g., buildings, parking lots)
- AND study shows the feature is a barrier to function, among other criteria

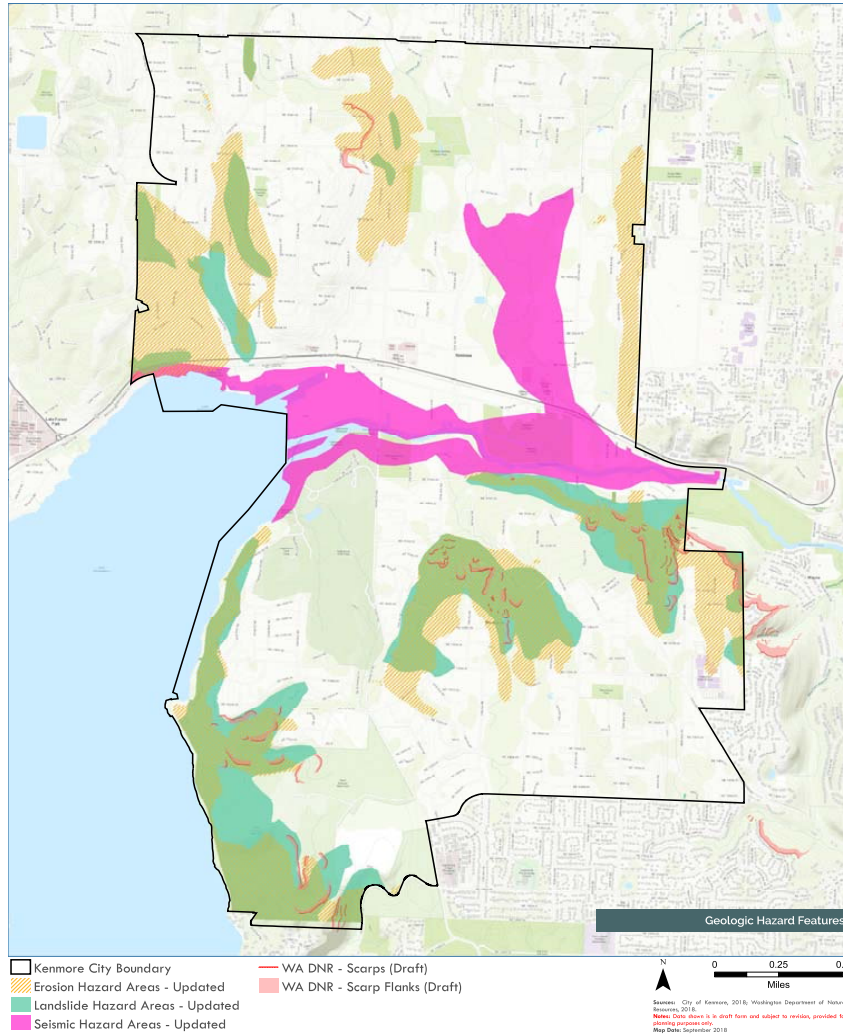
New provisions provide greater flexibility for public walkways and trails in wetlands and buffers

- Revise code to allow limited boardwalk/trails through wetlands without requiring complex permitting
 - Public project (e.g. Walkways and Waterways Initiative)
 - Quasi-public community areas
 - Accompanied by a plan demonstrating net function improvement
- Revise code to allow limited boardwalk/trails through wetland buffers without requiring complex permitting
 - Current: Outer 25%
 - Proposed: at least 50' from edge, except closer if reduces impacts on critical areas or adjacent properties or to access a viewing platform or a pedestrian bridge



GEOLOGIC HAZARDS

KENMORE CRITICAL AREAS REGULATIONS & SHORELINE MASTER PROGRAM UPDATE



Map Update in Progress

New geohazard map resources:

- Washington Department of Natural Resources landslide maps (deep-seated landslide mapping complete, shallow landslide mapping underway)
- More widely available LiDAR (Light Detection and Ranging)
- U.S. Geological Survey fault studies

Proposed New Geohazard Categories

- **Tsunami:** wave caused by an earthquake or landslide or other disturbance, particularly by displacement by the Seattle Fault or a seismically generated landslide into Lake Washington.
- **Seiche:** a temporary disturbance or oscillation in the water level of a lake or enclosed waterbody caused by a distant seismic event, for instance the Southern Whidbey Island Fault Zone or the Cascadia Subduction Zone.

When the City's maps indicate that the site for a proposed regulated activity is or may be located within a potential tsunami or seiche hazard area, the City shall conduct a review.

Proposed Revisions to Buffers

Current: 50 feet standard buffer, with reduction to 10 feet allowed when a special study demonstrates that the reduction will adequately protect the proposed development, adjacent developments and uses, and the subject critical area.

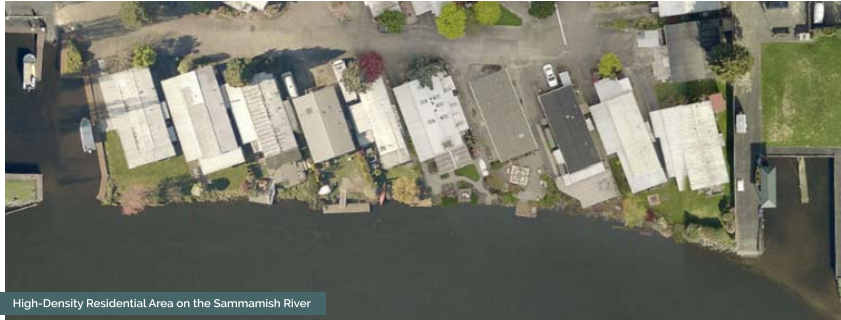
Proposed Standard: remains at 50 feet, but with the maximum reduction set at 25 feet based on recent events.

Proposed Third-Party Review

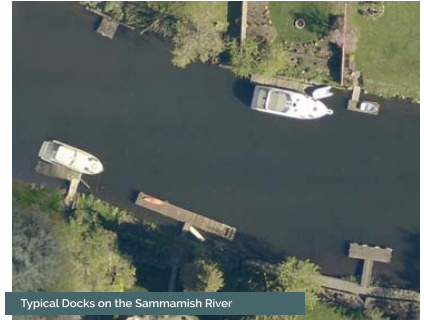
At its discretion, if the City's reviewer and the applicant's representative's professional opinions cannot be reconciled, the City may require the applicants to fund a third-party review by a qualified professional—selected jointly by the City and applicant—and make substantive changes to the proposed alteration or provide additional analysis as directed by the third-party reviewer.

SAMMAMISH RIVER

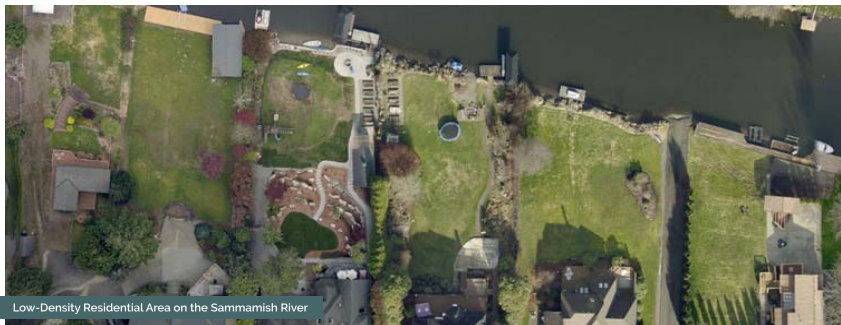
KENMORE CRITICAL AREAS REGULATIONS & SHORELINE MASTER PROGRAM UPDATE



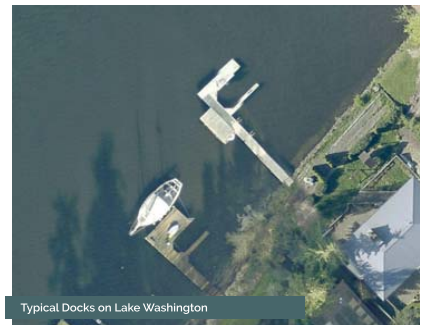
High-Density Residential Area on the Sammamish River



Typical Docks on the Sammamish River



Low-Density Residential Area on the Sammamish River



Typical Docks on Lake Washington

Proposed Buffer Modifications

Current:

150-foot buffer for all uses and environment designations on the Sammamish River (and Swamp Creek)

Proposed:

- Recognize wide variety of existing conditions within environment designations and within land use zones (e.g., different levels of density)
- Reviewed aerial photographs, environment designation map, and zoning map
- New buffers could range from 20 to 150 feet
- Modified to add flexibility for vegetation removal that supports water-dependent, water-enjoyment, public access, and recreation uses, provided any adverse impacts are mitigated.

Proposed Water Access Modifications

Changes proposed in matrix under 'Piers and Docks'

- Distinguish residential, public, and commercial facilities
- Separate docks/piers from boat launches, buoys and floats, and boatlifts
- Distinguish motorized and non-motorized launches

Purposes:

- Minimize need for complex permitting (e.g., public docks allowed in Urban Conservancy, rather than conditional use)
- Specify prohibited uses (e.g., motorized boat launch in Natural)

New regulations proposed:

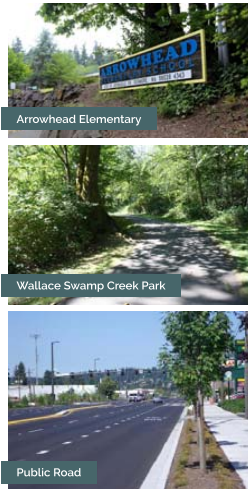
- Sammamish River-specific design standards
- Non-residential pier/dock design standards
- Boat launch standards
- Flexible mitigation guidance
- Minor repair threshold

Purposes:

- Recognize unique river conditions and needs
- Recognize differences between residential and non-residential needs
- Minimize need for complex permitting

PUBLIC AGENCY & UTILITY PROPOSALS

KENMORE CRITICAL AREAS REGULATIONS & SHORELINE MASTER PROGRAM UPDATE



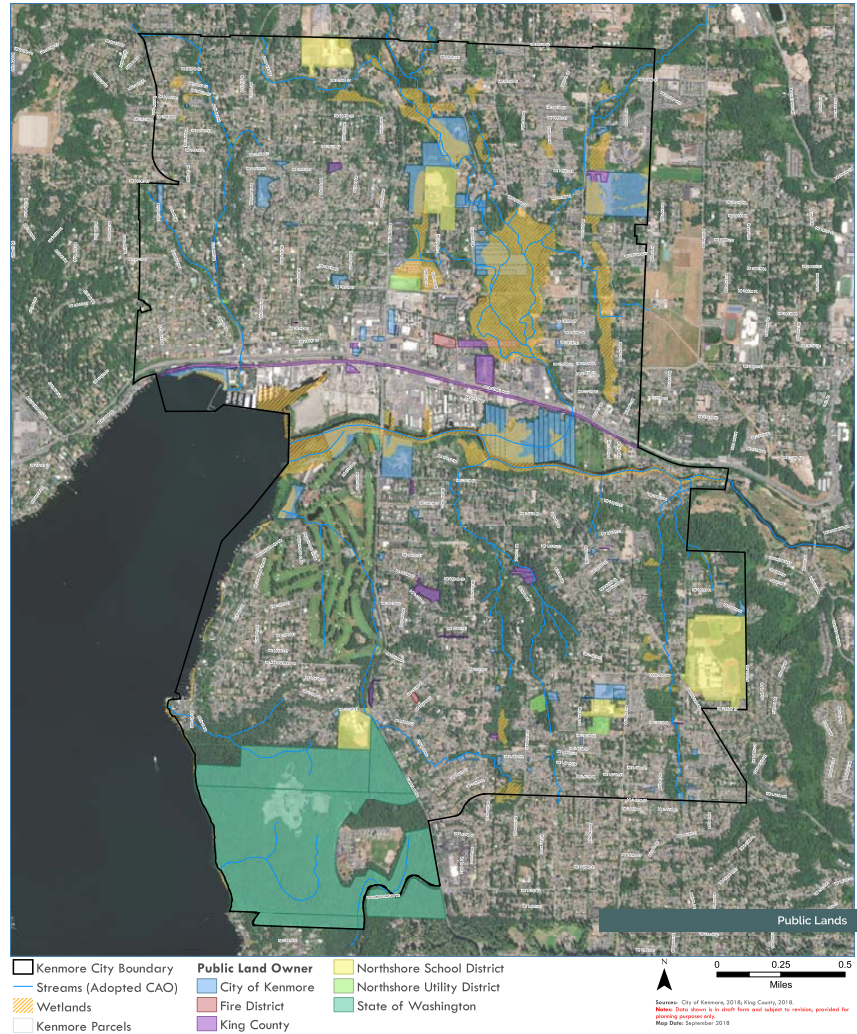
Balancing community infrastructure and service delivery needs and environmental protection.

Kenmore is an urban community of nearly 23,000 people located on the northshore of Lake Washington.

- The City of Kenmore provides parks and recreation, stormwater, and transportation services.
- SR-522, an essential public facility, traverses Kenmore.
- Northshore Utility District provides water and sewer service, and King County provides wastewater treatment.
- Northshore School District provides elementary, middle, and high schools.
- PSE provides power and gas service.

Several parks contain extensive critical areas (e.g. Squires Landing and Saint Edward State Park), schools often abut critical areas, and roads and utilities cross them.

Any development, including infrastructure and utility changes could affect critical areas functions and values if not properly designed or mitigated. At the same time, public agencies or utilities have a duty to serve the public and have federal or state requirements regarding service reliability, redundancy, expansion, proximity to population served, or other factors.



Public sites are also opportunities where both service delivery and environmental restoration can go hand in hand, for example, designing bridge improvements together with riparian and flood capacity enhancements.

The City of Kenmore is considering amendments to its critical areas regulations for the Public Agencies & Utilities Exception (PAUE) process. If a public agency or utility cannot meet the City's critical areas standards such as buffers, the PAUE would require a critical areas study and demonstration that

the facility avoids and mitigates its effects as much as possible. The City has such a process already and seeks to improve it and offer additional criteria.

The City is also considering what best management practices or performance standards could be required of public agency or utility proposals in critical area or shoreline regulations in order to minimize impacts to critical areas and mitigate for impacts to functions and values.



KENMORE CRITICAL AREAS REGULATIONS & SHORELINE MASTER PROGRAM UPDATE

Open House
October 2, 2018



AGENDA

6:30-7 pm
Open House

7-7:10 pm
Presentation

7:10-7:30 pm
Questions & Answers

7:30-8:00 pm
Open House

PURPOSE

Kenmore's critical areas regulations were last updated in 2006. The Shoreline Master Program (SMP) was updated in 2012.

- It's time to incorporate new science and changes to state laws.
- Additionally, a periodic review of the SMP is needed to meet state deadlines by June 2019.



SCHEDULE



KEY TOPICS — SEE STATIONS

1. Streams and Wetlands – updated classifications reflect science and state recommendations; similar results on buffers as today
2. Fish & Wildlife Habitats of Importance – update status in Kenmore and reflect state recommendations
3. Geologic Hazards – update mapping and standards
4. Shorelines – Sammamish River focus will reflect different conditions in reaches for buffers and piers/docks
5. Public Agency & Utility Proposals – balance community infrastructure and service delivery needs with environmental protection; amend process for review and consider best management practices

MORE INFORMATION

Project website:

• <http://www.kenmorewa.gov/criticalareasregulations>

Contact:

• Lauri Anderson, landerson@kenmorewa.gov, 425-398-8900.

Kenmore Critical Areas Regulations (CAR) and Shoreline Master Program (SMP) Update

FACT SHEET



WHAT ARE CRITICAL AREAS? WHY ARE THEY IMPORTANT?

Critical areas in Kenmore include lands and ecosystems that contain:

- **Wetlands** assist in reducing erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats.
- **Fish and wildlife habitat conservation areas** contribute to biodiversity, support fisheries, and provide open space corridors; such areas include riparian areas that reduce erosion and promote water quality.
- **Frequently flooded areas** perform important hydrologic functions and may present a risk to persons and property.
- **Geologically hazardous areas** include areas susceptible to erosion, sliding, earthquake, or other geological events, and pose a threat to public health and safety when incompatible development is sited in areas of significant hazard.

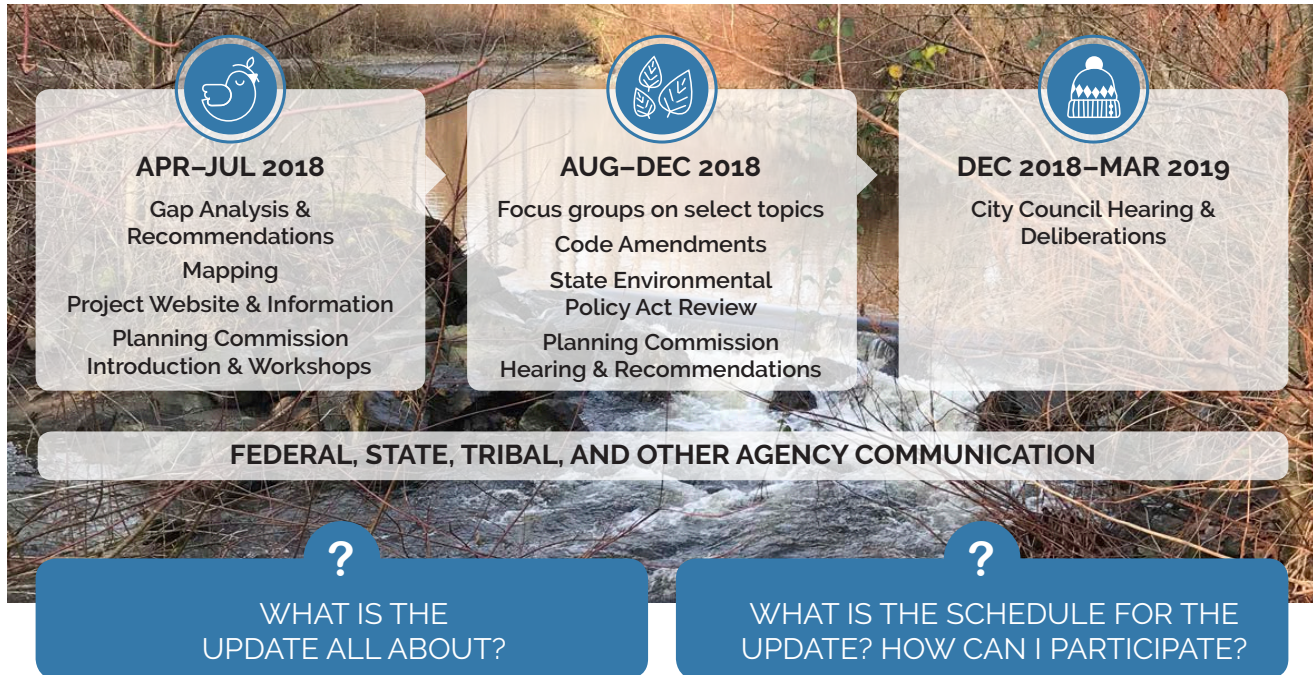
Critical areas are protected under state and city laws to sustain ecological functions and values and to protect public health and safety. Each local government, including Kenmore, must adopt and periodically revise their regulations concerning critical areas. We do this in the Kenmore Municipal Code.



WHAT ARE SHORELINES? WHY ARE THEY IMPORTANT?

Shorelines of the state are larger water bodies and shorelands that are valuable and fragile. Shorelines require a plan and regulations governing preferred uses, public access, and ecological protection. The City and the Washington Department of Ecology (Ecology) must jointly adopt and periodically review a Shoreline Master Program (SMP). In Kenmore, the SMP applies to Lake Washington, Sammamish River, and Swamp Creek and associated wetlands.





The City of Kenmore last comprehensively updated its critical areas regulations (CAR) in 2006 (Chapter 18.55 KMC). Kenmore is reviewing its CAR to consider more recent environmental conditions, evolving best available science, and experience in administering the code. A "gap analysis" will identify areas where the code could be amended for consistency with recent science or for clarity. Some topics Kenmore is considering in the CAR Update include: wetlands ratings per Ecology guidance; stream typing per guidance from the State Departments of Natural Resources and Fish & Wildlife; and geologic hazardous area standards and practices.

Kenmore last updated and adopted its SMP in 2012 with Ecology's approval. Kenmore is required to conduct a periodic review and consider updated state laws and rules, ensure consistency with the Comprehensive Plan and other development regulations, and address local needs. Kenmore will also provide for consistent critical areas regulations within and outside the shoreline jurisdiction. Some topics Kenmore is considering in the SMP Update include: review of regulations and procedures applicable to parks, roads, and other public infrastructure uses.

The City intends to address its CAR and SMP updates before the required Shoreline Management Act deadline of June 30, 2019. The overall schedule for the update is illustrated in the flow chart above.

You can participate by:

- attending public meetings,
- learning about critical areas and shorelines,
- signing up for our email mailing list, and
- asking questions and providing comments.

HOW CAN I FIND MORE INFORMATION?

Please see the project website: <http://www.kenmorewa.gov/communitydevelopment>

Lauri Anderson, AICP

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landerson@kenmorewa.gov | www.kenmorewa.gov

Fall 2018 Outreach Summary

Kenmore Critical Areas Regulations and Shoreline Master Program Update

Overview

The City of Kenmore is updating its Critical Areas Regulations (CAR) and conducting a periodic review of its Shoreline Master Program (SMP) to meet state deadlines. The City has implemented its CAR since 2006 and its SMP since 2012, and is incorporating changes due to new science, changes to state laws, and local experience applying the rules. The City shared early gap analysis results, draft mapping, and early ideas for updating the CAR and SMP with the public and agencies, as summarized in this document.

Community Open House

When: October 2, 2018, Kenmore City Hall, 6:30-8 pm.

Attendees: About 30 persons attended the meeting, excluding staff and Planning Commissioners.

Highlights: There was interest across all critical areas – wetlands, streams, fish and wildlife, Sammamish River, and Public Agency and Utility proposals. There were specific questions about wetlands mapping, stream buffers based on fish presence, allowances for non-motorized boats like kayaks as well as jet skis, habitat protection and relationship to art, and monitoring of public agency/utility proposals. An overarching question asked about the balance in protection versus allowance for development in the regulation update, with responses addressing that the regulations need to protect critical areas and ensure that development avoids critical areas or mitigates impacts.



Open House | October 2, 2018

Focus Group – Public Agency and Utility Exception

When: September 25, 2018, Kenmore City Hall, 1 pm.

Attendees: State agencies (Commerce, Ecology, and Fish and Wildlife), King County, Northshore School District, City of Kenmore Parks planner and Community Development staff, and consultant team.

Highlights: The group discussed challenges of providing public facilities like wastewater system, schools, and parks in an urban environment with critical areas and federal, state, and local requirements (e.g. ADA compliance), as well as opportunities to provide enhancement of critical areas and improve conditions while assuring public access. Clear definitions and standards are needed. Agencies reviewing

such proposals suggested a process emphasizing mitigation sequencing – both prior to applying for the exception process and during the exception process. Participants suggested reviewing case studies and system plans. Agencies suggested amending review criteria to address: mitigation sequencing, feasibility, and health and safety.

Focus Group – Sammamish River

When: September 25, 2018, Kenmore City Hall, 3 pm.

Attendees: State agencies (Ecology, Fish and Wildlife, Natural Resources), US Army Corps of Engineers, City of Kenmore Parks planner, Development Services planner, and Community Development staff, Ashley Shoreline Design and Permitting, and consultant team.

Highlights: Participants agreed that the Sammamish River had unique conditions and warranted focused treatment in the SMP. Dock and other in-water structure standards were reviewed with recommendations made to better match State rules, engineering practice, and recognition of fish and wildlife presence and navigation. Buffers should be based on ecological functions and can vary given both urban and more intact conditions – suggest varying by reach rather than by City zoning district.

Chapter 18.55 CRITICAL AREAS

Sections:

Article I. Purpose and General Provisions

- 18.55.010 Purpose and goals.**
- 18.55.020 Authority.**
- 18.55.030 Relationship to other regulations.**
- 18.55.040 Administrative procedures.**
- 18.55.050 Fees.**
- 18.55.070 Administrative rules.**
- 18.55.080 Interpretation.**
- 18.55.090 Jurisdiction – Critical areas.**
- 18.55.100 Protection of critical areas.**

Article II. Best Available Science

- 18.55.110 Best available science.**

Article III. Applicability, Exemptions, and Exceptions

- 18.55.120 Applicability.**
- 18.55.130 Mapping.**
- 18.55.140 Signs and fencing of critical areas.**
- 18.55.150 Exemptions.**
- 18.55.160 Exception – Public agency and utility.**
- 18.55.170 Variances – Buffer widths and building setbacks.**
- 18.55.180 Exception – Reasonable use.**

Article IV. Critical Areas Report

- 18.55.190 Critical areas reports – Requirements.**
- 18.55.200 Mitigation requirements.**
- 18.55.210 Mitigation sequencing.**
- 18.55.220 Mitigation plan requirements.**

Article V. Unauthorized Alterations and Enforcement

18.55.230 Unauthorized critical area alterations and enforcement.

Article VI. General Critical Area Protective Measures

18.55.250 Notice on title.

18.55.260 Critical area tracts.

18.55.270 Building setbacks.

18.55.280 Bonds to ensure mitigation, maintenance, and monitoring.

18.55.290 Critical area inspections.

Article VII. Wetlands – Designation and Rating

18.55.300 Designation and rating of wetlands.

Article VIII. Wetlands – Additional Report Requirements

18.55.310 Critical areas report.

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

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

18.55.325 Buffer Width Alterations.

18.55.330 Performance standards – Mitigation requirements.

Article I. Purpose and General Provisions

18.55.010 Purpose and goals.

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

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

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

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

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

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

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

18.55.020 Authority.

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

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

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

18.55.030 Relationship to other regulations.

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

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

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

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

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

18.55.040 Administrative procedures.

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

18.55.050 Fees.

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

18.55.070 Administrative rules.

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

18.55.080 Interpretation.

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

18.55.090 Jurisdiction – Critical areas.

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

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

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

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

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

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

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

18.55.100 Protection of critical areas.

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

Article II. Best Available Science

18.55.110 Best available science.

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

Article III. Applicability, Exemptions, and Exceptions

18.55.120 Applicability.

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

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

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

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

18.55.130 Mapping.

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

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

1. *Wetlands and Streams.*

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

2. *Fish and Wildlife Habitats of Importance.*

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

3. *Geologically Hazardous Areas.*

a. *City geologically hazardous areas inventory;*

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

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

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

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

4. *Flood Hazard Areas.*

a. *City stream and wetland inventory; and*

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

5. *Critical Aquifer Recharge Areas and Groundwater.*

a. *City map of aquifer susceptibility.*

18.55.140 Signs and fencing of critical areas.

A. Signs.

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

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

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

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

B. Fencing.

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

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

18.55.150 Exemptions.

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

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

1. Activities, including routine maintenance, involving artificial drainage features intentionally created from nonwetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features;
2. Normal and routine maintenance, operation and reconstruction of existing roads, *streets*, utilities and associated rights-of-way and *structures*; provided, that reconstruction of any *structures* may not increase the *impervious surface* area or remove flood storage capacity;
3. Normal maintenance and repair, and reconstruction or remodeling of residential or commercial *structures*, or legal preexisting and ongoing *uses* of the *site*; provided, that reconstruction of any *structures* may not increase the previously approved *building* footprint;
4. *Site* investigative work and studies necessary for preparing *site development or modification plans* *land use applications*, including soils tests, water quality studies, wildlife studies and similar tests and investigations, where such activities do not require construction of new roads or significant amounts of excavation; and provided, that any disturbance of the *critical area* shall be the minimum necessary to carry out the work or studies and disturbed areas shall be immediately restored;
5. Educational activities, scientific research, and passive outdoor recreational activities, including but not limited to interpretive field trips, *and* birdwatching, *and previous trails for hiking*, that will not have a significant adverse effect on the *critical area*;
6. *Emergency* activities necessary to prevent an immediate threat to public health, safety, property or welfare;
7. Minor activities not mentioned above and determined by the *city manager* to have minimal impacts to a *critical area*; *and*

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

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

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

C. Modification to Existing *Structures*.

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

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

D. Activities within the Improved Right-of-Way. Repair, replacement, modification, installation, or construction of *utility facilities*, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a City-authorized *private* roadway, except those activities that alter a *wetland* or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater. Improved rights-of-way are those that are maintained out of necessity as a cleared, graded, paved, mowed or otherwise altered surface to allow for access, maintenance, or safety.

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

1. The removal of *vegetation* listed in King County's *noxious weed* list.
2. The removal of *trees* that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to *private* property, from *critical areas* and *buffers*; provided, that the *city manager* determines that the disturbance to the *critical area* is minimal. **Replacement trees at a 1:1 ratio are required.**
3. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter [76.09](#) RCW; provided, that the removed *vegetation* shall be replaced *in-kind* or with similar native species within one year in accordance with an approved *restoration* plan.

18.55.160 Exception – Public agency and utility. THIS SECTION WILL BE AMENDED AFTER ADDITIONAL REVIEW BY FORUM PARTICIPANTS

A. If the application of this chapter would prohibit a *development proposal* by a *public agency* or public utility, the agency or utility may apply for an exception pursuant to this section, unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter [16.75](#) KMC.

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

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

D. *Public Agency* and Utility Review Criteria. The criteria for review and approval of *public agency* and utility exceptions follow:

1. There is no other *practical alternative* to the proposed *development* with less impact on the *critical areas*; and

2. The application of this chapter would unreasonably restrict the ability to provide utility services to the public.

18.55.170 Variances – Buffer widths and building setbacks.

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

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

C. The *City* may grant a *variance*; provided, that the *applicant* demonstrates that:

1. There are special circumstances applicable to the subject property or to the intended *use* such as shape, topography, location or surroundings that do not apply generally to other properties and which support the granting of a *variance* from the buffer width **or building setback** requirements; and
2. Such *variance* is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and
3. The granting of such buffer width **or building setback** *variance* will not be materially detrimental to the public welfare or injurious to the property or improvement; and
4. The granting of the buffer width **or building setback** *variance* will not significantly impact the subject *critical area*; and
5. The decision to grant the *variance* includes the *best available science* and gives special consideration to conservation or protection measures necessary to preserve or enhance *anadromous fish habitat*; and
6. The granting of the *variance* is consistent with the general purpose and intent of the *City's* comprehensive plan and adopted development regulations.

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

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

F. *Time Limit*.

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

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

18.55.180 Exception – Reasonable use.

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

1. *Criteria for Granting*. The *city manager* shall grant a *reasonable use* allowance only when the following criteria are met:
 - a. The *applicant* demonstrates that the application of this chapter will deny all *reasonable use* of the subject property otherwise allowed by applicable law;
 - b. The development activities involve the least intrusion into and disruption of the *critical area* necessary to allow a *reasonable use* of the subject property;
 - c. The development activities will not cause or result in damage to properties other than the subject property and will not endanger the public health, safety or welfare;

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

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

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

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

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

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

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

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

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

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

E. Time Limit.

1. Establishment of any development activity authorized pursuant to a *reasonable use* exception shall occur within four years of the effective date of the decision for such *reasonable use* exception. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted

the applications necessary to authorize the development activity and has provided written justification for the extension.

2. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the timeframes of said permits.

Article IV. Critical Areas Report

18.55.190 Critical areas reports – Requirements.

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

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

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

18.55.200 Mitigation requirements.

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

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

18.55.210 Mitigation sequencing.

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

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

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

18.55.220 Mitigation plan requirements.

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

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

Article V. Unauthorized Alterations and Enforcement

18.55.230 Unauthorized critical area alterations and enforcement.

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

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

determining the adequacy of the plan. Inadequate plans shall be returned to the *applicant* or violator for revision and resubmittal.

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

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

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

E. *Monitoring*. *Monitoring* shall be required for five years unless otherwise determined by the *city manager*. A performance and/or maintenance bond of 125 percent of the estimated cost of restoring the *functions and values* of the *critical area* shall be posted to assure that all work or actions are satisfactorily completed *or and* maintained in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, and to *assure* that all work or actions will be completed.

Article VI. General Critical Area Protective Measures

18.55.250 Notice on title.

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

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

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

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

18.55.260 Critical area tracts.

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

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

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

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

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

D. The *City* shall determine at the *City's* discretion that any required *critical area tract* be dedicated to the *City*, held in an undivided interest by each owner of a building *lot* within the *development* with the

ownership interest passing with the ownership of the *lot*, or held by an incorporated homeowners' association or other legal entity (such as a land trust), which assures the ownership, maintenance, and protection of the tract).

18.55.270 Building setbacks.

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

18.55.280 Bonds to ensure mitigation, maintenance, and monitoring.

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

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

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

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

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

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

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

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

18.55.290 Critical area inspections.

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

Article VII. Wetlands – Designation and Rating

18.55.300 Designation and rating of wetlands.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Wetlands containing a forested wetland class.

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

1. Category I. Category I wetlands are:

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

b. Bogs;

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

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

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

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

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

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

C. Buffer Areas.

1. The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to wetland areas. The purpose of the buffer shall be to protect the integrity, function, and value of the critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands. Buffers shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Native vegetation removal or disturbance is not allowed in established buffers, unless the removal or disturbance is part of a restoration activity or is allowed by other provisions of this chapter. In all cases, the removal or disturbance should be appropriately mitigated consistent with KMC 18.55.200 and 18.55.210.

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

F. Wetland Buffers.

12. Wetland buffers shall be established as follows:

Wetland Type	Buffer Width (Feet)
Class 1 Category I	150

<i>Wetland Type</i>	<i>Buffer Width (Feet)</i>
Category II with a habitat score of 6-9 points	150
Class 2 Category II with a habitat score of 3-5 points	100
Category III with a habitat score of 6-9 points	100
Class 3 Category III with a habitat score of 3-5 points	60
Category IV	40

~~23.~~ Measurement of *Wetland Buffers*. *Wetland buffers* shall be measured from the *wetland edge* as delineated and marked in the field ~~using the methodology specified in KMC 18.55.300.A, 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and current regional supplements or as may be revised in WAC 173-22-035 and 173-22-080 or the most recent approved federal manual and regional supplements.~~

~~34.~~ Increased *Wetland Buffer Widths*. The *city manager* shall require increased *buffer widths* in accordance with the recommendations of a *qualified professional biologist* and the *best available science* on a case-by-case basis when a larger *buffer* is necessary to protect *wetland functions and values* based on *site-specific* characteristics. This determination shall be based on one or more of the following criteria:

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

~~ED.~~ Limited Exemption. ~~Class 3 wetlands less than 1,000 square feet may be exempted from the provisions of KMC 18.55.300 to 18.55.330 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and~~

are mitigated pursuant to an approved mitigation plan. The following wetlands may be exempt from the requirement to avoid impacts (KMC 18.55.210.A), and they may be filled if the impacts are fully mitigated based on the remaining actions in Chapter 18.55.210.B through F. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in KMC 18.55.310 must be submitted:

1. All isolated Category IV wetlands less than 4,000 square feet that:

a. Are not associated with riparian areas or their buffers;

b. Are not associated with shorelines of the state or their associated buffers;

c. Are not part of a wetland mosaic;

d. Do not score 5 or more points for habitat function based on the 2014 update to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology); and

e. Do not contain a Fish and Wildlife Habitat of Importance as identified in 18.55.500.

2. Wetlands less than 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this Chapter. (THE LANGUAGE IN THIS SECTION COMES DIRECTLY FROM THE DEPARTMENT OF ECOLOGY. STAFF IS FOLLOWING UP WITH THEM ABOUT INTERPRETATION. REVISIONS MAY BE NECESSARY.)

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

Article VIII. Wetlands – Additional Report Requirements

18.55.310 Critical areas report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Wildlife viewing structures; and

e. Fishing access areas; and

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

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

18.55.325 Buffer Width Alterations.

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

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

~~A1.~~ *Wetland Buffer Width Averaging.* The *city manager* may allow averaging of the *wetland buffer* width in accordance with an approved *critical areas* report and the *best available science* on a case-by-case basis. Averaging of *buffer* widths may only be allowed where a *qualified professional biologist* demonstrates that:

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

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

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

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

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

~~B2.~~ *Buffer Reduction with Enhancement.* Standard *buffer* widths for *degraded wetland buffers* may be reduced up to 25 percent through a combination of *buffer enhancement* and *low impact development* strategies. The *applicant* shall demonstrate that through enhancing the *buffer* and

use of *low impact development* strategies the reduced *buffer* will function at a higher level than the standard *buffer*. *Buffers* may be reduced in the following manner according to *wetland* type:

Wetland Category	Maximum Buffer Reduction	Minimum Buffer Width (Feet)
1 Category I	25 percent	112.5 feet
Category II with a habitat score of 6-9 points	25 percent	112.5 feet
2 Category II with a habitat score of 3-5 points	25 percent	75 feet
Category III with a habitat score of 6-9 points	25 percent	75 feet
3 Category III with a habitat score of 3-5 points	25 percent	45 feet
Category IV	25 percent	30 feet

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

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

Db. *Buffer Enhancement Plan.* As part of the *buffer* reduction request, the *applicant* shall submit a *buffer enhancement* plan prepared by a *qualified professional* and fund a review of the plan by the *City's* wetland consultant. The plan shall assess the habitat, water quality, stormwater detention, ground water recharge, shoreline protection, and *erosion* protection functions of the *buffer*; assess the effects of the proposed modification on those functions; and address the six criteria listed in subsection (FB)(42)(ea) of this section.

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

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

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

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

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

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

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

18.55.330 Performance standards – Mitigation requirements.

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

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

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

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

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

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

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

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

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

G. *Mitigation* Ratios.

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

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

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

Standard Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Reestablishment (C/R)	Creation (C) or Reestablishment (R) plus Enhancement (E)	Enhancement (E) Only
Category I	4:1	1:1 C/R plus 6:1 E	16:1
Category I (Mature Forested)	6:1	1:1 C/R plus 10:1 E	24:1
Category II	3:1	1:1 C/R plus 4:1 E	12:1
Category III	2:1	1:1 C/R plus 2:1 E	8:1
Category IV	1.5:1	1:1 C/R plus 1:1 E	6:1
Buffer	1:1	1:1	1:1

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

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

3. Decreased Replacement Ratio.

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

- (1) The *applicant's* qualified *biologist* provides documentation that increases the certainty of success of the proposed *wetland restoration* or creation. At a minimum, this documentation shall include ground water *monitoring* in the area of proposed *restoration* or creation in the early growing season over a sufficient period of time to determine that there is a high probability of creating or restoring *wetlands* in that location; or
- (2) Proposed *mitigation* will result in a higher functioning *wetland* (higher class) relative to the functions of the *wetland* being impacted; or

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

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

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

H. Wetlands Enhancement as Mitigation. ~~4.~~ Impacts to *wetlands* may be mitigated by *enhancement* of existing significantly degraded *wetlands*. Applicants proposing to enhance *wetlands* must produce a *critical areas* report that identifies how *enhancement* will increase the functions of the degraded *wetland* and how this increase will adequately mitigate for the loss of *wetland* area and function at the impact site. An *enhancement* proposal must also show whether existing *wetland functions* will be reduced by the *enhancement* actions.

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

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

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

2. The bank shall be established in accordance with the Washington State ~~Draft~~ Wetland Mitigation Bank~~ing~~ Rule (Chapter [173-700](#) WAC) or as revised, ~~and the Wetlands Mitigation Banking Act~~ (Chapter [90.84](#) RCW), and the federal *mitigation banking* guidelines as outlined in the Federal Register Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain State and federal certification.

3. Preference shall be given to *mitigation banks* that implement *restoration* actions that have been identified formally by an adopted shoreline *restoration* plan or the Lake Washington/Cedar/Sammamish (WRIA 8) Watershed Chinook Salmon Conservation Plan.

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

1. The city manager determines that it would provide environmentally appropriate compensation for the proposed impacts.
2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved ILF program instrument.
3. The proposed use of credits is consistent with the terms and conditions of the approved ILF program instrument.
4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.
5. Projects using ILF credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the ILF program.
6. Credits from an approved ILF program may be used to compensate for impacts located within the service area specified in the approved ILF instrument.

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

L. Alternative Mitigation Plans. The city manager may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of

protection of critical area functions and values than would be provided by the strict application of this chapter and must contain all of the standard components of a mitigation plan. The *city manager* shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-32, Olympia, WA, December 2009).
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
3. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
4. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.

Bridgit Baker

From: H Hiatt <bluexenolith@gmail.com>
Sent: Thursday, September 20, 2018 5:46 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: Kenmore CAR and SMP

Hi. I have another commitment the night of the CAR open house so will submit this comment now. I'm not sure if this will be within the purview of your project but will give it a try. I know that Kenmore has limited resources and is creating an in-house Public Works Department.

The amount of knotweed along our streams and lake has exploded in the last five years. I never used to see it in Kenmore; now it's everywhere. As I've been told, King County classifies this as a Class II noxious weed. From personal experience I'm aware that it takes a ridiculous amount of effort to remove-- I've spent days pulling and digging it out only to see more sprout within a couple of weeks. Knotweed's root system is extensive and the only way to get all of it out is probably to use a backhoe, which is impossible along waterways.

Other jurisdictions inject knotweed or kill it or spray it with Roundup when it's flowering. Roundup is a possible carcinogen, so this isn't ideal either. But no agency has the manpower to remove all knotweed by hand.

Some of our parks are overrun by knotweed. It chokes out all the native plants and some trees. If we don't do something about it, it will transform our public land into knotweed farms to the detriment of indigenous flora. As you know, knotweed also travels by water and thrives in critical areas. So I'm really hoping we can do something about it.

Can we organize community knotweed pulling/injecting parties? Can we educate the public as to what it is and how to get rid of it? Some people think it's a beautiful bamboo instead of an escaped ornamental that's gone rogue. People also make the mistake of putting it in their yard waste containers.

Ultimately knotweed spreads like a virus and we need to do more to eradicate this virus. Thank you for your time.

Heidi Hiatt